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# **Standing Committee on Citizenship and Immigration**

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**EVIDENCE**

**Monday, April 28, 2008**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Monday, April 28, 2008

• (1530)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** Order. It is 3:30 and we do have quorum, reduced quorum.

I want to welcome our witnesses today: from the Department of Citizenship and Immigration, Les Linklater, director general, immigration branch, and Brenna MacNeil, director of social policy and programs, immigration branch; from the Immigration and Refugee Board of Canada, Geoff Zerr, director of policy and procedures, and François Guilbault, senior general counsel; from the Canada Border Services Agency, Steve Sloan....

I don't think Mr. Sloan is here. Oh yes, so he is.

Excuse me, please.

**Mr. Wajid Khan (Mississauga—Streetsville, CPC):** I'm sorry, but I know we have the motion here, and I think it would take us 30 seconds to get it done. Then we can continue with the witnesses. It won't be a long debate, because it's similar to the Bloc motion, sir.

**The Chair:** What motion are you referring to, Mr. Khan?

**Mr. Wajid Khan:** I'm taking about the motion that we should refer.... If you'd like to read the letter from the finance committee to refer—

**The Chair:** Yes, we do have that on the agenda to be read. That particular letter is the first item under committee business, page 2. I can't deal with it now. I'll have to deal with it when it comes due.

**Mr. Wajid Khan:** Okay.

**The Chair:** I want to welcome, again, from the Canada Border Services Agency, Steve Sloan, director of the criminal investigation division, enforcement branch; from the Royal Canadian Mounted Police, Chief Superintendent Mike Cabana, director general of border integrity, federal and international operations; and from the Canada Revenue Agency, Denis Meunier, director general of enforcement and disclosures, compliance programs branch.

I do believe—correct me if I'm wrong, in due course—these could be the final witnesses we will hear before consideration of our draft report on immigration consultants. The draft report is for consideration today. It's number three on the agenda, after we hear from our witnesses.

Welcome again to our witnesses. Proceed in any way you want to. I guess you have opening statements.

I will go first of all to whom? Mr. Linklater, please proceed.

**Mr. Les Linklater (Director General, Immigration Branch, Department of Citizenship and Immigration):** Thank you, Mr. Chair.

My name is Les Linklater, and I am director general of the immigration branch at Citizenship and Immigration Canada.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** I have a point of order, Mr. Chair.

**The Chair:** Mr. Karygiannis.

**Hon. Jim Karygiannis:** Can we get copies of the speaking notes of Mr. Linklater?

**The Chair:** Yes, I think they're being circulated.

Go ahead, Mr. Linklater.

**Mr. Les Linklater:** Thank you.

I'm accompanied by Brenna MacNeil, director of social policy and programs for the immigration branch at CIC, as well as by colleagues from the CBSA, the CRA, the IRB, and the RCMP.

[Translation]

We would like to thank the committee for inviting us to speak to you today on the issue of immigration representatives.

I will have some brief opening remarks after which we will be pleased to answer your questions.

[English]

First I will outline the issue and the challenge.

For some prospective immigrants, the immigration process may seem complex and challenging. It is understandable that this creates a demand for people to act as intermediaries for potential immigrants, foreign students, and temporary foreign workers. Some of these people provide a legitimate service. However, as committee members have heard in recent weeks during hearings across Canada, misconduct by some intermediaries, both inside and outside of Canada, continues to harm individuals who want to come to Canada.

As you know, misconduct by individual consultants has been a long-standing problem, which the government addressed through regulatory amendments implemented in 2004. The amended regulations restrict the provision of immigration advice for a fee to specific groups of qualified professionals who are members of the Canadian Bar Association, Chambre des notaires du Québec, or Canadian Society of Immigration Consultants.

Despite this initiative, concerns remain. This is an extremely complex issue. Many intermediaries work in other countries, with the result that they are generally beyond the reach of Canadian authorities. Others may be ghost consultants—that is, they provide services for a fee but their names and interventions are not disclosed by applicants. Or they may be in Canada, possibly as members of one of the professional bodies I've just mentioned. There are also recruiters, who are often hired by employers to find workers to fill skill shortages under the growing temporary foreign worker program, and education agents, who are hired by Canadian education institutions to promote those institutions abroad to attract foreign students.

This does not mean that the government questions the reputation of all such intermediaries. On the contrary, there are many ethical and qualified people who provide a valuable service to potential immigrants, foreign students, and temporary foreign workers. We all recognize that there are, however, unscrupulous individuals in Canada and overseas who take advantage of prospective newcomers, and therefore further intervention is required.

What are the actions that are needed?

• (1535)

[Translation]

We feel that a key way to fight this kind of activity is through education. Canada must work to ensure that all potential immigrants understand that they are not required to use the services of an immigration representative to come to Canada. Potential immigrants should also understand how to minimize risks when hiring representatives. And they need to understand the consequences if they provide false or misleading information or documents with their application.

[English]

Such education is particularly important given the complexities of the immigration environment. If prospective immigrants don't report the activities of ghost consultants to federal bodies such as CIC, CBSA, or the RCMP, options to enforce our laws are limited. And if applicants who use ghost consultants benefit from doing so, they are unlikely to tell us about it.

More generally, the activities of many unscrupulous agents overseas may not, in fact, contravene local laws in other countries. So even if these activities are not acceptable in Canada, enforcement in activities may be limited should local authorities not be willing to cooperate with investigations or prosecutions.

When CIC does receive complaints from applicants or other parties, we take them very seriously. Those who provide false or misleading information or who encourage the use of fraudulent documents contravene not only the Immigration and Refugee Protection Act, but in some cases also the Criminal Code. Under IRPA, for example, it is an offence to counsel misrepresentation. It is also an offence to knowingly communicate false or misleading information in order to induce immigration to Canada. A conviction for either of these offences may result in a fine of \$100,000, five years' imprisonment, or both.

To investigate complaints about representatives, CIC works with CBSA, which was given responsibility for criminal offences under

IRPA in 2006. However, while we are seeing increasingly positive outcomes in prosecutions, there are limits to what can be accomplished if misconduct is not brought to our attention.

[Translation]

That is why we need to make sure that potential applicants know how and where to obtain accurate and reliable information about our immigration processes. And it is why Citizenship and Immigration Canada is undertaking several initiatives to better inform prospective applicants about hiring intermediaries both in Canada and abroad.

[English]

We are updating the CIC website with stronger and more direct messaging regarding the use of immigration representatives, immigration processes, and the consequences of misrepresentation and fraud. We are translating this information into multiple languages and will be using it as the basis for information posters to be placed in Canadian missions around the world and with local organizations in Canada.

Finally, to counter extreme situations of fraud, the minister may issue a public statement and have it posted on the CIC website. An example of this was our special information campaign in 2007 targeted at the misinformation provided to Mexicans and Haitians in Florida. These people had been told that a special Canadian program would allow them to immigrate to Canada, and this led to a significant increase of Mexican and Haitian refugee claims at the Canadian border. CIC posted multilingual warnings on our website, advising that there were no special programs to fast-track applications or to guarantee refugee status. This information was provided to U.S., Haitian, and Mexican officials. The Government of Canada published notices in local newspapers and radio stations, and Canada's consulate general in Miami was involved in correcting misinformation at the local level.

[Translation]

Mr. Chairman, I also would like to note that the Government of Canada is not alone in working to address concerns about immigration representatives. Provincial and territorial governments also have a responsibility to ensure intermediaries comply with provincial and territorial regulations and some of these governments are looking at ways to regulate recruiters who charge fees to find employment for immigrant workers.

• (1540)

[English]

Manitoba, for example, recently proposed a new Worker Recruitment and Protection Act to substantially strengthen the protection of foreign workers from unscrupulous recruiters. The laws of British Columbia, Alberta, Saskatchewan, and Manitoba already prohibit agents and recruiters from charging workers any fee for their services. And the Alberta government has recently set up two special advisory offices to provide one-stop access to information and services for temporary foreign workers.

Mr. Chair, before closing, I will provide the committee with some information about the Canadian Society of Immigration Consultants, CSIC. Prior to the creation of CSIC, no requirements or standards were in place for consultants who were assisting clients in immigration matters and charging a fee. Vulnerable clients were not assured of receiving the proper services from qualified professionals. Therefore, in 2003, CSIC was incorporated to ensure that individuals wishing to hire an immigration consultant would have access to advice and services from qualified and ethical consultants.

CSIC is an independent, self-regulating body that operates at arm's length from CIC. Our relationship with CSIC is comparable to our relationship with the law societies and the *Chambre des notaires du Québec*. CSIC also has its own complaints and discipline process, as do the law societies and the *Chambre des notaires du Québec*.

Mr. Chair, we will continue to support CBSA in their investigations and to work with the provinces to find ways to tackle this issue. We are also focusing on educating our clients in Canada and through our missions abroad. We are embarking on a new campaign to provide accurate information in multiple languages to individuals who may be considering hiring an immigration representative. We feel that this is the most effective way to help individuals both inside and outside Canada make informed choices about how they will approach coming to this country.

Thank you, Mr. Chair.

I would now like to ask my colleagues from partner agencies to provide their perspectives on this issue.

**The Chair:** Okay, go right ahead. Thank you.

We'll go to Mr. Guilbault.

[Translation]

**Mr. François Guilbault (Senior General Counsel, Immigration and Refugee Board of Canada):** Thank you, Mr. Chairman.

My name is François Guilbault and I am Senior General Counsel for the IRB. I have a short presentation on the IRB's past policy and on its current policy for dealing with authorized and unauthorized representatives.

The regulations as adopted prescribe two types of representatives who may appear before the IRB: authorized representatives who may or may not charge a fee for their services, and unpaid representatives, or pro bono counsel, as we refer to them, who do not charge a fee.

Since the coming into force of the regulations, the Board has taken a number of steps. It has adjusted its forms, letters and other public information to refer to the regulations and related requirements for counsel identification. Pursuant to the IRB regulations, an applicant is required to identify the authorized counsel who will be representing him. As soon as this information is provided, the Board verifies that the person who is supposed to be acting in the interest of the applicant is in fact an authorized representative, that is either a member of the bar of a province, a notary with the *Chambre des notaires du Québec* or a consultant with the Canadian Society of Immigration Consultants. In the absence of confirmation, the Board informs the applicant that he cannot have an unauthorized representative as counsel.

The IRB has since introduced the Policy for Handling IRB Complaints Regarding Unauthorized Paid Representatives that clearly explains to applicants, our partners, how IRB regulations are applied. This policy is enforced when an unauthorized representative wishes to act as counsel for an applicant in an IRB proceeding. In practise this means that when a person who is the subject of an IRB proceeding is represented by counsel who is not charging a fee, the Board investigates this authorized representative to ensure that he is in fact working pro bono, and is not being paid.

In short, if we discover that this individual is being paid for his services, in violation of the regulations, we simply order him not to appear at the IRB proceedings. The refugee claimant and the applicant will then be asked to choose alternative counsel. This can happen at any time, either before or after the proceedings. However, I can assure you that all IRB personnel, whether decision-makers, clerks or support staff, are very knowledgeable about who is authorized to act as counsel under the regulations. We act accordingly to prevent cases where people claiming refugee status or applying to immigrate are represented by unauthorized counsel.

I will stop there to allow you more time to put questions to us or to our partners. I have given you an overview of the workings of the IRB's regulations and policy aimed at preventing unauthorized representatives from acting as counsel for applicants in IRB proceedings.

Thank you for your attention. I would be happy to answer any questions you may have at this time.

• (1545)

[English]

**The Chair:** Thank you.

From the Canada Border Service Agency, Mr. Sloan.

**Mr. Steve Sloan (Director, Criminal Investigations Division, Enforcement Branch, Canada Border Services Agency):** Good afternoon. My name is Steve Sloan and I am the director of the criminal investigations division at the Canada Border Services Agency. I want to thank the committee for the opportunity to appear before you today to discuss our role in relation to the issue of immigration consultants.

CBSA is responsible for investigating criminal offences committed against Canada's border legislation, including, as of 2006, criminal offences under the Immigration and Refugee Protection Act. Prior to that time, responsibility for criminal investigations under IRPA rested with the RCMP. The RCMP has, however, maintained responsibility for immigration matters dealing with organized crime, such as human trafficking and national security.

As already noted, the issue of enforcement actions against the misconduct of consultants is a complex one that crosses several jurisdictional lines. Aside from the regulatory role played by CSIC, there are criminal sanctions available under IRPA and the Criminal Code, depending on the nature of the offence, which can involve a wide variety of scenarios, as you know. IRPA provides for criminal sanctions in relation to various offences, including counselling misrepresentation under section 126, misrepresentation under section 127, counselling to commit an offence under section 131, and general contravention provisions under section 124.

Actions taken by consultants, whether authorized or unauthorized representatives, either with or without the knowledge and/or assistance of the applicant, in an attempt to circumvent legislated requirements for entering Canada can result in criminal charges being brought against them by CBSA under IRPA.

Criminal matters involving unscrupulous persons who purport to be consultants and who defraud their clients rather than the government would generally fall under the provisions of the Criminal Code of Canada, rather than IRPA, and are the responsibility of the police of jurisdiction, which can be the RCMP or provincial or municipal law enforcement.

Criminal investigations regarding consultants are challenging for a number of reasons:

Consultants may operate outside of Canada's jurisdiction.

Clients may be reluctant to come forward to assist authorities in the investigation for fear of removal or charges by the government, fear of threats from the consultant, language difficulties, etc.

The action of the unscrupulous consultant may be outright fraud perpetrated against their client and therefore not a violation of IRPA legislation.

Promises to clients by consultants regarding the acquiring of status or entry into Canada are usually made verbally, thus eliminating any documentary evidence to assist CBSA or the police with a successful conviction of the consultant.

Payment for fees are often done in cash transactions, making the tracking of the money extremely difficult.

Finally, there is a distinction between what we might categorize as bad advice versus misrepresentation by the consultant, or quality of service versus illegal conduct. However, the agency recognizes the seriousness of this issue and the importance of maintaining the integrity of the immigration system. It is working with its partners to address the problem as best it can.

The agency can point to some very positive results in relation to IRPA enforcement. Since assuming the responsibility for criminal offences under IRPA in June 2006, CBSA has laid over 550 criminal

charges under the various IRPA offences, including some 47 charges related to counselling misrepresentation and other counselling offences. Our conviction rate has been over 90%. We hope to continue to build on these efforts and results.

I will be pleased to answer any questions you may have.

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

We'll go to the RCMP, Mr. Mike Cabana, chief superintendent, director general, border integrity, federal and international operations—a long title.

•(1550)

**Chief Superintendent Mike Cabana (Chief Superintendent, Director General, Border Integrity, Federal and International Operations, Royal Canadian Mounted Police):** A long title.

[Translation]

I will be pleased to answer any questions you may have on the role the RCMP plays with respect to individuals who act as immigration consultants and in the investigation of individuals operating outside of the regulatory body, the Canadian Society of Immigration Consultants.

[English]

The first matter I wish to address is the question of appropriate provisions in the Immigration and Refugee Protection Act to allow law enforcement agencies sufficient tools to use enforcement as a mechanism to ensure accountability among those acting as immigration consultants.

The May 2003 report of the Advisory Committee on Regulating Immigration Consultants made several recommendations, many of which have been implemented. The RCMP appeared before the committee and fully supported the need for the development of a regulatory body for immigration consultants.

The Canadian Society of Immigration Consultants was incorporated in October 2003 and now provides specific guidelines on the background, experience, and credentials required of those authorized to operate as immigration consultants in Canada. The authorization requirements, including the security screening aspect in which the RCMP plays a part, add rigour to the regulatory process and provides a level of professional standards.

Unfortunately, there are still individuals acting as immigration consultants without authorization from the society. Recommendation 31 of the advisory committee's report called for penalty provisions to be included in the Immigration and Refugee Protection Act to criminalize unauthorized and improper practices among those in immigration consultancy roles.

Although at first glance this may appear to provide a simple and immediate solution for enforcement, I wish to echo the words of Mr. Linklater in acknowledging that this issue is very complex. Additionally, I see difficulties in being able to operationalize the targeting of non-authorized immigration consultants, both from a resource perspective and from the perspective of it being in itself a priority activity for the RCMP.

As the committee has heard, many potential clients of immigration consultants are in a particularly vulnerable position. They may not understand the systems or processes that are in place for their protection.

I've had the opportunity to review some of the testimony provided to this committee and comments suggesting that law enforcement does not consider the criminal activity of immigration consultants as a priority. That is not the case.

[Translation]

Currently, there are several ongoing investigations involving immigration consultants and their efforts to subvert the legitimate immigration process. Of course, I cannot discuss the specifics of particular cases. However, I do want to emphasize to the committee members that the RCMP takes these issues seriously and takes appropriate investigative action when complaints of this nature are received.

[English]

Generally in these types of cases, where the RCMP becomes involved as an investigating agency, there's a criminal network involved. Organized crime is a strategic priority of the RCMP. These investigations are therefore viewed as a priority by the RCMP due to the organized nature of the crime and the effects on the victims. Such crimes also undermine the integrity of the immigration system itself.

For these reasons, I wish to assure this committee that criminal complaints involving immigration consultants have been and will continue to be vigorously investigated in the context of organized crime or national security investigations undertaken by the RCMP and that appropriate action will be taken with the evidence gathered.

I thank the committee for allowing me to appear before you today and for your efforts to enhance and improve the integrity of the immigration process.

**The Chair:** Thank you, Chief Superintendent.

Next is the Canada Revenue Agency, Mr. Denis Meunier, director general, enforcement.

[Translation]

**Mr. Denis Meunier (Director General, Enforcement and Disclosures Directorate, Compliance Programs Branch, Canada Revenue Agency):** Mr. Chairman, I would like to thank you for this opportunity to appear before the committee today.

My name is Denis Meunier. I am the Director General of the Enforcement and Disclosures Directorate in the Compliance Programs Branch of the Canada Revenue Agency.

The Canada Revenue Agency's mission is to administer tax, benefits, and related programs and to ensure compliance with tax laws on behalf of governments across Canada. The CRA is the primary tax collector for the Government of Canada, and its predominate responsibility is to protect Canada's revenue base.

The Canadian tax system is based on voluntary compliance and self-assessment.

•(1555)

[English]

We believe people are more likely to participate in Canada's tax system and to pay the taxes they owe if we provide the services necessary to help them do so. So we use a variety of programs to ensure compliance, including providing service, education, and outreach, as well as a number of verification review audit and enforcement activities.

The CRA also relies on risk assessment systems to focus its compliance activities. This includes research to identify current and emerging risks to the tax base. Risks are prioritized based on their potential effect on the revenue base and on compliance in general.

I would add that taxpayer confidentiality is a cornerstone of Canada's tax system and a responsibility that CRA takes very seriously. Taxpayer confidentiality applies to everything we do, including conducting audits and investigations. In other words, taxpayers can have every confidence in the fact that any information they or others provide to the CRA will remain confidential.

Mr. Chairman, I understand CRA has been asked to appear in case there are questions we may be able to address regarding our activities. I would be pleased to answer any questions you may have.

**The Chair:** Thank you for all the information.

We will now go to committee members. First on the list is Mr. Telegdi.

You have seven minutes, sir.

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

Superintendent Cabana, how many charges have been laid by your department?

**C/Supt Mike Cabana:** The RCMP doesn't keep statistics specific to immigration consultants. You have to understand the mandate we have in terms of investigating criminal organizations. The investigations we undertake are usually based in relation to other criminal activities, and during the course of these investigations the role of immigration consultants surfaces. I can advise the committee today that in preparation for my appearance, we did research to try to identify some cases. There are approximately 60 different cases over the course of the past three years where the RCMP has investigated immigration consultants in the context of organized crime.

**Hon. Andrew Telegdi:** Okay.

I wonder if anybody at the table can give some numbers. Mr. Sloan?

**Mr. Steve Sloan:** We have the same system restraint as the RCMP has. We track our cases by the section individuals are charged under as opposed to the nature of the individual, according to some numbers in relation to charges under various sections of IRB that relate to counselling misrepresentation, but how many of those involve registered or unregistered consultants I cannot say.

**Hon. Andrew Telegdi:** Mr. Linklater.

**Mr. Les Linklater:** CIC does not have responsibility for prosecutions, and so we rely on our collaboration with CBSA and RCMP.

**Hon. Andrew Telegdi:** Mr. Guilbault.

**Mr. François Guilbault:** We look at people who are current claimants and appellants in front of us at the board and we look at whether they're authorized representatives or not. That's the limit of our mandate.

**Hon. Andrew Telegdi:** Could you kindly provide the committee with some information on this? It seems ridiculous for us to be writing a report and making recommendations when we don't have an idea of the scope of the problem.

Superintendent Cabana, do you know how many cases of malfeasance we have that come from within the department? Do we keep a record of that?

**C/Supt Mike Cabana:** No, sir, I don't.

**Hon. Andrew Telegdi:** Mr. Linklater, do we keep a record of it?

**Mr. Les Linklater:** I'm not aware of any such records, but I'll check with our human resources department.

• (1600)

**Hon. Andrew Telegdi:** I've heard of investigations overseas of employees selling visas. I've heard of cases in Toronto where visas were being sold, not just visas but even blank passports, and I would like to get a feeling for that.

Mr. Linklater, you told us the immigration situation is complex and it leads to problems and many victims. I'm sure you have looked at Bill C-50.

**Mr. Les Linklater:** Yes.

**Hon. Andrew Telegdi:** It seems to me that Bill C-50 is going to make it even more complex, because now instead of dealing with the regulations, we'll be dealing with ministerial instructions.

Have you looked at how you're going to be able to manage a system that's more complicated than the present system, not as transparent, not as open?

**Mr. Les Linklater:** I believe the minister and officials will be appearing before the committee in early May to discuss main estimates and Bill C-50. Today I'm prepared to speak about the role of immigration consultants.

**Hon. Andrew Telegdi:** On the immigration consultant side, maybe you can take a leadership role and get us some numbers. It's very unsatisfactory for you people to show up here and not give us any concrete numbers. I find it amazing, quite frankly, that you would not be prepared with some numbers for us.

Could you do that, Mr. Linklater?

**Mr. Les Linklater:** Based on the systems and information we have available with partners, we'll be able to provide the committee with what information we have.

**Hon. Andrew Telegdi:** Could we get a timeline on that?

**Mr. Les Linklater:** We will endeavour to do this within the next two to three weeks.

**Hon. Andrew Telegdi:** All right.

Mr. Linklater, could you also provide us with some information on malfeasance within the department itself?

**Mr. Les Linklater:** Yes, Mr. Chair, we'd be prepared to do that.

**Hon. Andrew Telegdi:** That is much appreciated.

Now, Superintendent Cabana, it would seem to me that when you're dealing with immigration matters the RCMP should have some idea on the statistics. You have to be able to break them out somehow. You told us you had 60 cases involving organized crime. Can you tell us the nature of those cases, without being specific?

**C/Supt Mike Cabana:** Without being specific, I would advise that they range from issues of corruption to fraud, as well as offences of counselling misrepresentation under IRPA.

Again, sir, you have to realize that the mandate in relation to the enforcement of the Immigration and Refugee Protection Act does not fall within our department. Working in partnership with CBSA and CIC, our focus is on those cases where there's either a national security component or reasonable grounds to believe that organized crime is involved.

**Hon. Andrew Telegdi:** With respect to cases involving people smuggling, especially now with the procurement of temporary foreign workers and brokers overseas who charge excessive fees to people to eventually get here—information provided and what have you—it would seem to me that you would have a direct connection with the department in that area.

**C/Supt Mike Cabana:** We do have a connection with the various departments that have a role in the enforcement of IRPA. Again, if you focus on investigations abroad, it brings a whole range of different issues. We don't have enforcement jurisdiction abroad. We have to work with the authorities from those jurisdictions and provide them with whatever assistance is required.

**The Chair:** We have to go to our next questioner.

Mr. Carrier.

• (1605)

[Translation]

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

This topic raises many questions. I have several to choose from. My first question will be for Mr. Cabana.

You are from the RCMP and you investigate complaints that you receive. Are your investigations limited to complaints of misinformation or poor services received from certain immigration consultants? Do individuals complain of having had dealings with a consultant who was not a member of the Canadian Society of Immigration Consultants, or CSIC?

**C/Supt Mike Cabana:** No, sir. As I explained, the majority of complaints investigated by the RCMP have to do with corruption or allegations of corruption in connection with the process. When an investigation into allegations of corruption is conducted, the fact that a consultant was involved in the transactions comes to light.

The RCMP receives very few complaints against the consultants themselves.



**Mr. Robert Carrier:** The complaints could just as easily be against a member in good standing of the Canadian Society of Immigration Consultants as they could be against a consultant who is not a member of CSIC.

Is that in fact correct?

**C/Supt Mike Cabana:** Yes.

**Mr. Robert Carrier:** My next question is for Mr. Linklater. The government established the Canadian Society of Immigration Consultants to standardize services which were somewhat scattered. After travelling to several locations over a three-week period, the committee has come to the realization that there are many more immigration consultants operating outside the system. I am surprised that you are still a supporter of a system that, as far as I can see, is not working.

In your conclusion, you state that you will continue to work with the provinces to find ways of tackling this issue. What options do you have? Personally, I believe very strongly in the work being done by immigration consultants. We also need to make sure that these individuals are qualified. Without question, we need to find a solution. We have studied this matter and now, we need to make some recommendations.

When you say we need to continue working with the provinces, is that because you believe that they can help you improve the system? Do you think, as do the lawyers experienced in dealing with immigration matters arising from this part of the act, that this responsibility should be relegated to the provinces which are responsible for monitoring all professions?

There are about thirty different professions in Quebec. Not all of them are of equal importance, but each one is monitored by the Office des professions du Québec. Is that one possible solution that could flow from your talks with the provinces?

**Mr. Les Linklater:** Thank you for your questions.

Mr. Chairman, I would like to respond to the first question concerning representatives that are not members of the CSIC or of another organization.

[English]

It's very difficult, as I said in my opening remarks, for CIC to be able to monitor with our partners the activities of so-called ghost consultants who may be providing a service for a fee. For example, if these individuals are providing a benefit that allows the individual in question to receive an immigration visa or a work permit or a study permit and we aren't told that these services were used, it's very unlikely that anyone who receives a benefit is going to complain for having used those services.

Where a lot of this activity takes place overseas—I've mentioned it and my colleagues from the RCMP have also mentioned it—it's very difficult for Canadian authorities to cooperate and collaborate to seek assistance from local authorities for prosecutions or even for investigations, given that for the most part these types of activities are not illegal in other countries where they take place.

[Translation]

As for your second question, I would say that it is up to the provinces to regulate professions.

• (1610)

[English]

CIC, through the regulations, with our partners, has indicated that we are authorized with these regulations only to deal with representatives who are members of the three associations who appear before the department or in any proceedings before the minister. So that covers CIC and the IRB as well as CBSA.

Again provinces have a role. Provinces in the last couple of years have been taking a more active interest in becoming engaged. Manitoba, as I mentioned in my opening remarks, has recently tabled legislation to take a more active role in licensing recruiters. Those who do not have a Manitoba licence would not be authorized to bring workers to Manitoba. Most other provinces require that recruiters, if they are providing an immigration service—preparing documentation and that sort of thing for applications—also be members of CSIC or the provincial bar or the Chambre des notaires.

In terms of collaboration, more can be done. Certainly as we look at this issue in more depth we will want to engage the provinces to ensure that they have the willingness to work with us. Ultimately it will require each province to signal an interest in moving forward with us to deal with this problem.

**The Chair:** You have 30 seconds, Mr. Carrier.

[Translation]

**Mr. Robert Carrier:** Be that as it may, you believe the current system works, despite the improvements that could be made. The fact remains that the Canadian Society of Immigration Consultants does not report to anyone at this time. Several problems related to governance were brought to our attention during our round of consultations.

In my opinion, the department has not made an effort to promote better implementation of the act's provisions from a governance standpoint. That is what is missing, to my mind.

[English]

**The Chair:** A brief response, please.

**Mr. Les Linklater:** CSIC is an independent, arm's-length body. It operates independently of CIC, as do the law societies and la Chambre des notaires. CIC has no role in the governance of CSIC; it is guided by the Corporations Act as a registered non-profit corporation.

**The Chair:** Thank you.

Welcome back to our committee, Mr. Siksay.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair. It's good to be back. It's good to be here for hearings on an issue that I originally raised with the committee back when I was still a member. It's great to see that this work is continuing, and I appreciate the time the committee members are putting in on this.

With regard to the presentations today, Mr. Linklater, one of the things you stressed in your presentation was the need for better information and better education. You said that changes were going to be made to websites and information and distribution and that kind of thing. When will that be operational?

**Mr. Les Linklater:** As we work forward through this, we have already posted on the CIC website updated information on the use of consultants and how clients should be guided in that selection. We are also looking at developing a series of posters and advertisements to be put on our mission websites, working with Foreign Affairs and our offices overseas. We've just initiated the work to translate this information into ten other languages beyond English and French, and we would hope to have this available in the next couple of months for distribution overseas.

**Mr. Bill Siksay:** It will be on the websites of the missions overseas in the next couple of months.

**Mr. Les Linklater:** Yes.

**Mr. Bill Siksay:** Monsieur Guilbault, you mentioned on page 3 of your presentation that the IRB "believes immigration consultants can contribute to providing quality representation", but you mention that "the Board has had some ongoing concerns with the conduct of some immigration consultants".

Can you expand on what those concerns specifically were, or do they relate to the measures that you have already put in place?

[Translation]

**Mr. François Guilbault:** Thank you, Mr. Chairman.

[English]

They relate to the competence of the authorized representatives. I would like to put forward the idea that it's not enough to be an authorized representative. You can be an authorized representative and not necessarily be competent. The board still has to make sure that the claimant or appellant is represented by a competent authorized representative. So it goes not only to whether the person who represents a claimant or an appellant is an authorized representative, but because it can go to natural justice and can be grounds to seek a reopening, we look beyond whether a person is merely an authorized representative, a member of the bar, a member of CSIC, or is acting genuinely pro bono. We also have to look at the conduct of competent representatives when they appear before us.

• (1615)

**Mr. Bill Siksay:** Would you keep separate records on representatives that you have had problems with and have identified as being incompetent in the past?

**Mr. François Guilbault:** We don't keep separate records, but if an issue is raised, if a member says he has a concern about something or if a counsel's conduct is unacceptable—it could be a member of CSIC or a member of the bar—we would put forward a complaint to the relevant authority, be it CSIC or the bar, and let them deal with their members, because they are the competent authorities to regulate the person appearing for them.

**Mr. Bill Siksay:** Monsieur Meunier, you mentioned that the CRA has risk assessment systems in place, which is interesting to me. Does that include assessment of people who act as tax preparers and

who do tax preparation for individual Canadians? Is that part of the risk assessment you're talking about?

**Mr. Denis Meunier:** Yes, it is. As you speak of tax preparers, yes, that is a category we examine.

**Mr. Bill Siksay:** Can you tell me what that looks like in terms of how you would do that assessment and that risk assessment of those folks?

**Mr. Denis Meunier:** Well, typically when issues arise and we have concerns with respect to non-compliance with tax statutes by a particular group—and in this case we've had, over the years, some focus on unscrupulous tax preparers because they've emerged, if you wish, as a concern, and there have been more cases where we were involved in criminal investigations into this particular group—then obviously we start paying a lot more attention and try to identify more instances through our systems whereby we might enhance our checks right at the assessing function, when returns are prepared and sent to our tax centres. We have initiated some additional checks just to make sure the unscrupulous ones aren't coming through and that the tax returns of their clients are in compliance. So we would enhance the number of checks and identify those. And of course, if there are instances where we identify, for instance, false receipts in those returns, then they're referred for assessment for potential criminal investigation.

It does happen at the front end, where we identify them, and then we start focusing on them and collecting some intelligence as to where across the country this is happening.

**Mr. Bill Siksay:** Mr. Linklater, and maybe Mr. Sloan, is there any similar process within CIC or CBSA that would follow up on problems that are identified at your end, for instance, with people who've done an improper application process?

**Mr. Les Linklater:** When instances of irregularities, if I can put it that way, come to our attention, we will refer them to CBSA for investigation or to the RCMP, depending on the nature of the infraction, whether it would be IRPA or Criminal Code.

**Mr. Bill Siksay:** Has CIC ever done an assessment of the costs of bad advice in the system?

**Mr. Les Linklater:** No, we have not.

**Mr. Bill Siksay:** Does that seem totally ridiculous, or is it something that's measurable or would be helpful in understanding the extent of the problem here?

**Mr. Les Linklater:** As I said earlier, in terms of understanding the scope of activity both in Canada and overseas, particularly by ghost consultants, where no federal or provincial authority is aware of the activities, it would be very difficult to quantify or to measure that type of activity.

**Mr. Bill Siksay:** Quickly, Chief Superintendent Cabana, in your report you mentioned recommendation 31, about improving the penalty provisions in IRPA. It's something that didn't happen at the time when this was all set up. You said that operationalizing something like that might be difficult. Could you expand a bit on why you see that as a problem? Clearly it's something that's still around as an important idea or you wouldn't have mentioned it.

**C/Supt Mike Cabana:** Again, sir, that's a good question.

From our perspective, looking at the narrow mandate of the RCMP with respect to the enforcement of IRPA, the legislative tools that we require in order to do our work are already in place as far as we're concerned. In terms of operationalizing the issue, it's not necessarily about the legislative framework that's in existence; it's more of an evidentiary issue for us in trying to bring these cases to court.

Probably one of the biggest challenges we have is that sometimes the victims in these cases are also potential witnesses in criminal prosecutions, and there's a significant likelihood that these individuals will be returned to their country of origin prior to the trial taking place, which poses a significant challenge for us.

• (1620)

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

Mr. Komarnicki.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Thank you, Mr. Chair.

From what we've heard, or at least what I've heard from the witnesses in terms of what they think should change from what we have presently in the legislation, there are three things.

Number one, they were of the view that the legislation we now have applies from the point that the application is filed and not necessarily from the point where the work is commenced for a fee, and they feel that there is some need for correction in that area.

Two, they feel there should be some provision for disclosing that a person is being paid for providing a service of some kind, and imposing that as an obligation.

And three, they feel there needs to be in the legislation a specific offence with respect to unauthorized practice.

I hear from Mr. Sloan that there is present legislation regarding counselling misrepresentation or misrepresentation itself, or other existing provisions of a criminal nature that the RCMP spoke about. Is there any reason legislation couldn't be introduced to add an offence to the current provisions of the Immigration and Refugee Protection Act addressing unauthorized practice and improper practice and specifying a fine or punishment for anyone who commits the offence of unauthorized practice? It seems to me that law societies have in their provincial legislation specific provision for prosecuting, if you want to call it that, those who practise without authorization, having a penalty to it.

We don't have that specific kind of legislation in IRPA. Could we?

**Mr. Steve Sloan:** I wish we had a representative from our legal side here.

One potential problem in that area is that I know we have on at least one occasion raised the issue of trying to apply section 124 in relation to these types of unregistered consultants, and the view of crown counsel was that for the sole act of not being a registered consultant, there was a question in the mind of the Department of Justice about whether criminal sanction was the appropriate type of sanction to use to deal with that type of contravention. Their view was that civil administrative sanctions were more appropriate when there was not a misrepresentation injury involved.

**Mr. Ed Komarnicki:** I appreciate that, but you wouldn't have to make it a criminal offence; you could make it something in the nature of a legislative liability offence. If you're not registered and you practise, you pay or you're penalized somehow.

Is there any reason—Mr. Linklater, perhaps—why that couldn't be legislated in a statute such as IRPA?

**Mr. Les Linklater:** In fact, there are penalties in IRPA for counselling misrepresentation.

**Mr. Ed Komarnicki:** I'm not talking about counselling or misrepresentation. I'm talking about specifically acting without being an authorized representative, acting itself being the offence.

**Mr. Les Linklater:** Right. Again, we would require the cooperation of the provinces, given their jurisdiction around regulation of professions. For those who are acting as representatives, if they are providing poor advice, we can refer them to the disciplinary committees of the three bodies, but given the extent of the work of ghost consultants, actually getting a handle on the numbers and policing that with a view to laying charges or pursuing those types of activities would be very difficult.

**Mr. Ed Komarnicki:** But didn't the Supreme Court of Canada pretty much indicate that other counsel, if you want to call it that, would include immigration consultants, which would be federal jurisdiction, a federal jurisdiction offence; it wouldn't be provincial?

**Mr. Les Linklater:** It's a bit of a balancing act between federal and provincial when we look at actual proceedings before the minister. IRPA allows the authority for regulations to be developed around which individuals will be allowed to represent a client in any proceeding before the minister, and that's the authority under which we've developed the regulations that we have now.

• (1625)

**Mr. Ed Komarnicki:** So are you saying it can't be done, or it could be done?

**Mr. Les Linklater:** Without examining the extent of the legislative authority, I would be reluctant to give you an answer one way or the other today.

**Mr. Ed Komarnicki:** With respect to commencing the prohibitive sections not at the point of the application but at the point that the work is commenced and paid for, is there any reason it couldn't go back to that point?

**Mr. Les Linklater:** The policy interpretation that we've taken to begin "monitoring" at the time an application is filed is really driven by our ability to control what happens beyond that process, during proceedings before the minister. It's very difficult for us to know, given the vast number of potential actors, who could be providing service or advice before we actually receive an application.

**Mr. Ed Komarnicki:** That would bring me to the third point. Simply because it's difficult, could one not include a disclosure provision in the application process that would be mandatory, requiring the applicant to disclose any type of relationship, and subject that person to a type of offence?

**Mr. Les Linklater:** In fact, there is a disclosure requirement on the application form for permanent residents, and if an applicant is found to have used the services of someone and has not disclosed it, the applicant would be liable to be determined as inadmissible.

**Mr. Ed Komarnicki:** So are you saying that this can't be bolstered or strengthened in any way, that there is no stricter, more constrictive method than already exists?

**Mr. Les Linklater:** Again, the applicants are requested to disclose. If they've received counsel or support from an unauthorized representative for a fee and received a benefit, it's unlikely they'll complain after the fact. Where this may come to our attention, perhaps, is if someone has used the services and has not received a benefit and is willing to lodge a complaint. We would then be able to refer the representative in question either to the disciplinary body—if they're a registered member of CSIC or the bar or the Chambre des notaires—or to CBSA or the RCMP.

**Mr. Ed Komarnicki:** I'll go to another point that was raised. Some of the witnesses said there should be a complaints process within the organization through which persons can complain with respect to unregistered consultants. That would then identify persons for purposes of prosecution, if you want to call it that, with respect to a specific offence, if you had one, of unauthorized practice.

**The Chair:** A brief response.

**Mr. Les Linklater:** Right. Given our network overseas and in Canada, that's certainly something to look at in terms of a centralized point of contact.

**The Chair:** Thank you.

We have a few more members who wish to ask questions and we've gone the full hour, but I think we'll go overtime a little bit. Some people want five minutes. I think others can probably wrap it up in three or four.

Mr. Karygiannis, you indicated you had a couple of questions you wanted to ask.

**Hon. Jim Karygiannis:** Yes, I do, and thank you, Chair.

**The Chair:** Perhaps you could keep it below five, because we do have a lot of things on the agenda that we want to move on with.

Mr. Karygiannis, go ahead.

**Hon. Jim Karygiannis:** Mr. Linklater, you stated that the department was looking at translating in a number of languages.

**Mr. Les Linklater:** Yes.

**Hon. Jim Karygiannis:** What is taking you so long, sir?

**Mr. Les Linklater:** We have been developing the materials. I mentioned that we've put updated warnings and advertisements on the CIC website in French and English and we're now turning our attention to translating those materials.

**Hon. Jim Karygiannis:** What languages?

**Mr. Les Linklater:** I believe there are 12 altogether, including those of countries that are top source countries, Urdu, Punjabi, Tagalog, Mandarin. I can get you the list.

**Hon. Jim Karygiannis:** Is there any translation on the Beijing website currently, in Mandarin?

**Mr. Les Linklater:** I am not sure. I would have to check the website, sir.

**Hon. Jim Karygiannis:** The website, sir, in Beijing has translation on all kinds of how to do things for the past two or three years. How come there are no warnings?

**Mr. Les Linklater:** As I said, we've recently developed the new materials and we'll be translating those for diffusion out to the missions.

**Hon. Jim Karygiannis:** What is taking you so long?

**Mr. Les Linklater:** We are always looking at our materials. We have to cooperate with the Department of Foreign Affairs in terms of mission-specific websites. We have a number of priorities within the department and we are now turning our attention to this one.

**Hon. Jim Karygiannis:** Sir, are you trying to tell me that Foreign Affairs is not allowing you to post things on the website?

• (1630)

**Mr. Les Linklater:** I am not saying that. I am saying that we need to work with them to make sure the materials are put on the mission websites.

**Hon. Jim Karygiannis:** What about internally in Canada? What do you have regarding community-based handouts in different languages?

**Mr. Les Linklater:** At this point, we've been working only in English and French, but certainly the products we're developing now and translating will be available to different cultural communities.

**Hon. Jim Karygiannis:** I would tell you, sir, that you have failed part of my communities and you haven't translated in their languages, be it the Chinese community, the Punjabi community, the Indian community, the Pakistani community, communities that are vulnerable, communities that are going to consultants. Some of the consultants pretend to be consultants and they're not consultants. Some of them even have a lawyer's address in the front—it's a bogus lawyer's address—and in the back they have a phone number. This has come to my attention. People in these communities don't know who to turn to. They go to the Citizenship and Immigration website, and it's not friendly to navigate in their languages. They go to translation services, and they're charged a fee for even going on the website.

How come we have failed them in Canada? You don't have to discuss this with Foreign Affairs. You're not posting anything abroad. This is going straight to the Immigration website and saying this is where you go. The five top sources are China, the Philippines, South Asia, the Middle East. Having something translated in those languages would be preferable and more advantageous than some of the other languages that you have on there now.

**Mr. Les Linklater:** At this point we are translating the products we have to make them available.

**Hon. Jim Karygiannis:** How much money is set aside for translation, and how much money are you going to be spending on advertising in the ethnic papers, telling them to take a look at that specifically? Is there any money set aside from the department?

**Mr. Les Linklater:** There's no money set aside specifically. We're looking at this through normal budget processes.

**Hon. Jim Karygiannis:** So there's absolutely no money set aside for advertising to reach the communities and tell them to be aware of fraud.

**Mr. Les Linklater:** Do you mean money specific to this initiative?

**Hon. Jim Karygiannis:** Yes.

**Mr. Les Linklater:** I believe it's being absorbed into the department's communications budget.

**Hon. Jim Karygiannis:** How much money do you guess you'll be spending?

**Mr. Les Linklater:** I don't want to venture a guess, but I can certainly go back and look for a figure.

**Hon. Jim Karygiannis:** Would you be able to provide that to us in this committee within the next 10 business days?

**Mr. Les Linklater:** We'll certainly look into it and do our best.

**Hon. Jim Karygiannis:** Since you're going to do that, could you also provide for us how much money the minister spent on advertising Bill C-50 in the last month?

**Mr. Les Linklater:** I think that question is probably best addressed to the minister when she appears.

**The Chair:** Yes.

**Mr. Ed Komarnicki:** I have a point of order.

**The Chair:** I think it's been dealt with.

**Hon. Jim Karygiannis:** Mr. Chair, with all due respect, since Mr. Linklater—

**Mr. Deepak Obhrai (Calgary East, CPC):** There's a point of order here.

**The Chair:** Point of order.

**Mr. Ed Komarnicki:** We are not studying any aspect of Bill C-50 here today. We'll have an opportunity to do so, and the question can be put at the appropriate time.

**The Chair:** That's a valid point of order. We will be dealing with it at another point.

**Hon. Jim Karygiannis:** Since Mr. Linklater is going to be looking at facts and figures and how much money was spent in advertising, I thought he could save himself some trouble when looking at the rest of it.

**The Chair:** Does anyone from the Bloc require three or four minutes?

Mr. Vincent.

[Translation]

**Mr. Robert Vincent (Shefford, BQ):** My questions are for Mr. Cabana. I will try to be brief and to run through them all in one minute, to allow you two minutes to respond. I will be referring mainly to your speaking notes. You mention recommendation 31 of the Advisory Committee's report and note the following:

At first glance this may appear to provide a simple and immediate solution for enforcement, I wish to echo the words of Mr. Linklater in acknowledging that this issue is very complex.

In what way is this issue very complex?

**C/Supt Mike Cabana:** Getting back to the comment I made earlier about the RCMP's role in enforcing the act's provisions, the complexity, to our way of thinking, stems from the fact that evidence must be gathering and introduced to the courts. The legislative tools to meet the RCMP's needs are already in place. Adding this specific tool would not help the RCMP address the problem of criminal organizations. It would not help us play that that role. It only adds to the complexity of having to administer investigations currently before the courts and of gathering evidence that is admissible in court. That is what makes this issue complex.

• (1635)

**Mr. Robert Vincent:** How many of your investigators are assigned specifically to investigating immigration consultants?

**C/Supt Mike Cabana:** At this time, sir, we have no one assigned specifically to investigating immigration consultants. As I explained, we launch investigations at the request of partner departments. The focus of these investigations may be organized crime, corruption or human trafficking.

**Mr. Robert Vincent:** How is organized crime involved? If you have no investigators and receive no complaints, then the organized crime element can do whatever it wants. If offenders are not caught and if no one suspects anyone, you do not investigate, because you do not have the personnel.

What do you do then?

**C/Supt Mike Cabana:** I am sorry, but obviously, I did not make myself clear. We have investigators who are part of the immigration program.

**Mr. Robert Vincent:** But they are not available.

**C/Supt Mike Cabana:** No. What I am saying is that investigators are assigned to specific investigations targeting criminal organizations. Investigators do not target consultants as such. For example, they may be investigating organized crime or human trafficking and in the process, they focus on an offence committed by a group involved in human trafficking. If, during the course of the investigation, some consultants are identified as having been involved in certain criminal activities, the scope of the investigation is then broadened to include the role played by the consultants in the commission of the offence.

**Mr. Robert Vincent:** Recently, we read in the newspaper how one immigrant allowed into Canada was a terrorist. He carried a Canadian passport that he had obtained in France. Does the RCMP directly investigate the sale of passports?

**C/Supt Mike Cabana:** Certainly. Again, our investigators are not assigned to investigate specific offences, but rather activities linked to organized crime. Consequently, if a criminal organization is involved in the sale of passports, whether forged passports or otherwise, then officers are assigned to investigate these incidents.

[English]

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

Ms. Grewal.

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

When our committee travelled from province to province, there were many complaints from the witnesses that these unscrupulous immigration consultants mislead, misinform, or actively encourage individuals to abuse our immigration system. Does the department have any idea of how many of these unregistered consultants now operate in Canada and abroad?

**Mr. Les Linklater:** It's difficult to estimate the extent to which this activity takes place, given the global system in which we operate. It could happen in sending countries or in Canada. We don't have any sense of the extent.

**Mrs. Nina Grewal:** Have any steps been taken or contemplated to deal with these unregistered consultants?

**Mr. Les Linklater:** Where activities by unregistered consultants come to our attention, there are opportunities for CIC, CBSA, or the RCMP to cooperate. If a complaint comes to CIC, we will refer it to CBSA or RCMP for investigation, and perhaps prosecution, under the Immigration and Refugee Protection Act or the Criminal Code, depending on the nature of the infraction.

**The Chair:** Mr. Obhrai.

**Mr. Deepak Obhrai:** I want to address the issue of the clientele using consultants. The real issue, of course, is the consultants. I find that the consultants charge the money and then, when they can't do the work, they send their clients to members of Parliament. They try to get their work done through the members, yet they have charged their clients for doing something.

What bothers everybody is that consultants don't often tell people when their claims are not going to be successful. They assume that the claim is going to be successful so they can charge the client, even when they know very well, based on past experience, that those claims are not going to succeed.

How are we going to stop these things? An immigration consultant should tell his client if his claim as a refugee will not be accepted. They should also recognize that members of Parliament may be willing to help constituents but are not arms of consultants who have failed their clients.

• (1640)

**Mr. Les Linklater:** Education and improved public information is one of the key paths that CIC recommends. For example, our recent changes to our website are very blunt, very stark. We tell applicants that they do not need to use the services of a third party representative, that only a Canadian immigration official can provide a visa.

**Mr. Deepak Obhrai:** You can put as many things as you want on the website, but the people out there don't want to go to you guys at all. For some reason, they feel that going to a consultant will somehow expedite their file, and that if they go to you it's not going to happen. There is a perception out there that going to the department is not the successful way. The question is, how do we improve security for clients who go to consultants?

**Mr. Les Linklater:** Whether or not someone chooses to use a third party representative, at one point they need to be in contact with the department, whether it's to download forms or to search out information.

One aspect of this issue, as I was saying, is the public information aspect, which we're beefing up, and translating. Another aspect is for potential applicants to be aware that only registered third parties are acceptable in front of CIC or the IRB and that the governing bodies are able to provide them with information around members in good standing.

**The Chair:** Okay, thank you. We'll have to stop there.

On behalf of the committee, I want to—

**Ms. Colleen Beaumier (Brampton West, Lib.):** I have something that I feel is very important to add to this.

**The Chair:** Does the committee want to continue?

**Hon. Jim Karygiannis:** Definitely. If members of the committee have questions, they should be allowed to ask them.

**The Chair:** That's not the point. Should we continue on a while longer?

**Hon. Andrew Telegdi:** How many do we have left?

**The Chair:** I just have Madam Beaumier on my list right now.

**Hon. Andrew Telegdi:** If that's all you have, we should hear her.

**The Chair:** Okay, go ahead.

**Ms. Colleen Beaumier:** Thank you.

I'm going start with a bit of Pollyannic crap. When I was first elected 15 years ago, I believed we were in this together with the public service. I had been a public servant in my life. I came here as a member of Parliament, and I believed we were in this together.

My big concern isn't so much about organizations that aren't registered to be consultants; we have a lot of registered consultants who are lazy. It doesn't matter how much they know; if they're lazy, they're lazy, and they're no good.

We've seen political interference in IRB decisions. We know there are immigration consultants out there, and in foreign countries, who pay our Canadian bureaucrats to get things done faster. We know that. We know that if you go to certain embassies and you slip an extra bit of money—and these aren't to foreign nationals, these are people working within our own bureaucracy—

• (1645)

**Mr. Ed Komarnicki:** On a point of order, I think this witness is making statements without giving any kind of basis or factual underpinnings or evidence.

**Ms. Colleen Beaumier:** Well, if you want to give me another 15 minutes, I can make cases.

**Mr. Ed Komarnicki:** You're making some pretty serious allegations. I think you're speaking way out of line. I think it's an improper comment in this context, unless you can put some specific proof on the table.

**Hon. Andrew Telegdi:** That's not a point of order.

**The Chair:** No, it's not a point of order.

We have two or three minutes left, Madam Beaumier. Go ahead.

**Ms. Colleen Beaumier:** I want to know what we do if an immigration consultant in a foreign country is not honest. I go to a foreign country and see them operating there and getting in faster than I can. Why don't they know that these are not scrupulous people?

I want to know what we do with racist people who are suffering burnout within our bureaucracy. We can't deny it's there. We had a lawyer in Hamilton. I experienced it in calling our immigration department. When I reported it, I was accused of lying. I want to know what we do to clean ourselves up first.

I have a tremendous amount of respect for the public service. I was a member. I know that most people are trying their best to serve. What do we do about cleaning up our own act?

Anybody?

**Mr. Les Linklater:** Mr. Chair, clearly the decisions and processes that are in place for CIC officers, immigration officials.... All public servants have to respect the charter. There are public service standards and codes of conduct that must be followed—values and ethics. If a member of the public service is found to be contravening any of these standards, certainly there are disciplinary actions, which could include dismissal.

**Ms. Colleen Beaumier:** What has been done with the Hamilton lawyer who received the racist comments from someone within CIC? What has been done to follow up on that?

**Mr. Les Linklater:** Mr. Chair, I'm not aware of the facts related to this case.

**The Chair:** Okay.

Well, thank you on behalf of the committee for your presence here today. You gave some very interesting testimony. Of course we're working on our draft report, and I'm sure your testimony will be very useful to us when we consider the recommendations we will be making.

Thank you again. We'll take just a minute for you to move away from the table, and we will get on to our next item on the agenda.

While that's happening, maybe as a matter of courtesy to some of the members who are here, like Mr. Siksay, Mr. Obhrai, Mr. Dosanjh, and other people who couldn't make it to our meetings across the country, I'll tell you that we travelled across the country to nine provinces and we held hearings on Iraqi refugees, immigration consultants, and temporary foreign workers. We heard 52 panels. Some of the members, in their wisdom, in the middle of that, wanted to deal with Bill C-50, and we couldn't at the time because we felt we wanted to do these three. So we said we'd get on to Bill C-50 at another date, and hopefully that's coming right now.

I believe you have before you a letter from the Standing Committee on Finance. It passed a motion at its meeting that, as promptly as possible, its chair write a letter to the chair of the Standing Committee on Citizenship and Immigration asking that committee to consider the subject matter of part 6 of Bill C-50 and to report by May 9, 2008.

Does everyone have a copy of that?

**Hon. Jim Karygiannis:** Before we deal with that letter, I think there is a variety of motions on Bill C-50 that have been made by different members of this committee—

**The Chair:** Yes, there is.

**Hon. Jim Karygiannis:** I think that we should deal—

**The Chair:** I think Mr. Khan had one that dealt specifically with this. Did you?

**Mr. Wajid Khan:** Yes, Mr. Chair. I have a question that relates to this exactly, and it has come with a unanimous request from the finance committee. As a matter of fact, it's a Bloc motion, and we have a motion dealing with this.

**The Chair:** Do people feel we have to deal with those motions now in order to get going on this? Is that the point you're making?

• (1650)

**Hon. Jim Karygiannis:** Mr. Chair, I respectfully would like you to allow me to finish my comments before you pick and choose who you go to.

**The Chair:** Okay, go ahead.

**Hon. Jim Karygiannis:** I thought you wanted to be impartial. So in that impartiality, sir, I ask you to stay impartial. There are motions that have been coming, and I would say to you that we should look at these motions in the order of date that you have received them.

There are motions from me, Mr. Telegdi, and Mr. Bevilacqua, and motions that different members have put in, and they go back to early April and the end of March. With due respect, Mr. Khan's motion came to you on April 24, so in good spirit, sir, I would say to you that we should deal with the motions you have in front of you, on Bill C-50 or anything to do with IRPA, by the date they arrived.

**The Chair:** There is no problem with me.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** Number one, we have a pretty definite motion that was moved in finance, where all parties passed it—

**The Chair:** Does everyone have a copy of that letter, by the way, before we proceed? Do you have a copy of it, Mr. Siksay? And you have, Mr. Carrier? Yes, you have it, okay.

Go ahead.

**Mr. Ed Komarnicki:** It was passed unanimously by all the parties. The essence of it is simply that we undertake a study and report back on May 9. What's different about Mr. Khan's motion from the other motions is that it mirrors this motion, and I think it would be in order to consider that motion and have a vote on it. If it passes, it would still be open to this committee to decide how it would proceed in terms of the witnesses it would call, when it would call them, and when it would sit. But that is the essence of it, and I think it's appropriate for us to align ourselves with what the finance committee has said, because it came out of there unanimously. We should mirror it here and then get into a discussion.

That's why I think Mr. Khan's motion should be taken out of order and voted on now, and if it's defeated, so be it. But if it passes, then we get on to the business of asking how we accomplish that in the days we have left. So I think, contrary to what Mr. Karygiannis said, we should vote on Mr. Khan's motion—

**The Chair:** How does the committee feel?

Mr. Carrier.

[Translation]

**Mr. Robert Carrier:** Mr. Chairman, you received a letter from the Standing Committee on Finance calling on this committee to examine that part of Bill C-50 which concerns immigration. I believe they want an answer from us as soon as possible. A study would address some of the concerns raised during our round of consultations. Until now, all we have done is talk about this issue. Now that we have received a formal request in line with Mr. Khan's motion, I think we should debate the motion and get back to the finance committee as quickly as possible. That would demonstrate our interest in this issue.

[English]

**The Chair:** Okay. Good. Thank you.

Mr. Telegdi and Mr. Siksay.

**Hon. Andrew Telegdi:** You have a request from the finance committee?

**The Chair:** Yes.

**Hon. Andrew Telegdi:** That's the one that talks about May 9, so that's the one we want. That is the one I think we should deal with.

I'm not sure how extensively we can report by May 9, but it seems to me that we probably want to schedule some extra meetings and do what we can do and have a preliminary report anyway. The committee can also keep hearing—

**The Chair:** That gives us eleven days. We might be able to do something in that time.

**Hon. Andrew Telegdi:** That's eleven days, which is this week and next week.

**The Chair:** Yes.

**Hon. Andrew Telegdi:** But the report has to be in by May 9, so you have to have—

**The Chair:** It takes a couple of days or three days to write the report.

**Hon. Andrew Telegdi:** That's right.

It would seem to me that we're going to have to take time today to draw up a list of witnesses and start with that. We can add witnesses the next time we meet as well. But we're going to need some extra hearings, and we're going to have to sit as a committee, as we were prepared to sit before, and we'll see what we can accomplish to get a report in.

**The Chair:** Yes.

**Hon. Andrew Telegdi:** It might not be the final report; it can be a preliminary report to the finance committee.

• (1655)

**The Chair:** Yes, okay.

I think I saw Mr. Bevilacqua's hand first, and then I have Mr. Siksay.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Basically, as long as the finance committee understands that with this time limitation the product is not necessarily going to be what they—

**The Chair:** Top-notch, high quality?

**Hon. Maurizio Bevilacqua:** Exactly.

Essentially, in situations like this, what you will be left with is our report to them of the pros and cons of this bill as we've heard them. That's the only thing you can do. As researchers, we won't really be able to get into the subject matter as much as we'd like.

**The Chair:** Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

Chair, I'm a little concerned that the finance committee is setting a deadline for us on an immigration matter, and part of that problem is that the government introduced an important immigration change in a finance bill. I understand that the committee is working under certain constrictions and wants to get on with its work related to finance, but I don't think that should throw us off trying to do due diligence on an important immigration issue that has certainly raised very, very serious concerns all across the country with many, many people.

So I have real difficulty with sticking to their deadline of Friday, May 9, just as others have said they want to do a good job at any work done on this, given its importance. If we are going to consider this request—and everybody wants to study it, so I don't think that's in doubt—the timeline is a problem, and I think we need to extend it so that we can hear from the appropriate people.

I also think that given the concern that exists across the country on this—and I know the committee is just back from travelling—it would be important to hear from people in various cities across Canada. This is a major change—

**The Chair:** Nine provinces in twelve days.

**Mr. Bill Siksay:** Yes, I understand, Chair, it is a lot—

**The Chair:** With 52 panels.

**Mr. Bill Siksay:** —to ask this of people who've just done that. But if it were in the context of a joint tour, perhaps, with the Standing Committee on Finance, it would give other people the opportunity to do that travelling and to hear the important concerns about this particular provision in Bill C-50.

So that's another important addition that we need to consider when we're looking at the plan for whatever motion eventually comes before this committee.

**The Chair:** Yes, okay.

Mr. Karygiannis, and Mr. Komarnicki, and that's all the time I have. Then we have to do something.

**Hon. Jim Karygiannis:** Mr. Chair, to have a friendly amendment that would cover this, I would say that Mr. Komarnicki has a motion on the floor mirroring Mr. Bevilacqua's motion, which mirrors something that I put forward and that Ms. Chow put forward.



So I was wondering if we could take Wajid Khan's motion and Mr. Komarnicki's motion and on the fifth line say something to the effect of "...and convey its preliminary recommendations to the Standing Committee on Finance no later than Friday, May 9", and then have the essence of what we have in here about hearing evidence from stakeholders, the Library of Parliament. Then where it says "transmitted to this committee", we should say "and, should further study be done, the committee undertakes to do so".

**The Chair:** Okay, that sounds like a very—

Oh, I'm sorry, Mr. Komarnicki, go right ahead.

**Mr. Ed Komarnicki:** I have two points.

Number one, we have made reports to the House without hearing any witnesses; we didn't call for anyone other than submitting the report. The report will be what the report is. So my sense is, as a preliminary, we should have Mr. Khan's motion go forward and vote on it. Win or lose, it will determine everything else. However, if we're going to combine in what Mr. Karygiannis says, I would not want to call it a preliminary or have any kind of limitations on it. It is a report to the House based on the evidence. It is what it is.

On reflection, I think we ought to put Mr. Khan's motion to a vote and have it decided. If we choose to proceed in the manner one, two, three, four, five, six, as I had and Mr. Bevilacqua had, that's open to us. But there is no need to limit it; what the committee wishes to do is fine. The fact of the matter is that it's a report to the House on the evidence heard—and at least there's some evidence heard.

**The Chair:** We have to do something, so let me start with—

**An hon. member:** Call the question.

• (1700)

**Mr. Ed Komarnicki:** Let's vote on Mr. Khan's motion.

**The Chair:** Shall I call the question?

**Mr. Bill Siksay:** On a point of order—

**The Chair:** I'm going to hear a bit more, because I see Mr. Bevilacqua's hand, Mr. Karygiannis', and—

**Mr. Bill Siksay:** Is there a motion before us that's been moved?

**The Chair:** Yes, by Mr. Khan.

**Mr. Bill Siksay:** So Mr. Khan's motion has been moved?

Okay, thank you.

**The Chair:** Mr. Bevilacqua, quickly.

**Hon. Maurizio Bevilacqua:** The point that has to be made very clearly is that whatever report we may give the finance committee has to be dated "as of..."; in other words, these are issues as of May 9, or May 7, or whatever the case may be, which implies that the committee may further study this issue. You will find that the vast majority of committee members will want to further study the issue.

**The Chair:** Okay, that was good and brief.

Mr. Karygiannis, please do likewise.

**Hon. Jim Karygiannis:** Mr. Chair, should somebody want to put the gun to our head, I would say to you that we go back to the time when the motions were put forward. This is the last motion we have, and we should go on the date. In respect to your decision, sir, I think

that when a request comes in on a particular date, we should honour that request and should vote on it as of the day it comes in.

**The Chair:** Mr. Telegdi.

**Hon. Andrew Telegdi:** Mr. Chair, I'm not going to support the motion, seeing that we're going to issue our final report, if you will. I think we're compromising by saying we're going to issue an interim report, and I think the committee wants to study this subject greatly. This is a huge change to the Immigration Act, the biggest change I've seen since the new act came in in 1982. I dare say it's even bigger than that. I think what we want to do, since we have Mr. Khan's motion on the floor, is defeat it and then come back with a motion that we study this matter and issue a preliminary report by May 9.

**The Chair:** Let's get on to calling the question.

The last one I'm hearing is Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Chair.

I'd like to propose an amendment that instead of Friday, May 9, we say Friday, May 16, because I don't think we can accomplish this important task in that period of time. I would like to move a specific amendment that we report to the Standing Committee on Finance no later than Friday, May 16.

Chair, after this one, I have another suggested amendment as well.

**The Chair:** We have to deal with amendments first.

**Mr. Ed Komarnicki:** No, we called the question. You have to have the vote, and we can lose. It's that simple. It's no more complicated than that.

**The Chair:** That's true.

**Mr. Deepak Obhrai:** But he can accept or reject your amendment.

**Hon. Jim Karygiannis:** I have a point of order, Mr. Chair.

**The Chair:** Order. Let's try to sort this out in a gentleman-like and lady-like fashion. I have called the question, and I'm not hearing anything until I talk to the clerk here.

**Mr. Wajid Khan:** The amendment is not acceptable. I request the chair to call the question. Whether it's defeated or passed, it doesn't matter.

**The Chair:** Not yet. Wait until I get some advice from the clerk here.

Would you put up the first amendment?

**Hon. Jim Karygiannis:** It is that, as promptly as possible the Standing Committee on Citizenship and Immigration consider the subject matter of part 6 of Bill C-50, An Act to implement certain provisions of the budget tabled in Parliament on February 26, 2008 and to enact provisions to preserve the fiscal plan set out in that budget, convey its preliminary report to the Standing Committee on Finance—

**Mr. Bill Siksay:** On a point of order, Chair, I made a motion to amend. I believe it was in order. Is that not on the table now?

**The Chair:** That's the second one. This was the first amendment.

**Mr. Bill Siksay:** Okay.

**The Chair:** The amendment was made when we started.

**Hon. Jim Karygiannis:** May I finish?

**The Chair:** No, not yet.

The amendment, according to the clerk, was made when we started. We'll vote on the amendment and we'll vote on the main motion as well.

**Mr. Wajid Khan:** *[Inaudible—Editor]*...before the amendment was made, Mr. Chair; however, it's your call.

• (1705)

**The Chair:** The amendment has to be put.

**Hon. Jim Karygiannis:** Mr. Chair, may I finish?

**The Chair:** Yes.

**Hon. Jim Karygiannis:** Okay, sir, what I am recommending is in order to assist the clerk if he takes the motion of Mr. Khan, and on the fifth line: and convey its recommendations to the Standing Committee on Finance no later than Friday, May 9, 2008, further to the Standing Committee on Finance's request unanimously passed on April 16, 2008, and transmitted to this committee on April 17, 2008; and further, that the Standing Committee on Citizenship and Immigration shall begin on Monday—

**The Chair:** This is very difficult for the clerk to get down. You can't do this. You can't set it down.

**Hon. Jim Karygiannis:** Mr. Chair, it's very simple. He can. He just takes Mr. Wajid Khan's bill and he puts "convey its" and right after "its" puts "preliminary recommendations"—

**Hon. Maurizio Bevilacqua:** Of May 16.

**The Chair:** Your amendment has to do with Mr. Khan's—

**Hon. Jim Karygiannis:** Preliminary recommendations.

**Mr. Deepak Obhrai:** You said May 9.

**The Chair:** To do Mr. Khan's motion, but extending the end date to May 16.

**Hon. Jim Karygiannis:** Listen to what I said: preliminary.

**The Chair:** It's up to the committee to agree.

**Hon. Jim Karygiannis:** Mr. Chair, I put it—

**Mr. Deepak Obhrai:** Call the question.

**The Chair:** I call the question on the amendment then. Do you understand the amendment of Mr. Karygiannis that it be extended?

I'll have the clerk read it. Can you read it for us, sir?

**The Clerk of the Committee (Mr. Andrew Chaplin):** Fundamentally, Mr. Karygiannis has proposed that the motion be amended in its fifth line by inserting the word "preliminary" between "convey its" and the word "recommendations". I believe there's a second part.

**Hon. Jim Karygiannis:** The second part is that we take Mr. Komarnicki's motion that the Standing Committee on Citizenship and Immigration shall begin on Monday, the 28th, everything he has except line six, which is the particular day of May 7.

**The Chair:** Does everybody understand that?

I call the question on the amendment.

(Amendment negated)

**The Chair:** The next one was an amendment from Mr. Siksay.

What was your amendment, Mr. Siksay?

**Mr. Bill Siksay:** My amendment was that Friday, May 9, be changed to Friday, May 16.

**The Chair:** Okay, it is to change the date of May 9 to May 16.

I call the question.

**Hon. Jim Karygiannis:** Could I have a recorded vote, Mr. Chair, and specifically spell it out?

**The Chair:** The amendment is to go from May 9 to May 16.

The Department of Finance, to make it clear, has asked for Friday, May 9. I don't know what the significance of that might be. It was unanimous by the finance committee.

Mr. Telegdi.

**Hon. Andrew Telegdi:** Mr. Chair, I'd like to make an amendment that the amendment state "preliminary". I want "preliminary" on May 16 because this committee will continue to study the matter, obviously. We might want to travel around the country on that. I think it should be a preliminary on May 16 and then we will have.... So that is the amendment I make.

**The Chair:** I call the question on Mr. Siksay's amendment.

**Hon. Jim Karygiannis:** Ask Mr. Siksay if he wants to change it to "preliminary" as a friendly amendment.

**Mr. Deepak Obhrai:** Why don't you ask Mr. Khan if he wants to change it. He doesn't want to change it.

**Ms. Colleen Beaumier:** We did get a report out of our travel.

**Mr. Ed Komarnicki:** It's an amendment that needs to be dealt with. Call the question on the amendment when there is—

**The Chair:** You have heard Mr. Siksay's amendment, from the 9th to the 16th. I call the question.

**Hon. Jim Karygiannis:** Does Mr. Siksay's amendment say "preliminary"?

**Hon. Andrew Telegdi:** It does. It is a friendly amendment.

**Hon. Maurizio Bevilacqua:** That "preliminary" be added to Mr. Siksay's amendment.

**The Chair:** Did you say "preliminary"?

**Mr. Bill Siksay:** We can do that as a separate amendment, Chair. We can put it in now, if it is acceptable, as a friendly amendment. I'm easy either way.

**The Chair:** Is it a friendly amendment?

**An hon. member:** It's very friendly.

**Hon. Andrew Telegdi:** It's a friendly amendment.

**The Chair:** Okay, the amendment is then to add the word “preliminary” and to change May 9 to....

Mr. Carrier.

• (1710)

**Mr. Robert Carrier:** I'm voting. Read the motion. We're ready.

**The Chair:** Could we stop for a moment, please? Order, please.

The clerk is making a very good point here that we can't accept—

**An hon. member:** We accept it.

**An hon. member:** There's nothing friendly about it.

**The Chair:** It has to be heard.

Mr. Siksay, the clerk makes the point that you can't propose anything now because your committee doesn't accept—

**Mr. Bill Siksay:** I did that before Ms. Chow arrived, though, Chair.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** That's true. I'll leave.

**Mr. Bill Siksay:** No, you stay. You're voting on it.

**The Chair:** Yes, you did.

So the amendment is that we extend it to the 16th and add the word “preliminary”. Is that it?

**An hon. member:** Yes.

**An hon. member:** No.

**The Chair:** That's what he proposed.

**An hon. member:** No “preliminary”....

**The Chair:** That's fine, you'll have a chance to vote on that.

Okay, so Mr. Siksay, was that the motion?

**Ms. Olivia Chow:** That's right. That's the one.

**The Clerk:** Okay. From Mr. Siksay, it is that the motion be amended by the insertion in line 5, between the words “convey its” and the word “recommendations”, the word “preliminary”; and, by substitution in line 6, for the number 9, the number 16.

**The Chair:** Are we dealing here with the finance committee's motion that came from them, which was unanimous? Can we withdraw these amendments that interfere with their motion? Is that in line?

**The Clerk:** Procedurally there's no interface between a letter from a committee and the—

**Hon. Maurizio Bevilacqua:** This is our response.

**The Chair:** Okay, so you've heard the amendment. Have you heard the amendment?

**Mr. Wajid Khan:** Can we have a recorded vote?

**The Chair:** Okay, a recorded vote on the amendment.

(Amendment agreed to: yeas 7; nays 4)

**The Chair:** Now do we vote on the main motion?

**Ms. Olivia Chow:** We have one more amendment, Mr. Chair. The amendment is actually to invite the Standing Committee on Finance, and that the joint proceedings occur and hear witnesses across Canada, commencing at the scheduled meeting immediately following the adoption of this motion.

Just to be very clear, I have this written, and the purpose is to make sure we operate in an efficient way, that we would hear witnesses across Canada. We could do so at this committee, but if possible, we could also invite the finance committee to do it together. There are precedents for that. I believe during the Afghanistan war discussion, the foreign affairs committee and defence came together and did a study.

**The Chair:** The first thing that should be pointed out before we entertain any more discussion on it is that we would have to go to our Liaison Committee for the budget. That budget would have to be passed. I don't know how long that would take, but I assume it would be at least a week in itself, or more, to get a budget prepared and to go to the Liaison Committee. It could take a couple of weeks. I know our last trip took a couple of weeks. I don't know how we can do cross-country hearings and be inside the deadline of the 16th. It would take almost to the 16th for me to get a budget before the Liaison Committee, so I think it's unreasonable to expect that.

Mr. Telegdi.

• (1715)

**Hon. Andrew Telegdi:** I think with foreign affairs and defence, it makes sense because they're both covering Afghanistan. In terms of our having joined a cross-Canada tour with finance, it really doesn't make a whole lot of sense, any more than it would have made sense for them to go along with foreign affairs and defence. I think the committee will want to travel on this, but I don't think it makes any sense for us to be going along with finance. If finance felt they had expertise on this issue, they would be dealing with it themselves. We're the standing committee that deals with citizenship and immigration, so I wouldn't want to be dragging the finance committee along, because I think it would just complicate things. It's complicated enough for us as a committee to travel, which I think is a good idea, and we'll do that for the final report. I think travelling across the country is a good suggestion.

So I oppose having the finance committee coming along.

**The Chair:** We're dealing with Ms. Chow's amendment now. We're not going to deal with any more motions.

Was that a motion you made, Ms. Chow?

**Ms. Olivia Chow:** You raised a very good point about the timing. I think that since we had experience just a few weeks ago, certainly it will not take three weeks for us to get the show on the road, so to speak.

**The Chair:** It will take two full weeks.

**Ms. Olivia Chow:** There are suggestions that it be as soon as possible, and that could be totally doable.

**The Chair:** Let's go to the motion.

**Hon. Jim Karygiannis:** Can I make an amendment to the motion?

**The Chair:** Yes, it's legal.

**Hon. Jim Karygiannis:** I'd like to make an amendment in the second paragraph, where it says "meeting immediately following the adoption of this motion". Schedule it somewhere in there that we find "these joint proceedings on hearing witnesses across Canada, commencing at the most opportune time after we write the preliminary report".

**The Chair:** You mean after we write our preliminary report on Bill C-50.

**Mr. Ed Komarnicki:** On a point of order.

**The Chair:** On a point of order, Mr. Komarnicki.

**Mr. Ed Komarnicki:** The finance committee was seized with Bill C-50 and this provision. They gave it to this committee conditionally to study it and report back on May 9. The only way it came here was in that fashion. This committee can do what this committee wants to do, but we can't amend what finance wants to do.

**Mr. Deepak Obhrai:** So you are rejecting finance.

**Mr. Ed Komarnicki:** Yes, and you can't do that. It came here on that basis.

**Hon. Jim Karygiannis:** Mr. Chair, you already have instructions from this committee on a vote as to what to answer the finance committee. I think any discussion, since we voted, is redundant right now.

**The Chair:** We have a motion on the floor by Ms. Chow. I think we're all aware of what the motion is.

**Mr. Wajid Khan:** No, we're not.

**The Chair:** Can you read Ms. Chow's motion, please?

**The Clerk:** It's a motion to amend the motion of Mr. Khan, as already amended, by adding the following: "and that the Committee meet jointly at its first opportunity with the Standing Committee on Finance...and hear witnesses across Canada, commencing at the scheduled meeting immediately following the adoption of this motion; that the Committee table a copy of the evidence; that pursuant to Standing Order 109, the Committee request that the government table a comprehensive response to the report; and that the meetings be televised."

**The Chair:** What you're doing here is literally a nightmare. I can't see how we can deal with this in this fashion. I don't intend to, because this is just too confusing for me. I don't intend to deal with this in this way.

We had our meetings out in Vancouver, and everyone wanted to study Bill C-50 instead of the three items we had on the agenda. We agreed that when we got back here we would study Bill C-50. It seemed like a fairly simple thing to do. We've been given the authority, if you will. Finance doesn't want to do it. They're putting it off on us to study Bill C-50.

Procedurally, this is a nightmare. The clerk can't keep track of it. I can't keep track of it myself. What's going on here is just terrible. It would have been so much simpler to deal with one motion—Mr. Khan's motion, for instance, mirrored just totally and completely, and we could get on with it. This is something you just have to shake your head at. I can't deal with it.

●(1720)

**Hon. Andrew Telegdi:** Mr. Chair, I think you can run this amendment by, and it will be defeated, because I don't see us travelling with the finance committee. That's how you deal with it.

**The Chair:** Let's do that, and let's just hang up on the amendments here. Let's deal with Ms. Chow's motion. Her motion is clear. We know what her motion is.

All in favour of that motion?

**Ms. Olivia Chow:** Can we have a recorded vote, please?

**The Chair:** Yes.

(Amendment negated: nays 10; yeas 1 [See *Minutes of Proceedings*])

**The Chair:** Okay, where are we now?

**The Clerk:** Mr. Khan's motion stands amended by Mr. Siksay's motion. The next question would be on the motion as amended.

**Hon. Jim Karygiannis:** The motion as amended, or the main motion?

**The Chair:** That is the main motion. We're putting before the committee the motion as amended, which is Mr. Khan's motion.

**Hon. Jim Karygiannis:** Mr. Chair, can we have a clarification, please?

**The Chair:** Order, please.

It's been amended twice.

**Hon. Jim Karygiannis:** We did vote on Mr. Siksay's motion as amended. That motion passed.

**The Chair:** But we haven't voted on the main motion.

**Hon. Jim Karygiannis:** As it's in front of us.

**Mr. Deepak Obhrai:** No—as amended.

**The Chair:** As amended.

The amendments have been dealt with, so then we go to the main motion as amended.

**Hon. Jim Karygiannis:** With the word "preliminary" and "May 16" in there.

**A voice:** That's right.

**The Chair:** Okay. Mr. Khan's motion as amended.

**Hon. Jim Karygiannis:** As amended.

**Ms. Olivia Chow:** Recorded vote, please.

**The Chair:** Would you kindly wait until I call the motion, and then we'll call for a recorded vote.

All in favour of Mr. Khan's motion as amended.

Mr. Clerk, a recorded vote.

(Motion as amended agreed to: yeas 7; nays 4 [See *Minutes of Proceedings*])

**The Chair:** The motion has passed as amended.

Are we ready to move on to consideration of the draft report?

Mr. Telegdi.

• (1725)

**Hon. Andrew Telegdi:** Can we get the clerk to get us information about putting together a tour on this to travel across Canada on Bill C-50?

**The Chair:** Mr. Telegdi has asked the clerk to put together the list of witnesses.

**Hon. Andrew Telegdi:** No, no, to do cross-Canada travel on Bill C-50.

**The Chair:** To put together what? What are you asking her to do?

**Hon. Andrew Telegdi:** To put together an itinerary so that we can visit pretty well the same places we visited before.

**An hon. member:** Didn't the committee just negative that?

**Mr. Deepak Obhrai:** That was defeated.

**The Chair:** Yes, that was defeated, I thought.

**Hon. Andrew Telegdi:** No, that wasn't defeated. The joint travel with the finance committee was defeated.

**The Chair:** That was defeated.

**Hon. Andrew Telegdi:** No, no, that was only the joint travel with finance. The citizenship and immigration committee travelling by itself was not defeated. What got defeated was.... I didn't want to travel with the finance committee.

**The Chair:** The clerk tells me that was contained within the amendment of Madam Chow.

**Hon. Andrew Telegdi:** No, Mr. Chairman, it was travelling with the finance committee that got defeated. This one is for our committee, not the finance committee.

Madam Chow would have us as a joint committee travelling across the country. My motion is just our committee—not a joint committee, just our committee.

**Mr. Deepak Obhrai:** Are you putting a new motion?

**Hon. Andrew Telegdi:** That's the motion, yes.

**Mr. Deepak Obhrai:** Are you putting it now?

**Hon. Andrew Telegdi:** Yes.

**Mr. Deepak Obhrai:** So it's a new motion.

**Mr. Ed Komarnicki:** Can he do that?

**The Chair:** He can put a motion to that effect, the clerk tells me.

Mr. Telegdi has moved a motion to have the clerk or the analyst, whoever is responsible, put together an itinerary to travel on this particular issue and to report back to the committee.

Again, I just don't see how it can be done in the timeframes that we're talking about.

**Hon. Andrew Telegdi:** It doesn't have to be for the preliminary report, but—

**The Chair:** So it could be at some point in the future.

**Hon. Andrew Telegdi:** Well, yes, it would be once we do our preliminary report. Then we'll go on after the preliminary is done.

**The Chair:** Okay. That's a point of information that she can get for us.

**Hon. Andrew Telegdi:** Yes.

**The Chair:** Okay. Are we in the mood...?

**Hon. Jim Karygiannis:** Mr. Chair, there are two more motions on the floor from me.

**The Chair:** I don't know if we'll deal with them now.

**Mr. Ed Komarnicki:** Do we have a motion on the floor or don't we?

**The Chair:** No, I don't think so.

Mr. Carrier.

[Translation]

**Mr. Robert Carrier:** Mr. Chairman, I have a question concerning the study on Bill C-50 that we have agreed to undertake. I think it would be important for the Subcommittee on Agenda and Procedure to draw up a list of witnesses that could help us with our study. I do not think it is up to us to come up with a list.

[English]

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

[Translation]

**Mr. Robert Carrier:** I think a meeting of the subcommittee should be called as soon as possible.

[English]

**The Chair:** Members can submit a list of witnesses if they so desire.

**Hon. Andrew Telegdi:** And we would all agree to have the minister here, of course.

**The Chair:** Perhaps I could move on and ask the committee what we want to do now with the draft report that we have before us.

**An hon. member:** Adjourn, adjourn.

• (1730)

**Ms. Olivia Chow:** The chair has 5:30 down.

**Mr. Deepak Obhrai:** I want to adjourn, Mr. Chair. We've had too many motions today.

**The Chair:** What we passed in St. John's.... For the benefit of members, in St. John's the chair asked Ms. Becklumb to prepare recommendations applicable to an interim report on the study of immigration consultants and to have them sent to members before the end of the week so that members could read them and then discuss them on Monday, which is today.

So you're saying that we don't want to do that today?

**Hon. Jim Karygiannis:** Give it to the steering committee.

**The Chair:** Why can't we do a couple of hours on it now?

**Ms. Olivia Chow:** On a point of order, it's 5:30 right now. Unless we extend the meeting...

I see that already three people have gotten up and left—well, two are leaving and one has left. I think they are using their feet to give you a message.

**The Chair:** So it's not your desire to go ahead with the draft report now?

**Ms. Olivia Chow:** No. If we look at Bill C-50, that will take us a bit of time from now until May 16, I think. I suspect we will not be able to deal with any reports or motions on other issues. Even though the consultants issue is very important, I suspect we would not be able to deal with it until we have dealt with Bill C-50.

I'm wondering if I could make the very friendly suggestion that we deal with all of issues that are in front of us only after we have finished Bill C-50.

**The Chair:** So is the committee saying to me that we're not going to deal with the interim reports? I want to get some clarification here, please.

We went across the country for 12 days. We met in nine provinces. Our analysts have worked overtime over the last short while doing reports. Are we just going to leave these in limbo and move on to other reports? What is the committee saying?

**Hon. Andrew Telegdi:** Mr. Chair, may I suggest that the members read the report on the consultants. We were eager to make sure we got something out of the travel that we could file as a report. I think you'll probably find that we can deal with that fairly quickly.

The steering committee should meet, Mr. Chair, to schedule some extra meetings so that we can do justice to the preliminary report on Bill C-50. It's important we show people that we're going to make good use of the extra time. It would be good if we could get that done.

The reason we said that is that in case there is an election, we don't want to see everything we did on the cross-Canada tour go down the tube. In terms of the consultants, it seemed as if we could get fairly easy agreement. That was the feeling. So if everybody could read the report on the consultants, that might be one thing we could deal with.

We probably won't be able to come to agreement on the other stuff, but with this one, there is a possibility of getting it done. At least we'll have something on record for having taken the tour.

Does that make sense?

**The Chair:** Does that accurately reflect what we want to do?

**Hon. Jim Karygiannis:** May I recommend that at some point in the next 48 hours you have a steering committee meeting to reflect our travel, the reports?

**The Chair:** We'll try to put a steering committee meeting together as quickly as we can.

**Hon. Jim Karygiannis:** So can we take this to the steering committee, and then have the steering committee come back to our next scheduled meeting with solid recommendations on where we're going to go and how we're going to do it?

**The Chair:** We could do Bill C-50.

**Some hon. members:** Perfect.

**Hon. Jim Karygiannis:** Not only Bill C-50, but also the reports.

**Hon. Andrew Telegdi:** And we could look at that. Is that the only report you want to do?

**The Chair:** We have immigration consultants, we have Iraqi refugees, and we have temporary foreign workers, which will take a long time to do.

**Hon. Jim Karygiannis:** Let's take it to the steering committee and then come back to this committee with some recommendations.

**The Chair:** Okay.

Mr. Carrier.

[Translation]

**Mr. Robert Carrier:** Mr. Chairman, even if we had had the time to look at these recommendations, I do not think we would have been really ready to do that. Least we forget, this requires a serious effort on our part. We need to schedule another meeting, perhaps next Wednesday, to look at the recommendations. The steering committee should discuss this and come up with a suggestion for us. We need to take the time to look at these recommendations carefully. We must not be too hasty.

• (1735)

[English]

**The Chair:** It would be a terrible waste of time and money if we didn't do anything on this. There was a lot of effort put into it. There were 52 panels of people, and I was there for every single one of them. A lot of effort went into it. So to have this now just thrown aside—

**Hon. Andrew Telegdi:** We're not throwing it aside.

**Hon. Jim Karygiannis:** We're not throwing it aside. We're taking it to the steering committee, to come back with recommendations to this committee. Every party has a member or two in the steering committee. I think the steering committee can be trusted to come up with solid recommendations on how to proceed on both accounts at the same time.

**Mr. Ed Komarnicki:** Plus, we heard some witnesses today, and there may be some recommendations flowing from that that should come before the committee. Absolutely, we will make a report. There's no question about that. The issue is when. Not today. We've gone overtime, probably for good—or no good—reason.

That being said, we've heard some witnesses today, and we need some updated recommendations—

**Hon. Jim Karygiannis:** We need a steering committee. Are you in agreement?

**Mr. Ed Komarnicki:** I think that's fair. And then we'll set a time to hear it, probably Wednesday or some time next week.

**The Chair:** The meeting is adjourned.









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