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# Standing Committee on Citizenship and Immigration

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**Tuesday, April 15, 2008**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Tuesday, April 15, 2008

• (0910)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** Good morning.

We will begin our meeting. A couple of members are a bit tardy this morning. They're doing interviews and should be along fairly soon.

I want to welcome Annette Landman, Canadian certified immigration consultant and president of Eastern Canada Immigration and Job Consultants Incorporated. Just for your information, Annette, we're the Standing Committee on Citizenship and Immigration of the House of Commons, and we've been mandated by the House to study three very important items: temporary foreign workers, immigration consultants, and the Iraqi refugee problem.

We've been meeting in all provinces. We will be meeting here today and tomorrow in Halifax and the following day in St. John's, Newfoundland. We will have heard approximately 52 panels. So for your information, at the end of the process our officials along with the committee members will compile a report, and we will present that report with recommendations to the minister and to the House of Commons. The recommendations will be based upon what we've been hearing as we go, from these 52 panels. So welcome to you.

We had a chat beforehand, and you know the drill. Generally we have an opening statement of about seven minutes, but since you're only one witness, feel free to forget about that rule and make your presentation and if you want ten minutes or so you go right ahead.

Thank you for coming, and we're all ears.

**Ms. Annette Landman (Canadian Certified Immigration Consultant; President, Eastern Canada Immigration and Job Consultants Inc.; As an Individual):** Thank you for the opportunity to address this honourable committee on some of the issues plaguing the immigration consulting industry in Canada.

As you know, I am a certified Canadian immigration consultant with a local company here in Florenceville, New Brunswick. I am in good standing with the Canadian Society of Immigration Consultants, which I will refer to as CSIC.

I've been working as an immigration consultant since March 2003. I took the first available CSIC full membership exam and passed at the first attempt. I know you've already heard some of my fellow CSIC members, and I know you have already addressed some of the issues with CSIC itself; however, I decided to come and voice my

experience and opinion with you, since I feel that something needs to be done to the present functioning of CSIC.

I'm not before this committee today to destroy CSIC. I am, however, here to advise the committee that CSIC is not fulfilling its mandate as intended by Parliament when it was created.

Why would I say this, as a member of this organization? The CSIC initiative is suffering greatly due to actions and decisions taken by the initial board. The initial directors have not delivered the self-governing profession, as was their task. CSIC has denied members their rightful role in the society. The go-it-alone attitude of the board is, in my view, destroying this profession.

Members have questioned many board decisions without success. The board may have lost our confidence, but members have no tools to hold the board accountable now or in the foreseeable future. The initial directors have arranged things so as to deny all normal mechanisms of accountability to CSIC members.

What is needed now is radical intervention by a third party. Intervention is necessary to compel the current directors to either establish a democratic organization, as was intended by cabinet, or step down.

My hope is that the members collectively may be able to rescue the society from the excess of the first four years and chart a more sustainable future for CSIC. If the current directors are not prepared to provide members their rightful role, they should be removed and replaced.

Please do realize that I could lose my CSIC membership by speaking to you today and criticizing the CSIC board.

For several years I've been concerned about the high cost of running the operation. For example, for rent, from the beginning, the board of CSIC arranged for office space in a very expensive location at a rental cost of over \$233,000 a year. This was a time when there were no members, and they committed to a ten-year lease. They could have rented anywhere in the greater Toronto area. But there was nothing the members could do about it, because for three years there were no full members besides the directors, so the directors had the right to make all decisions.

Members were concerned about the high cost, and in October 2006 a group of concerned members wrote a petition to the board requesting a special meeting to discuss several issues faced by the members. This was ignored by the board.

Those on the board of directors have paid themselves a handsome salary, plus benefits, which I believe will be more than \$700,000 this year. There is little transparency, but the members have never been permitted a look inside the directors' compensation amount. I am concerned about both their fees and their expenses.

CBC News had already reported this, on November 24, 2005, and December 14, 2005, and CIC did an investigative audit, but the board would not release the report to the members.

The board approves its own expenses without member input. The expenses incurred by directors are very high, as well. In the past years, for instance, CSIC has paid for trips to China, Australia, and England. We have received announcements of international travel to China by the chairperson, John Ryan, and board member Alfred Wong, and trips to Australia and New Zealand by John Ryan and Ross Eastley. The chair and the vice-chair have each taken a \$12,000 course to learn how to be a director, at the members' expense.

Members feel that these kinds of expenses are excessive, especially when there is no finance committee of members to oversee them.

Members are charged unreasonable annual membership fees and additional fees to attend mandatory continuous professional development. They call it CPD.

It appears that CSIC is in need of money. This might be why CSIC allocated greater CPD points to its own program and significantly reduced the CPD points for other educational programs with greater value and content than that of CSIC. Programs with similar or better content organized by other organizations, such as the Canadian Association of Professional Immigration Consultants, and by the Canadian Bar Association charge significantly less than CSIC programs.

CSIC forced us to come to a mandatory educational event in May 2007. CSIC has members worldwide, and not all are able to travel to Toronto. For me, it is a heavy burden. I have to fly to Toronto, Niagara-on-the-Lake, Vancouver, Montreal, and so on, in order to attend any meetings that might give me CPD points.

• (0915)

I attended one of these events in Toronto recently. It cost me \$535 for my ticket, \$367 for my hotel, and....

*[Technical difficulties—Editor]*

**The Chair:** We lost the volume, but we're back again. Go ahead.

**Ms. Annette Landman:** I am self-employed, and this is a lot of money for my organization. Attending this seminar gave me 20 CPD points. I will receive another 15 CPD points by purchasing the DVD at the 2007 seminar.

Remember, this was a mandatory seminar, and if you don't attend, you will have to buy the DVD for \$800. Most of the information on the DVD is old, and there are new rules and regulations in place, but still CSIC forces me to buy it. This system is really a pay-for-your-

points system. I'm sure I will have to spend a lot of money to get my five remaining points before October 18, 2008.

We now have to pay for a second organization. The directors have incorporated a for-profit organization to do some things CSIC should be doing. They call it CMI, Canadian Migration Institute. CSIC should be responsible for education for members. On March 20, 2008, CSIC announced that their CEO was moving over to be the managing director of CMI, and Mr. Ryan would be the acting CEO of CSIC. In other words, it now looks like CSIC members must pay salaries for two CEOs, as well as the cost of sets of books, two websites, two sets of directors' fees, etc.

CSIC has not provided any information to us about the need for this. When I was in Toronto on April 4 and 5 to attend the first CMI seminar, John Ryan spoke at his private party and told us that we, as CSIC members, are the owners of CMI.

By the way, the invitation for this party was printed with the CSIC logo. Mr. Ryan and a fellow board member paid for the room and they were extremely selective in handing out the invitations, so not all CSIC members were invited to come to this party. At this point I'm not sure who paid for the food and wine that was given away there, but I think I can guess.

With respect to ghost consultants, CSIC's slow pace in implementing enforcement policies remains a serious concern. It puts into question the ability of the society to regulate its members and protect the interests of the public. Thus far, even government seems uninterested in stepping in to ensure that CSIC's public protection mandate is being fulfilled. This is the government's responsibility, since they created the society and confer legitimacy on CSIC members as authorized representatives under IRPA. They cannot now disavow any responsibility for ensuring that CSIC is protecting the public.

If CSIC is not fulfilling its mandate, then the organization needs to be reorganized, the board given a definite mandate to get the organization in order within a specific number of months or risk being dissolved, or the current board removed.

The bylaws permit members to remove directors. Therefore, in theory, this is one method of accountability. This has been discussed within pockets of the membership insofar as the current board has lost the confidence of many members. However, to do so requires two-thirds of the votes of the members at a special meeting. We have no right to compel a special meeting. We have tried in the past, but it's just been ignored. Plus, we have no right to put motions on the agenda of an AGM. We've tried in the past; our motions have been ignored.

This effectively cancels any ability to put a motion before the membership to remove directors. Notwithstanding this impediment, one of my colleagues was courageous enough to propose such a motion and seek the 50 signatures required to advance it for consideration at the 2007 AGM. However, many members have experienced first-hand the consequences of daring to challenge the directors, and most people were afraid to sign this petition.

CSIC bylaws stipulate that the AGM must be held in person and its members must approve any amendment. The CSIC board chose an over-the-Internet AGM, although that is contrary to the current bylaw. That does not allow members' participation and it takes away our tools to make contributions. The electronic meeting was not properly planned. The meeting was eventually cancelled due to the lack of required quorum. In today's world, adding the Internet component to a worldwide organization is a great idea. However, it needs to be approved by members and proper tools must be in place to allow meaningful contribution.

● (0920)

In many organizations, one can look forward to an election each year to make changes to a board. When members are very dissatisfied, they can run a slate of candidates to get the organization turned around and moving in a better direction. That is not the case with CSIC. The initial directive set up a system now entrenched into the bylaws ensuring the initial decision-makers stayed on for years. As well, the system is designed so that only two consultant directors are elected in each election, making it impossible for the membership to elect a critical mass of persons who may challenge the status quo. This makes it very easy for the current executive to simply isolate any progressive voice or two that was elected. Also, we are not permitted to know how directors are voting on board issues so as to make elections meaningful.

The CSIC rules of professional conduct were amended in March 2007 to make it a professional offence to undermine the society and to compel members to treat the society with dignity and respect. These were widely perceived by members as offensive and inappropriate, particularly as the board appears to see itself as the society and was designed to deter any criticism of them under pain of professional discipline.

In the summer of 2007 an amendment was made to the discipline policy to allow CSIC to suspend a member first while conducting the investigation. This extraordinary power in the hands of responsible professionals who respect the rules of law and legal limits on interfering with people's livelihood may, indeed, be necessary in extreme circumstances, but in the hands of persons who are not legally trained and who themselves are known to use their authority against members who challenge them and who have created a deeply

politicized atmosphere, including making it a disciplinable offence to disrespect the society, and acting as if they alone were the society, it is scary.

In general, people surrender membership if the needs are not met. There is no way we can quit our membership to CSIC. Once we would do so, we would be ghost consultants and act at the wrong side of the law. There is nothing we can do against the way CSIC is currently operating.

What are the solutions to this? In my opinion, the government cannot afford to play a hands-off game in the affairs of the society it helped create with public funds. CSIC must be mandated to follow a true democratic administration process that is free of intimidation of its members. In particular, the following steps are critical to the democratic participation of members:

First is the ability to compel a special meeting upon the written request of a percentage—five percent was approved by earlier boards—of the membership. This would go a long way to placing power back in the hands of members collectively, where it belongs, and will likely have a magical effect on encouraging the board to embark on consultations with members on major initiatives. To formally add this legal right, the bylaws must be amended. This should be a priority at the next AGM.

Second, the board must hold an in-person AGM in 2008 and each year until such time as the members pass a bylaw permitting electronic AGMs, including safeguards required by Industry Canada on electronic meetings. Of course, some members may wish to attend and vote online if they wish, but the board of directors cannot compel all members to do so and thus avoid facing the members at all.

Third, the bylaws should provide for a clear, fair, and democratic process whereby members can place motions on the agenda of the AGM. Until such time as they can be amended to do so, the board should adopt a policy for a clear, fair, and democratic process for members to have their motions on the agenda.

Four: Transparency is critical. Minutes of all board and committee meetings must be available to members to keep up on what their society is doing and to exercise their right to oversee the board's actions, as is their responsibility.

Five: A finance committee of members should be instituted immediately.

Six: All activities of CMI Incorporated should cease and be handled by CSIC until such time as a special meeting of members can be convened to discuss and debate and members can vote on the continuance or dissolution of second organizations.

• (0925)

Seven: The minister should ask the CSIC board to report back within six months as to what concrete steps, as above, have been taken by CSIC to ensure transparency, democracy, and accountability to the members of CSIC.

Eight: The government also needs to move swiftly to criminalize the operation of immigration consulting without being members of CSIC or provincial bar associations. Appropriate IRPA and IP-9 must be amended to reflect the necessary changes.

These measures would go a long way to reasserting the initial intention to establish a member-funded, member-driven society that benefits from the collective wisdom, talent, and resources of immigration consultants in the industry. Members too must start thinking like the owners. They are indeed the owners of an important initiative and the stewards of an important trust that the public of Canada has given them.

I respectfully ask that you intervene on behalf of CSIC members to permit them to take up their role as a boss.

Thank you.

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

How many CSIC members would you have here in New Brunswick?

**Ms. Annette Landman:** As far as I know, there are three.

**The Chair:** And you pay membership fees to CSIC.

**Ms. Annette Landman:** Yes.

**The Chair:** What are your membership fees here?

**Ms. Annette Landman:** We pay approximately \$2,400 a year in membership fees.

**The Chair:** Okay. So that would be, I would imagine, the same for all provinces.

**Ms. Annette Landman:** Yes.

**The Chair:** If our committee were to make recommendations to the government, you're saying there should be more transparency. CSIC is not transparent. Do they inform you on a regular basis, every year, about their AGM? Is the notice sent out to all members here in New Brunswick about their upcoming AGM?

• (0930)

**Ms. Annette Landman:** In fact, we've been screaming for AGMs. We've been asking for AGMs. The board is not really giving us AGMs. We have to ask. Last year the board decided that our AGM would be an online AGM. However, we have no input. We could watch it online, and John Ryan was hosting it, and there was nothing we could do.

At a certain point we were asked to put a motion in. So they asked us to e-mail if we were for or against a certain something. We all sent our e-mails, and after about ten minutes John Ryan said, "So I can see most of the people are for this, so let's put it through". And we have no means to check if these e-mails actually came in and if most of the members were actually agreeing with this, yes or no.

**The Chair:** So CSIC wouldn't have any committees that operate. You mentioned a finance committee. There's no finance committee or any such thing in CSIC.

**Ms. Annette Landman:** No. They approve their own expenses. We as members, even if we ask for a financial report, don't get it. We don't know what's in the financial reports.

**The Chair:** Are there any provincial regulations for immigration consultants?

**Ms. Annette Landman:** Not here in New Brunswick at this point. I know that, for example, in Manitoba they're trying to do something about ghost consultants, as a province. Here in New Brunswick, in the past year, yes, we've seen that e-mails went out to people who were ghost consultants. They're not allowed to represent their clients in the provincial government offices any more, and things like that. So that has been done. But I think it's mainly ruled federally.

**The Chair:** So you mentioned something about 5% of the membership is required in order to ask for a special meeting.

**Ms. Annette Landman:** Yes.

**The Chair:** Is that what you're looking for? Or is that a hard and fast rule right now? Is that the rule?

**Ms. Annette Landman:** It is in the bylaws, yes. So we did get a petition together. We sent it in because we needed the special meeting to create a financial committee and things like that.

**The Chair:** So do you generally have any problems getting 5% of your membership to require a special meeting?

**Ms. Annette Landman:** Our biggest problem is that we don't know who the members are, because CSIC—

**The Chair:** You don't have a list of the membership?

**Ms. Annette Landman:** CSIC does not want to provide us with a list of members, e-mail addresses, and things like that. CAPIC, the Canadian Association of Professional Immigration Consultants, does have a website, and on this website we can see our fellow members. That's how we try to find them.

**The Chair:** Why would CSIC not give you a list of the current membership?

**Ms. Annette Landman:** Do you want my personal opinion?

**The Chair:** Yes.

**Ms. Annette Landman:** If I ran an organization like that, I would do whatever I could to keep these people away from each other. All of the immigration consultants could gang up on the board.

I mean, this organization has been run awfully. It's been horrible. We have had no input whatsoever. We pay a lot of money every year and they just do whatever they want. They fly here, they fly there, and they do not tell us the need for it. If they would tell us why they have to go and visit six countries in a year, if they would just tell us what the benefit is, then maybe we could understand. To me, it's more important that they do something about ghost consultants than fly all over the world.

**The Chair:** Thank you.

Mr. Telegdi.

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Thank you very much for coming forward and for saying what you have.

I surmise that essentially you're looking for accountability, transparency, and most of all democracy in what is supposed to be an organization of members. I'm sure you'll get unanimous support from the committee on that. We know that this has been an area of concern.

You mentioned that you're afraid, and I have a concern about that. If you're concerned that by testifying in front of the committee you might find yourself in their bad books, then I certainly want you to contact me or any other member of the committee if anything of that sort happens. We would very much want to watch to make sure that this does not happen.

• (0935)

**Ms. Annette Landman:** Thank you.

**Hon. Andrew Telegdi:** We have heard a number of complaints as we've gone across the country. We have asked people to work on the issue, and on possible solutions. I want to congratulate you, because the eight points you gave today were very good.

I'm not quite sure about your sixth point. I wonder if you can repeat that.

**Ms. Annette Landman:** Definitely I can. Our sixth recommendation is that all activities of CMI should cease and be handled by CSIC until such time as a special meeting of members can be convened to discuss and debate, and members can vote on the continuance or dissolution of a second organization.

Basically, CSIC has been put in place also to educate immigration consultants, but CSIC is a not-for-profit organization. All of a sudden, without telling us what they were doing, they sent us an e-mail that CMI had been created. Now we have to pay big fees there to get our education and things like that. We were expecting CSIC to do that for us, to educate us, to guide us, to handle all this, and now they have this second organization.

Basically, they made the board of CSIC also the board of CMI. The board members are in both organizations. It's very confusing.

**Hon. Andrew Telegdi:** What does CMI stand for?

**Ms. Annette Landman:** The Canadian Migration Institute; it's incorporated.

**Hon. Andrew Telegdi:** What do board members get paid?

**Ms. Annette Landman:** A lot of money. I know that one of my colleagues was in front of you, explaining what they got paid

exactly, but I would have to get that for you. I just did not put it in my speaking notes.

It's a lot of money. They charge almost for breathing. They get paid a lot of money to be a board member.

**Hon. Andrew Telegdi:** Is there some financial statement filed at the end of the year on how your funds are disbursed?

**Ms. Annette Landman:** It was in 2005, I think, that we got a financial statement. However, we only got the numbers, not what they meant.

**The Chair:** There was no explanation included.

**Ms. Annette Landman:** No. We asked for an explanation and we did not get that.

**Hon. Andrew Telegdi:** I'm thinking you must be in their bad books already.

**Ms. Annette Landman:** I might be. It's just, you know...it's just injustice.

**The Chair:** You want some accountability.

**Ms. Annette Landman:** I think I've spent about \$25,000 since 2003 to be a certified immigration consultant, if I add up all my annual fees, my exams—I had to do three exams to become a full member—and what we pay for seminars and things like that. Now they are forcing me to buy an \$800 DVD of an event they had last year. Rules and regulations changed, and they still want me to buy this \$800 DVD.

**Hon. Andrew Telegdi:** On top of your \$2,400 fees?

**Ms. Annette Landman:** Yes, definitely.

I have to buy what they call CPD points. I have to spend lots of money to buy these points. I speak in public quite a lot—sometimes for government, sometimes for the Rotary, sometimes for some commercial group. I do not get points for that. I see that as education. I'm trying to educate people on what immigration is. CSIC does not want to give me points for that. I can only buy my points. It's ridiculous.

**Hon. Andrew Telegdi:** How many points do you need a year?

**Ms. Annette Landman:** Every two years you need 40 points. I went to the first CMI seminar because they gave a lot of points. They needed money, so they gave 20 points for the CMI seminar. A lot of people decided to go because it gave you 20 points. If I buy the DVD, I will get 15 points, and then I need five more.

Here in New Brunswick we don't have a local group of immigration consultants; there are just the three of us. One of them is in China a lot. The other one is in Germany a lot. So we don't really have the group together.

We don't have a local chapter here. If we had local chapter meetings with some educational components, we might be able to get a few points. Quebec has it. Ontario has it. We don't have that here in the Maritimes. So I'm not able to get points that way; I have to fly to the other side of Canada to get five more points.

• (0940)

**Hon. Andrew Telegdi:** It sounds like you should start a New Brunswick chapter with the other two, set up an executive, and give yourselves points.

**Ms. Annette Landman:** Yes, I could be a board member, the financial committee. I could be all of it.

**Hon. Andrew Telegdi:** Thank you very much. I really appreciate you coming forward and giving us your ideas. I think they were very well thought out—all eight of them.

Thank you.

**Ms. Annette Landman:** Thank you.

**The Chair:** Mr. St-Cyr.

[*Translation*]

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

Thank you for appearing before us this morning, Ms. Landman.

First, I am going to make the same correction Mr. Telegdi made. You should not have any problems concerning what you say to the committee. I will even go farther: when witnesses appear before this committee, they are protected by parliamentary privilege. In legal terms, it would simply be contempt of the House to use anything you may have said or might say against you. If you suffer any reprisals or pressure of any kind, inform the clerk and the Chair. The House will take what action is necessary.

Regarding the Canadian Society of Immigration Consultants, a number of people have met with us since we started our travels. Two major problems have emerged: problems relating to governance, to the management of the organization, and problems relating to oversight of the profession, illegal practice and ghost consultants. I am going to address them separately, because in my opinion they are two different things.

On the question of governance, a number of consultants have told us about problems with this. It is always the same points that are raised. The testimony seems to me to be solid, reliable and much more credible than the answers given by the Society, or not given by the Society. I am somewhat shocked that I am the only person who is shocked. For a long time, Mr. Carrier and I were the only people asking questions about this. Today, I am pleased that Mr. Telegdi has risen to the occasion. I hope that the Conservatives will also get on board. For a long time, according to other witnesses — if you read the proceedings, you will see — the parliamentary secretary has simply said that it was a new organization and it was having problems but it would have to mature, to develop. Personally, I simply do not agree.

My background is in student associations. No little student association in Quebec would behave or govern itself the way the Canadian Society of Immigration Consultants governs itself.

From what you have said, I understood that the minutes of the discussions and decisions of the board are not available. Is that correct?

[*English*]

**Ms. Annette Landman:** No, we've never seen them. We've asked for them; we don't get them.

[*Translation*]

**Mr. Thierry St-Cyr:** In my opinion, in that case, we can't call this growing pains. There is a problem with transparency and democracy at the source.

I also understand your frustration. You talked about special general meetings. I put the question to the president of CSIC when he appeared before us, whether it was possible, under the bylaws, for the members to call a meeting. His answer was that this was in bylaw 11.7, I believe. After hearing his answer to my question, I went and checked the bylaws, and it turned out that this was not it at all. It says that the President can call a special general meeting, and the Vice-President and board can, if there is a majority. That was last week. If an official committee of the House of Commons isn't able to get clearer answers than that, I wouldn't like to imagine what information a lone member of CSIC can get. The same thing happened when I asked those people why they had come to Winnipeg to testify rather than Toronto, where their head office is — you mentioned that they travel a lot — and they couldn't answer my question.

I think there is a major governance problem. There is also the entire problem of oversight of the profession, of illegal practice. Plainly, the people who are in office now do not have the necessary skills for this, but even if they did, there is also a problem with the statutory framework. The current Act provides that in order to do business with the government a person has to be a member of CSIC, but without really taking that farther, without allowing the organization to discipline people who practise illegally.

Since we began our travels, I have been exploring possible solutions with people. I would like to know what the situation is in the Atlantic provinces. There are now self-disciplining, self-governing professional bodies all across Canada. Without exception, those bodies are accountable to the provincial governments. The only professional body at the federal level is CSIC. I think the results show that this was not a very good idea.

Under our constitution, oversight of professions is under provincial jurisdiction. In French, jurisdiction is also referred to as "*compétence*". There is a question of jurisdiction here. It seems to me that if immigration consultants were subject to oversight at the provincial level, these problems would not exist. The current governance problems would not exist because in the provincial regulations, which are very complex, very elaborate, the result of years of work, there are oversight mechanisms that mean that the professional bodies have to self-regulate, but there is also, for example, an office or body responsible for professions that oversees all that.

So these governance problems would not exist. There would be an opportunity to intervene directly if there were problems. In terms of illegal practice, there is also a regulatory framework that enables a professional association to take action directly against people who practise the profession illegally.

Do you think it would be more effective and more logical for the government to ask people to be members of their provincial professional association, which would be automatically created, rather than members of CSIC?

● (0945)

[English]

**Ms. Annette Landman:** Well, there's a yes and a no to that.

There are also many CSIC members worldwide, which is also a problem, because nobody can govern them; nobody can do something about ghost consultants in India, for example. If we could be governed by the province—and I work in all Canadian provinces and have clients in all Canadian provinces—that should be looked at. Maybe it would be good to have something in the provinces. Maybe it would be better than what we have now.

[Translation]

**Mr. Thierry St-Cyr:** The example I would give you is immigration lawyers. You can be an immigration lawyer, you can work with clients outside Canada or in other provinces, but you have to be a member of the bar in your province. It seems to me that this model works very well and that it would be in everyone's interests to do the same thing at the provincial level.

[English]

**The Chair:** Mr. Carrier.

[Translation]

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

Good morning, Ms. Landman.

As I was just saying, we have traveled across Canada from the Pacific Ocean to here. We have been travelling for two and a half weeks, and we are learning a lot about various problems. This is a multi-party committee with responsibility for studying these issues. Our committee is composed of 12 members of Parliament, including the Chair. You will notice that this morning only four of the 12 committee members are here. I mention this because I very much regret the absence of the four Conservative Party representatives, who would have benefited from hearing what you are telling us, because the purpose of our trip is to hear what you have to say. Those people can always read the reports that will come out after, but it isn't the same as hearing it in person. We in the Bloc Québécois play an active part in these discussions.

I agree with the points made by my colleague, that the problem with CSIC is that it is virtually accountable to no one. It is an organization that was simply set up without any supervision. According to the information we have, and we have heard from a lot of people, I think there may even be more immigration consultants practising in Canada who are not members of CSIC. There are the Immigration Practitioners and a number of other groups. I was wondering how the other immigration consultants who are not members of CSIC at present can still practice properly.

● (0950)

[English]

**Ms. Annette Landman:** We have one ghost consultant here in New Brunswick, who is very active. He fills out all of the user representative forms, as we call them, and puts his wife on the forms as “friend of the applicant”. The provincial government must have maybe 40 or 50 forms with her name on them as “friend of the applicant”. So these people have a lot of new immigrant “friends”. It's just ridiculous. The provincial government must notice this. I have one of these forms in my office, because one person brought it to me. They pay these people for immigration work. She puts her name on it as “friend of the family”.

I'm certified, and there's nothing I can do about this; there's nobody I can go to.

Yesterday I got a document from the Vancouver RCMP, I think it was. They tried to do something about 27 ghost consultants in Vancouver. In the end, they only had a strong case against one of them. Once all of that was processed, it was dismissed. So nothing was done.

There's something really wrong here. If people started operating as and saying they were lawyers, but they were not, what's going to happen to them? Why wouldn't the same thing happen to ghost consultants?

[Translation]

**Mr. Robert Carrier:** I saw in your title that you are the President of the Eastern Canada Immigration and Job Consultants Inc. Do you represent only members of CSIC or can other immigration consultants belong to your association in eastern Canada?

[English]

**Ms. Annette Landman:** Yes, I'm the only certified immigration consultant in our company. But I am in contact with a few immigration consultants.

[Translation]

**Mr. Robert Carrier:** So you don't represent... You are a business that represents all of eastern Canada for immigration only. You don't represent all immigration consultants.

[English]

**Ms. Annette Landman:** No, I don't. We work worldwide. We're located in New Brunswick, and, yes, I'm here for—

[Translation]

**Mr. Robert Carrier:** So you are more familiar with eastern Canada. A moment ago you said there were three or four CSIC members in New Brunswick.

[English]

**Ms. Annette Landman:** Yes.

[Translation]

**Mr. Robert Carrier:** In your opinion, how many other ghost consultants are there, to use your expression?

[English]

**Ms. Annette Landman:** Oh, we might have 12 ghost consultants in New Brunswick.

[Translation]

**Mr. Robert Carrier:** We are making the argument that there should be accountability to an office responsible for professions in each of the provinces so there is some supervision, because some people objected that if we consider only the current members of CSIC, because there are only four, that is two few to justify having a professional body in the province. But it would eventually bring in everybody who wants to work as an immigration consultant, it would get bigger, and all consultants would at least be regulated by a professional office.

Would you agree with that proposal, which would certainly be better than the present mess?

• (0955)

[English]

**Ms. Annette Landman:** Do you mean you would include ghost consultants in that—people who are ghost consultants now?

[Translation]

**Mr. Robert Carrier:** Yes, but ultimately, the idea I want to pursue is that certainly some of the people who are not members of CSIC are still competent. But as a matter of principle they don't want to pay the fees, which you think are too high. Some of them may think that this isn't working well and so they choose to operate parallel to CSIC. But if all consultants were properly regulated and there was oversight where they are, that would necessarily cover all consultants. The people who were part of the profession would at least have some guaranteed professional oversight.

[English]

**Ms. Annette Landman:** The idea is good, but it would mean that in the past five years, working hard on all my exams and things like that, I would have flushed \$25,000. We've been forced to keep with a lot of rules and regulations and things like that. Ghost consultants have just done whatever they wanted to do, and some of them... I don't know.

Yes, we need a change somewhere. I don't know what the solution is, but I do know we need a change.

**The Chair:** Thank you, Ms. Landman, for coming here today and giving us your views on immigration consultants.

We'll be making recommendations to government and to the minister at the end of our hearings. Believe you me, your comments and recommendations will be taken into full consideration as well. Thank you.

We'll have a five-minute break while we get our second panel to come to the table.

Thank you.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1005)

**The Chair:** Maybe we can pry our committee members away from the microphones and get them back to the table.

I want to welcome, from the New Brunswick Multicultural Council, George Maicher, vice-president, Fredericton; from the Government of New Brunswick, Humphrey Sheehan, chief executive officer, Population Growth Secretariat; and Tony Lampart, executive director, Immigration Division, Population Growth Secretariat.

Thank you for coming. We really appreciate it.

I would imagine you gentlemen have opening statements, so I'll just leave it to you to decide who will be making these statements. Go ahead in whatever order you might wish to proceed.

Mr. Maicher, Mr. Sheehan, or Mr. Lampart, go ahead.

• (1010)

**Mr. George Maicher (President, New Brunswick Multicultural Council):** Thanks very much, and thank you to the committee for coming again to Fredericton to listen to our input into immigration matters.

I'm going to speak on temporary foreign workers only. I think it's unfortunate that we are not looking at the Iraqi refugee issues, because there are a lot of things involved in those worldwide. And one of the sad things is that there are efforts under way around the world to remove the Christians from Iraq.

**The Chair:** Feel free to make any comments you want to about Iraqi refugees, because that's one of the issues we're studying as well. We've been mandated to do temporary and undocumented workers, immigration consultants, and Iraqi refugees. So if you have anything that you want to bring up about Iraqi refugees, please feel free.

**Mr. George Maicher:** One of the things that has come up in public discussions worldwide in the last couple of weeks is the fact that there are efforts under way to remove the Christians from Iraq, and the Iraqi Christian community was one of the first Christian communities that existed on earth. So that's unfortunate that our interventions have come to that.

As I was saying, I would like to talk about temporary foreign workers. I'm not going to talk about undocumented workers because this is an area that has to be dealt with in another forum, and maybe my other colleagues from New Brunswick will talk about those.

When we talk about temporary foreign workers, I would like to look at them in two ways. First, I would like to look at the way we handle the program for temporary workers. One of the issues that comes up when we talk about temporary foreign workers is that in a free-enterprise economy—an economy that is being governed by the supply and demand of things like goods and services and inputs into productive capacities and productive processes—there is a supply of work and a demand for work, and there's an equilibrium price that matches the supply of workers and the demand for workers. I'm sometimes afraid that the temporary worker program can be used to depress the local labour market and the wages of the local labour market. I say that, in particular, in regard to the temporary workers who have been brought into the oil sands development in Alberta.

I participated two years ago in a public policy forum conference in Toronto on immigration. There were several different presentations and discussion groups, and one of the discussion groups included Jim Stanford and the person who was the vice-president of human resources of an oil sands company. Jim Stanford, an economist from the United Auto Workers, argued in favour of letting the market work out the supply and demand for workers for the oil sands project, while the person from the oil sands company wanted to have an enforced supply of foreign workers brought into Alberta.

We know that there is a demand for foreign workers from time to time, and that has been dealt with over many, many years. We've had work permits for many years for professional athletes, for actors, for very skilled people who come to Canada to construct complicated factories and those kinds of things. That has been dealt with satisfactorily over many years. It's only in the last number of years that we have been changing our outlook on that, and we have been actually actively going abroad and trying to recruit temporary foreign workers into Canada to perform certain work. It's the same kind of justification that most other countries in the world have used: that they're jobs that Canadians don't want to do and that sort of thing.

When we talk about bringing temporary foreign workers to our country—when we decide that the need exists—we unfortunately treat them with different levels of political and social rights. When we bring temporary foreign workers into Canada, we have the skilled foreign workers and we have the unskilled temporary foreign workers. The skilled foreign workers include people like athletes, actors, people in the arts communities, nannies, and many others whom we allow to come to Canada with a work permit and stay here for periods longer than a year. On the other hand, we have another work permit system in place for unskilled workers we bring into Canada, and they can stay only for a period that is less than a year.

• (1015)

One of the unfortunate things we are doing with this process is that we are separating the two groups. We are separating skilled workers from unskilled workers, and we are treating them differently. Skilled workers who come to Canada are able to bring their families. They're able to enrol their children in school in Canada. They're able to bring their families and have them access the Canadian health care system, which is very important, and do all the things temporary foreign workers in the unskilled category, who come for short terms, cannot do.

Another problem area I see in the Canadian temporary foreign worker category is the unfortunate nanny category that allows the importation of indentured labourers into Canada. They are people who are tied to their jobs and their employers, and the employer is not obligated to provide the same kind of work environment that other workers have to receive in terms of hours worked and those kinds of things.

When we talk about the difference between skilled and unskilled workers, people who can stay longer than a year and people who cannot stay, I think it's very important to look at the different rights and benefits that we give to those workers. These include of course the immediate access to the health care system—or in New Brunswick it's after three months. The way we are separating temporary foreign workers in Canada between those two groups, I think in years to come we will look at the situation in the same way we look back now and remember the Chinese head tax and things like quotas that we had for certain people coming into Canada. We all ask how we could have done that, how we could have discriminated so much between one group of workers and another group of workers.

Overall, I think it's very important for the Canadian government to make sure the foreign workers who we are bringing in to Canada will receive the benefits that accrue to people who are residents of Canada, as the health system states: that people who are lawful residents in Canada should have access to the medical system.

In addition to that, I have to address the issue of our deductions from income. People who come to Canada to work in Canada on temporary work permits are still obligated to pay contributions to the Canadian Employment Insurance system and the Canadian pension system. Those people who are coming here on temporary work permits can never benefit from those programs because if their jobs end, they have to leave. So they're paying for something that they're never able to benefit from.

Another thing is that many of the temporary foreign workers we are bringing in are being brought to workplaces that are removed from centres of population. I think it is important, when we look at giving work permits, that the employer be obligated to allow temporary workers to be able to travel to centres of population. One of the problems that arises very often is that when people come here for six or eight months to work—and they come here from the Caribbean or the Philippines—they do not have a car, they cannot drive a car, so it's very difficult for them, with our distances here, to ever get away from the place where they are sleeping and working, if it wasn't for the employer allowing them or providing transportation back and forth.

• (1020)

I think it would be important to make sure that the employer is obligated to provide that transportation for people so they can get out of the very narrow, circumscribed situations they are in.

Thanks very much.

**The Chair:** We'll have Mr. Sheehan or Mr. Lampart.

**Mr. Humphrey Sheehan (Chief Executive Officer, Population Growth Secretariat, Government of New Brunswick):** Thank you very much.

[Translation]

Good morning, everyone.

[English]

Good day.

On behalf of Premier Shawn Graham and our Minister Greg Byrne, who is responsible for the Population Growth Secretariat, we want to welcome Mr. Doyle and members of the standing committee to New Brunswick.

I would like to talk a little bit about some of the demographic challenges facing New Brunswick and some of the things we're doing about it.

[Translation]

There is no simple solution to the phenomenon of population decline in New Brunswick.

The problem of declining populations is not unique to our province. It is something being examined throughout Canada and the world as governments recognize its significant social and economic implications on society.

[English]

In February 2007, Premier Shawn Graham announced the establishment of a Population Growth Secretariat. The mandate of this new organization is to grow the province's population through increased immigration, support of settlement services and multiculturalism, and the attraction of former residents through repatriation and retention activities, particularly as they relate to youth.

[Translation]

Over the summer of 2007, the Population Growth Secretariat conducted a public consultation process, seeking commentary from a wide range of current, future, and former residents of New Brunswick. The consultation engaged individuals and organizations on the challenges and opportunities that arise from the Government of New Brunswick's strategies on self-sufficiency and population growth.

• (1025)

[English]

Reversing population decline is not a simple task, nor can government accomplish it alone. Challenges in urban areas are not simply about the number of jobs and the total population. Urban centres are faced with issues of infrastructure and workforce attraction and retention, among others. Most rural communities continue to experience population loss, especially among youth. Businesses across our province, both large and small, face productivity challenges due to labour-force shortages.

In keeping with this, the self-sufficiency task force identified the need to increase New Brunswick's population and labour force and reverse shrinking population trends as the number one reality for

New Brunswick if it is to achieve self-sufficiency. The task force said that the province should increase the population by 100,000 people over the next two decades. To help partially counter the impact of an aging workforce, it will be important to take steps to facilitate the full integration of new immigrants, youth, persons with disabilities, and aboriginal people in the labour market. Increasing the labour-force attachment of older workers, immigrants, and aboriginal people will help New Brunswick achieve its full economic and social potential.

[Translation]

Recommendations received during the consultation process have formed the basis of New Brunswick's population growth strategy, "Be Our Future", "*Soyez notre avenir*".

[English]

The Population Growth Secretariat has identified numerous policy options from a variety of key sectors, including immigration, multiculturalism and settlement, citizen and youth engagement, repatriation of former New Brunswickers, and, finally, family-friendly programs.

All measures seek to fulfill one of the following: engage New Brunswickers in the need for population growth; attract former New Brunswickers and their families back to the province; attract immigrants to settle in New Brunswick; retain our youth; and improve the family-friendly nature of the province.

By the end of 2009 we will need to increase our population by 6,000. By 2015 we will aim to grow New Brunswick's population by 25,000 people, putting us on track to hit 100,000 more New Brunswickers by 2026. We trust that changes to Canada's immigration program will not adversely affect our population objectives and our provincial nominee program.

Now we'll talk a little bit about temporary foreign workers.

[Translation]

New Brunswick employers are increasingly looking to temporary foreign workers as a means to respond to domestic labour and skill shortages: the IT sector, health, Employers in the trucking, fish and food processing, fish farming and the construction sectors. Many employers are unable to fill vacancies and, as a result, have been actively hiring workers from abroad.

[English]

In terms of job growth, New Brunswick has been outpacing the national average and had the second-highest job growth to Alberta last year. In addition, the unemployment rate has been the lowest in many years. In many regions of New Brunswick the seasonally adjusted unemployment rate is hovering around 5%. This is a positive development, but will increase the pressure on New Brunswick employers to find suitable workers to fill job vacancies.

The current status: In most cases employers need foreign skilled workers and increasingly lower skilled workers sooner rather than later, and proceed through the temporary work permit process. If a permanent arrangement is sought by the New Brunswick employer and the temporary work permit holder, the provincial nominee program is the major tool used to accomplish this.

Temporary foreign workers with lower national occupational classification code skills are facing one major hurdle while working in New Brunswick: their spouses are not permitted to work. In many cases this is not only causing financial hardship but is also creating dissatisfaction within the families and a clear feeling of discrimination.

[Translation]

Work permit applications can be made by the spouses after the prime applicant has been nominated, but this process can easily take up to 18 months during which time spouses are not permitted to work.

[English]

Teenage children of temporary foreign workers face a similar problem. They are not permitted to work after school, which excludes them from many activities that are an inherent part of growing up in Canada.

[Translation]

This matter has been raised by the provinces during a number of FPT meetings. At the last FPT Meeting of Ministers Responsible for Immigration, they asked for a quick solution to this issue.

New Brunswick is pleased that the Government of Canada has recognized the importance of addressing the province's labour challenges and has opened offices in Moncton and Saint John to help expedite labour market opinions and provide services to employers.

[English]

New Brunswick is proposing to implement a pilot project that would enable all spouses of non-seasonal temporary foreign workers to work as soon as they have officially landed. In addition, their teenage children should also be given the opportunity to work after school. In this regard, consideration should be given to regulating the number of hours and the type of work they will be permitted to perform.

[Translation]

New Brunswick is proposing the implementation of a two year pilot program that would be evaluated after 18 months.

[English]

This would allow us to make a decision as to whether a program of this nature would be beneficial for the rest of Canada as well.

Thank you very much.

**The Chair:** Thank you.

How many temporary foreign workers would New Brunswick have on a seasonal basis, on a yearly basis? The population that comes in, is it small?

• (1030)

**Mr. Tony Lampart (Executive Director, Immigration Division, Population Growth Secretariat, Government of New Brunswick):** On the seasonal side, I can't answer the question because we do not follow the progress under federal jurisdiction. Although the temporary foreign worker is also under federal jurisdiction, we are interested, because quite often it leads to permanent residence through a nominee program. Right now I would say we're looking at fewer than 100 a year, but it's growing and it's growing fast. We are constantly being contacted by a number of New Brunswick employers who are inquiring about how to find and recruit foreign workers. So I see this growing in leaps and bounds.

**The Chair:** Good. So you're hoping to be able to reverse the population decline and bring in more immigrants to New Brunswick. I would imagine you would have the same problems the four provinces in Atlantic Canada have in trying to keep immigrants in this part of the country. Probably they tend to go to Montreal, Vancouver, or Toronto. I'm from St. John's, Newfoundland, and there would be a problem, I would imagine, in our part of the country as well, because they tend to want to settle in communities that have a lot of immigrants in that part of the country. I don't know how you would address that problem, how to plan to keep immigrants here and keep them from going to Vancouver, Toronto, or Montreal. That seems to be the case very often.

**Mr. George Maicher:** I would like to talk to that. I think the facts actually talk in favour of Atlantic Canada.

There have been studies coming out that identify and document the success of newcomers coming to this country who are coming to smaller communities and their success in catching up to the Canadian average in terms of income, and the process of integrating into Canada. One of the factors that is helping do that... Since I'm the president of the Multicultural Council of New Brunswick, we are representing a large number of organizations that are involved in integrating newcomers into our province. Very often I'm saddened when I see people leaving this province to go to Toronto, Montreal, Calgary, because I know exactly what is going to happen.

There was the case of a young family from the Congo that was adopted by a village and church in P.E.I. They came here last fall and it was terribly cold and they considered maybe leaving. If only they had known what kind of lottery they had won by being adopted by a village in P.E.I., rather than going to Montreal and simply vanishing into the Congolese community.

I had the pleasure of working with a colleague from Rwanda. He had a PhD in soil science—he works in the Department of Agriculture—and he would go once or twice a year to Montreal. He said, “You wouldn't believe, George, what those people who live in the Rwandan community in Montreal believe about Canada. I tell them that it's not true.”

Beyond the fact that I think there's about a 60% retention rate in New Brunswick of newcomers, that's not too bad either.

**Mr. Humphrey Sheehan:** Mr. Chair, I would like to add that, obviously, the Atlantic provinces have very common demographic challenges, Newfoundland in particular, but in New Brunswick we're the first province, I believe, to have the provincial nominee program, and we have seen significant growth in that area. Tony and his colleagues have done a pretty good job in recent years. We've gone from 800 only three or four years ago to 1,700 or 1,800 now. The government has set very specific targets for us to achieve. By the year 2015, they want us to increase immigration to 5,000.

We know, obviously, that we can't be successful without some of our colleague organizations, like Mr. Maicher's and the immigrant-serving agencies, to help retain people in the province. In our strategy that we released a couple of months ago, there are a number of recommendations that relate specifically to how we can attract immigrants, how we can make welcoming communities and how we can retain newcomers to the province. Certainly that is a big piece of our strategy to increase the population.

•(1035)

**The Chair:** Atlantic Canada is certainly one of the most welcoming places in all of Canada. Immigrants will tell me they love the welcome they get in Newfoundland, when I'm talking to them. But trying to keep the immigrants there, they generally want to go to areas of greater growth and where there are more immigrants, that kind of thing, which is the problem, I suppose.

Mr. Telegdi.

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

We can tell that the chairman is getting closer to home. We started in Vancouver and his disposition has been improving, and we're going to be in heaven when we get to St. John's, I'm sure.

Also, being a bilingual province, my colleagues from the Bloc appreciate that *vous parlez français*.

Mr. Maicher, when did you come to Canada, what year?

**Mr. George Maicher:** Despite my accent, a long time ago. I came, actually, to Ontario first. When we talk about retention, you always have to remember that people who are immigrants freely move around Canada. We came to Ontario, then we lived in Alberta for ten years, and I came to New Brunswick 22 years ago. I came to Canada in 1968. It's a long time ago. I came to Canada in 1968 for a year.

**The Chair:** For a year, and you're still here.

**Hon. Andrew Telegdi:** Very good. We came in 1957. We started in Vancouver and ended up in Toronto. I went to the University of Waterloo and I figured I'd travelled enough, so I stayed there.

With respect to welcoming immigrants, on my previous tour we were going through Nova Scotia, and one of the terms that I came across was "FA". Everybody was an "FA". I think I got the province right, Nova Scotia. I asked, what's "FA", and they said "From Away".

**A voice:** They call them "CFA"s, "Come From Away".

**Mr. Andrew Telegdi:** Yes, CFA.

So we were in Charlottetown and holding hearings, and one of our members, Lui Temelkovski, who has a fairly pronounced accent, as a

new member of Parliament, was giving away Canadian pins, and the waitress said to him, "No, I've got lots of those. Give me one from your country. My colleague said, "This is my country", and she said, "No it's not". She meant nothing bad by it, but I'm just saying it was the way that she came across, and it always stuck with me.

The other question I have for you is this. What's the visible minority population of New Brunswick?

**Mr. George Maicher:** The visible minority population in New Brunswick I think is 4% or 5%. It has been going up between the 2001 census and 2006 census by 26%, whereas in Canada it has been going up between 4% and 5%. This means again that Population Growth Secretariat is doing its job—people are coming here and staying.

**Hon. Andrew Telegdi:** The reason I mention that is in my neck of the woods, in Waterloo, I'm growing used to being able to go around the block and touch every continent. That really is an enriching experience.

I mention that because there's a way you can attract visible minorities, such as allowing more of them to come together as a cluster so they have a community they can relate to, particularly when they start out. Watching migration over the years, that seems to work well, and also going to less populated areas. There are all sorts of places in Ontario where you never saw a visible minority person, except somebody, say a Sikh, comes in and runs a gas station, and brings in family members, and all of a sudden you have the population.

I really appreciated your comments on temporary foreign workers, and particularly when you referred to the Chinese head tax, because that's what Canada did—I wasn't here—to build the railway. They brought in the Chinese. When the job was done, they were looked upon as redundant and they tried to get rid of them. They didn't allow their families to come in.

The problem with the temporary foreign worker program is that in many cases, with lower skills, we're dealing with putting them in a position of servitude. I really shake my head.

Under today's rules, 95% of the people who came to this country as immigrants would never get in. I just have to look at people like Frank Stronach of Magna International; he wouldn't be here. Frank Hasenfratz of Linamar wouldn't be here. In my community... I love this thing the BlackBerry, invented by Mr. Mike Lazaridis, who came here as a young boy, six years old, in the mid-1960s; his father would never be allowed in. I shake my head and I wonder what we're doing.

To the provincial people, I commend you. Using the provincial nominee program is excellent. We have gone coast to coast, and one of the questions I ask employers is “If you had a chance of hiring somebody who got here as a landed immigrant, who was here with their family, and temporary foreign workers with low skills can't bring their families, which doesn't make for a very healthy environment for them, would you prefer a temporary foreign worker or would you prefer a landed immigrant?” The answer has always been the landed immigrant. What really disturbs me is that we're keeping out people who obviously have helped build this country.

You mentioned undocumented workers. We have something like 200,000 to 500,000 undocumented workers. These are people who came here, for the most part, legally and their visas expired. One of the people referred to them as having “precarious status” in terms of immigration. The reason they used that terminology is that they don't want to create the impression that all these people who are undocumented now snuck in. There was a huge growth in the undocumented population between 2002, when the point system was changed, and now. People are saying we need mechanics, we need bricklayers, and these people can't get in.

From your end, provincially, I think you can push the federal government to open up as to who comes to this country. If you look at what happened to the waves of immigrants that came—the Hungarians, the Germans, the Italians, the Portuguese—they came here and they came here with a dream, which was to start a new life and to work hard. They themselves struggled, brought up their kids, and the kids have done really well. It built a wonderful mosaic.

So whatever you can do to push for a more sane point system that is not elitist... The one we have now is elitist. Our educational systems, I've found, discriminate against trades. They don't teach trades in the schools. When I went to school, there used to be a vocational school option, which got eliminated because people said vocational schools were for dummies. Well, you know, we have a lot of university grads who are driving cabs and not working in their areas.

● (1040)

I'm not sure which province we talked to, but one province in the Maritimes asked that, instead of deporting undocumented workers, we send them to the Maritimes. It's a very necessary pool. If you took out the undocumented workers from Toronto, they would go into a major recession in the building trades, because we just don't have them.

So whatever you can do as a province to push for that would, I think, be very useful. We are in a competition for immigrants with other nations, and it's getting to the point that immigrants will go elsewhere, because we have a very cumbersome system. It doesn't have to be that cumbersome for the landed immigrant to come in. It can be just as effective and as quick as it is in the temporary foreign worker program, if we want to do it. So we need some push in that area.

Mr. Maicher, you mentioned undocumented workers. How many do you think you have? I know it's a tough question, but how many would you say you might have in the Maritimes whom you're aware of? Do you have any idea?

● (1045)

**Mr. George Maicher:** I don't think we have many. I have no idea of how many we have. I don't think really that there are too many of them in New Brunswick or in Atlantic Canada. It's just that one of the things here is that you know everybody. You cannot just be submerged.

One of the big benefits of living here is that you know everybody; one of the big disadvantages of living here is that you know everybody. You cannot really say: “You know that Andrew Telegdi man? I don't know what he's doing.” You could say: “Yeah, he's my cousin. I don't like him either”—those kinds of things.

One thing I would like to add about the temporary foreign worker program for unskilled workers is that no permanent relationship can be established between an employer and an employee. It would be much better if an employer could recall the same worker year after year. It would make the worker more valuable to the employer, and it would make the employee's future much more secure. They could say, this is what my life is going to be. They could plan, they could buy something, because they're going to go back to work to pick tobacco on the tobacco farm or pick tomatoes in Leamington and those kinds of things that they're going to do, for four months or five months.

The way it is right now, it's always a new hiring process. You cannot match one employee with an employer over many years. I'm talking about unskilled people.

**The Chair:** Mr. St-Cyr.

[Translation]

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

Thank you for being here.

First, I would like to make a slight correction to what Mr. Doyle said. The Atlantic provinces are certainly among the places that are most welcoming to immigrants, but so is Quebec. We will all have no problem agreeing on that.

More seriously, the brief you submitted to us dealt with a pilot project in New Brunswick to allow spouses of temporary foreign workers, not seasonal workers, you said, to work once they landed.

Can you explain why you think seasonal workers should be excluded? I do have an idea, but I would like to hear you on that point.

**Mr. Humphrey Sheean:** We said this was about workers who are here for longer periods. For example, some temporary workers come to help in the harvest on farms. We are thinking rather of people who are here for longer periods. In that case, the spouses and children of those workers should be able to work too. That is not the case at present.

**Mr. Thierry St-Cyr:** In fact, if we look at the Temporary Foreign Worker program we can see that some of them come very temporarily, for example to do the harvest, as you said. Often, those people leave their families behind, they work for a few months, and then they go back to their countries. They are not particularly interested in settling here, and in any case they can't do that.

**Mr. Humphrey Sheean:** That's right.

**Mr. Thierry St-Cyr:** The people you are talking about will have to work for a longer period and so they would be settling here with their families. At that point, to what extent are we still talking about temporary work? If I have to go and work in a country and I bring my wife and children, who go to school there and can even work there in the evening, after school, I imagine I will want to be settling down and buying a house. I will probably sell my property in my home country.

I find that interesting, but is that not what defines a permanent resident? How is this consistent with the Temporary Foreign Worker Program?

• (1050)

[English]

**Mr. Tony Lampart:** I'll refer to one specific example we have right now that we're looking at, which is the truck driver situation in New Brunswick. We have a fairly large contingent of truck drivers who are here on temporary work permits simply because the process for getting a work permit is faster than an immigration process. The needs of the employers are immediate, so by going through the work permit process the drivers are here sooner.

The vast majority of these drivers are interested in being permanent and using a nominee program to change their status from temporary to permanent. This is the type of worker we would like to look at in the pilot project, because when you do a pilot you have to keep it simple to see whether it works and whether it can be applied in other areas as well.

So I think we could start looking at issues such as the ones with truck drivers, where we know the families are here, the children are here, and the spouse can apply for a work permit only after we have nominated them. But we cannot nominate people immediately, because we want to make sure that first, the driver likes it here, and second, that the employer is interested in making a long-term relationship. So we have to let a few months pass to get the comfort level up on both sides. Then we use the nominee program to move on this to make it permanent.

This period from arrival until we do a nomination is very important because this, in most cases, is the most difficult period, when they have to adjust to their new life, when the spouses and the children of the drivers are most affected. Not only do they have to grapple with the changes they face in a new country, but they also feel isolated because they cannot participate in life in those areas the way their neighbours can.

We have mentioned this to Citizenship and Immigration on several occasions. It's not only in New Brunswick, by the way. Other provinces have mentioned it as well. We really feel that we should look at this through a pilot project to see whether it works, what the pros and cons are in the end, and whether a nationwide program could be implemented, based on our experience.

**Mr. Humphrey Sheehan:** You know, these rules were made at a time when the domestic labour force and unemployment rates may have been much higher and we wanted to ensure the protection of domestic workers.

[Translation]

During our consultations, a number of employers have told us how much they needed workers to work in those sectors of the labour market.

[English]

I really think that if we can loosen this up a little bit...

We met with the deputy minister of CIC recently in Fredericton. We had a stakeholder meeting of a number of employers who talked to him about this very issue. So we think it's quite important to the province.

[Translation]

**Mr. Thierry St-Cyr:** I am certainly not opposed to it in principle; on the contrary, I believe that family reunification, and having your family with you, is important. However, as you illustrated clearly at the beginning of your presentation, Mr. Lampart, creating this kind of program would be an alternative, a way to get around it, because the existing program isn't working. In my opinion, if all we do is find a solution rather than truly fixing the problem, the solution could then become the rule.

In fact, waiting times are too long. For example, processing times for permanent residence applications make no sense. In that case, everyone will do it this way: they will enter Canada first as temporary workers, and then immediately bring their families, and settle in that way.

I understand that you have immediate needs for workers because of growth. It might be useful to have a pilot project to meet those needs, but we have to be sure that we avoid any potential negative consequences.

I don't know whether I have time to ask one last question. This isn't necessarily connected with what we are studying today. In your book on demographic growth, there is a section dealing with settlement in francophone and rural communities. For francophone communities, you set a number of objectives for the government to meet.

In terms of immigration, are there immigrant selection strategies in New Brunswick, or mechanisms for giving priority to immigrants from francophone countries, to help those places preserve their francophone character?

• (1055)

**Mr. Humphrey Sheehan:** The Provincial Nominee Program certainly supports employers to help address shortages in the labour force. They are the ones who determine the needs.

We ourselves recognize the need to ensure a degree of fairness in terms of language. At present, we are making efforts to preserve that fairness, in terms of how our objectives regarding demographic growth are achieved.

Some of the officers who work for Mr. Lampart work specifically in the francophone market, be it in France, Romania, Belgium, Africa, Haiti or other francophone countries. Quite a bit of effort is made to make sure we attract francophone immigrants and keep them in the province. Naturally, the employers in the province have to do their part to identify the jobs these people who settle in New Brunswick and then stay here will be able to get.

[English]

**The Chair:** Mr. Carrier is next, and then we will ask our friends from the Atlantic Provinces Trucking Association to come forward. You have the trucking association back there, which you just talked about a moment ago.

[Translation]

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

I am just going to continue on the same subject as my colleague. You know, Quebec has a federal-provincial agreement under which the Government of Quebec selects its immigrants as the first step, before the federal government does the final analysis. It seems to me that this provides a guarantee that the local government will select the ideal candidates, who should be a good fit with the needs in the area.

[English]

**Mr. Tony Lampart:** The provincial nominee program is not on the same level as the Canada-Quebec accord on immigration, but it does give the province selection criteria. We select our immigrants and recommend them to the federal government, or nominate them to the federal government, which makes the final decision.

We have seen a real difference in New Brunswick since starting to work with the provincial nominee program, because we now have a tool to select immigrants. The provincial nominee program looks at economic immigrants only, so we are able to select the immigrants that our economy needs, our employers need, and who our interviews show have a desire to stay here.

We don't have the Canada-Quebec accord, but the provincial nominee program has been an excellent tool for us.

[Translation]

**Mr. Humphrey Sheean:** I went to France last spring, to Paris, Rennes and Rouen. In each case, even in Paris, 250 people came to hear what we had to say about New Brunswick. I think there is quite a lot of interest.

We need to find positions in New Brunswick and employers who are prepared to hire these people. This will make it possible for people who are interested in New Brunswick to come and live here.

**Mr. Robert Carrier:** I believe there is a relatively recent program that should provide some good results. In the statistics you provided to us, and I would mention that you have some very fine documents, with positive figures, I note that interprovincial immigration leaves New Brunswick in a deficit position. So there are more people leaving than coming in. I assume that if immigrants were selected better, the ratio would balance out and might leave New Brunswick in the black.

So I was wondering why you have a pilot project that focuses on temporary workers.

On our travel across the country, we have seen that this temporary workers program also causes a lot of problems. It is not the ideal solution. People often have problems and are not aware of their rights. So the best way is still to work on better immigration in order to keep people. In fact, you want to include the spouses of these workers and allow them to work here.

Why not focus your efforts more on getting more immigrants?

• (1100)

**Mr. Humphrey Sheean:** We are doing that now. We also recognize that many of the people who settle in New Brunswick under our permanent program start out as temporary workers. So most of the people who come to work in New Brunswick temporarily in the beginning get to know the province. Ultimately, after contacting an employer and making an agreement with the employer, these workers are taken into our permanent program and become permanent citizens of the province.

**Mr. Robert Carrier:** I assume that your pilot project has been set up in collaboration with Immigration Canada.

**Mr. Humphrey Sheean:** It hasn't been done yet, we have only proposed it.

**Mr. Robert Carrier:** So it is just a proposal.

**Mr. Humphrey Sheean:** That's right. It is simply a proposal that we have made to the federal government.

As you have undoubtedly noticed as you travel across Canada, all of the provinces and some employers recognize that there is a challenge at present. We are therefore trying to propose solutions to the federal government. We have told it that we have conducted pilot projects in the past, and we have said that it was our opinion that we are one of the best provinces for doing it. New Brunswick is a small province that is kind of a microcosm of Canada, given that it is both rural and urban, and the bilingualism here.

So we are in a good position to test projects that might provide answers for the whole country. We have demonstrated this in the past with programs for international students.

**Mr. Robert Carrier:** As the temporary workers program operates, the employer agrees to have a person work for it. In your pilot project, the agreement would have to include the spouse, because you want to include spouses. I assume that the spouse would therefore have to be included in the undertaking given by the employer.

**Mr. Humphrey Sheean:** Spouses will not necessarily work for the same employer. The only thing we are suggesting for the pilot project is that the spouses and children of temporary workers also be able to work in the community where they are living.

For example, there might be a truck driver who has come from France or another country. So we are proposing that the spouse and children also be able to work. That helps the family become part of the community.

That is what came out of our consultations.

**Mr. Robert Carrier:** Certainly there are a few little details to iron out.

**Mr. Humphrey Sheean:** Certainly.

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

[*English*]

**The Chair:** Thank you. We appreciate your coming before the committee today.

I think that just about wraps it up.

Did you have an additional question? We do have our friends from the Atlantic Provinces Truckers Association.

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

I really would like to thank you for coming. I was just looking at the title of the booklet you gave us, "It's time to act", "C'est le temps d'agir". It certainly is a title that we could be using for our report when we do our report, because it really is great.

Let me just say a couple of things. Number one, one of the beauties about the Maritimes, and it sure hasn't been lost on me, is one of the things I do when I go anywhere is look at the real estate, and somebody can actually come here as a worker and buy a house. You can't say the same for Toronto or Vancouver or Edmonton or Calgary or Kitchener-Waterloo, Waterloo region. So that's a real plus. The other one is that the geography is just beautiful. I could sell my house in Waterloo region and I could come down here and I could have a cottage down in Florida, because I understand the winters are harsh. The fishing is great and the outdoor life is great, and it's a beautiful part of the country. I just wanted to leave that with you.

I thank you very much. You have taken a real initiative. We appreciate it and wish you all the success.

I'll just leave you with one thought. Push the government to do reform. One thing that the landed immigrant will do for you, and it's been said before, is if somebody decides to come here, then they end coming with capital that they invest here when they come, versus the temporary foreign worker who will come and might be landed. But when somebody decides that they're going to pick up stakes and they're going to move somewhere, then they take everything they have and they invest it in the place where they establish.

*Merci beaucoup.*

• (1105)

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

Please be assured that your recommendations will be taken into consideration when we do our report. Again, thank you, gentlemen, very much.

Committee members, don't wander away too far. We're going to get going in just a moment or two. I know how long some of these telephone conversations can be, so try to get back in a couple of minutes, please.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1110)

**The Chair:** Order.

I want to welcome on behalf of our committee Mr. John C. Robison, president of the Atlantic Provinces Trucking Association's SkillSearch Recruiting. Welcome, Mr. Robison, to our committee today. If you have an opening statement please go ahead, and our committee members I'm sure will want to ask you some questions afterwards. Thank you.

**Mr. John C. Robison (President, SkillSearch Recruiting, Atlantic Provinces Trucking Association):** I think I should start by bringing to your attention a little amendment to the agenda that you received this morning. Peter Nelson actually is the executive director of the Atlantic Provinces Trucking Association. I'm president of SkillSearch Recruiting, which is an international recruiting agency, and I'm a member of the Atlantic Provinces Trucking Association. Peter unfortunately could not be here today, and that's the reason I'm here in his place.

I'll begin by first of all thanking you, Mr. Chairman and members of the committee, for the opportunity afforded to share the views of the Atlantic Provinces Trucking Association on the temporary foreign worker program.

Secondly, the Atlantic Provinces Trucking Association wishes to emphasize its strong support for the TFW program as an indispensable tool in addressing human resource requirements within the trucking industry, in particular for truck drivers, heavy truck mechanics, and trailer technicians.

To place the trucking industry in context, we need to hold in mind that 100% of all goods moved internally in the provinces of Newfoundland and Labrador and Prince Edward Island are carried by truck. In New Brunswick and Nova Scotia, in excess of 90% of all goods moved are transported by truck. You can easily see that trucking is one of our most significant industries in the region, crucial to all those sending or receiving goods, and an industry which plays a major role in the economy of the region.

As you are aware, one of the most populous job occupations in Canada is that of truck driver, with over 400,000 persons employed. All regions in Canada are impacted by the shortage of Canadians to fill these positions. The temporary foreign worker program plays a vital role in helping alleviate the shortage. It's a program utilized by many of our members who have been able to complement local hiring by recruiting, at least on a temporary basis, skilled, trained, and experienced persons to fill vacancies.

The Government of Canada and the respective provincial governments in Atlantic Canada have adopted a process through the provincial nominee program, of which you've been hearing all morning, to retain such workers through selection and nomination to Citizenship and Immigration Canada for those persons to become permanent residents of Canada. The association strongly supports this cooperative government arrangement.

The Government of Canada, along with the respective provincial governments in Atlantic Canada, has taken a number of progressive initiatives. It has committed to programs allowing the recruitment of temporary foreign workers to fill positions for which some employers are unable to recruit locally—specifically truck drivers, heavy truck mechanics, and trailer technicians. It has also committed to the provincial nominee programs in each of the Atlantic provinces, which allows the Government of Canada and the various provincial governments to accommodate nomination of and subsequent granting of permanent resident status to employees in the industry who initially arrive as temporary foreign workers. Another strong initiative, we believe, is providing for the application to Service Canada for labour market opinion requests electronically, allowing for the quick and efficient processing of such applications.

However, the committee should be aware that obstacles do exist. The truck driver is classified as low-skilled even though the profession requires high-level skills and training. While this by itself is not serious, the problem exists in welcoming and treating newcomer families. Because of the low-skill designation for truck driver, spouses and working-age family members cannot obtain work permits, denying local companies the skills they may possess, but even more importantly preventing their full access into their new community.

Further, because of the low-skill truck driver designation, spouses and family members are denied access to English-as-a-second-language training. This training is available only to family members of permanent residents. This means that up to two years could pass before training in English as a second language is available to family members.

• (1115)

When one considers that upwards of an estimated 75% to 80% of skilled workers arrive in the Atlantic area first as temporary foreign workers, one can see the related family problems brought about by this designation.

While the electronic processing of labour market opinion applications has been a great benefit in expediting this step in the process of bringing in a temporary foreign worker to Canada, extensions of their stays are often necessary. Electronic application for such extensions is not currently available.

The trucking industry in Canada is growing and changing. It's also an industry with a relatively high turnover rate. Some temporary foreign worker employees may seek to change employers while still in Canada in that status. While the industry recognizes there will be staff turnover among such employees, employers have most often borne considerable costs in bringing individuals to Canada. Should employees change jobs, the initial employer is often left with unrecovered costs.

In summary, the following recommendations are made for your consideration:

Continue and improve the temporary foreign worker program as conditions dictate, holding in mind that the transportation industry is a vital, growing industry with a heavy human resources component.

Change the national occupational classification of truck driver to a category that reflects the training, skills, and experience required of that position.

Authorize the granting of open work permits to spouses and working-age family members of the foreign worker, not only making such skills as they possess available to the community but also serving a major role in integrating family members into the community.

Ensure that English or French as a second language is available to family members as soon as possible after arrival.

Ensure that all newcomer families are welcomed into the community as soon as possible after arrival in this country.

Finally, enforce ownership rights for the initial employer of a foreign worker should a temporary foreign worker seek to change employers. This would involve an appropriate notice of intention on the part of the employee to leave that position and a fair return of recruitment costs undertaken by the initial employer in bringing the temporary foreign worker to Canada by the subsequent employer.

In closing, I must compliment Citizenship and Immigration Canada and Service Canada on the excellent employees who serve the industry so well, always in a helpful, professional, and courteous manner. Our industry has been served well by staff, and we are appreciative of the culture of partnership in working with the transportation industry to address human resources issues in Atlantic Canada.

Thank you very much, Mr. Chairman.

• (1120)

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

You mentioned that truck driving is designated as a low-skill occupation, and as a result it's difficult to obtain a work permit. Are the federal and provincial governments doing anything to change that designation? Have they been contacted on that? It seems to me it should be designated as a highly skilled occupation. Have you ever watched a fellow back an 18-wheeler into a space with two inches on each side? It seems to me it's a high-skill occupation, not a low-skill.

Has either level of government been contacted to do anything about that? The truck driving industry for Atlantic Canada is very important for all of Canada, as a matter of fact. In my part of the country we don't have a railway any more, so 100% of it comes in by truck. Well, it's not 100%; some of it comes in by boat, but it's a great deal of it, so it seems to me there should be something done to have a redesignation of it.

**Mr. John Robison:** I should mention that obtaining a work permit for a temporary foreign worker as a truck driver is not a problem. That's not really a serious problem, but because of the designation, certain obligations are placed on an employer—for example, the employer must pay return airfare for such employees—so there are costs.

Even though a truck driver is probably a comparatively well-paid individual, it's a paradox that the truck driver classification is in what's called the low-skilled occupations. I think the reason given is that it's an occupation that does not necessarily require a post-high school education. I'm sure there are others that might be in the same category.

If the NOC, the national occupational classification, were to be at a higher or more skilled level, there is no question that the industry would benefit significantly.

Service Canada has been very cooperative in granting labour market opinions for work permits for truck drivers. Similarly, provincial governments in Atlantic Canada have been very cooperative in reviewing and granting nomination certificates for such employees. The process is not necessarily with the truck driver; it becomes more about ancillary problems, such as fully integrating into the community.

● (1125)

**The Chair:** Okay, thank you.

Mr. Telegdi.

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

Thank you, Mr. Robison.

I wonder if you could tell me the profile of the average temporary foreign worker hired as a truck driver.

**Mr. John Robison:** First of all, I should mention that it's rather interesting, because what you would find in general is that the truck driver arriving here from another country is likely to be more trained than a similar worker in Canada, because there are schools where some of them might have taken the stream for truck driving. In some countries, it's also a requirement for a truck driver to have mechanical skills. So we're rather fortunate and blessed by the skills of the individuals who are coming here, because they're very, very highly skilled in most cases.

Now, the respective provincial governments have also placed minimum standards on truck drivers coming to Canada, including a level of experience that would not be the case, for example, if they were hired from within Canada. But I think it's a bit of insurance that the industry is getting some very high-quality employees.

**Hon. Andrew Telegdi:** Which countries would they come from? Do you have any specific countries or continents?

**Mr. John Robison:** I can't tell you the countries of origin in relative terms, but truck drivers come here from the United Kingdom, Germany, the Netherlands, Belgium, and some from Italy, Israel, a few from eastern European countries, and some from the United States.

**Hon. Andrew Telegdi:** That seems pretty good.

I wonder if you could tell me what the starting wage is in year one.

**Mr. John Robison:** I think one would expect a minimum wage for a long-haul truck driver to be at least \$40,000 a year. The average in this part of the country would probably be more like \$50,000, although there are cases where someone is making a fair bit more than that. The comparable incomes in Atlantic Canada are a bit lower than in central Canada or western Canada, and we do indeed have an exodus of truck drivers towards western Canada—as with a number of other skilled employees as well.

But once someone is operating in Canada, after arriving from a foreign country, their income is usually at a pretty acceptable level.

**Hon. Andrew Telegdi:** Good.

On the other thing you mentioned, I tend to think that our system for awarding points is quite elitist. I agree with you that truck driving is a very necessary occupation. But to the extent that we can get somebody with great computer skills come in, I think it also has to be recognized that we need services for them, because these people are going to occupy houses and they're going to need transportation. But somehow that seems to be lost in terms of the way the points system is now set up. This is a story that we hear right across the country.

I totally agree with you that, at the minimum, we should make sure that when they come with their families, they're fully integrated from day one, instead of almost putting them in quarantine, if you will, with the inability of spouses and kids to work immediately, and their not having English or French as a second language. This doesn't make any sense, and it's very counterproductive. If you want people to integrate, they should be integrated quickly.

**Mr. John Robison:** I think that what you say makes even more sense when you consider the fact that the temporary foreign worker, in the context of the transportation industry, is used simply as a means to get someone here faster for the industry, as Mr. Lampart mentioned earlier. But that person, I'm sure, in almost 98% of the cases has the full intention of coming here to become a permanent resident and will be staying.

So if you consider that fact, we have every reason in the world to make other opportunities available to families. They are going to be permanent residents of this country, and that's why I think we really should extend those ancillary programs, so that they can have their benefit, including getting the open work permits.

● (1130)

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

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

Mr. St-Cyr.

[Translation]

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

Thank you, Mr. Robison. Can you hear the interpreters?

[English]

**Mr. John Robison:** I do, and thank you.

[Translation]

**Mr. Thierry St-Cyr:** Before asking you questions that are more specific to the industry, I would simply like... You briefly mentioned your connection with the Atlantic Provinces Trucking Association. I want to understand that. Are you a member of the board of directors of that association?

[English]

**Mr. John Robison:** Yes, I am a member of the Atlantic Provinces Trucking Association.

[Translation]

**Mr. Thierry St-Cyr:** Right, but are you a member of the board of directors?

[English]

**Mr. John Robison:** I'm not a member of the board.

[Translation]

**Mr. Thierry St-Cyr:** Are you a member as president of SkillSearch Recruiting?

[English]

**Mr. John Robison:** I'm president of SkillSearch Recruiting, a recruiting company that assists the trucking industry, as well as some other industries, to bring in foreign workers.

[Translation]

**Mr. Thierry St-Cyr:** You go outside Canada to recruit workers for businesses here. Do you do consulting work with workers who come to work in those businesses?

[English]

**Mr. John Robison:** Yes, I assist companies with the recruitment aspect of foreign workers coming to Canada.

[Translation]

**Mr. Thierry St-Cyr:** So you go outside Canada, you recruit someone and you bring the person back here. The business needs help recruiting workers, but workers often need help too. They often have to deal with a consultant.

Do you offer those people that kind of service?

[English]

**Mr. John Robison:** No, I'm not a member of the Canadian Society of Immigration Consultants, so I can't do immigration work for these individuals. I process applications and do interviews with references. I do the preliminary work for transportation or trucking companies. I also handle their referrals, when they want to help someone get a labour market opinion, etc., and I assist in that capacity.

[Translation]

**Mr. Thierry St-Cyr:** When you have recruited someone outside Canada and that person needs help with the immigration process, do

you refer the person to one of the three official consultants who belong to CSIC, the Canadian Society of Immigration Consultants?

[English]

**Mr. John Robison:** Yes, I either refer them to members of CSIC or to a legal firm, an immigration lawyer, who will assist them. Some companies will help the employees themselves, but most are not geared to do that part of the task.

[Translation]

**Mr. Thierry St-Cyr:** So your firm has never given advice or helped people in that process for pay. It deals only with the employer.

[English]

**Mr. John Robison:** No, once a foreign worker is here, we don't represent them in their application for permanent resident status. We will act as a liaison to the degree they would like us to do that. We generally know the kind of documentation they're going to require when they come to Canada. As you know, the documentation has to be translated into English or French. But we do not work on the immigration process ourselves. We are a recruitment firm.

[Translation]

**Mr. Thierry St-Cyr:** You just told me that you don't work as a consultant for the permanent resident status application part, but you help the workers in their application for temporary worker status. Is that right?

• (1135)

[English]

**Mr. John Robison:** That's right.

[Translation]

**Mr. Thierry St-Cyr:** That's a narrow and not very clear line. In the Act, or the spirit of the Act, all consultation work has to be done by members of CSIC.

[English]

**Mr. John Robison:** That's right.

Anyone who works in the industry has an immigration consultant. By law, in Canada, the person must be a member of the Canadian Society of Immigration Consultants or a lawyer.

[Translation]

**Mr. Thierry St-Cyr:** One of the things Mr. Doyle talked about was the fact that the trucking industry is known for having low requirements, low skills and low knowledge.

That's a little odd. My brother works in that industry. He had to take a fairly lengthy training course and he has to have fairly complex skills and knowledge. You say that this classification doesn't create any problems in selection. You also say that it means that the employer has to provide funds to pay for a return ticket. Apart from that, you say it doesn't cause any problems.

Do the people who work in the trucking industry have a closed visa, a visa assigned to a particular employer, like other temporary foreign workers?

[English]

**Mr. John Robison:** Most of the work permits that are granted will state that the person shall work for one employer only, and that's the employer that's named on the visa. Nevertheless, work permits can be changed. Some employees actually leave their initial employer and go to work for another employer. There is a process they need to follow to get a new work permit, which means getting a new labour market opinion and then applying for the work permit. So they can indeed change employers, even though the initial work permit will often state that the person can work for that named employer only.

[Translation]

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

[English]

**The Chair:** We'll got to Mr. Carrier.

[Translation]

**Mr. Robert Carrier:** Good morning, Mr. Robison. You will notice that you have two Bloc Québécois members questioning you. We do regret the absence of the Conservative Party members and some of the Liberals. We take our work seriously.

Based on what you do, what proportion of temporary workers are you looking for, as compared to potential immigrants?

[English]

**Mr. John Robison:** Yes.

The only workers I will assist with are those in a foreign country, and it is only those who are coming here as temporary foreign workers. There's a reason for that. In the trucking industry, generally speaking, when employers need someone, they need someone relatively quickly. Applying regularly as a permanent resident would take so long that the position wouldn't be available when the employee gets here. It's just too long a process. The combination of temporary foreign worker, together with the provincial nominee program, in my view, is a wonderful combination and does serve the industry very well.

[Translation]

**Mr. Robert Carrier:** I want to get a clear understanding of the work you do and follow up on what my colleague was asking you earlier. I assume that at some point these people need an immigration consultant, given that you want to recruit people as effectively as possible. You talked about that a little. I have to assume that you refer these people to immigration consultants to finish their cases, despite your own familiarity with it.

Do you refer them to an immigration consultant automatically? If so, to whom do you refer them? Do you refer them only to members of the Canadian Society of Immigration Consultants, or to other consultants? As we know, there are some who aren't members of CSIC, they may work parallel to it.

• (1140)

[English]

**Mr. John Robison:** Yes, I am fully familiar with the process, and I would not be referring a candidate to a person who is not a full member of CSIC. There are legal firms that will help. You also have to hold in mind that the citizenship and immigration system is pretty

user-friendly, with rather clear instructions to individuals who wish to process their own documents.

The persons who would have the most problems, I would think, would be those who would not speak English that well. Someone who is reasonably sharp can catch the process from the website of Citizenship and Immigration Canada quite easily.

[Translation]

**Mr. Robert Carrier:** You refer to speaking English. Given that I am a francophone from Canada and that New Brunswick is an officially bilingual province, I'm wondering whether you also recruited or tried to recruit candidates who can speak French. Do you give them training in French, to help the present government improve the status of French in New Brunswick?

[English]

**Mr. John Robison:** We are by all means. I appreciate your point, but there is a fact you need to be aware of in this particular industry: virtually all the trucks of the trucking companies in Atlantic Canada also go into the United States. In other words, they must get across the American border, and the truck driver must be able to communicate with the customs officials, immigration officials, police officials, and weigh scale operators. Some of the people on the border in the United States are not too tolerant of those who can't speak English fairly well, so that's the reason.

An individual has every right to apply for immigration in French or English. That's not a problem in itself. The problem is really created though the cross-border nature of the trucking industry, since the Americans are the ones who require the English-speaking competence.

[Translation]

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

[English]

**The Chair:** Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** I thought of a few questions in the meantime. The exercise we are conducting across Canada is helping us to understand what goes on. We are talking a lot about temporary foreign workers, and we are starting to get a good picture of the situation. Where it becomes more difficult is in the grey areas. We have less information about undocumented workers because they are reluctant to come here to testify. The same is true for the people referred to as ghost consultants. People are reluctant to come and testify because they are often in delicate situations. For those two categories of people, the advantage of a parliamentary committee is that they are protected by parliamentary privilege, which means that they cannot be held liable for what they say before a committee, provided that they tell the truth, obviously.

You do recruiting outside Canada. I know that in some provinces, in Alberta, if I recall correctly, there is a specific prohibition against recruiting agencies charging fees to the people recruited. The employer alone pays the recruiting fees. Does New Brunswick have that kind of prohibition? What is the practice in your business? Does it charge the employer and the person recruited, only the employer or only the person recruited? That will give me a better idea of the situation.

•(1145)

[English]

**Mr. John Robison:** It is charged to both in the following manner. Local employers in the trucking industry have been very resistant to pay total costs, in this part of the country, for recruiting. I'm aware that in some of the western provinces that is indeed a requirement.

What local companies seem to be prepared to do in this part of the country is to help rather significantly in settlement within the community. Some companies will do this themselves, but most are not equipped to do it. There seems to be no hesitation to pay for assistance to help with the settlement functions.

[Translation]

**Mr. Thierry St-Cyr:** I want to be sure I have understood correctly. You say that foreign temporary workers pay fees to your recruiting agency, which helps them with the process.

[English]

**Mr. John Robison:** Yes, that's correct.

[Translation]

**Mr. Thierry St-Cyr:** There is a fine line between recruiting and consulting. Even outside Canada, you have to be a member of CSIC to do immigration consulting. How do you go about drawing that line and making it clear that the charges are only for recruiting and not in any way for consulting?

As soon as we talk about helping an immigrant with the settlement process, we are getting very close to the work a consultant does.

[English]

**Mr. John Robison:** First of all, you could say that a recruitment person is also a recruitment consultant. Yes, that's a fact. The distinction should be between a recruitment consultant and an immigration consultant. Only a CSIC member or a recognized member of the bar can represent someone for immigration purposes.

[Translation]

**Mr. Thierry St-Cyr:** Is that distinction in the Act? We are in the process of studying the Act, and we see that it is often not very clear.

Personally, I don't remember, but you may be more familiar with it: is there a distinction between recruiting consultant and immigration consultant, with good clear definitions?

[English]

**Mr. John Robison:** Yes, I would think so. If you refer to the processes followed by Citizenship and Immigration Canada and also Service Canada, you'll find that Service Canada has made very clear provisions for recruitment specialists to become involved in the work permit and labour market application processes. Where representation is required for immigration purposes is where the distinction comes.

By the way, I understand fully the reasons for that. We'll all have our opinions on how successful it's been, which is really another chapter. But there is a very real need in the industry, at least in this part of the country, for individuals to help trucking companies in

their recruitment efforts, and that's where I fit in—not only for transportation companies, but for others as well.

[Translation]

**Mr. Thierry St-Cyr:** You talked about consultants for immigration purposes, and it is that part that is regulated, in your view.

To your mind, is helping a worker get a temporary work visa part of the immigration aspect or not?

•(1150)

[English]

**Mr. John Robison:** No.

I'm working with a transportation or trucking company in helping with the tasks of getting an individual here as a temporary foreign worker, which means collecting documentation; doing some human resource work; checking references, etc.; applying for a labour market opinion, if so requested by the employer; and just making sure the documentation is very clear and complete when they come here.

[Translation]

**Mr. Thierry St-Cyr:** I understood that. You have talked about the question and you have explained your work well, but I am trying to get a better understanding of the general situation.

You talked about the restriction. In your view, immigration consultants provide representation for immigration purposes. To your mind, do you include helping a temporary worker who wants to settle here, and the work done to help him or her go through all the steps, in the immigration aspect? In your view, is that work part of the immigration process, which is supposed to be done solely by consultants who belong to CSIC? To your mind, because those steps precede permanent residence, are they excluded from that process? In that case, anybody at all could get involved in helping visa applicants.

[English]

**Mr. John Robison:** The question is probably better asked of an immigration consultant than of me. But I will do whatever I can to help that individual settle properly in the new job, the community, and in their role. I believe that close to everyone in the transportation industry who comes here is seeking to become a permanent resident. If they ask how to access the Citizenship and Immigration Canada website, I'll very definitely show them. I'll give them copies of the process. I cannot legally represent them in the process, and I choose not to.

[Translation]

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

[English]

**The Chair:** Thank you.

Thank you, Mr. Robison, for being here today. Please be assured that your submission will be taken into consideration when we do our recommendations to the government.

The meeting is adjourned. Thank you.









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