



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 044 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, May 13, 2008

—
Chair

Mr. Norman Doyle

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• (1530)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): Good afternoon. Welcome to all. On behalf of our committee, I want to welcome Minister Finley, Minister of Citizenship and Immigration, to our committee meeting, and her deputy, Mr. Richard Fadden.

Welcome to both of you.

Just for the record, pursuant to Standing Order 108(2), we are considering the subject matter of part 6 of Bill C-50.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): On a point of order, Mr. Chair, do we have copies of the minister's speech in both languages?

A voice: I put it in front of you, sir.

Hon. Jim Karygiannis: Thank you, sir.

The Chair: The minister has approximately one hour. In talking to the committee members beforehand, it's my intention to try to get everyone on for at least five minutes. We came to an agreement about a week or so ago that when the minister would come to our committee meeting we would go with five-minute questions instead of seven. Given that, we should be able to get everyone on for a five-minute round.

The minister has an opening statement of approximately 10 minutes or so.

Minister, I'll hand it over to you, and again, welcome.

Hon. Diane Finley (Minister of Citizenship and Immigration): Thank you very much, Mr. Chair, honourable members.

[Translation]

Mr. Chairman, honourable members, I appreciate the opportunity to address Bill C-50 on budget implementation, which contains our government's proposed amendments to the Immigration and Refugee Protection Act.

[English]

As I said to our colleagues at the finance committee, I'm proud to serve as the Minister of Citizenship and Immigration in a government that recognizes that immigration is as important to Canada's future as it has been to our past. Our country was built on immigration, and our future prosperity and success as a country largely depends on it.

To put things in context, by 2012, all of Canada's net labour force growth will have to come from immigration, but at this time there are

over 900,000 people in the queue waiting to immigrate to Canada. Many of them have to wait up to six years before their application gets looked at, let alone processed. The stark reality is that if we do nothing to address the backlog by 2012, applicants will face a 10-year wait time to have their applications processed. The lineup of people waiting to get into Canada could reach upwards of 1.5 million people.

[Translation]

Contrary to the previous government, we do not believe the status quo is acceptable or sustainable.

[English]

If we do nothing to address this problem, we risk having families wait even longer to be reunited with their loved ones, and we risk losing the people our country needs to other countries, which are in fierce competition with us for the skills and talents that immigrants bring.

The current immigration system is broken and desperately needs repair. The status quo on immigration is simply unacceptable. The current system is unfair to our country and it's unfair to those waiting to come here. Because immigration is so important to Canada's future, we need a modern and renewed vision for immigration, a vision that involves a new and responsive immigration system, one that would allow us to continue welcoming more immigrants while helping them get the jobs they need to succeed to build a better life for themselves and for their families. However, to realize this vision, changes must be made.

[Translation]

In our immigration system today, anyone can apply. That is a good thing, and we will not change that. It reflects the fundamental commitment to fairness that all Canadians share. However, the current system leaves us little flexibility in terms of what we do with those applications.

[English]

By law, we have to process every single completed immigration application to a decision, even if a person has moved on to another country or is simply no longer interested in coming here. Our obligation to process every single application to a decision remains, regardless of how many people apply or how many were able to accept.

Furthermore, we are generally limited to processing applications in the order that we receive them. So quite simply, the current system, if left unchanged, is on track to collapse under its own weight.

In the current context, Mr. Chair, we must realize that other countries are not sitting idly by. The fact is that we face serious international competition in attracting the people with the talents and the skills we need to ensure our country's continued growth and prosperity.

[Translation]

Put simply, inaction on the backlog will result in the people we need going elsewhere as wait times to come to Canada continue to increase.

[English]

In Australia and New Zealand, where they have the kind of flexibility we seek, applicants get final decisions in as little as six months, not six years. It's important to note that when compared with the United Kingdom, Australia, or New Zealand, Canada is the only country that does not use some kind of occupational filter to screen, code, or prioritize skilled worker applications.

• (1535)

[Translation]

So compared to other countries, Canada's system is just not flexible enough.

[English]

Urgent action is required so that we can welcome more immigrants and their families faster while ensuring that the workers we need get here sooner. To accomplish this objective, Mr. Chair, our government has proposed a three-pronged approach.

Number one, we have committed to investing more resources—\$109 million over five years. But more money isn't enough. We also have to do things smarter, better, and faster.

So we'll make administrative changes as well, such as centralizing our data entry to free up resources in our overseas missions for more processing. We'll also code applications in the backlog by occupation so that we can refer applications of interest to the provinces and the territories for processing under the provincial nominee programs.

As part of our administrative changes, we'll also send in dedicated teams to our overseas missions to speed up processing in parts of the world where wait times are the longest, and we'll transfer resources from busy to less busy missions. For example, in October, when we lifted visa restrictions on the Czech Republic and Latvia, we transferred resources to the Philippines to help with the backlogs there.

[Translation]

But increasing funding and improving administrative efficiencies is not enough. Systemic change is needed in order to fix the system. That is why we have introduced legislative changes to give us the flexibility and authority to both manage the backlog and set priorities that would match Canada's needs.

[English]

Our proposed legislation will allow the minister to identify categories of occupations—not individuals—for processing on a priority basis; that is, the proposed legislation will allow for the

processing of applications based on our country's needs, not on one's individual place in the line. To make sure that we get it right, there are several checks and balances on the minister. First of all, the ministerial instructions will have to comply with the Canadian Charter of Rights and Freedoms. Our immigration system will continue to be universal and non-discriminatory.

The instructions will also complement the objectives of IRPA, that is, to support Canada's economy and competitiveness, reunite families, and protect refugees. These instructions will also require broad input.

Prior to issuing the instructions, the government will consult with the provinces and territories and industry and government departments to shape the approach. In consulting with the provinces, we will seek assurance that when they say they need immigrants with certain skills, those immigrants can actually get their credentials recognized so they can work.

Finally, ministerial instructions will be subject to cabinet approval, ensuring government-wide accountability for the decisions taken. And to be completely transparent, the instructions will be published in the *Canada Gazette*, on the departmental website, and will be reported in CIC's annual report, which is tabled in Parliament.

Mr. Chair, let me be crystal clear on two key points about these proposals. First, contrary to the misinformation that is out there, we will not be placing any limits on the number of applications we accept; Canada remains open to immigrants and anyone can still apply. However, under the proposed legislative changes, we will not have to process every application. Those applications that are not processed in a given year could be held for future consideration or be returned to the applicant with a refund of their application fee—and they would be welcome to reapply.

The result will be that the backlog will stop growing and will actually start to come down. The flexibility in managing the backlog will accomplish three things: it will help reduce the backlog; it will ensure that immigrants have the jobs they need to succeed; and it will allow our country to continue to grow and prosper.

[Translation]

That is what these proposed amendments would do, Mr. Chairman. However, I should also clarify what the proposed changes would not do.

There are some who are suggesting that this legislation will put too much power in the hands of the Minister.

• (1540)

[English]

For example, there's a myth out there that the minister would be arbitrarily able to cherry-pick applicants in the queue and override immigration officers' decisions on individual cases. This is simply not the case, as the minister is limited to designating priority categories, not applicants; nor will the minister have the authority to select an application for processing or reject an application that has been processed and accepted.

With respect to concerns expressed about the impact of the legislation on family reunification and humanitarian and compassionate cases, any instruction from the minister will have to respect the objectives of the Immigration and Refugee Protection Act, which include supporting Canada's economy and competitiveness, supporting family reunification, and upholding our humanitarian requirements.

To be clear, the ministerial instructions will not apply to refugees, protected persons, or humanitarian and compassionate applications made from within Canada. We would also continue to establish clear target ranges for numbers of immigrants that we intend to accept in each category. In the case of family class applications, this means Canada plans to accept approximately 70,000 applicants in 2008.

[Translation]

The instructions must also respect our commitments to provinces and territories regarding the Provincial Nominee Program and the Canada-Quebec Accord.

I know that time is running out, Mr. Chairman and I am looking forward to your questions.

[English]

In conclusion, let me just say that our proposed changes to the immigration system are ultimately about people. It's about a vision for our country to make sure that people who have gone through so much to get here succeed at building a better life for themselves and for their family. It's about helping newcomers get the jobs they need to succeed, because their success is our success. And it's about ensuring the future growth and prosperity of immigrants and their families while building a better Canada. These proposals would achieve that vision and would help immigrants continue to contribute to the future of Canada.

I'd like to thank this committee for the fine work you did on Bill C-37, in reviewing that, concerning the "lost Canadians", and also on the unanimous report you submitted on which that bill was based. I was very pleased and proud of you and your efforts when that bill received royal assent recently.

[Translation]

Thank you for this opportunity to address the committee.

I am now prepared to take questions.

[English]

Thank you.

The Chair: Thank you, Madam Minister.

We'll have five-minute questions, and of course if we have a minimum number of points of order, we can get everyone on for a five-minute round.

Mr. Karygiannis, you're first.

Hon. Jim Karygiannis: Minister, welcome to the committee.

So there's no misunderstanding as to what you and your deputy minister are saying today, I've e-mailed both of you a list of questions I was going to ask and some information.

I'm sure, Mr. Fadden, yours came through. Unfortunately, the minister's e-mail was full and it kept bouncing.

This is in regard to advertising. I want to read and put on the record a letter sent to me by your colleague, Mr. Michael Fortier, regarding advertising. He says the following:

My department is responsible for issuing government advertising contracts, managing the government's Agency of Record and that buys advertising space or time in the media, and reporting on the advertising activities of federal departments. In this regard, I can report that although government advertising media has declined by 72 % over the last four years, advertising in ethnic print media has declined by only 13 % over the same period. Reductions in government media expenditures have had an impact on all media, but less in ethnic media in terms of its share of overall government spending.

Minister, what is your department's budget for advertising on Bill C-50?

Hon. Diane Finley: So far, we've spent just a little over \$1.1 million.

Hon. Jim Karygiannis: How much of that was spent in ethnic media and how much of that was spent in mainstream media?

Hon. Diane Finley: I believe it was all spent in ethnic media—is that correct?

My understanding is that's where it was spent. Virtually all of it was spent in—

Hon. Jim Karygiannis: These are the ads you're buying, Minister, in the ethnic presses.

Hon. Diane Finley: Yes.

Hon. Jim Karygiannis: Are these the ads?

Hon. Diane Finley: We have ethnic media—

Hon. Jim Karygiannis: Minister, are these the ads you're buying, right here?

Hon. Diane Finley: I'm sorry, I can't see those from this distance.

Hon. Jim Karygiannis: They're South Asia newspapers, Sri Lankan newspapers, street newspapers, Filipino newspapers. I think the department has gone on an aggressive buying spree.

Hon. Diane Finley: I think it's important to recognize that many of the immigrants in this country rely on ethnic media as their main source of news.

Hon. Jim Karygiannis: Who is the agency on the record?

Hon. Diane Finley: One thing I can tell you is that—

• (1545)

Hon. Jim Karygiannis: Can I please have the agency on record?

Hon. Diane Finley: We're looking for that information.

One thing I can tell you is that we made sure this information was available in over 20 languages because the reforms affect immigrants more than Canadian-born Canadians. We wanted to make sure they understood what is happening, what we are proposing, because they have the right to know.

Hon. Jim Karygiannis: So absolutely no money was spent in mainstream media. Is that correct?

Hon. Diane Finley: No, I did not say that. I said the bulk of it was spent in the ethnic media.

Hon. Jim Karygiannis: Could I have the agency on the record, please?

Hon. Diane Finley: We're still looking for that information.

Okay, here it is: ethnic media, \$1,076,000; mainstream media, \$28,000.

Hon. Jim Karygiannis: Who is the agency on the record, please?

Hon. Diane Finley: We do not have that, I'm sorry. I'd be pleased to get it for you.

Hon. Jim Karygiannis: Did that go through your colleague, the Minister of Public Works and Government Services, or was that spent directly from the department?

Hon. Diane Finley: No, that went through the minister, of course.

Hon. Jim Karygiannis: Did your agency on record encourage ethnic media to overcharge?

Hon. Diane Finley: Absolutely not. What a suggestion!

Hon. Jim Karygiannis: Minister, I have an e-mail from a newspaper. My questions to him were:

Further to our telephone conversation for the Immigration advertisement newspaper backlog. Media Marketing asked that you charge the government the highest rate you have which is \$1500 per page. You have media cards which range from \$500 to \$1000 per page. Media Marketing under Mr. Yamin encouraged you and he ok'd the higher card. Please let me know if this is correct or not? Thanks Jim

Hi Jim. Thanks for your email and I would say "yes" for your questions. But some one is going to pay me more money I would be happy.

Minister, why is your agency on record charging higher than they should?

I will give this to the clerk.

Hon. Diane Finley: All of these transactions are handled by Public Works, and I would suggest you direct your questions to them.

Hon. Jim Karygiannis: Minister, it's your department that asked Public Works to advertise.

Hon. Diane Finley: Yes, and they—

Hon. Jim Karygiannis: Why is the agency on the record charging higher than normal? Why is the agency on the record suggesting to people to charge higher than normal?

Hon. Diane Finley: I don't know that they are, but their responsibility is to do the placement, to deal with it. Our department does not deal with those.

Hon. Jim Karygiannis: What would you do about this, Minister? There's evidence here. There's all kinds of advertising. I'm sure other newspapers were probably encouraged to do the same thing. What is your department and what are you personally going to do about this?

The Chair: A point of order.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): I have a point of order, and I think he ought to respect that.

The Chair: I have a point of order, Mr. Karygiannis.

Hon. Jim Karygiannis: Stop the clock, please, Mr. Chair.

The Chair: No, there will be no stoppage of clocks today.

Mr. Ed Komarnicki: First of all, this member is suggesting that there's evidence of an issue being proved when another agency—

Hon. Jim Karygiannis: I've placed it before the committee, but you know, Mr. Komarnicki—

The Chair: Order, please.

Hon. Jim Karygiannis: —my question is to the minister.

My question is, why, and what are you going to do about it, Minister?

The Chair: Order, Mr. Karygiannis. I have a point of order. I have to hear it, so will you please restrain yourself when I say "Order, please"?

What's your point of order?

Mr. Ed Komarnicki: The point of order was that this member is indicating that he has evidence that establishes a certain point when that hasn't been established in this place, and apparently it's to another department and those questions should be put there and not here.

The Chair: To that point of order.

Hon. Jim Karygiannis: Chair, with all due respect, I've asked the minister. I made her aware. I tabled it in the House. The ads are here, and I can certainly give them to the minister.

My question is to the minister: what is she going to do about it? Is she going to talk to her colleague, and, if so, will she follow up? Will she make a commitment to this committee to follow up and leave no stone unturned in order for us to get to the bottom of this?

The Chair: I think she has already indicated that this information will come from Public Works, and she will make every effort to follow up on that.

Hon. Jim Karygiannis: Mr. Chair, what I'm hearing is that the minister wants to slide away on this. She absolutely doesn't want to make a commitment to follow this up.

The Chair: In the meantime, Mr. St. Cyr.

[*Translation*]

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

I have a number of questions for the minister. Several comments caught me off guard, but I will come straight to the point.

As a Bloc MP, you surely understand that I am very concerned about the potential impact of this legislation on Quebec and on the Canada-Quebec Accord. I believe someone stated to the Standing Committee on Justice and Human Rights that the act would not affect people selected by Quebec. Yet, during our hearings, some witnesses told us that on the contrary, while this may not be the legislator's intent, there is nothing in the act to prevent instructions from applying to persons selected by the provinces. Mention was made at one briefing by your officials that instructions like these could be issued if one province attracted all of the applications for qualified workers in a given field.

Would you, or a future minister, have the authority under the act to issue instructions that could impact how the applications of persons selected by the Government of Quebec are processed?

• (1550)

Hon. Diane Finley: As I just said, the proposed amendments will not affect the Canada-Quebec Accord. I've discussed the changes with the department and with my officials and we all agree that they would have no impact. The Accord clearly sets out the responsibilities of the federal and provincial governments with respect to immigrations and the reforms proposed in Bill C-50 will not affect these responsibilities in any way.

Mr. Thierry St-Cyr: I've looked at the bill and Part 6 contains two pages. Is there one specific clause in the bill stipulating that instructions for the processing of applications would not apply to Quebec applications?

Hon. Diane Finley: No, there is not, but there are no such provisions in the existing legislation either. Everything is covered in the Accord.

Mr. Thierry St-Cyr: In short, you're saying that neither the existing legislation nor the bill affords any protection in this regard.

Hon. Diane Finley: The bill does not change anything.

Mr. Thierry St-Cyr: I have often heard the same comment in Quebec. Once the selection certificate has been issued in Quebec, it is referred to the federal government so that health and safety concerns can be addressed. People complain that it already takes the federal government too long to respond. If the minister prioritizes a certain number of applications, would this not delay the processing of applications in Quebec or in another province that are not a priority? Overall, the resources have not changed. Nor has the number of cases handled. If some applications are deemed to be priorities, then others further down the list will take longer to process.

Hon. Diane Finley: We are prepared to make a promise to Quebec in so far as prioritizing its applications is concerned. Regardless of what happens, we will continue to keep our promises and to process each application fairly.

Mr. Thierry St-Cyr: That doesn't quite answer my question, but I would like to talk about reducing wait times.

You mentioned wait times more than once in your presentation, and I don't quite see how issuing instructions will reduce wait times. If there are six persons in the queue and the last one in line is moved to the front of the line, there are still six people in line. How will this measure designed to prioritize applicants reduce the average wait time?

Hon. Diane Finley: We are going to do three things...

[English]

The Chair: Let us have a brief response, Minister. We're trying to stay on time here.

[Translation]

Hon. Diane Finley: We will have \$109 million to assign more human resources to deal with this situation and we plan to make some administrative changes to speed up the process.

[English]

The Chair: Thank you, Minister.

We'll go to Madam Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): Minister, I noticed that actual spending in 2006 on the immigration program is \$244.8 million, and in the main estimates in 2008, the immigration program spending is \$164.86 million. That's a 32% drop.

Yet for the advertising program, \$2.4 million has been put into the supplementary estimates. That's a lot of money for the advertising program. I think \$1.1 million has already been spent on defending a bill that the House of Commons hasn't even passed...but that's neither here nor there.

I have listened carefully to all your interviews. You have said you do not want to process dead people, which we totally agree with. One way to not process dead people is to send a letter to all 925,000 people in the backlog and say, "If you don't respond in 60 days, obviously you don't want us to process your application any more." Maybe a few of them are already dead; I don't know. But that's an easy way to deal with it. Why not do it that way?

Secondly, you have often said you want to get the doctors in, because we need doctors. I've heard that many times. I then looked up the temporary foreign workers program. This information comes from the employers. It specifies the kind of skilled labour they want. I have looked at the kinds of skills employers say they need most in Alberta, British Columbia, Saskatchewan, and Manitoba. In Alberta, it's code number 6242. It's not doctors; it's actually cooks. In 2007, the employers from Alberta have requested 3,343 cooks. Nowhere on this list is doctors.

I then looked at British Columbia and Saskatchewan and Manitoba. Some are asking for maybe 200 doctors, but certainly chefs and cooks are at the top of the list.

So are we doing all of this in Bill C-50, part 6, in order to bring more cooks into Canada, or maybe kitchen helpers? I see that Alberta has requested 6,976 food-counter attendants and kitchen helpers. Next on the list are babysitters, nannies, and parent helpers—5,000 of them. There is a request for 4,000 light-duty cleaners.

Are these the people you're going to put at the front of the list—they're obviously in demand—instead of some other folks? I'm just looking at the documentation in front of me. They are obviously the people we need.

Am I correct in that interpretation?

•(1555)

Hon. Diane Finley: Not entirely.

One thing I've been saying—and you say you've been listening—is that we are going to set the categories for priorities only after consultation with all of the provinces and territories and with other government departments and industry. The priorities might include medical professionals, doctors, lab technicians, nurses. There is a wide range. We're even short of veterinarians in some parts of the country.

We recognize that there are different needs in different parts of the country. That's one of the reasons we have the provincial nominee program—if the needs are specific to one region, the provinces have the flexibility to deal with them.

We're looking for priorities. As you point out, doctors may be small in number, but some are still desperately needed in Canada. In having small numbers, we're not going to be worried about displacing others who are in the lineup, as was suggested earlier. We will still meet the needs of the country.

Ms. Olivia Chow: Nevertheless, British Columbia has requested 1,701 cooks. They need 7,900 babysitters, nannies, and parents' helpers; 3,000 farm workers and harvesting labourers. There is a high demand in the construction trades. I don't see doctors on this list....

The Chair: Okay, I would ask—

Ms. Olivia Chow: Did I run out of time?

The Chair: If you have a brief response, Minister, that's fine; if not, I'll go to Mr. Khan.

Hon. Diane Finley: The requirements vary significantly across the country. We want to recognize all those differences and, through our various immigration streams, help those regions get the people they need, but just as importantly, we want to help immigrants who are applying to come here to find the jobs that match their skills so that they can succeed sooner.

•(1600)

The Chair: Thank you.

Go ahead, Mr. Khan.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Thank you, Mr. Chair.

I will ask three questions, Minister, and I will give you all the time to hear your answers, but before I go there, I would like to quote from the previous Liberal minister of immigration, the Honourable Joe Volpe, who said this:

Gone are the days when Canada could rely on wave after wave of immigrants from familiar European sources

—and later—

Countries design immigration programs to benefit their national interests. Even considering refugee systems, the needs of the individual immigrant is secondary to the country's economic interest. Effective strategies for recruitment, integration and retention, then, can only be measured against the return on investment.

That's self-explanatory, at least to me. It tells me that they've always recognized that the system does not work. It is broken, and things need to be changed.

Minister, why are we in this backlog mess in the first place? What are the specific areas of IRPA that cause these problems and backlogs, and how do they affect Canada's immediate and long-term economic future?

Hon. Diane Finley: Those are very good questions.

The backlog used to be only about 50,000 people, which was turned over about three or four times a year, which was pretty reasonable. Since then, when we took over, it had ballooned to over 800,000. Part of the reason was that in 2002, when IRPA was brought in, there had been a lot of discussion and speculation prior to the bill's passing, which prompted a lot of people to suddenly flood the government with applications to come to Canada because they were afraid of changes to the act.

That flood of applications came in, but IRPA had nothing in it that would allow the government to cope with this flood. It required that every application be processed, and that's simply not pragmatic. You can't just keep pouring them in. We have no control over how many applications we get, and we certainly get more each year than we can possibly process. Frankly, even adding more resources, which we're doing—we could do that until the cows come home and it wouldn't be enough.

It's a fundamentally flawed system that requires us to process applications—duplicate applications, in many cases. We can only process them in the order we receive them, for the most part. It would be like building a hockey team under a requirement to take the first 25 people who applied, even if none of them was a goalie. That's the way the system is set up now.

It doesn't help us meet our economic needs as a country. It doesn't give us the flexibility to respond to changing times. It was actually designed in a time when there were too many people for too few jobs; now we're just the opposite. We don't have the flexibility to help the immigrants succeed by finding them jobs in their fields. It systemically needs changing.

Mr. Wajid Khan: Minister, you've had some criticism that you have arbitrary powers. Am I correct in assuming that's not the case, and that before you issue instructions, you would have to discuss this matter with all sorts of different agencies, provinces, organized labour, employers, and others? Even after your instructions are issued, wouldn't they have to go for cabinet approval?

Hon. Diane Finley: You're absolutely right. In designing this new mechanism, we've ensured that there are checks and balances on the minister.

First of all, all the instructions must comply with the charter. That's the law. We intend to honour the law.

Second, consultations will be required with the provinces, with the territories, with industry, and with other government departments that have labour information, for example.

Finally, before they come into force, all the instructions will have to receive cabinet approval. As well, for transparency, we'll be publishing them in the *Canada Gazette* and reporting back to Parliament in our annual report to Parliament, because we want to make sure the minister cannot act on a whim and that a number of perspectives are brought to bear on these instructions, because they are so very important and because we believe so much in accountability.

Mr. Wajid Khan: How much time do I have, Mr. Chair?

The Chair: You have 30 seconds.

Mr. Wajid Khan: Very quickly, Minister, will Bill C-50 have any impact on family reunification and refugee applicants?

Hon. Diane Finley: Absolutely not. As I mentioned in my opening remarks, this bill does not touch at all upon refugees, humanitarian and compassionate applications from within the country on the PNP program, or even on the Canada-Quebec accord.

• (1605)

The Chair: Thank you.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Thank you very much, Mr. Chairman.

Minister, I want to thank you for your presentation here in our committee.

I want to say in a nutshell that I have a very big problem with this bill. I'll give you an example. You say in your speech that there are some who are suggesting that this legislation will put too much power in the hands of the minister. The vast majority of the people who appeared in front of this committee believe that's indeed the case. There are not some people; there are many, many people.

The problem you have had right from the beginning is that in your communication you stated that this bill was in fact going to be implemented to deal with the backlog. The reality is—and it's a reality that has been confirmed by many people who have appeared in front of this committee—that your changes will not deal with the backlog. That's number one.

Number two, the manner and form in which you acted as a minister was not becoming of an individual who respects the parliamentary tradition here, or the process, with all due respect. There was no consultation. We had to literally beg that the committee actually study the contents of Bill C-50, as it deals with immigration. That should have been something you should have offered as a minister.

As well, there was a major concern about transparency, accountability, and the lack of resources that exist, and there is nobody who has said these reforms will in fact fix the immigration system. And you have not helped the debate. You have not helped the debate for many, many reasons, and one of them is that you've not been telling the truth all the time.

I'll give you an example. When it came to the issue related to the number—

Mr. Wajid Khan: I have a point of order, Mr. Chair.

Hon. Maurizio Bevilacqua: There will be facts.

Mr. Wajid Khan: Telling the minister she lied, that she did not tell the truth, is an insinuation that I object to.

Hon. Maurizio Bevilacqua: Mr. Khan, just follow me for a second.

The Chair: It is considered unparliamentary language, not a point of order.

Mr. Bevilacqua, continue. It's unparliamentary language.

Hon. Maurizio Bevilacqua: Would you agree with your own officials, who appeared in front of the finance committee, who said that neither temporary foreign workers nor foreign students are new Canadians on the day they arrive in Canada?

Hon. Diane Finley: They're not new Canadians; they're newcomers.

Hon. Maurizio Bevilacqua: You said during question period, on March 14—

Hon. Diane Finley: And I corrected that, on the record.

Hon. Maurizio Bevilacqua: ... this Conservative government welcomed more immigrants to Canada than has been done in almost 100 years.

Or when, on April 4, 2008, you said:

That is why we were able to welcome 430,000 new Canadians last year to this country, the highest in over 100 years.

Hon. Diane Finley: And I corrected that on the record immediately afterwards.

Hon. Maurizio Bevilacqua: That's misinformation.

Hon. Diane Finley: No, I corrected it.

Hon. Maurizio Bevilacqua: Another issue, with all due respect, Madam Minister, is in reference to this impression that you're trying to leave Canadians with, that you're doing it because you want to deal with the economic challenges of the country. If you were really serious about it, then why did you accept 36,000 fewer landed immigrants into Canada? And why didn't you use those 36,000 as skilled workers?

The concern I have is that this misinformation campaign is really hurting the credibility of the process. We would be willing to support your initiatives if you had given us the respect that a parliament deserves, and you have not. That is a sad statement. I'd rather you had put all the information out. We could have debated this issue—a serious debate—and you would have consulted prior and after you presented these changes so that due process would have been followed. This is where the failure is on this bill, because no opportunity was given to Parliament to take a serious look at it.

Nothing shows that more than having a bill that is over 100 pages, with two pages dedicated to immigration.

The Chair: A response from the minister...

Hon. Diane Finley: I was asked a moment ago how the backlog was created. Partly it was created because there were a lot of public consultations and lead-up to the passage of IRPA. We wanted to prevent that, because that would not help the system. In terms of dealing with the backlog, the first thing we have to do is limit the intake before we can reduce it. We've made that perfectly clear. That's why legislative changes are needed.

We are also doing this as part of a comprehensive immigration vision, where we are deliberately expanding the temporary foreign worker class, because we need to get people here to fill jobs and it takes way too long for them to come in through the regular stream right now.

• (1610)

The Chair: Thank you, Minister.

Mr. Carrier.

[*Translation*]

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

Good morning, Minister.

You began your presentation by stating how proud you were to be the Minister of Citizenship and Immigration. To my mind, to have such an important piece of legislation on immigration, a subject of interest to the whole country, consigned to barely two pages of a 130-page bill does not do you justice as Minister of Citizenship and Immigration. I think a different approach should have been taken, and a real bill calling for immigration reform tabled.

All of the groups that we have spoken to and that are concerned by the immigration issue have confirmed that they were not consulted on Part 6 of Bill C-50. To put forward this initiative as the solution to the problem is more or less an abuse of authority. As committee members, we are forced to quickly review the portion of the bill concerning immigration. In essence, we are consulting and discussing after the fact a bill that pleases no one.

How can you claim to be proud, given that this bill is subject to a vote of confidence, because it is a budget bill? It's as if you want to tie our hands so that we have to go along with your solution.

Hon. Diane Finley: This bill has been the focus of many debates, including the one taking place today. I even invited all opposition critics to a briefing on this bill, and no one bothered to attend to learn the facts. It is important to realize that Canada's success depends largely on our having sufficient human resources. After 2012, our net labour force growth will come from immigration. It is critical that steps be taken now to address this situation. We cannot afford to spend two years debating this matter. We need to act now, for the sake of our economy and our country's future.

Mr. Robert Carrier: Madam Minister, you have been in office for at least two years now, which should have given you ample time, in my view, to introduce a regular bill that we could have examined calmly, instead of rushing around trying to get people's views on this part of the bill.

You say that you are committed to investing \$109 million, which would allow you to make, among other things, administrative changes, such as centralizing the data entry system. However, you failed to mention the 50 IRB positions that remain vacant. Staffing these positions should be your priority if you want applications to be processed more quickly.

Hon. Diane Finley: Which 50 positions are you referring to?

Mr. Robert Carrier: Of the 156 IRB member positions, I believe 50 are vacant.

Hon. Diane Finley: IRB member positions?

Mr. Robert Carrier: That's right.

Hon. Diane Finley: You're talking about a completely different system.

Mr. Robert Carrier: These are not the same...

Hon. Diane Finley: That is a totally different system.

Mr. Robert Carrier: These are not the people who process the applications.

Hon. Diane Finley: No, they are not.

Mr. Robert Carrier: Moving along then, you stated that the instructions to be issued will take into account a range of viewpoints. Whose viewpoints exactly? Several groups have told us that priority consideration will be given to the views of employers and that a considerable amount of lobbying will be done to influence the instructions that you will be issuing.

Do you plan to take into consideration the views of groups that represent cultural communities?

Hon. Diane Finley: Sir, we have the support of almost 50 ethnic community groups, of business associations, of most provinces and of nine newspapers. The list of supporters is fairly extensive, as they appreciate what we are trying to accomplish.

• (1615)

Mr. Robert Carrier: These groups are not...

[*English*]

The Chair: I have to interrupt here. Sorry.

Mr. Komarnicki.

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

Thank you, Minister, for your remarks. I'm happy to hear many of them explaining the way of the bill. There's certainly been misinformation with respect to the bill, not coming from your office but from other quarters. I know we have settled, through hearings, that refugees and protected persons are not affected by this bill, that humanitarian and compassionate grounds—

Hon. Jim Karygiannis: A point of order, Mr. Chair.

The Chair: A point of order.

Hon. Jim Karygiannis: Certainly Mr. Komarnicki is summarizing something I have not heard, and I'm sure that if we look over the blues, this will be the case.

The Chair: The honourable member knows that is not a point of order.

Mr. Komarnicki.

Mr. Ed Komarnicki: Applications in Canada on humanitarian and compassionate grounds continue to be made. In fact, all of the bill has to be charter compliant, so there can't be any discrimination on race or nationality or any physical disability or any other of the charter protections. And not only must the bill be subject to the charter, but the instruction, when it eventually issues, needs to be charter compliant, and the process under the instruction needs to be charter compliant. That's comforting.

I'd like to read something that was in the press. It was by the president of the National Ethnic Press and Media Council of Canada. He recently said, and I quote, "It is important for the Government of Canada to communicate with Canadians of all backgrounds. The current legislation regarding immigration reforms"—

Hon. Jim Karygiannis: A point of order, Mr. Chair.

The Chair: A point of order.

Hon. Jim Karygiannis: The parliamentary secretary is reading something. Could he table it? Will he put his BlackBerry down as evidence? If not, I'd like to see that letter.

Mr. Ed Komarnicki:—"will have a direct"—

Hon. Jim Karygiannis: A point of order, Mr. Chair.

He's reading something. I'd like to have it tabled.

The Chair: I'm sure the member will table it at his earliest convenience.

There is no point of order.

Mr. Ed Komarnicki: We're not in the habit of tabling anything we're reading from in the committee.

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

Mr. Ed Komarnicki: I'm going to finish reading part of the press release—

Hon. Jim Karygiannis: Just a second.

Mr. Chair, he's reading something. Either he's able to table it or he's not.

Mr. Ed Komarnicki: I will table it for the benefit of the member. I will read it, if he would just stop interrupting so I can do that in my time.

The president of the National Ethnic Press and Media Council of Canada, Thomas S. Saras said:

...the government should be applauded for their efforts to communicate the intent of this legislation through public notices in the ethnic press and media.

... The NEPMCC strongly believes that advertising in non-official language mediums is essential in a multicultural society as part of our democratic institutions and at the same time cost effective.

... The majority of new Canadians and members of the ethnic communities rely on the ethnic press as their primary source of news and information. Advertising important legislative amendments that will have direct impact on our communities is the right thing to do.

There has been a lot of misinformation, and this was a good opportunity to put some real information.

Another misconception has been whether or not there will be any consultation with respect to the instructions. What many people don't know is that this bill does not contain the instructions; the

instructions will come at a later date. Do you intend, indeed, to have consultations, and what might they be?

Hon. Diane Finley: They will be definitely at a later date. That's part of the way we set this up, to make sure there are no arbitrary decisions and no one is subject to whimsy of the minister. We want to make sure what we do is objective and transparent and does involve consultations, because this is an ongoing process.

One of the great benefits of this legislation is that it will allow any future government flexibility and authority to manage the application process, to manage the incoming applications in a way that meets the needs of the immigrants and of the country. Even as circumstances around the world or indeed within Canada change, all future governments will have the flexibility to deal with the immigration system efficiently and effectively, unlike the current broken system we've been saddled with today.

Mr. Ed Komarnicki: Thank you, Minister.

Certainly past ministers, including the Liberal minister for York West, have said we're not doing the system justice by taking applications that aren't going to get processed for years and years and years. It doesn't make any sense for us to be continually taking these names. The reality is that we need to change the system. We need an immigration system that is, in this regard, more flexible in response to employers, provinces, and our cities. Now, after 13 years and a backlog that grew from 50,000 to 950,000, saying we need to do something but not doing anything is not the answer, Minister.

• (1620)

The Chair: Twenty seconds.

Mr. Ed Komarnicki: What are we doing in this bill to ensure it meets the upcoming needs of the country?

Hon. Diane Finley: We're doing two things. The first is only agreeing to process as many applications as we can in a given year. I don't believe it's fair to give would-be immigrants false hopes that they might get in here sometime in the next six to ten years. I don't think that's fair to them at all. This way, what we're doing is being upfront with them and being realistic with them so that they can get on with their lives.

The Chair: Thank you, Minister.

Mr. Telegdi.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Thank you, Mr. Chair. Minister, welcome.

I want to deal with some misconceptions. I've been listening to you and the parliamentary secretary long enough. There are sound bites, talking points, that are coming through. Yes, it has to be charter-compliant. Minister, as I told the parliamentary secretary, a security certificate was not compliant with the charter for 25 years and it was in place. So saying it's charter-compliant might be a wish, something that gets dealt with down the road.

There's another issue I'm bothered about. Right now we have an open, transparent system, the point system, the objectivity of which was established in 1967. It has been copied by Australia, New Zealand, and Europe. The United States Senate started a major study on it a year ago. The problem, from my perspective, hasn't been the openness or transparency of the system—those are good things. The problem has been the way we allocate points. It wasn't the politicians or the committee who made up the point system back in 2002; it was the bureaucrats.

When you compare our point system to Australia's and New Zealand's, it doesn't make any sense. We give 10 points for the maximum age, for someone who's 49 years old, whereas both New Zealand and Australia cut them off at a younger age. If we're going to get people over here, we need to get them over here early.

I think we could have had a fix on it if we had just done that. I said it was the bureaucrats who drove the point system in 2002. In *Dragan v. Canada*, the court issued an order of mandamus. The court makes it clear that a big problem has been that the bureaucrats misinformed this committee and the Governor in Council. But guess what? They got off scot-free—none of them ever had to deal with it.

I have in my hand a memorandum to the minister. It's been floating around for a long time. It makes it clear that the problem has always been that the bureaucracy has artificially been constraining resources. That's the only control they had over processing. So there's no issue. If we wanted to get people in quickly, we could. They don't have to wait six years. We can get a temporary foreign worker in for 35 days or a couple of months. They can get them in, no problem.

Minister, you're the first minister in this decade who has missed her numbers, meaning the forecast. In this last session, instead of coming in with a 240,000 to 265,000 range, you're going to be coming in with less than 237,000. Minister, under your watch, we have created a crisis on the Immigration and Refugee Board. We went from a backlog of 18,000 to something like 45,000, and we're going to be over 60,000 by year's end.

I have a real concern about who's in charge over there, and I have a real concern about the underhanded way this whole process is being snuck through Parliament, being put in legislation. You're accommodating the bureaucrats' dream—the bureaucrats who have spent so much time misinforming members of Parliament and the Governor in Council, and who are responsible for a big part of the mess we are in.

• (1625)

The Chair: Minister?

Hon. Diane Finley: You raised a number of different subjects.

I would like to say that the staff at Citizenship and Immigration do work hard. I've been to facilities outside this one. I've looked at how they are working to improve the process and trying to deliver better service, and I'm very proud of the work they do.

You do raise one really interesting point, and that is about the point system. When we were looking at immigration reforms, one suggestion was that we raise the number of points to stream people out so we could manage the backlog or the intake better. I disagreed with that for the simple reason that this would benefit those with

more education, not necessarily with the education we need. As Ms. Chow pointed out, we also need welders. We need cooks, and those people would have been screened out, so I recognize that raising the points isn't good.

There are certainly some challenges with the existing point system, and I would encourage this committee, based on the fine work you did on the lost Canadians issue, to go ahead and take a look at the point system to see if you can find ways we can remedy that program to make an even more effective immigration system. I'd welcome those recommendations.

The Chair: Thank you, Minister.

Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Madam Minister, I would like to thank you for coming, for your time, and your presentation.

I would just like to clear up one thing. Some of the critics say that all the immigration system needs is more resources. Pump more money into the system and everything will be fine. How do you respond to this proposal?

Hon. Diane Finley: It's really quite simple. When you have a system that is fundamentally flawed to start with, throwing more money and more people at it isn't enough to fix it. Yes, it's necessary, but it's not sufficient. We have to find ways to fix a very badly broken system. That's what we're proposing with our legislation, but along with our legislation we're also making administrative changes and putting more resources into it, so we are taking the advice of more resources, but that's not enough. You just can't keep piling it on, because if you do that, people will say we are processing faster so they will flood us with even more applications, for which we need more people, then more applications, and it becomes an out-of-control spiral.

The country only has a finite capacity each year to welcome newcomers, whether it's in housing, schooling, any sorts of jobs for these people. We want newcomers to succeed when they get here. This is why we're saying let's welcome the newcomers and give priority to the newcomers who are going to be able to get the jobs here. Those are the jobs that need to be filled. That works for the newcomers and their families. That works for Canada, and that's what we're after. We've seen statistic after statistic showing that newcomer success rates have been declining over the last 10 to 12 years. I don't think it's a coincidence that during that same period of time, settlement funding was frozen by the previous government. That's why we are investing \$1.4 billion in new money in settlement funding, so that newcomers get the chance to succeed quickly and integrate into our culture.

We're taking a lot of steps. We're introducing the Canadian experience class this summer. We've launched the Foreign Credentials Referral Office to help would-be newcomers identify where and how to get their credentials evaluated before they even get here, and then if there is a gap between their skills and our standards, they have the opportunity to upgrade to Canadian standards before they even land, helping to ensure their success once they get here.

We want to change that past trend of the downward slope of newcomer success. We want to get more newcomers here faster and we want them to succeed sooner.

Mrs. Nina Grewal: How are the changes contained in Bill C-50, combined with recent funding announcements from your department, going to improve the immigration system and help new Canadians succeed in this country?

• (1630)

Hon. Diane Finley: There are a number of ways to do this. First of all, we have to clear the backlog. That's one of the reasons we're putting in a lot more resources. We're also doing things like coding the files with occupation, province of destination, so the provinces can then access these files. It's called data mining. I guess that's the technical term. They can identify people they need and get them here sooner.

We're looking at doing our processing centrally here, moving files around from busy to less busy missions as well as sheer process changes that will let us do things faster. If we get more people processing each application faster, we get a lot more applications processed a lot faster. We stop the growth in the backlog with their legislative changes. Then eventually we're going to get to the point where we have an efficient system where the wait time for newcomers applying to come here does not put them off and make them go to Australia or somewhere else where they are obviously allowed to get in a lot more quickly.

We're going to be meeting the needs of the economy. We're going to help newcomers succeed. That's going to work for everybody, and eventually we'll get people who really want to come here, people we need who want to be here to fill those jobs, and we'll be able to get them here in a timely manner. That's good.

Mrs. Nina Grewal: And how does this backlog impact on Canada's immediate and long-term economic future?

Hon. Diane Finley: Right now, frankly, with the wait time being as much as six years, it's putting people off from even applying to come to this country. I mean, who would want to put their lives on hold for six years waiting to find out if they might be able to come to Canada? Nobody wants to do that. I shouldn't say nobody, but a lot of people certainly don't. So people aren't even bothering to apply.

In fact, I met some people from the New Zealand government and they told me, because they process their applications in six to twelve months—usually on the six-month side—that New Zealand's best marketing tool to attract immigrants is Canada's backlog. That's a really sad commentary. We need to fix it.

The Chair: Okay. It is 4:30 p.m. and we have completed our third round. I was hoping to get a couple more people in, but we don't have time. So thank you, Minister.

Hon. Jim Karygiannis: A point of order.

The Chair: A point of order before we adjourn.

Hon. Jim Karygiannis: When I was raising my questions regarding the ads, how much, where, and all that stuff, you made a sort of comment that the minister will get back to us. I'm wondering if that is a commitment on your behalf, or will the minister come back to us with specifics, where the money was spent, which newspaper was bought, how much did it cost on advertising, all the details? Is this an undertaking that—

The Chair: It was my understanding that you would get in touch with Public Works and would endeavour to see that they would get back to our committee with the information.

Hon. Diane Finley: Yes, we will do that. They would be the ones who would have that information, Mr. Chair.

The Chair: Thank you, Minister.

A point of order, Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: Mr. Chairman, there are some members of the committee who unfortunately were not able to ask questions of the minister.

The Chair: Two.

Hon. Maurizio Bevilacqua: Two, which—

The Chair: One associate member and one member.

Hon. Maurizio Bevilacqua: I was wondering if members of the committee would be generous enough to allow those two members to ask their questions so that they could participate in this session.

The Chair: I guess I would have to go to the minister to determine what her schedule might be before I would ask the committee.

Would the minister want to stay for an extra five to ten minutes? Is there a schedule?

Hon. Diane Finley: I do have a scheduling issue, Mr. Chair, but I would be happy to stay for, say, five minutes.

The Chair: Okay.

Then we'll go to Madam Beaumier.

Ms. Colleen Beaumier (Brampton West, Lib.): Thank you, Minister. I appreciate that.

The Chair: I was hoping to be able to squeeze you in.

Ms. Colleen Beaumier: Thank you.

Minister, you tried to swing these measures on Canadians through the back door, and you did so without consulting community groups. There's a growing list of stakeholders who do not support these measures: the Canadian Bar Association, the Canadian Association of Professional Immigration Consultants, the Canadian Council for Refugees, the Canada Arab Federation, the Chinese Canadian National Council, the Canadian Labour Congress, the Ontario Council of Agencies Serving Immigrants, and the Alliance of South Asian Communities' immigration lawyers, such as Lorne Waldman and David Cohen. The only people who have supported this legislation have been from patronage organizations, such as CFIC, and their support has been weak. No stakeholders have been contacted. Knowing that this is a very weak bill, you've allowed the Prime Minister to give it minimal coverage, two out of the 150 pages.

You keep going back to the backlog. Not one single witness has said there are measures to deal with the backlog. I want to know exactly how this will deal with the backlog and how you can claim you have any serious intentions for your interests in your portfolio when you are pushing through legislation without proper consultation that is clearly not supported by a majority of stakeholders.

• (1635)

The Chair: I have one more, so I'll go three, three, and three here.

Go ahead, Minister.

Hon. Diane Finley: Mr. Chairman, I did explain I do have a time limitation.

The Chair: Okay.

Hon. Diane Finley: Actually, it's important to recognize, when we talk about reducing the backlog, that it's part of a three-pronged approach, with extra resources. The legislation is not sufficient in itself to do this. I've acknowledged that every step of the way. But I would take issue with what you are saying about the stakeholders. I have a list of ethnic communities: the Belarusian Canadian Alliance, the Canadian Chinese Association, the Canadian Polish Congress, the Russian Chamber of Commerce, and numerous others. I have a long list of business associations. I have all members of FETCO, and I was told this was the first time that all of FETCO's members agreed, that something was a good thing, and that includes Air Canada, Bell Canada, Canada Post, CNR, CPR, Iron Ore, NAV Canada, Purolator, Telus. We're talking about a wide range of groups.

We're also talking about a wide range of ethnic stakeholders who recognize that this is going to help them. Not only the legislation but the extra resources and the administrative changes will all help to put—

Ms. Colleen Beaumier: Could you table that list for us, please, Minister?

The Chair: Mr. Bezan is next for a minute or two.

Mr. James Bezan (Selkirk—Interlake, CPC): Thank you, Mr. Chair.

I just want to thank the minister for appearing.

Ms. Chow was talking about the imbalance, in her opinion, in where workers are being applied for in western Canada, and not

enough doctors.... In my riding of Selkirk—Interlake, it would be great if we could bring in 15 to 20 doctors right now. At the same time, our manufacturing industry, the hotel and restaurant trade, the tourism industry, and the construction industry all need probably 300 to 500 workers right now. That's why you get this imbalance in the number of people needing cooks, carpenters, welders, doctors, and so on down the list—they just aren't there.

Can you briefly talk about how the situation today hasn't served us well in Canada? It hasn't served immigrants well because we have his huge backlog. We really need to look at making sure we have the flexibility to meet the needs of our economy, businesses, families, and immigrants.

Hon. Diane Finley: Because it takes so long to get people here, we've had tremendous pressure from a wide range of employers across the country to get them the help they need. We're not training enough people in the skilled trades, for example.

Recently a skilled trades school couldn't open because it couldn't get enough skilled tradespeople to finish it. We've been under a lot of pressure to help these people keep going with their businesses, which means we've expanded the temporary foreign workers program deliberately.

This summer we'll be launching a program called the Canadian experience class. We announced this in Budget 2007. It will allow certain temporary foreign workers, as well as foreign university graduates of Canadian schools with Canadian work experience, to apply for permanent residence from within the country.

So we're tearing down the wall between the permanent and temporary streams in a deliberate effort to get more people here sooner, and get them into the jobs that need to be filled so they can succeed and so that Canada can succeed.

The Chair: After a final comment from Mr. Wilson, we will thank the minister.

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Ind.): Thank you, Mr. Chair, and thank you, Madam Minister.

This committee has done a lot of hard and diligent work. We've heard from many witnesses on this issue.

When it comes to legislation, I try to understand the purpose behind the legislation and why we are passing these types of laws. I hear today that the purpose of this legislation design is to get rid of the backlog, to try to deal with that backlog and manage that inventory.

There are two ways we can manage that inventory. We can let more Canadians in faster and get their names out of the backlog, or we can shut down the application list and completely get rid of the backlog. You and the bureaucrats working with you have preferred to do the latter, instead of dealing with the backlog and letting more Canadians in quicker. We let in 262,000 Canadians when I first got elected here, and last year we let in 36,000 fewer. I don't see that as progress.

The riding I represent, West Vancouver—Sunshine Coast—Sea to Sky Country, is home to many families of new immigrants. Ms. Minister, what assurances can you give these families in my riding that the changes will not affect family unification?

• (1640)

The Chair: Minister.

Hon. Diane Finley: There are two parts to that answer. First, our objective is not to get rid of the backlog. Getting rid of the backlog is a means to achieving our objective of getting more immigrants here faster. We want to get families reunited faster. That's part of our mandate under IRPA, and that's why in many of the classes under family class we are doing the processing up to 40% faster.

The Chair: On behalf of the committee, Minister, I want to thank you for being here today.

As you know, we will hopefully produce a report by Thursday. Thank you for the very valuable information you have given us today.

Thank you, Minister.

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_____ (Pause) _____

The Chair: We will try to resume our meeting as we continue with part 6 of Bill C-50.

I want to welcome the deputy minister again to our meeting, and also Andrea Lyon, assistant deputy minister of strategic and program policy, and Les Linklater, director general of the immigration branch. Welcome to all of you today.

I don't have to brief you on what the procedure is, so I'll just pass it right over to you, Mr. Fadden, Mr. Linklater, or Andrea.

• (1645)

Mr. Richard Fadden (Deputy Minister, Department of Citizenship and Immigration): We thought we would just start with questions, since we are part of the minister's package.

The Chair: Very good. That's even better.

Maybe I'll go directly to Mr. Bevilacqua, who might have questions for you. I'm sure he does.

The witnesses chose not to go into any statements, which will give us the opportunity to go directly to questions.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: That's a novel approach, but it's welcome.

I guess the question I have to begin with is—and I don't ask this in a facetious way, but a sincere way—how are things going with this bill? You've travelled extensively across the country. You have paid attention to the hearings that are going on in the parliamentary committee. Quite frankly, I know of all your efforts you've made to communicate with Canadians, including with editorial boards. You've done a lot of work on this.

The message that I get, and that we collectively get from people who appear in front of us as witnesses, is not that positive. I mean this in a non-partisan way: there are major, major concerns about the

issue of the powers the minister will have. There are major concerns about not just the substance but the way this whole project actually rolled out: introducing it in the budget bill, the lack of consultation, and things being pre-imposed. Right? But those concerns could easily have been erased.

I was struck by something the minister said. She said she wanted to thank the committee for the great work it had done on lost Canadians. It would have been simpler for everybody, and we would probably have achieved a better product, had we been given the same opportunity on this particular file—

An hon. member: That's true.

Hon. Maurizio Bevilacqua: —because at the end of the day, whether you're sitting on this side or on the other side, the bottom line for us is how to improve the quality of life for people who want to come to Canada and who are in Canada. That's what drives us; that's why we're in public life.

So when things like this happen, I personally feel cheated, in the sense that we were not given the opportunity to contribute as much as we could have. I know the hard work the bureaucracy does on these files, but I just think there would have been a better way to deal with this issue, had the form and the process been a little bit more open, more transparent, and more accountable, and had we, as parliamentarians, been included more.

Quite frankly, we are now left with very little choice, Mr. Chairman, but to say that the vast majority of people who appeared in front of us didn't agree with the bill.

I think we could have done a much better job for the minister had she given us the opportunity to study the issue in depth and to make proposals.

I'd like you to comment on that.

Mr. Richard Fadden: Mr. Chairman, let me start with the second part of Mr. Bevilacqua's question.

You're not only an MP, you have an "honourable" before your name, so you will know that it's not appropriate for me to comment on the government's legislative strategy.

I think there is a link between their Advantage Canada commitments in the last budget, two budgets ago, and there's an economic component to this, but I simply have to decline comment on that. I don't think it's appropriate for me to comment on the government's legislative strategy. I think the minister has commented on a couple of occasions, and she has explained it, I think, fairly well.

On the first part of your question, I think my colleagues and I, and the minister, as you say, have gone across the country and have talked to a lot of people. As I think is the case with any kind of legislation like this, the amendments are technical in nature and the bill itself is quite complex. I think there is a mixed reaction. I don't think everybody is in favour, and I certainly don't think everybody is against it.

My sense, as we went across the country, is that as people talked about it and as they came to understand it better, they came to understand the objectives of the government and were broadly supportive.

That's not true across the board. I certainly was told on a couple of occasions that they thought it was the worst idea since the black plague, but I was also told by some stakeholders that it was a very good idea and that it was high time the government did something.

So in terms of the people I spoke to or my colleagues spoke to, I think on balance we would come out with a view that the response was generally positive.

The list the minister was drawing from a few minutes ago I think contained 48 ethnic groups who said they were supportive. So it's not all negative.

• (1650)

Hon. Maurizio Bevilacqua: I guess maybe the government side did not invite these groups to appear in front of the committee—

Hon. Jim Karygiannis: They did. They just didn't show up.

Hon. Maurizio Bevilacqua: —or maybe they refused to appear. I'm not sure. I'm not passing judgment here. I can only judge from what I heard from the witnesses. As I'm sure you and the department will review the comments, you will find that I don't think I'm misrepresenting the facts as I see them.

I just would have hoped, really, that we could have in fact participated more in this reform. Now, quite frankly, Mr. Fadden, what we're left with is to issue a report in a couple of days that I don't think is going to do justice to the issue at hand, and that's a major concern I have.

Thank you.

The Chair: Thank you, Mr. Bevilacqua.

Mr. St-Cyr.

[Translation]

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

I'd like to follow up on Mr. Bevilacqua's comments. Mention was made of people who have had a change of heart about the bill. However, there are more people who were initially on side and who have now withdrawn their support. The explanation for this, as I see it, is that this bill was initially presented as a means of reducing the backlog, when in fact that isn't the case. Investing more resources and improving productivity will help to reduce the backlog, but overall, changing the selection order of people in the queue will not really change anything.

Regarding the Canada-Quebec Accord that I've discussed with the minister, I didn't want to get into specifics at the time, but I would

now like to settle this matter. Clause 188 of the bill introduces section 87.3 of the Act. In my opinion, subsection (3) is the heart of the legislative provision. It states the following:

(3) For the purposes of subsection (2), the Minister may give instructions with respect to the processing of applications and requests, including instructions

(a) establishing categories of applications or requests to which the instructions apply;

(b) establishing an order, by category or otherwise, for the processing of applications or requests;

(c) setting the number of applications or requests, by category or otherwise, to be processed in any year;

and (d) providing for the disposition of applications and requests, including those made subsequent to the first application or request.

There are no clear stipulations that these instructions would not target persons selected by the Government of Quebec. The minister said that this was not the intent of the act. If the committee wants to be sure that the current spirit of the Canada-Quebec Accord will be respected and that the minister will not be able to intervene, then a specific provision should be added to clarify that these instructions will not apply to Quebec.

Is my interpretation correct?

Mr. Richard Fadden: In several respects, Mr. Chairman, your interpretation is correct. As the minister stated, each act is drafted differently. This act does not refer to the federal government's commitments to Quebec, but rather to its obligations towards all provinces.

Over the past few decades, not only has the Government of Canada respected the terms of the Canada-Quebec Accord, it has also respected the terms of all other provincial accords. There is nothing in this bill that will interfere with these accords.

Mr. Thierry St-Cyr: Does the Canada-Quebec Accord give any indication of what the federal government's processing times should be?

Mr. Richard Fadden: If memory serves me well, no, it does not. However, the various annexes to the Accord deal with relations between the Quebec department and the federal department. Two committees were established to administer matters arising from the Accord every year.

Mr. Thierry St-Cyr: I see.

What if the Standing Committee on Finance—not this committee, since it will not be voting on the bill—were to add a provision stating that under no circumstances shall these instructions apply to the Government of Quebec? Could other instructions designed to move other immigrants to the front of the queue delay the processing of applications from Quebec?

• (1655)

Mr. Richard Fadden: In fact, the minister plans to do the exact opposite of what you're suggesting. She has indicated on several occasions that she has no intention of not respecting commitments made to the provinces. If I had to hazard a guess, I would say that one of the first sets of instructions will be about the priority consideration to be given to provincial accords.

Mr. Thierry St-Cyr: Simply guaranteeing that your minister will uphold the terms of the Accord just doesn't cut it, as far as lawmakers are concerned. They had made provision in the act for a refugee appeal section. However, this provision has yet to be implemented. Another piece of legislation brought forward by the Bloc Québécois needs to be adopted in order for this provision to be implemented. Your assurances are not convincing. In other words, you're telling me to rely on the good faith of the minister and of future ministers.

Mr. Richard Fadden: Yes, but also on the record of citizenship and immigration ministers, not just in this government, but in the past government as well. Since the ratification of the Canada-Quebec Accord, the federal government has always fulfilled its commitments.

Mr. Thierry St-Cyr: Getting back to the backlog, in my presentation, I argued that moving someone to the front of the queue doesn't change the actual number of people in the queue or the average wait time. Obviously, the person who has been moved to the front of the queue won't have to wait as long.

Quite apart from the provisions calling for additional resources to be invested in the system, the measure set out in Part 6 of Bill C-50 is not designed to reduce the number of people in the queue, but rather to allow people at the back of the line to move to the front, in order to satisfy our economic requirements.

Is that not in fact the purpose of this provision?

Mr. Richard Fadden: Yes and no. I agree with your second point. One of the bill's aims is to allow the minister to select individuals using ministerial instructions.

One of the aims of the proposed legislation is to address the backlog. How are we planning to do this? Once the ministerial instructions have been issued, the backlog will stop growing. The department plans to invest 70% of its resources in eliminating the backlog. It also plans to follow through on two or three of the initiatives mentioned by Ms. Finley in her presentation.

If the bill is adopted, there would thus be two categories of individuals who could apply to come to Canada: those who are already in the queue and those who will make up the new category, or working inventory. They will remain a part of the working inventory for a maximum of one year and in time, the current backlog will be eliminated.

Mr. Thierry St-Cyr: I see.

Regarding the current backlog, or working inventory, what can be done to process applications more expeditiously than in the past? Because of the instructions, will people be less interested in applying for immigration, meaning that there will be fewer applications to process?

Mr. Richard Fadden: Absolutely not. One of the major changes proposed in the bill would see the Government of Canada processing only a certain number of immigration applications every year. The problem encountered most often is that we accept between 240,000 and 260,000 applications a year, but only 400,000 can be processed. We're dealing with a significant imbalance.

With this legislation, the government will be able to say that anyone can apply to immigrate to Canada in a given year, but the

department will only process a limited number of applications. Applications over and above the limit will not be processed. Applicants whose applications are not processed will be able to reapply the following year.

Mr. Thierry St-Cyr: So then, it is a purely mathematical equation. These individuals are not taken into account in the calculations and are no longer considered to be part of the backlog. Yet, their applications will not have been processed. It's a clever bit of accounting.

Mr. Richard Fadden: It is not a clever accounting trick, but rather a policy change that the government is proposing to Parliament in order to limit the number of applications to be processed.

[English]

The Chair: Thank you, Mr. Fadden.

Madam Chow.

Ms. Olivia Chow: I see that in the estimates there is a \$2.6 million cut due to Budget 2007 cost-efficiency savings. What got cut? Where did you find the efficiencies?

● (1700)

Mr. Richard Fadden: I think what we did, Mr. Chairman, was ask all of the elements of the department to reduce their ongoing expenditures by an amount that made up \$2.6 million. I think every department of government has slight excesses in their budgets. We didn't cut a program. We didn't significantly reduce one program. We reduced, for example, travel a little bit. We reduced training a little bit. We went across the board.

Ms. Olivia Chow: Would you be able to table to this committee what was taken out of each of the departments so that we know precisely what category the \$2.6 million came from and what the reduction was? Can you provide us with that detail?

Mr. Richard Fadden: I'll do what I can, but I doubt if I can do it down to the last dollar.

Ms. Olivia Chow: It doesn't have to be to the last dollar. You know, \$2.6 million is not a small sum.

Mr. Richard Fadden: We'll make an effort.

Ms. Olivia Chow: Thank you.

Have you ever advertised before an act or a bill in front of the House has been approved?

Mr. Richard Fadden: My understanding is that CIC has not.

Ms. Olivia Chow: CIC has not done so. So this will be the first time that money is spent on a bill. Thank you.

Of the \$2.4 million that is in the budget in front of us, for the government advertising program, on page 10 of your estimates, you spent \$1.1 million, so you have another \$1.3 million left. What do you plan to use it for?

Mr. Richard Fadden: I think it's a broadening of the communication effort that has gone on already. The intention, I think, is to use a large part of it in mainstream media.

Ms. Olivia Chow: On what issue?

Mr. Richard Fadden: Explaining this bill.

Ms. Olivia Chow: So the entire \$2.4 million is really targeted for Bill C-50?

Mr. Richard Fadden: Yes, Mr. Chairman.

Ms. Olivia Chow: So that would be rolling out later on. It would be the first time.

In terms of the 2006 budget, on the immigration section alone the budget is \$244.8 million. It's now down to \$164.86 million in the main estimates for 2008-09. That's a cut of 49%, according to my math. How much was transferred and how much was cut?

Mr. Richard Fadden: To be honest, Mr. Chairman, we were told we were going to look at Bill C-50. I didn't bring my binder for estimates.

Ms. Olivia Chow: Mr. Chairman, on a point of order—rather than taking the seven minutes—each committee is allowed at least one meeting to deal with the estimates.

The Chair: Yes.

Ms. Olivia Chow: So far we have not been able to do so, because, as you recall, last Tuesday....

These estimates are going to the House and they're about to be approved, so I absolutely need answers to some of these questions.

The Chair: That's not a valid point of order because we are having the minister back for estimates, and in fairness—

Ms. Olivia Chow: We are?

The Chair: Yes, we are.

Ms. Olivia Chow: Perfect. Thank you. I'll save those questions for later.

The Chair: In fairness to the deputy, I think we'll have to confine it to Bill C-50.

Ms. Olivia Chow: Thank you. I didn't know that.

I will stay with Bill C-50.

The Chair: Okay.

Ms. Olivia Chow: On Bill C-50, then, if we are to send information in terms of instructions, why would we not do it through regulations?

Mr. Richard Fadden: Mr. Chairman, I understand this option was considered. One of the reasons was to provide the minister of the day with as much flexibility as possible.

Ms. Olivia Chow: It looks like the application of these instructions is even beyond the review of the courts. Is that the department's analysis of it?

Mr. Richard Fadden: No, it absolutely is not. It is quite the contrary.

Ms. Olivia Chow: Are the instructions open to review by the courts? If a person says these instructions are not fair, can this be taken to Federal Court, for example?

Mr. Richard Fadden: Yes. My understanding is that it is not in IRPA. But that's a very clear provision of the Federal Courts Act, which provides that any administrative decision taken by the federal crown is subject to review by the Federal Court.

Ms. Olivia Chow: Is all the consultation prior to issuance of the instructions done in public, or is it done in private? Would it be

tabled, for example, in the House, in this committee? Would it be doable to have the committee make a motion saying that all consultations regarding the minister issuing an instruction will be tabled and subject to some kind of debate in this committee?

• (1705)

Mr. Richard Fadden: In terms of whether it is doable, I would say that with the consent of those we consult, yes, it is. In respect of consultations with the provinces, their consultations with the federal government are usually confidential. It would require their specific consent to make those consultations public.

The Chair: You have one minute and 25 seconds.

Ms. Olivia Chow: I still have time. Perfect.

With regard to weeding through the existing 925,000, maybe some of them want to re-apply through this new stream. I see today that there is information that you don't know which skills, so you will have to advertise to say that we now have two streams. One is the old stream and now there is the new stream. Those of you who think your skill is going to leapfrog you in front of everybody can now go to this new stream. Is that how you plan to do this?

Mr. Richard Fadden: No, I don't think so, Mr. Chairman.

Our first task will be to go through the existing backlog and code them against the national occupational code so that we do in fact know who is in the backlog. For those who have expressed a preferred province of destination, it would be our intention to make that known to the provinces so they can take advantage of those who are in the backlog in an immediate way.

To be honest with you, we are not yet at the point of determining exactly how we're going to do any publicity relating to the existing backlog. But I take your point that it's an issue.

The Chair: Thank you very much. That completes the seven-minute round.

No, it doesn't. Mr. Bezan will complete the seven-minute round.

Mr. James Bezan: Thanks.

It's good seeing you again, Mr. Fadden. It's been a while. You used to come to the agriculture committee all the time, and I enjoyed the avenue there when you were still with CFIA.

I see that you have jumped into a pretty big file, one that is quite daunting. I know you can rise to the challenges before you.

Just following up on what Ms. Chow was talking about, there is this whole issue of ministerial instructions. There has been some fearmongering out there that they could be used to discriminate. I want to have you explain to us, at committee here, exactly what terms of openness and consultation are going to be in play to ensure that there are no discriminatory measures taken. And what special emphasis is going to be placed on the inability of the ministerial instructions to discriminate on the grounds of religion, race, ethnic origin, and country of origin?

Mr. Richard Fadden: Thank you, Mr. Chairman.

First, every decision of the department is subject to the charter, and I would point out that IRPA actually says that in section 3. It says that every decision taken under the authority of the act is subject to the non-discriminatory provisions in the charter.

We are also subject to the Canadian Human Rights Act. We're subject to general principles of administrative law that prevent us from discriminating. I think it would be fair to say that the department does not now discriminate, and we would not in the future.

If there is any evidence of discrimination, as I was saying in response to Ms. Chow, there is a provision in the Federal Courts Act to require the department to cease the discrimination. There is fundamentally no difference between the treatment of the ministerial instructions before you and other instructions that can be issued under this act, any regulations that can be issued under this act, or in fact the provisions of this act. They're all subject to the charter and they're all subject to judicial review.

Mr. James Bezan: We've established, then, that there's no way we can do that discriminatory policy, so now it comes down to how we look at these instructions to have the flexibility, and that's the whole reason we're going with ministerial instruction: to have the flexibility to meet the needs—of Canadians, of Canadian businesses, of family reunification, as well as of those of the immigrant community who want to come to Canada.

Can you, then, talk about how the flexibility ties in with the instructions, rather than having something set in stone and going on in perpetuity, which we have right now and which hasn't served Canada well?

Mr. Richard Fadden: Mr. Chairman, the basic system has us treating every file we receive, and fundamentally treating it in the order we receive it. There is no direct connection on the economic side with any labour market demand in Canada. One of the things the instructions will allow the minister to do is tell the department, after consultation with the provinces, the private sector, and civil society, that there are a variety of occupational groups who deserve priority treatment.

At the same time, the instructions are phrased broadly enough that the minister can also provide for program priorities. I think she has indicated on one or two occasions that she would probably use this to indicate to the department that we'd have to continue to give priority to provincial nominee programs, the Canada-Quebec accord, and the family unification programs.

Fundamentally, though, in developing the instructions, the minister is going to have to have regard to the operating principles that guide everything that happens in IRPA, and there are three objectives: there's an economic one, there's a family reunification one, and there's a humanitarian one. I have not seen any indication that the government is not going to do this, but if they did not do it, there are plenty of recourses to force the government to rethink this.

• (1710)

Mr. James Bezan: So we're going to make sure we respect the three fundamental goals. The instructions are being issued. But what consultation process are we looking at then in making sure the community at large, civil society here in Canada, is being listened to and that we're meeting the labour market needs we have?

Mr. Richard Fadden: Mr. Chairman, first I should say that we have not dotted every "i" and crossed every "t". Parliament hasn't passed this legislation yet, so I'm giving you a preliminary indication.

First of all, we want to get, at a national level, the views of the Bank of Canada and HRSD on the national labour market. The bill requires the minister to consult with the provinces, so we're going to develop a process whereby we will ask all of the provinces to try to articulate for us, to the extent they can, what their labour market is like. At the same time, we'll talk with representatives of the private sector and with representatives of civil society.

We haven't, as I said a moment ago, sorted out exactly how we're going to do it. We're hoping we can do it on either a sectoral or a regional basis, to make it as efficient as we can while still providing everybody with an opportunity to be heard.

Mr. James Bezan: So the criticisms we've heard earlier about this committee not being involved, although the committee has the power at any point in time to study any issue they feel is important and develop policy to recommend back to the House of Commons and to the government.... We're going to have the consultations as required, I guess, as we move forward in meeting the needs we have here in Canada.

Could you just clarify for us, though, how the concurrent processing will proceed with respect to applications processed under instructions and applications from the existing backlog?

Mr. Richard Fadden: The intention, as I was saying in reply to an earlier question, is that once the instructions come into force, the existing backlog is going to be frozen. The bill provides that we have to deal with people who are in the existing backlog under the existing rules, so by and large, we're going to go "first in, first out", and our current thinking is that we will allocate something like 70% of our operational resources to eating away at the backlog.

At the same time, we'll be writing, on a pilot basis, to some 50,000 of the older files asking whether they want to be sustained. As I told Ms. Chow, we would also be mining the files in order to determine whether any of them can be referred to the provinces. So we will keep eating away at the backlog. The key there, though, is that it's frozen. We're not going to be able to add to it.

On the working inventory file, where we hope to allocate something on the order of 30% of our ongoing resources, the ministerial instructions will be used to enable us to pick and choose those that reflect their priorities, and the files that don't meet those priorities will be returned to the individuals at the end of a processing period; it may be a year or it may be a year and a half.

The Chair: Thank you, Mr. Fadden.

That completes the seven minutes. We'll go to five-minute rounds. We have until about 6:15, and then we're going to break for about a 15-minute supper break and bring on our witnesses after that.

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Fadden, in the time this minister has been the minister, and you being the deputy minister, how many times would you say the minister has not followed your direction, your suggestions?

The Chair: I am not going to allow that question. The rules are clear and I have them in front of me. I don't want to eat into people's time by reading those rules out, but I'll read them if necessary.

•(1715)

Hon. Jim Karygiannis: Allow the witness to answer if he wants to.

The Chair: No, I can't—

Mr. James Bezan: On a point of order, Mr. Chair, in chapter 20 of Marleau and Montpetit, under the role of the committee—

Hon. Jim Karygiannis: Stop the clock, Mr. Chair.

Mr. James Bezan: —it is very specific that civil servants are not required to answer policy questions as they relate to the government.

The Chair: Order. I have it in front of me.

Mr. James Bezan: They are usually excused from those types of policy issues.

The Chair: Yes, I have it here in Marleau and Montpetit, but I don't want to go into reading all of this.

Mr. Fadden, you don't have to answer that question.

Move on, Mr. Karygiannis.

Hon. Jim Karygiannis: Do you want to stop the clock, Mr. Chair?

The Chair: There will be no clock stopping. Go ahead.

Hon. Jim Karygiannis: Well, we're going to get a lot of points of order here.

Mr. Fadden, you were asked, as well as the minister, to provide figures and facts for us of what the expenses were to promote Bill C-50, travel of different ministers, and I was wondering.... You did get that e-mail, I'm sure. Do you have those facts and figures?

Mr. Richard Fadden: Mr. Chairman, the aggregate figures were the ones the minister quoted when you were asking questions earlier. They were \$1.1 million.

I do have the figures that relate to the cost we've incurred to undertake the stakeholder and media visits, if those are the ones you are referring to.

Hon. Jim Karygiannis: Would that include your visit to Toronto when this committee was travelling, where you met with three people from the media? Does that include the Prime Minister's trip to Toronto to point out his facts and figures to the Indian gala dinner?

Mr. Richard Fadden: No, Mr. Chairman. They only relate to CIC.

Hon. Jim Karygiannis: What are the other ministers'...when they travel and they are promoting immigration? Can you not get those numbers?

Mr. Richard Fadden: No, Mr. Chairman.

Hon. Jim Karygiannis: In the advertising of \$1.6 million, I believe it is—

Mr. Richard Fadden: It is \$1.1 million.

Hon. Jim Karygiannis: \$1.1 million. Is the word “C-50” mentioned anywhere in there?

Mr. Richard Fadden: Let me look.

Hon. Jim Karygiannis: I'm sure the deputy must know the ads. At the end of the day they were okayed by the department. It was \$1.1 million.

Mr. Richard Fadden: I know, Mr. Chairman, that we referred to legislation before Parliament; I just don't know if we used the expression “Bill C-50”.

Here it is. I have it now, if you'll give me 30 seconds.

I do not see “C-50”, Mr. Chairman.

Hon. Jim Karygiannis: Are all the ads identical in all the newspapers?

Mr. Richard Fadden: I don't know, Mr. Chairman.

Hon. Jim Karygiannis: Mr. Fadden, sir, your department, in which on a daily basis you are hands on—and you have your folks here with you—okayed a particular ad. Are the ads similar in all the papers? Yes or no.

Mr. Richard Fadden: I would say they are similar, Mr. Chairman.

Hon. Jim Karygiannis: Are there any words omitted from one ethnicity to another?

Mr. Richard Fadden: I have no idea, Mr. Chairman. I would assume not, since the objective was to provide the same information.

Hon. Jim Karygiannis: Would you undertake, sir, to advise this committee whether all the ads that were given out for translation were the same ads, and if all the translations were done correctly?

Mr. Richard Fadden: Yes, Mr. Chairman.

Hon. Jim Karygiannis: Mr. Fadden, would you also undertake to let this committee know in how many of those papers the minister gave interviews?

Mr. Richard Fadden: I would be happy to ask that and report.

Hon. Jim Karygiannis: As well as editorials that were written supporting the position of the department.

Mr. Richard Fadden: I'm not sure I understand the last part of your question.

Hon. Jim Karygiannis: I'm sure you can call for the newspapers of that particular day. All the ads appeared last week. You can call the newspaper and see whether the minister gave an interview.

Mr. Ed Komarnicki: A point of order.

Hon. Jim Karygiannis: You know, I'm sick and tired of your points of order.

And then, Mr. Chair—

Mr. Ed Komarnicki: A point of order means you need to stop.

The Chair: There's a point of order.

Hon. Jim Karygiannis: And then, Mr. Chair—

The Chair: Order, please.

There's a point of order.

Hon. Jim Karygiannis: The question was fair, Mr. Chair.

The Chair: I will determine that.

Mr. Ed Komarnicki: I raised a point of order and you need to hear it, and then the chair will decide whether it's appropriate or not—and that's not your job.

The Chair: On your point of order, Mr. Komarnicki.

Mr. Ed Komarnicki: If I understood the question, it's asking the department to go to various newspapers to see if there are editorials and to get copies of them, which is something the member or anybody else can do. I don't think that's an appropriate request to make of anybody. If Mr. Karygiannis wants to know if there's an editorial in some paper, he ought to go and get it. If he wants to do it, he has the means to do it. But we ought not send departmental people searching to see if there are editorials in papers. That's something he can do, and I would say it's an improper request, and—

• (1720)

Hon. Jim Karygiannis: If you've got an ad in this newspaper and you've got an interview by the minister in the paper, don't try to tell me—

The Chair: Order, please.

Mr. Ed Komarnicki: I object to the provision of that request.

The Chair: To that point of order, Mr. St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: Mr. Chairman, we agreed in the past that when someone raises a point of order, the clock would stop, so that the member would not lose out on any time. If the clock isn't stopped, there will be a flurry of points of order calling for clarifications, rulings or comments. By stopping the clock, you can hear what is being said and rule that it is not in fact a point of order.

[*English*]

The Chair: To that point of order, Mr. Telegdi.

Hon. Andrew Telegdi: I have a suggestion, Mr. Chair.

When a point of order is called for—and the parliamentary secretary seems to be calling a whole lot—and once a determination is made, if there's another point of order, the time taken should be deducted from the parliamentary secretary's speaking time versus deducting it from the person who's speaking over here. This can apply to everybody.

The Chair: There is no point of order to begin with, but it's a valid observation, which might be difficult for—

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

The Chair: If you're not going to hear the chair, I might as well adjourn this meeting. Do you want me to do that?

An hon. member: Sure.

The Chair: It's not an established practice and it's not in the rules that we not take the time of a point of order from the member who is speaking. That generally comes out of the member's time. I know we could run into an avalanche of points of order, but generally speaking, that's the deterrent for people bringing up foolish points of order, that it would be deducted. However, it's not in the rules that it should be deducted from a member's time, so we haven't been deducting that time.

I will continue on, unless there are more points of order.

Mr. Komarnicki, do you have a point of order again?

Mr. Ed Komarnicki: Just on the point of order, I'll have to agree with Mr. Karygiannis on that point, that if a point of order is made—and there are legitimate reasons for making a point of order—and it were deducted from his speaking time, and there were a series of

points of order, it could literally shut him down from having any time to question at all. So it would seem to me, and I would agree with Mr. St-Cyr here, that a point of order needs to be made, because there is a legitimate point to it, but it shouldn't be deducted from the member's speaking time.

The Chair: Is it agreed that it should not be deducted from a member's speaking time?

Mr. Ed Komarnicki: I think we could just have that, generally speaking.

The Chair: Is this what you want?

Hon. Jim Karygiannis: Yes, so I have another minute.

The Chair: Mr. Telegdi.

Hon. Andrew Telegdi: Mr. Chair, I think at some point in time we would want to get into what I suggested, because when somebody takes up time with points of order that are frivolous, it means somebody else doesn't get to speak. I think the member who raises those frivolous points of order is the one who should have less time to make up for his frivolousness.

The Chair: Is it agreed then, generally, that we will not deduct the time from the member's point of order?

Mr. Wajid Khan: I'd like to say something to that.

The Chair: Mr. Khan.

Mr. Wajid Khan: Mr. Chair, if the questioning pertains to the important issues at hand, as was the case in the first hour when the minister was here, there will not be a whole lot of points of order, but if we start to go off track here and there, then the points of order will happen. So if we stay on the important subject and ask relevant questions, there will not be a problem. So let's try to do that for a change.

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

The Chair: I think I have had Mr. Karygiannis' hand up for a while.

Then I'm going to go to Mr. Wilson and then back to Mr. Komarnicki, and then I'm shutting down this point.

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, in the House, if somebody rises on a point of order, the clock stops when somebody is speaking. We have seen today demonstration after demonstration of the Conservative members jumping up and down on points of order if they didn't like the line of questioning. The minister is here. This government wants to be accountable; this government wants to be transparent. So if the Conservative members do not like the line of questioning when the minister is here to answer, then they should jump around the corner and jump on a point of order there. They should not interrupt somebody on a point of order unless it's something substantial.

The Chair: Okay. Well, we've already eaten up 10 minutes on this point of order, and I'll eat up whatever time you want me to and give Mr. Fadden a rest down there.

Mr. Wilson.

• (1725)

Mr. Blair Wilson: Thank you very much, Mr. Chair.

I can't believe the committee is still trying to figure out how to organize itself after 27 months of being elected here. It was previously agreed to by this committee, Mr. Chair, that if there were points of order during the testimony of the minister and these witnesses, they would be taken out of their own time. That was previously agreed to.

Now, we as a committee can decide whatever rules we want as a committee. That was previously agreed to. That's how you dealt with it before. If the committee wishes to change that and come up with some new rules, that's fine, but up until this point, the committee had previously agreed with the protocol that you have been following. You've done it perfectly well.

The Chair: I think you have that wrong, Mr. Wilson, because I don't recall that at all.

Mr. Komarnicki is next. And we will try to get back on track after you've made this submission.

Mr. Ed Komarnicki: I don't agree that that's the fact. But I want a ruling on the specific point that asking the department or a department official, or anyone, to get an editorial from some newspaper is not an appropriate request for information and it should not be allowed.

Hon. Jim Karygiannis: Mr. Chair, before you do that, I would just like to remind the parliamentary secretary that the department has a clipping section; clippings are done by the department and they're provided to the minister as well as to the parliamentary secretary. If an editorial is favourable, they sit there and wave at it. So if that editorial is favourable and it's right next to the page where they advertised, excuse me, but put your money where your mouth is.

The Chair: Okay, I've heard enough on this. There's nothing in the rules, according to the clerk, that would allow me to rule one way or another on this. Whether or not it's an appropriate point of order we can't determine. I'm sure if Mr. Fadden cannot get the information that's been requested, that's just fine, because it's not covered in the rules.

Let's try to deal with the fact—

Mr. Jim Karygiannis: [*Inaudible—Editor*]

The Chair: Mr. Karygiannis, would you please stop interrupting me when I'm speaking.

Hon. Jim Karygiannis: Do I have an additional two minutes?

The Chair: This is what I'm trying to determine here from the committee.

Does the committee wish to follow that kind of procedure? We would add some time to the member who was interrupted by the points of order. We would stop the clock when a member is interrupted. Is this what we're going to do?

Some hon. members: Agreed.

The Chair: That would give you, Mr. Karygiannis, a couple of minutes more. Please proceed.

Hon. Jim Karygiannis: Mr. Fadden, you do have a clipping section, and you look at mainstream media as well as ethnic media that you clip from and you translate for the minister if there's a

contentious issue or something that should be brought to her attention. Am I correct, sir?

Mr. Richard Fadden: We certainly have a clipping section for the mainstream media. We do keep a watching brief on the ethnic media. We do not systematically translate everything.

Hon. Jim Karygiannis: Well, you know what newspapers you advertised in. Was it the department that chose the newspapers you advertised in or was it Public Works?

Mr. Richard Fadden: It was the agent, sir.

Hon. Jim Karygiannis: So you instructed the agent who to go after, or was it Public Works that was instructed?

Mr. Richard Fadden: It was Public Works.

Hon. Jim Karygiannis: So you asked Public Works, "These are the newspapers that we're going to go after".

Mr. Richard Fadden: No, Mr. Chairman, what we said was we have a certain amount of money and we're interested in passing these messages to the ethnic media in Canada. The agent of record and Public Works made a determination.

Hon. Jim Karygiannis: It's then very simple, Mr. Fadden. You go to the agent on record; you find out in what newspapers it was published. Also, at that point in time, you come back to this committee and say that the minister had given these many interviews to so-and-so. There is evidence, sir, and it points out that the minister gave a lot of interviews to people whom you placed ads with.

Mr. Richard Fadden: I'm not sure, Mr. Chairman, what's wrong with the minister giving interviews.

Hon. Jim Karygiannis: Well, let us know which newspapers she gave interviews to in respect to the same week an ad was appearing.

The Chair: Well, we've already determined that Mr. Fadden may not be able to get that information for us. There's nothing in the rules that would compel him to come back with that information. So Mr. Fadden can take your question in whatever way he wants to. If he wishes to get back to the committee with that information, fine; if he doesn't, well, that's fine as well.

In the meantime, your time has expired.

Hon. Jim Karygiannis: Mr. Chair, Mr. Fadden said they do have a watch on when the minister appears. So it's a fair question.

Which newspapers were given ads? Which newspapers ran the advertising?

The Chair: Time has expired.

I'm going to Mr. Carrier.

● (1730)

[*Translation*]

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

Good day, Mr. Fadden. You already know that I am...

[*English*]

The Chair: Order.

Ms. Beaumier, order please.

Are we back on track again?

Mr. Carrier, please.

[Translation]

Mr. Robert Carrier: I will try again.

You already know that I am quite disappointed to see immigration included in a budget bill. I would have liked us to be able to discuss the issue more thoroughly and to take the time to consult different groups.

I'm going to ask you some technical questions about this bill that you seem to know quite well. Earlier, you said that the backlog will stop growing, that instead, you will process current applications and select the ones that correspond to the priority categories identified by the minister.

Could you tell me again how many applications are usually accepted? Do you plan to increase that number or maintain current levels?

Mr. Richard Fadden: Mr. Chairman, we have no intention of changing the number of applications we accept until the instructions have been issued and we see how the system works. Nevertheless, we agree that it would be logical in future to accept more applications.

Mr. Robert Carrier: Then surely you can appreciate that by increasing the numbers, it will be important to ensure that additional immigrants are properly integrated into each province.

Mr. Richard Fadden: Absolutely, sir. We would not want to act without consulting the provinces.

Mr. Robert Carrier: That's good.

What percentage of applications are accepted?

[English]

Mr. Richard Fadden: Do you remember?

[Translation]

Mr. Les Linklater (Director General, Immigration Branch, Department of Citizenship and Immigration): In the case of skilled workers, the acceptance rate is about 48%, Mr. Chairman.

Mr. Robert Carrier: Which figures are you using?

Mr. Les Linklater: I'm sorry, but it's in fact 80%.

Mr. Robert Carrier: How many applications do you want to accept?

Mr. Richard Fadden: Normally, anywhere from 240,000 to 265,000.

Mr. Robert Carrier: Thank you. That's the figure I was looking for.

Mr. Richard Fadden: I'm sorry, but I misunderstood you.

Mr. Robert Carrier: You mentioned that you were going to be freezing the backlog once the instructions take effect. You did not talk about a timetable for processing applications, but out of consideration for the individuals who have already submitted their application, it would be important for you to give them an answer as soon as possible, using the criteria set out in the new legislation.

In your opinion, should a new timetable not be implemented quickly?

Mr. Richard Fadden: Mr. Chairman, the minister and the department certainly intend to deal with the backlog as quickly as possible. However, there are a number of variables to contend with each year, notably the number of people who file temporary requests for acceptance. This adds to the backlog of work since the same individuals process both categories of applications. However, we agree with you. Our goal is certainly to deal with the backlog as quickly as possible.

Mr. Robert Carrier: Some people maintain that the current point system is far from ideal and does not always jibe with priorities. When the department examined this bill, was any consideration given to adapting and enhancing its provisions so that each application could at least be processed using an impartial system, instead of according to a list drawn up most likely by the minister and subject to being modified by a new minister? You're going to have a hard time getting people to go along with this, if the lists can change at the whim of the ministers.

Mr. Richard Fadden: As Ms. Finley noted, we looked into the possibility of addressing the problem simply by increasing the number of points given and by changing the way points are allocated internally. We concluded that the act itself needed to be changed to limit the number of applications that are processed every year. As you may already know, the act does not restrict the minister's authority to change the point system. There is nothing in the act preventing her from reviewing the point system once the new provisions have been implemented.

Mr. Robert Carrier: Could members please be quiet so I can put my questions?

[English]

The Chair: That's a very good point. Mr. Carrier has asked for a little bit of quiet. He's being distracted.

• (1735)

[Translation]

Mr. Robert Carrier: It makes it easier for me to ask my questions.

[English]

The Chair: Go ahead, Mr. Carrier.

[Translation]

Mr. Robert Carrier: Regarding the existing Canada-Quebec Accord, the number of immigrants accepted is decided jointly at the request of the Quebec government. I want some assurances that your efforts to deal with the backlog will not delay the work you still need to do once these applications have been accepted by Quebec. Your department still has work to do to finish processing these applications.

Do you acknowledge that these applications still need to be processed expeditiously?

Mr. Richard Fadden: Yes, Mr. Chairman. My minister has discussed this matter with her Quebec counterpart. I've also spoken to Quebec's deputy minister. We have assured them that we intend to follow through on our plans and they took us at our word.

Mr. Robert Carrier: Fine then. Thank you.

[English]

The Chair: Thank you, Mr. Fadden.

Ms. Grewal.

Mrs. Nina Grewal: Thank you, Mr. Chair.

Can you please tell us what the ministerial instructions can and cannot do? What criteria will the instructions look at in terms of the occupational categories? What sorts of consultations will take place prior to the issuance of any instructions? How will they provide any flexibility and faster processing while continuing to abide by IRPA's three fundamental goals?

Mr. Richard Fadden: As the minister said in her news release of April 8, the government has articulated a number of principles that will be used to formulate the ministerial instructions.

First, on the basis of input from federal agencies such as the Bank of Canada and HRSD, organized labour, employers, and the provinces, we will develop a list of priority occupations. The logic is that, by and large, there is not a national labour market in Canada. They're either provincial or regional labour markets. So the minister and the department will be placing a lot of emphasis on consulting with these various groups.

We don't know exactly how we're going to consult right now, but the proposed legislation already says that the instructions have to be reported to the House through the annual plan, and that plan calls for consultations with the provinces.

The intention is to complete consultations over the course of the summer and have some in-house review. The minister has to go to cabinet. Then the intention is to issue the instructions some time in mid-autumn.

Mrs. Nina Grewal: How can we be certain that ministerial instructions will not be discriminatory? What checks will prevent instructions from discriminating on the grounds of religion, ethnic origin, and country of origin?

Mr. Richard Fadden: As is the case with everything the department does, we're subject to the rules of the charter and the Canadian Human Rights Act. We've had no difficulty having members of the bar suggest to us when there's a potential problem. So we believe that while the department will not discriminate on these bases, because we respect the law and the charter, if there's ever a mistake in that area we will be taken to Federal Court very quickly.

But I want to be clear that a combination of consultations with the provinces, organized labour, the private sector, and civil society is not going to yield instructions that will discriminate on the basis of race, religion, or place of origin. It is inconceivable that all of these people would agree to it.

Mrs. Nina Grewal: I'll pass the rest of my time to Mr. Komarnicki.

The Chair: Okay.

Mr. Ed Komarnicki: You've indicated that the administrative decision could be subject to Federal Court review, and there's been some confusion from some of the witnesses about at what stage or point that would happen. But Bill C-50, as it relates to the

immigration portion, has to be charter-compliant. Is it correct that they could bring a challenge on the legislation itself if they chose to?

Mr. Richard Fadden: I think the rules are fairly clear. Any piece of legislation, regulation, ministerial instruction, or decision by a public servant has to be charter-compliant. The Federal Court Act says that without exception, all of these decisions, by whatever level, are subject to review by the Federal Court. So are the instructions themselves subject to judicial review? Yes, they are. Is their application by officers of the department subject to judicial review? Yes, it is.

● (1740)

Mr. Ed Komarnicki: So you have three stages or opportunities where that could happen, and in addition to that, the instruction that is issued by the minister would have to be subject to the general goals of the Immigration and Refugee Protection Act, which you referred to. It would have to have those in mind. Additionally, I think one of the sections talks about its having to support the attainment of the immigration goals established by the Government of Canada. So those would be additional goals that the instruction must meet.

Mr. Richard Fadden: I think that's correct, Mr. Chairman.

The basic control mechanism, other than the constitutional ones, is that the instructions that are issued by the minister have to be consistent with the annual plan the government tables in the House of Commons. That is the plan that indicates each year how many people are going to be admitted to Canada in the three categories of federal skilled workers, family reunification, and humanitarian entries. This bill will not change that at all. The annual plan, which sets out the numbers the department is to bring in and the various categories, remains absolutely the same. What this bill says is that the minister, when she issues instructions, has to take this annual plan, which is tabled in Parliament, into account. It has to be consistent with that plan.

The Chair: Thank you, Mr. Fadden.

Mr. Telegdi.

Hon. Andrew Telegdi: Thank you very much.

Mr. Fadden, are you familiar with the Dragan decision?

Mr. Richard Fadden: I'm not a lawyer, but I'm generally familiar, yes.

Hon. Andrew Telegdi: Have you read it?

Mr. Richard Fadden: No, I read a summary.

Hon. Andrew Telegdi: You read the summary, and you saw how the department was downright hostile to the citizenship and immigration committee in 2002, when the act was being put in place.

Mr. Richard Fadden: I saw references to that, Mr. Chairman.

Hon. Andrew Telegdi: It was your top bureaucrats—as a matter of fact, the ones who occupy Ms. Lyon's position and Mr. Linklater's position—who were cited in the judgment.

Mr. Richard Fadden: Yes, Mr. Chairman.

Hon. Andrew Telegdi: Did the bureaucracy ever come forward to the committee to apologize?

Mr. Richard Fadden: Mr. Chairman, I was not the deputy then and I have no knowledge.

Hon. Andrew Telegdi: Well, let me say to you they did not.

Had I read the judgment before, I probably would have asked the committee to find contempt of Parliament, because I think the Dragan decision certainly would have supported it. I say to my colleagues, pick it up and read it.

Mr. Fadden, since the time of Lucienne Robillard as minister, how many deputy ministers have we had in the department?

Mr. Richard Fadden: I don't know, Mr. Chairman.

Hon. Andrew Telegdi: Maybe you can provide that information.

Mr. Richard Fadden: I'd be glad to, Mr. Chairman.

Hon. Andrew Telegdi: This is just like the other information that was asked for by Mr. Karygiannis. When I was parliamentary secretary, we used to get a clipping service, so it's no big deal. The money is already spent on doing a clipping service and the bureaucracy could easily make those things available.

I'm going to go back to 2002 because it was a critical time. Setting up the point system was done by the bureaucrats, by the bureaucracy, and it was done through regulation. Interestingly enough, the recent study looking at Australia points out that we blew it, and I will say the bureaucracy blew it, because people that the economy needed.... We at the committee at the time, and the chair, were very clear that what we were going to do was create an elitist system whereby people like Frank Stronach, Frank Hasenfratz, Mike Lazaridis, and all sorts of other very successful people would not get into the country because the system became so elitist.

Australia saw that; our bureaucracy didn't. Now I think it's important that we recognize that there's a real reason for the objectivity of the point system, because in particular the immigration department...and I direct you to read *Whence They Came: Deportation from Canada, 1900 -1935*. In his foreword, Irving Abella says:

Until recently, immigration policy was largely in the hands of a small number of bureaucrats. Throughout most of our history this tiny group, almost by default, orchestrated our immigration policies.

I see very much the same thing happening, but the reason we have an objective system is that the mistakes of the past aren't repeated. Now, you might say that whatever you do is charter-compliant. Well, the security certificate for almost a quarter of a century was not charter-compliant. That's how long it took to get to the Supreme Court: almost a quarter of a century. So for a quarter of a century, injustices were perpetrated. The citizenship revocation, the way it sits right now, is not charter-compliant, and if it ever gets to.... All the decisions related to it dealing with the charter came down on that point.

So many a time the bureaucracy abuses its position in terms of dealing with people's lives. My question is this. What has your department done internally to recognize the mistake it made by devising this very elitist point system that has essentially created a crisis?

• (1745)

The Chair: The time is up, but I guess we should give Mr. Fadden time for a brief response here. I would remind members that if you have five or seven minutes, if you go the full five or seven minutes, then you can't really expect a response from the people

you're questioning. But it's only fair; we do have some time, and I guess we have to give Mr. Fadden some time for a response.

Mr. Richard Fadden: Thank you, Mr. Chairman. I understand Mr. Telegdi's concern, but I do not agree with his premise that the bureaucracy has set up and dealt with the point system by itself. The point system is subject to ministerial review. It has been talked about in this committee. It was changed once or twice when the Liberal government was in power. This government has thought about changing it once or twice. I've had two ministers since I've been deputy here, and neither of them is a pushover, and I couldn't change the point system on my own if I wanted to.

So I do not agree with your view that the bureaucrats are running the department.

The Chair: Thank you, Mr. Fadden.

Mr. Komarnicki.

Mr. Ed Komarnicki: Yes. When—

Hon. Jim Karygiannis: Mr. Chair, on a point of order, sir.

The Chair: A point of order, Mr. Karygiannis.

Hon. Jim Karygiannis: When I put it to him, the deputy minister declined to answer my question about advice given to the minister and how many times they took it or not, and yet now the deputy minister made a statement, which I would consider to be political, regarding whether or not the ministers are pushovers. So either he's neutral or he's not.

The Chair: That's not really a point of order, and I would remind the member that of the last two ministers, one was Conservative and one was Liberal.

No? Both Conservative, were they? Oh, yes, they were.

In any event, it's not a point of order.

Mr. Komarnicki.

Mr. Ed Komarnicki: I'm happy to see it doesn't come off my time. That's a good decision.

There is obviously a concern by many that our system is not flexible and does not respond to the economic needs of the country, and with the current legislation the backlog has grown to be what appears to be, by anyone's estimation, almost unmanageable, 900,000-plus and growing. Proceeding through Bill C-50 by way of instruction as opposed to amendments to the act or regulations, in your opinion—either of you here—how is what's happening in Bill C-50 allowing the system to be more responsive? And would it be more responsive than the other methods or not? Would you care to comment on that?

Mr. Richard Fadden: Mr. Chairman, I think it's fair to say that the current system doesn't contain a great deal of flexibility at all. We have to process every application we receive in the order in which it's received, although there are some exceptions to that.

Given that that's the case, somebody who may have applied four years ago, thinking that he or she might have a connection with the Canadian economy, by the time the four years go by there's no real connection. The difference in the proposal the government has brought forward is that once the instructions are in place we will be able to extract from applications received those people with occupational categories who have a direct link with labour force demand. I think the other difference we will have, since we are not going to be required to process every application we receive, is we'll be able to maintain a system, and our objective is to deal with applications within one year of receipt to try to mirror what Australia and New Zealand are doing.

• (1750)

Mr. Ed Komarnicki: Would proceeding by way of ministerial instructions, subject to consultation and subject to the various charter protections, be a quicker or easier response than proceeding by way of legislative amendment?

Mr. Richard Fadden: The entire construct of IRPA is to set out a framework that allows the government of the day to deal with the ebb and flow of demand for immigration. The fact that the government of the day has to table in the House every year the projected numbers that are going to be admitted is a good example. If every year the government had to go through a full legislative process of three hearings in each House, with everything that entails, to determine these kinds of detailed decisions, I think it would have the practical effect of significantly slowing down the process. The idea of allowing for instructions is simply to be able to say to the department on something like a yearly basis that we have to move from 12 o'clock to 3 o'clock and we have to do it fairly quickly.

As some of the members have suggested, one of the characteristics of the legislative system is that it is deliberative, it allows for time, and it allows for discussion. But there are some aspects—I would argue public administration and management—that require faster movement. That's why a large number of acts of Parliament provide either for regulations or for ministerial instructions.

Mr. Ed Komarnicki: So are you saying then that IRPA, as it was designed, contemplated the kinds of actions that are being taken by way of the amendment providing for the instruction? Or was it designed for that kind of inaction?

Mr. Richard Fadden: I think broadly speaking it is. A couple of provisions in the act now allow the minister to issue instructions. Those are specified in the law, and they're a large area of the administration of the act that is simply done administratively. So it is consistent with the broad construction of the act.

Mr. Ed Komarnicki: Ms. Lyon, do you have a comment on that, or would you have a comment on any of my questions?

Mrs. Andrea Lyon (Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration Canada): No, the deputy articulated my nodding.

Mr. Ed Komarnicki: All right.

Is there time left, Mr. Chair?

The Chair: Forty-five seconds.

Mr. Ed Komarnicki: I'll pass that on.

Mr. Wajid Khan: Thank you, Mr. Chair.

Mr. Fadden, the colleague across the way asked a very legitimate question, and I will try to repeat that. Although we did welcome some 430,000 people, about 4% fewer people arrived as landed immigrants. Could you tell us why? And how would the legislative changes of Bill C-50 reverse the spiral, or will they reverse the downward spiral?

Mr. Richard Fadden: Mr. Chairman, there are two components to my answer. One is that we have to be careful about whether we're talking about landings or visas issued. The government does not determine when people come to Canada.

Last year, we issued something in the order of 251,000 visas, which is within the range the minister tabled in Parliament. There's nothing Canada can do about whether these people come to Canada at a particular point.

The Chair: Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Fadden, you stated that the government has absolutely no control of when people land. Did I understand that correctly?

Mr. Richard Fadden: Yes.

Hon. Jim Karygiannis: Mr. Fadden, don't the health, medical, background clearance, and passport have to be valid? Don't they have one year from whenever the medical...?

You're the deputy minister, sir; you must know this.

Mr. Richard Fadden: I meant that just because a visa is issued on a particular date doesn't mean that people will get onto a plane the next day and come to Canada.

Hon. Jim Karygiannis: But they have to be in Canada within one year of the issuing of the visa, or even less sometimes.

Mr. Richard Fadden: That's correct. Some come immediately; some take a year.

Hon. Jim Karygiannis: In 2006, we had fewer people landing than in 2005. In 2007, we had fewer people than in 2005. You issue the visas, and they have a couple of months to come to Canada. Overall, there was a yearly drop of about 10%.

• (1755)

Mr. Richard Fadden: The reason is that in the last three years the number of temporary foreign workers who came to Canada increased by about 30%. We have the same officers dealing with both temporary foreign workers and permanent resident applications. Since they're just-in-time applications, we deal with them first.

Hon. Jim Karygiannis: Mr. Fadden, you said the minister issued 250,000—that was the range. So there were fewer people coming in than in other years.

Mr. Richard Fadden: There were fewer permanent residents coming in, not fewer people.

Hon. Jim Karygiannis: There were fewer permanent residents, the people with the PR card.

Mr. Richard Fadden: There were fewer people intending to stay, that's correct.

Hon. Jim Karygiannis: There was a drop in applications in 2006 and there was a drop in applications in 2007.

Mr. Richard Fadden: I don't know about the statistics for 2007.

Hon. Jim Karygiannis: Those are the statistics you provided to me.

Mr. Richard Fadden: I don't doubt you; I just don't remember the numbers. But I don't think we saw a drop in 2007.

The Chair: Mr. Linklater, do you have a comment?

Mr. Les Linklater: In respect of applications, I don't have the figures with me today, but as to admissions to Canada as permanent residents, there were approximately 262,000 in 2005 and about 237,000 in 2007.

Hon. Jim Karygiannis: Mr. Linklater, you provided me figures that showed there were fewer applications. You can go back to Mrs. Anastasia Chyz and she will provide you with the same figures.

Nobody has disputed the figures I have put out—the parliamentary secretary in the House did not dispute them. They show that it has taken longer under this watch in certain ports to come to Canada. Fifty percent of our applicants come from six posts: Hong Kong, Beijing, Manila, South Asia—which includes Pakistan, India, and Sri Lanka—and the Middle East. It's taking 10% longer to come to Canada under this administration than it did under previous ones.

Mr. Richard Fadden: That's correct. One reason is the additional security measures that we've put in place. In the case of 10 new countries, since April 1 we've been requiring additional checks from CSIS and CBSA. This does take time.

Hon. Jim Karygiannis: Are we taking extra time in Beijing?

Mr. Richard Fadden: No, in Beijing I think we're already there.

Hon. Jim Karygiannis: In Beijing, your applications have gone up by 48%, while the applications put in dropped by 41%. Can you explain that to me, please?

Mr. Richard Fadden: In detail, no, I can't, but the fraud rate for that part of the world is in some cases over 50%. It takes a long time to work through these applications and to make sure that the people we want are the people we're getting.

Hon. Jim Karygiannis: This takes 48% longer than in previous years?

Mr. Richard Fadden: I actually—

Hon. Jim Karygiannis: Did the fraud start in 2006, or was there actually fraud before that?

Mr. Richard Fadden: It's getting worse in large parts of the world. This is a very popular country to come to, and other countries are taking—

Hon. Jim Karygiannis: Mr. Fadden, am I to understand that the fraud rate all of a sudden increased under the Conservatives? Is this what you're saying, sir?

Mr. Richard Fadden: I am taking absolutely no note of whether the Conservatives or the Liberals are in office. It is irrelevant to me.

Hon. Jim Karygiannis: In 2006 and 2007, in spite of ministers who are not pushovers, it's taking longer to come to this country. From Beijing it's taking 48% longer. These are figures you're not disputing. I'm asking you why this is happening. If you're telling me it's because of security issues, tell me what changed between 2005 and 2006.

Mr. Richard Fadden: We've added 10 countries to the requirement—

Hon. Jim Karygiannis: You didn't add China.

Mr. Richard Fadden: I know, but you asked me a question and I'm trying to answer it. We've added 10 countries since April 1 to the list of applicants, which has to be submitted to the security agencies

Hon. Jim Karygiannis: On April 1—

Mr. Richard Fadden: —which we did not do before this year.

Hon. Jim Karygiannis: I'm not talking about this year. I'm talking about 2006-07, when the processing time out of China went through the roof. Yet, you probably have either fewer staff or the same number of staff over there.

Mr. Richard Fadden: It's about the same.

Hon. Jim Karygiannis: So why is it taking longer than it did before?

The Chair: Mr. Fadden, that's the last comment to you on that round.

Mr. Richard Fadden: I don't know, but I'll find out and get back to you.

The Chair: Okay. Good. Thank you.

We'll go to Mr. Komarnicki and then to Mr. Wilson.

Mr. Ed Komarnicki: We talked about permanently landed newcomers, which is one issue. But there were also the new arrivals last year. I know there were a lot of temporary foreign workers—I think about 112,000-plus—and foreign students who arrived. What was the total number of people processed as new arrivals in Canada? Maybe you could give us some data on that and tell us how it breaks out, if you have it.

• (1800)

Mr. Richard Fadden: Last year we admitted to Canada 429,649 permanent residents, temporary foreign workers, and foreign students. That number is about 60,000 higher than it was four years ago.

Mr. Ed Komarnicki: In fact, it's probably at an historic high. I think, if you go back, if my memory serves me right, it is the highest we've had in the last 90 or 100 years.

Mr. Richard Fadden: I believe it is the most we've ever admitted in one year.

Mr. Ed Komarnicki: Obviously, when you're looking at arrivals and permanent landings, you have to look at the big picture to see what the department actually processes, and it was a significant number. You would agree with me there.

Mr. Richard Fadden: I would, Mr. Chairman.

Mr. Ed Komarnicki: On the family reunification class, the minister has indicated and you've indicated that this portion of IRPA will be respected, along with the other two categories. The minister has just indicated that the intention for next year is 70,000. I think that is the number she used. Given those numbers, will the legislation we have here and the kinds of things you've talked about doing under Bill C-50 have the effect of processing family reunification more quickly than in the past?

Mr. Richard Fadden: I'm not sure it will be quicker, but it certainly will not be less fast. The intention would be to take the numbers that are tabled in Parliament in the three categories—federal skilled workers, the family class, and the humanitarian class—and process the last two on a priority basis. When I was talking earlier, I mentioned that the minister's instructions can deal with two broad categories of priorities. One is occupational categories; the other is program categories. One of those categories, I suspect, will be the family class.

Mr. Ed Komarnicki: In terms of the family class itself, so far has there been improvement in the processing time in that area? Maybe you can comment on that.

Mr. Richard Fadden: Yes, Mr. Chairman. In particular, with respect to spouses, partners, and children, I think there has been an improvement of 40% over the course of the last couple of years.

Mr. Ed Komarnicki: So the primary selection process, if you want to call it that, for dealing with categories and the criteria behind them will mostly occur in the third leg or in the skilled economic class.

Mr. Richard Fadden: That's correct, Mr. Chairman.

I think the minister has mentioned on a couple of occasions that absent any particular problems that we can't foresee, her intention would be to focus on the federal economic class.

Mr. Ed Komarnicki: Again, in terms of having that class proceed more quickly and more directly to the requirements of the economy of the country, what in the legislation provides for flexibility? And where in the legislation would it allow you to realign those who apply with what's needed in the economy?

Mr. Richard Fadden: Fundamentally, this is what the legislation will do, assuming that Parliament accepts it. For applications received after February 27, the minister will be able to tell the department which particular applications or category of applications we have to process first. That's a capacity we do not have now. She would be able to tell us, for example, that the country needs more sheet workers or more doctors, and they would be pulled out of the system and dealt with first.

The other major change being proposed in the legislation is that we would no longer be required to deal with all the applications. So something of the order of a yearly processing period would be set up, and we would make sure that as people came through the year, we would capture out of this one-year period those who reflect the priorities the minister sets. If by the end of the year or near the end of the year they haven't done that, their applications would be returned.

Mr. Ed Komarnicki: Did you time my time?

The Chair: Yes, I did. Your five minutes have expired.

I'd like to go to Mr. Wilson, and after Mr. Wilson, Madame Beaumier.

I will give Mr. Wilson a chance to ask a few questions here.

Mr. Blair Wilson: Thank you very much, Mr. Chair.

Thank you, Mr. Fadden.

I'd like to preface by saying I've gone through the details of this bill. I'm not a lawyer; I'm just a hard-working kid from North

Vancouver. But I was very disappointed with the manner in which the minister and the government back-doored these radical changes into the budget and never allowed the democratic Canadian process, the committee process, to review and debate and ascertain what exactly is going through. I'm just not happy with the way this process is working.

Having said that, the minister did appear, as you are doing here, and we heard her words. I just want to see whether you can help clarify an issue for me. The minister said:

Our proposed legislation will allow the minister to identify categories of occupations—not individuals—that will be processed on a priority basis....

However, earlier in your testimony, Mr. Fadden, you stated that the aim of the bill is to allow the minister to select people. And if we go to the actual words in the bill, proposed subsection 87.3(3) states:

The Minister may give instructions with respect to the processing of applications and requests, including instructions

- (a) establishing categories
- (b) establishing an order
- (c) setting the number of applications; and
- (d) providing for the disposition of applications

So my question to you is—and you said earlier that this minister is allowed to pick and choose who she wants to allow into Canada—is she allowed, under this legislation, to pick and choose, as you said, who gets into Canada?

• (1805)

Mr. Richard Fadden: No, Mr. Chairman, she is not. Under the general construction of IRPA there are three categories of decision-makers. There are a couple of very restricted areas where the minister must decide personally; there are a number of areas where officials make decisions on behalf of the minister, as her delegate; and there is a variety of other categories where the law gives to individual officers the right to decide on their own.

The categories of admissions we're talking about here are given to individual officers. That's in the law now, and this bill does not change that, in the view of the Department of Justice.

Mr. Blair Wilson: Well, then, what's the purpose of this bill, if it doesn't change any powers the minister already has?

Mr. Richard Fadden: It changes a number of things, but it gives her the power to tell the department which categories to give precedence to.

Mr. Blair Wilson: And that's the question most witnesses are concerned about. It gives the minister the power to say, "This is a category and these are the people we're going to allow into Canada, and this is a category in which we're not going to allow people to get into Canada." That type of totalitarian power is what puts a chill into most Canadians, and new Canadians as well.

An hon. member: That's why you're advertising heavily.

Mr. Richard Fadden: Well, Mr. Chairman, there are two things. One is, every other immigrant-receiving country has given its government this or a similar kind of power; that is to say, some capacity to select the kinds of categories of people they want to admit into the country. That's what this bill is doing. It is not giving to the minister the authority to decide individual cases.

Mr. Blair Wilson: How is this bill going to deal with the backlog? You're saying the purpose of this bill is to deal with the backlog. We have a million people in the backlog right now. Wouldn't you agree that the easiest way to deal with the backlog is to let more people into Canada today, and faster? Instead of letting in 262,000, let in 350,000; let in 400,000. We'll deal with the backlog very effectively that way.

I don't know whether you've been to western Canada, but in western Canada we have a skilled worker shortage. We drastically need skilled workers in western Canada.

Mr. Richard Fadden: I think the minister, Mr. Chairman, partially answered the question when she said it wasn't quite as simple as merely increasing the numbers. All of the provinces and two of the territories have indicated to us that they need more people. A lot of these people are required on the temporary side, and we're trying to increase the numbers on that front.

But they also require schools and they require places to live, and it is the view of the government that we could not simply increase by, say, 100,000, from one year to the next, the number of people admitted into the country. The government is of the view—

Mr. Blair Wilson: Sir, I would disagree with you on that fact. I have communities, such as Squamish, such as Whistler, that are hosting the 2010 Olympics. I have businesses that can't open for lunch and can't open for breakfast because they don't have enough workers to man their restaurants or to keep their hotels and beds open. So the number of workers would be easily absorbed, I believe, in western Canada. I know they would be easily absorbed in my riding.

Mr. Richard Fadden: Well, Mr. Chairman, I don't know about the honourable member's riding, but we've had discussions, for example, with the hospitality industry. They desperately need people. I've talked to people in that province. But when we ask them where these people are going to stay, it's not always obvious. Some hotels, for example, have accommodation for staff. They can't pay the kinds of salary that are necessary for many of them to find accommodation.

So I take your point that there are circumstances where they can accommodate more people, but across the board I would submit that there are difficulties with simply increasing the number.

• (1810)

The Chair: I'm going to go to Madam Beaumier for five minutes.

I checked around a little earlier, and I don't know if I asked Mr. St-Cyr, but I said we'd break at roughly 6:15, after Madam Beaumier, which would give us a 15-minute break for supper, from 6:15 to 6:30. Then we would bring in our next group of people for another full hour.

Is that general agreement I'm hearing?

Mr. Carrier.

[Translation]

Mr. Robert Carrier: Mr. Chairman, can I add my name to the list of people who wish to speak?

[English]

The Chair: Sure.

[Translation]

Mr. Robert Carrier: Could I have the floor once more?

[English]

The Chair: Okay.

[Translation]

Mr. Robert Carrier: After Ms. Beaumier?

[English]

The Chair: Madam Chow, did you have a comment?

Ms. Olivia Chow: No, but if there's any time left...

The Chair: Then we'll scrap that business of 6:15 and we'll go to 6:30. Is that what you're saying to me? We have to let the food people know. So are we going to go until 6:15, then have supper, and then take our next full hour?

This is not rocket science, folks. Tell me yes or no.

Some hon. members: Yes.

The Chair: Okay, yes.

Madam Beaumier.

Ms. Colleen Beaumier: Thank you—

The Chair: Mr. Telegdi.

Hon. Andrew Telegdi: In terms of the next witnesses, there are only two of them, and that should not take a long time. Having the deputy minister here is a good thing, so....

The Chair: But we're not going to get around to you anyway.

Hon. Andrew Telegdi: Maybe we should go to 6:30, because I think it's important.

The Chair: Then we'll go to 6:30. Is that what you want to do? No? Or do you want 6:15? What am I hearing?

Some hon. members: 6:15.

The Chair: We'll go to 6:15.

Madam Beaumier.

Ms. Colleen Beaumier: Thank you.

Mr. Fadden, when I started out I was a bureaucrat, and I know the majority of the people in the bureaucracy are fine people. I'm going to try not to be aggressive and confrontational, but I'm terribly frustrated with some of the attitudes I see when we, as members of Parliament, deal with the bureaucracy. The attitude is sometimes, at the very best, I guess, pejorative.

I asked Mr. Linklater the other day about racism within the department. I don't have a problem with bureaucrats making decisions—I think you probably have much more experience than we do—in consultation with parliamentarians, as long as you're going in the direction the government wants you to go. However, I think you know that I have dealt with racist attitudes with the east Indian desk. I brought it up in committee when Joe Volpe was the minister, and the then-deputy minister practically called me a liar.

Now we have a lawyer in Hamilton...and I'm sure you're aware of the article about someone who's obviously using government computers and has been on a chat line and made these kinds of comments.

What does the department do to be vigilant about racist attitudes? That's the only thing that really frightens me in all of this. That's the thing that frightens me the most.

I think it's very unfortunate. Yes, we all have our bad days, and I understand that people who work in the bureaucracy have their bad days as well, but when I call, I can't even get hold of a government person in New Delhi to discuss the circumstances in certain cases.

Where is my avenue, as a member of Parliament, to deal with cases where I truly believe there has been a mistake made when I have no person to talk to, I have a button to press? Can you assure me and tell me what we are doing to make sure that these ugly attitudes...? I don't want to be apologizing—I don't want my grandchildren to have to apologize in 70 years—for what we allow to happen here. I don't say this to be confrontational. It is a sincere concern of mine.

•(1815)

Mr. Richard Fadden: Thank you, Mr. Chairman.

I'm going to take a slightly different tack from my predecessor, because I think any institution that has 5,000 people and takes 2.5 million decisions a year will occasionally get people who act improperly. I don't think there are very many, but I acknowledge your point.

A case in point is the individual you referred to elliptically in southern Ontario, who I do know about. The person has been sent home without pay. There's a police investigation, and if I have my way and the facts are sustained, I'll fire him. If you bring any other case of that nature to my attention, I'll cause it to be inquired and I'll fire the individual.

We do not want to support racism. It is not acceptable to this department. I don't think there are very many who do act that way, but I acknowledge that in a large number of people you're always bound to get a few rotten eggs. I think we found one.

On the broader issue of to whom you can speak, a number of your colleagues around the table have called my office, and in a couple of cases I've reversed decisions by the department. I don't do it all the time. There's a branch in the department called the case management branch run by a gentleman called Stéphane Larue, who I think is very open to talking to people. If you want, I'll tell him that you might call him. I'm not just making this offer to appear to be helpful; I mean it. If you have a particular problem and the department can't help you with a case or two, I'd be glad to talk to you myself.

Ms. Colleen Beaumier: Thank you. I appreciate that very much.

The Chair: Since we're down to 10 seconds, I want to thank Mr. Fadden, Mr. Linklater, and Ms. Lyon for your presence here today. You've given us an awful lot of good information. I'm sure committee members agree. I'm sure it'll find its way into the report as well.

Hon. Jim Karygiannis: When will the deputy minister and the department come back to us with the information the minister and everybody else is supposed to supply? Would two weeks be appropriate, or three weeks? How long do they need?

The Chair: Mr. Patten has indicated it will be a couple of weeks.

Thank you very much.

Hon. Andrew Telegdi: The minister asked us to study the point system, and I think that's a good idea. I want the deputy minister to come back when we're studying the point system, and I want to find out how we got it so wrong in 2002. I think it's important to look at why you made those mistakes if you're going to avoid making them in the future. This has really thrown our whole system into a crisis.

The Chair: That's a topic for tomorrow.

Thank you again.

•(1817)

————— (Pause) —————

•(1835)

The Chair: We'll welcome our next witnesses.

Hon. Jim Karygiannis: We need copies of their speeches.

The Chair: We'll see....

I want to welcome, first of all, from the Canada Public Service Agency, Joan Atkinson. Ms. Atkinson, welcome, on behalf of the committee.

And we have Daniel Jean, associate secretary in the senior associate secretary's office, the Treasury Board Secretariat. Welcome.

You have opening statements, I would imagine. If so, have you given copies to the committee, or could you provide us with copies?

Okay, good. Thank you.

You're first, Ms. Atkinson, or Mr. Jean. It's up to you, whichever way you wish to proceed.

Ms. Joan Atkinson (Visiting Assistant Deputy Minister, Canada Public Service Agency, As an Individual): I'd be happy to go first.

I will have copies for members.

[Translation]

Mr. Chairman, members of the committee, I am happy to make a short opening statement.

My name is Joan Atkinson and I am the Visiting Assistant Deputy Minister at the Canada Public Service Agency.

[English]

It's a bit of a strange title: the fact that I'm a visiting ADM doesn't mean that I just visit and have tea, but I actually do work there. In my capacity as the visiting ADM of the Canada Public Service Agency, I'm responsible for talent management of the ADM community. I provide advice to deputy heads, to ADMs, and to the Clerk of the Privy Council on human resource measures as they relate to ADMs.

I was deployed to this position in June 2006. Prior to joining the Canada Public Service Agency, I was the assistant secretary to the cabinet on social development policy from September 2004 to June 2006. Prior to that, I was the ADM for socio-economic policy and programs at Indian and Northern Affairs from January 2003 to September 2004. And prior to that, I worked for almost 24 years in the immigration program in Canada and overseas, first as a visa officer and then in various positions in national headquarters and, starting in 1997, as the director general of the selection branch until June 2000, when I was appointed the ADM of policy and program development at Citizenship and Immigration.

While I'm pleased to appear before the committee, with whom I've worked closely in my public service career in the past, I feel that I do need to explain the limitations of my ability tonight to assist in your deliberations on part 6 of Bill C-50, given my responsibilities as a public servant. While I will always remain interested in immigration and citizenship, given that I left CIC almost six years ago, I simply don't possess any substantive knowledge of this bill and really can't provide you with any expertise or technical information on the bill, since I really don't know it.

As you know, as a public servant, my duties are to provide advice to the government in areas of my competence and responsibilities, and to ensure that once policy decisions are made, the policies are administered appropriately. It's also my responsibility to provide parliamentarians with factual information, technical details, explanations, and rationales for proposed legislation and other policies of the government. It's not my role to engage in a debate or a discussion on the merits of a particular policy or approach.

Given that I haven't worked in any capacity at CIC for several years, I'm afraid I really don't have the competence to be able to answer factual questions about part 6 of Bill C-50.

• (1840)

[Translation]

I have taken your invitation to appear before you seriously and that is why I am here. However, I trust you will appreciate the

limitations imposed on my ability to respond to questions concerning the matter before you today, given my responsibilities as a public servant.

[English]

But I would be happy to be able to respond to other questions in any way I can be helpful to the committee.

Merci.

The Chair: Thank you, Ms. Atkinson.

Mr. Jean.

Mr. Daniel Jean (Associate Secretary, Senior Associate Secretary's Office, Treasury Board Secretariat, As an Individual): Honourable Chair and members, I wish to thank you for your invitation today to discuss part 6 of Bill C-50. My name is Daniel Jean, and I'm an associate secretary with the Treasury Board Secretariat.

I joined the Treasury Board Secretariat in March 2007, first in the position of assistant secretary of international affairs, security and justice, and was appointed to my current position on October 29, 2007. Prior to that, I worked for almost 25 years in Canada and overseas in positions related to the Government of Canada's immigration program.

My last three assignments in Citizenship and Immigration Canada's headquarters were as director general of the international region from August 2000 to December 2002; as assistant deputy minister of the development of policies and programs from January 2003 to March 2006, where I replaced Joan; and assistant deputy minister of operations from April 2006 to early March 2007.

[Translation]

I am pleased to appear before this committee that I have worked closely with for so many years. Given my current responsibilities in a different department, I have not followed in any substantive way the issues related to Part 6 of Bill C-50 and accordingly, I do not profess to have any knowledge or expertise on the matter.

As a public servant, my duty is to advise the government on proposed policies and ensure the appropriate administration of current policies and programs. It would not be appropriate for me to comment on the wisdom of proposed legislation from a policy standpoint.

That said, I am pleased to appear before you today and answer any factual questions.

[English]

The Chair: Thank you, Mr. Jean.

Mr. Ed Komarnicki: Who is it that requested the appearance?

The Chair: I think Mr. Telegdi has just indicated he asked these people to come to our committee.

A point of order, Mr. Wilson.

Mr. Blair Wilson: A point of clarification, actually.

I think the parliamentary secretary cleared up my first question. I was wondering who put the request in to ask these witnesses to come.

The question I have for you is this. If these two witnesses have just stated that basically it's not appropriate for them to comment on the legislation or the policies before us—

Hon. Jim Karygiannis: They can comment on past legislation.

Mr. Blair Wilson: —what can they comment on, and why are they here?

The Chair: That's a good question, and I have absolutely no idea. The only thing I can say to you is that they were invited by the official opposition to be here. With respect, I guess we'll just proceed, see where it goes, and see what the line of questioning is and what information these witnesses can provide.

We realize that you don't know a great deal about this bill. You've made that clear. However, we will proceed, now that you are here, and see where we go from there.

Have you some more questions, Mr. Komarnicki, before we proceed?

Mr. Ed Komarnicki: I would like to make a comment further to Mr. Wilson's point. It's a good point. If they're not going to be able to comment on this legislation, I think we could thank them for coming and taking their time to come here.

The Chair: I saw Mr. Telegdi's hand first.

Mr. Ed Komarnicki: It's a point that—

Hon. Jim Karygiannis: Why don't you let Mr. Telegdi go the round of questions? You have people who want to ask questions. What's the problem?

Mr. Ed Komarnicki: They've already indicated what they can't do. One thing they can't do is make comments on Bill C-50, which is what we're studying. I think Mr. Wilson's point is a good point.

The Chair: Let's not engage in pointless arguments about this. The witnesses have been invited and the witnesses have come. They've stated what they can and cannot do.

I guess we do have to proceed. If it's determined that the witnesses really can't be of any assistance to us, we can say at some point that they are not being any help to us. We'll shut it down in that case, if the committee members agree.

First of all, we have to go to questioning on this. We'll begin with Mr. Telegdi.

•(1845)

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

I think the importance of the appearance of these witnesses relates to what we are dealing with: a real problem with the point system that was put in place in 2002. The question is how we got it so wrong. The studies came out; the proof is in the pudding.

How did the process work, whereby the point system was devised? The point system wasn't put in place by the committee; it was done by regulation, it was done by the bureaucracy, and it was put through with a lot of people having a great deal of concern about it.

Here is the other issue I want to raise, and I say this to all the members. I ask you, Mr. Chair, to make copies available to the members of the decision by the judge in the Dragan case, who

actually named both of you for being less than forthcoming with the committee.

The Chair: A point of order by Mr. Komarnicki.

Mr. Ed Komarnicki: Mr. Chair, I think Mr. Telegdi is venturing into a study of something else, and the minister indicated we certainly could study it, and perhaps it could be made the subject of a study. That's the point system, but it does not have anything to do with Bill C-50. It's a personal matter that Mr. Telegdi would like to venture into with respect to a court case and the point system.

I would say that would be out of order. I'm prepared to ask the members of the committee to consider that, and if necessary vote on that issue to have it resolved if the chair doesn't.

I think Mr. Wilson's point was well made, and I can see that the questioning is off target.

The Chair: Are you finished, Mr. Komarnicki?

Mr. Ed Komarnicki: Yes.

The Chair: Okay. I have a group of people who wish to make comments on that point of order. First on my list is Mr. St-Cyr. Then I have Mr. Karygiannis, Mr. Telegdi, and Mr. Wilson. By the time all this is done, I expect our witnesses will be ready to go home anyway.

I'll go first of all to Mr. St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: Mr. Chairman, I am rather frustrated by Mr. Komarnicki's point of order. Over the course of a three-week tour across the country, we heard comments to the effect that Bill C-50 would be discussed later. Well, we're studying Bill C-50 now and we're trying to get some background information. I think this is what Mr. Telegdi is trying to do. We said that we would discuss it later.

As a committee, our vision cannot be limited. We cannot examine a piece of legislation with blinders on and not look beyond this framework. In order to properly consider this bill, we need to look at the immigration system in its entirety. Even though I do not know what Mr. Telegdi is getting at exactly, as a member of this committee, I'm prepared to hear what he has to say.

Moreover, I think each member of the committee has a responsibility to determine whether or not his comments are relevant. If they are not, then too bad for him. It's not up to the other members to decide whether anything I, Mr. Telegdi, Mr. Khan or anyone else for that matter says is relevant. This point of order, which really isn't a point of order, should be ruled out of order. Let's hear Mr. Telegdi's questions and if they are not relevant, then too bad for him.

[*English*]

The Chair: Next is Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, I think we're getting into previous ways of trying to deal with the backlog, with the point system and how it was moved around, and with how the department at that point in time tried to manipulate the situation.

I think the point Mr. Telegdi is trying to bring to our attention is that the situation was manipulated. Certainly it could be the same thing right now; it could be, and I think we need to examine that. These were previous examples, for some of the people who were not here. When people did raise what was happening with raising the point system from 70 to 80, people were certainly characterized and certainly have been blown one way or the other way. This goes right to the heart of the matter, because it is not the minister who came up with the idea of Bill C-50; it was certainly the department that proposed it to her and the minister is following.

● (1850)

The Chair: Go ahead, Mr. Wilson.

Mr. Blair Wilson: Thank you, Mr. Chair.

I'd like to go on record that I think the line of questioning Mr. Telegdi is pursuing is appropriate. He's discussing the point system. He's discussing the intent of the bill and the way in which the bill will actually be rolled out.

The witnesses here have some history with the department. While we're not asking them to comment on the specific legislation before the House, we are asking them to clarify certain points of history. I think that's the line of questioning Mr. Telegdi is going to pursue.

The Chair: Good. Thank you.

Now I'll refer briefly to Marleau and Montpetit's *House of Commons Procedure and Practice*, which says:

There are no specific rules governing the nature of questions which may be put to witnesses appearing before the committee beyond the general requirement of relevance to the issue before the committee.

Of course, that's quite a broad range. Even when you get into relevance, it's hard to determine what relevance is, especially when we're talking about backlogs and how the point system might affect that.

I would also say to the committee that Marleau and Montpetit make this reference as well:

...public servants have been excused from commenting on the policy decisions made by the government. In addition, committees will ordinarily accept the reasons that a public servant gives for declining to answer a specific question or series of questions which involve the giving of a legal opinion, or which may be perceived as a conflict with the witness' responsibility to the Minister...

We're quite clear on that. There are no rules governing the nature of questions beyond the general requirement of relevance, which is very hard to define, and I would ask members to stay away from asking the witnesses about their opinions on policies, because such questions may place them in a conflict with the minister.

Go ahead, Mr. Telegdi.

Hon. Andrew Telegdi: Mr. Chair, I'm getting at a couple of issues. One, we sat as a committee to do the last immigration act, and subsequent to us sitting and making decisions and what have you, it came out that we were provided with imperfect information, to say the least, in the case of Dragan. What is so troublesome is that we ended up with a point system that is pretty dysfunctional. The point system was not driven by the members of the committee. We pointed out the pitfalls of having a point system that would keep carpenters out, people who are now being replaced by the temporary foreign

worker program. It didn't make any sense, and the committee raised that.

It wasn't like we had a minister who was exactly up on the topic either, because when he became minister, he said, "We need carpenters; my father was a carpenter." Then he ended up approving a point system that guaranteed no carpenters got in. So if we're going to be dealing with establishing a point system that works for all Canadians....

This is not a partisan thing, Mr. Komarnicki, because the Liberals were in government when this happened. So keep your partisan powder dry.

Mr. Ed Komarnicki: I try to keep relevant.

Hon. Andrew Telegdi: But I think we really have to learn, how did we get to a point where the point system has become virtually dysfunctional and now we need to bring in hundreds of thousands of temporary foreign workers where this should have been covered by people coming in as immigrants and not temporary foreign workers? I'm putting that to you because we want to have a point system that can bring in immigrants versus temporary foreign workers, but that will cover all the folks in want.

That's my question, Mr. Chair.

● (1855)

The Chair: Either of you may comment if you wish.

Ms. Joan Atkinson: Perhaps I can start and see if I can provide some information that may be helpful. What I would propose is that I talk a little bit about my recollections of the work and the rationale, research, and reasoning that went into the development of the point system that was put in place with the regulations under IRPA.

At the time, we were looking at building what we called a "human capital model", and the human capital model was meant to design a point system that would allow us to select skilled workers who would be required for Canada at that time and in the future. We were very much focusing on a knowledge-based economy and the need for knowledge workers.

The human capital model approach we took was based on a number of things—fairly extensive research done in terms of the success of immigrants in the labour market, and the characteristics of the labour market, how it was evolving and changing. We did some projection and modelling in terms of the types of workers that would be required in the labour market of the future.

There was, of course, extensive consultation on the development of the new selection model even before the immigration legislation was drafted, going back to the panel that had been appointed by the then Minister of Citizenship and Immigration, which included people who had expertise in the area of labour markets and economics, and so on. There was extensive consultation prior to that by the three-member panel. There were consultations by the department following the release of the panel's report. There were consultations, research, and work done in the lead-up to making policy recommendations to the government.

The rationale and the idea behind the selection system was to move away from a selection model that looked at occupational group and was very much driven by occupational demand, to a model that would allow us to select people with the kind of human capital that would allow them to succeed in Canada through flexible skill sets: language, education, and so on. That's where we ended up in terms of the design of the selection model that was eventually put in place under the regulations to the Immigration and Refugee Protection Act.

The Chair: I guess we'll have to move. We only have 10 seconds, so we don't have a lot of time to get into another round.

Thank you, Mr. Telegdi.

We'll go to Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr: I've only been the Bloc Québécois' immigration critic since the start of the year and I'm still not completely familiar with the point system. That's why I would appreciate getting a little more information.

Bill C-50 does not deal with the point system. However, we're hearing that this legislative initiative must be adopted because the current system is not working. I'm trying to understand exactly where things stand at this point in time.

Mr. Chairman, could members please be quiet?

The point system is used to select immigrants whose file is then processed under the federal system. Immigrants selected by the Quebec government are therefore processed under this system. Is that correct?

Mr. Daniel Jean: Quebec uses its own selection grid for economic criteria.

Mr. Thierry St-Cyr: So then, Quebec has its own point system and, one assumes, it applies different criteria.

Mr. Daniel Jean: That's right. The Quebec selection grid is quite similar to the one used by the federal government. It is based on human capital. To follow up on Ms. Atkinson's answer earlier, because of the economic conditions that prevailed at the time, there was a greater need for professional workers than for tradespeople.

As with any immigration system, conditions change and mechanisms and measures must change as well. Over the years, adjustments were made accordingly. Quebec in fact adjusted its selection grid several years ago for this very reason.

• (1900)

Mr. Thierry St-Cyr: I see.

Mr. Chairman, before we go any further, I would like you to call for some quiet please. Some people are not paying any attention at all to the debate.

A member: They do not understand French.

[English]

The Chair: Yes, that's a very valid point. The acoustics are very bad in this room. It's the worst room we've ever had our committee meeting in, but we had to come here because of television coverage, and what have you. As the clerk informed me a few moments ago,

it's a stone building in here, and when people are talking over in that direction, it's bouncing off the walls. There's no absorption really of sound. So I would ask members to try to keep it down a little bit, please.

[Translation]

Mr. Thierry St-Cyr: Mr. Chairman, if people have no intention of listening to the discussion, then they should continue their conversations out in the hall.

I'll try to collect my thoughts.

You talked about evolving conditions and I find that interesting. How readily adaptable is the system to change? Can regulatory or legislative changes be made when labour market conditions change? Instead of allocating points solely for studies, will points also be allocated for certain professions?

Mr. Daniel Jean: First of all, you have to remember that the point system is only one of the criteria used for immigration purposes. There are also the family and refugee categories. There are always movements of temporary workers, of seasonal workers.

In answer to your question about policy adjustments, I would have to say that any country with an immigration program regularly makes adjustments, most likely every four or five years, to respond to changes.

There is also another important point that I would like to make. I'm not that familiar with this particular bill, but I do know, however, that the idea of having an inventory is not new. I discussed this very subject during one of my first appearances before the committee in 2002. In June 2002, the committee released a report acknowledging that the inventory was an important consideration, that a number of principles should be applied and that it would probably be necessary to bring in a system for selecting potential immigrants, based on various priorities. This is not a new idea.

Mr. Thierry St-Cyr: I want to stop you there because I really would like a more technical answer to my question.

In order to adjust the point system to account for changing conditions, as you so aptly explained, is it necessary to adopt new legislation or regulations? Would a decision by the minister, the deputy minister or officials be sufficient in this case? What would be the implications of wanting to proceed as quickly as possible?

Mr. Daniel Jean: Various mechanisms apply. From an administrative standpoint, the minister can adjust the passing grade. New regulations can be made. Legislative changes can be brought in if the legislation is no longer deemed adequate. Various options are possible, depending on what you are trying to achieve.

Mr. Thierry St-Cyr: Is the method for calculating points set out in the act? Does the legislation specify the number of points allocated when an applicant satisfies a particular criterion, or does it merely stipulate that the minister or a particular agency decides how many points are awarded in such instances?

Mr. Daniel Jean: The selection grid is subject to regulations.

Ms. Joan Atkinson: That's right.

Mr. Daniel Jean: If you wanted to adjust the criteria used, you would need to go the regulatory route.

Mr. Thierry St-Cyr: The regulations are adopted by Cabinet. Is that correct?

Mr. Daniel Jean: Some of the regulations made under the Immigration and Refugee Protection Act must be tabled to the standing committee for discussion purposes.

Mr. Thierry St-Cyr: I understand.

Ms. Joan Atkinson: Any regulations must also be published for a few weeks in the Canada Gazette for public consultation purposes.

Mr. Thierry St-Cyr: Is the system simple enough so that prospective immigrants can determine if they have enough points to qualify? Can a prospective immigrant calculate fairly accurately the number of points he would receive and thus find out if he possibly qualifies by logging on to the website or by completing a form?

Mr. Daniel Jean: Prospective immigrants can use the calculator on the departmental website. It works a bit like a mortgage calculator.

Ms. Joan Atkinson: One of the goals of the new selection system is to enable individuals to assess more easily their own chances of being accepted.

• (1905)

[English]

The Chair: Thank you.

Ms. Chow.

Ms. Olivia Chow: In some provinces, actors and actresses are required to get labour market opinions—if I need someone to come in and act. Is that your recollection in the case of all provinces?

Mr. Daniel Jean: I don't know what the current rules are; I can speak about what the rules were.... Are you talking about coming in as an immigrant or as a temporary worker?

Ms. Olivia Chow: A temporary worker.

Mr. Daniel Jean: As a temporary worker, normally they're coming for a major production.

Ms. Olivia Chow: Let's say you're from the United States.

Mr. Daniel Jean: If they're coming for a key role in a major production, they would be exempt from the labour validation.

Ms. Olivia Chow: Why is that the case? Can we not say Canadians can meet that requirement and therefore they should not be sent?

Mr. Daniel Jean: The rationale is as follows: if you look at cities that have become major shooting places—Vancouver, Toronto, and Montreal—over the years, by allowing these productions, their key actors, and some of their key people to come, you've seen an emerging cinema industry where some of our cameramen in Vancouver, Montreal, and Toronto are now some of the best in the world, and they shoot films elsewhere as well, so it has created economic benefits.

Ms. Olivia Chow: I understand that because I am from Toronto.

What would be the reason behind HRSDC not requiring it? For example, we can show that Canadian actors or artists can fulfill that role.

Mr. Daniel Jean: If you have a Hollywood production, by bringing in this Australian or American actor, the benefits for the rest

of the production that would derive to Canadians are so great that it's worth doing that.

Ms. Olivia Chow: That decision is made through HRSDC or CIC, in your past knowledge?

Mr. Daniel Jean: In the regulations and in the exemptions that are in the schedules to the regulations, you have the description of what is applied to these situations in terms of rules.

Ms. Olivia Chow: The labour code, on how many points would be given to a certain profession, whether that profession requires labour market opinions...that is done primarily with CIC, the province, and HRSDC?

Mr. Daniel Jean: Are we talking about immigrants now?

Ms. Olivia Chow: Let's say temporary workers and then immigrants. The immigrants have the point system.

Mr. Daniel Jean: For temporary workers there's no point system.

Ms. Olivia Chow: Exactly. I understand that.

Mr. Daniel Jean: It all starts with the premise that everybody who is going to come to work here in theory requires both an employment authorization and a validation that there's an actual need for that person there. Then there's the list of exemptions, such as the one for actors that you described before.

Ms. Olivia Chow: In terms of points, then, for a landed immigrant, and as to how many points in which category—A, B, C, D, high skill, low skill, manual labour—are those points determined through Social Development and also CIC, as has been the past practice? Has that been changed through the years?

Ms. Joan Atkinson: Previously, before we applied the human capital model, we had an occupational list—

Ms. Olivia Chow: Yes, I recall that, in the 1980s.

Ms. Joan Atkinson: —that awarded points based on occupation. That was developed very much with HRSDC, as the federal government department that had expertise in the area of the labour market, together with Citizenship and Immigration. But the current selection system, the selection system that came into place with IRPA, did not have that occupational demand list associated with it. As we said, we moved away from awarding points based on occupations and professions.

• (1910)

Ms. Olivia Chow: One of the problems in the 1980s, I recall, was, for example, that there were certain occupations that were counted as basically zero. If you were a basic cook, and there are lots of cooks around, if you get zero, then you won't be able to get your application considered at all.

Is that a point system that had flaws? Is that why it was moved to human capital? We obviously can use cooks here in Canada.

Ms. Joan Atkinson: At the time, it was considered that keeping the occupational list up to date and having it absolutely current with the current labour market, given how quickly the labour market changes, was not a very effective way of making selection decisions for skilled immigrants, and that rather than identifying people based on occupational groups, what was more important was to focus on the total package that a skilled worker would bring to the country: their education level, their linguistic capabilities, their work experience in general, but not necessarily tied to a specific occupational group.

Ms. Olivia Chow: In other countries, for example, in Australia, which is compared with us all the time, is that a model they use? What does Australia use? Do they use a list of occupations?

Mr. Daniel Jean: Today, I don't know, but the last time I looked at that, when I had these responsibilities, Australia also had a selection grid.

Ms. Olivia Chow: Right.

Mr. Daniel Jean: But they also had a very strong movement of temporary workers for those occupations that are in high demand, and as a matter of fact, the adjustment that was made to allow people to apply for a temporary worker to permanent resident—

Ms. Olivia Chow: Do they give lists? Do they have an occupational list and go by points?

Mr. Daniel Jean: No.

Ms. Olivia Chow: Do they say, let's suppose, that category 6242 is cooks, and therefore you would get x number of points?

Mr. Daniel Jean: No. Their selection grid is to some extent similar to ours. As I said, they have a very strong temporary worker movement and they allow these people to apply for permanent residence from within the country, to have just permanent residents. As a matter of fact, most of the skilled immigrants in Australia first enter as students and temporary workers.

Ms. Olivia Chow: Because some are more skilled than others, some have more degrees than others, and some can speak English better than others, under the one used in Canada, do they look at it by how much English or how many degrees they have?

The Chair: Okay—

Ms. Olivia Chow: This is fascinating, Mr. Chairman.

The Chair: I'm sure it is.

Ms. Olivia Chow: I'm sorry. Just allow him to answer this one then.

The Chair: Okay.

Make it a brief response.

Mr. Daniel Jean: They have a lot of the same criteria. These criteria, in simple language, are like trying to predict the likelihood of success. There's a lot of research that has looked at how good these criteria will be in predicting settlement success of immigrants, and the experience of Canada is not different from that of Australia or many other countries—that, for example, the knowledge of the official language is one of your best predictors. Education is a good predictor.

So these are what the criteria are. As I said before, it's only one channel for bringing people in. There are other channels.

The Chair: Good. Thank you.

Thank you, Ms. Chow.

Mr. Karygiannis, five minutes, please.

Hon. Jim Karygiannis: Thank you.

You both had long careers in immigration, and certainly some of the problems we have right now...I wouldn't say they could be attributed to you, but they could be attributed to how the immigration department is run.

You appeared before this committee in your previous lives. Did you ever give misinformation to this committee?

Mr. Daniel Jean: No. I've always tried to answer the questions to the best of my knowledge and what I see as the facts.

Ms. Joan Atkinson: I would have to second that. I've always done my very best to provide the facts that are relevant and the facts I had at my disposal to answer the questions as best I could.

Hon. Jim Karygiannis: Did some of the information you gave to this committee in the past give direction to the committee to go in a way it should not have gone?

• (1915)

Ms. Joan Atkinson: I can only say that I provided information to the committee to the best of my ability, to attempt to answer the questions that were put to me by the committee.

Hon. Jim Karygiannis: You know what I'm driving at, don't you.

Should I read it? It says:

The representative of the respondent misinformed the parliamentary committee about the number of visa applications filed before January 1st, 2002, which were expected not to be processed by the deadline...

And it goes on. I believe that was in the court that...

Ms. Joan Atkinson: I can only say, again, that I have never knowingly or unknowingly misled the committee.

Hon. Jim Karygiannis: Okay.

Mr. Jean, I understand you are the associate secretary...in the senior associate secretary's office in the Treasury Board Secretariat at this point in time.

Mr. Daniel Jean: I'm the associate; I'm not the senior associate, but I'm glad I've been given a promotion.

Hon. Jim Karygiannis: Okay. Well, that's what it says here, so I'm just reading from it.

So would any money the government spends be coming through your office?

Mr. Daniel Jean: We look at the existing spending, yes, the estimates and all of these things.

Hon. Jim Karygiannis: Have you looked at the amount of spending we're doing right now on advertising on backlog for the department?

Mr. Daniel Jean: I'm not sure I understand the question, sir.

The Chair: Would you pose the question again, Mr. Karygiannis?

Hon. Jim Karygiannis: The department is spending about \$1.6 million—\$1.1 million and everything else—to buy advertising.

The Chair: What is the question?

Hon. Jim Karygiannis: Has your office done any work on it? Are you familiar with it at all?

Mr. Daniel Jean: I am not familiar with the specific spending of the immigration department in advertising, no.

Hon. Jim Karygiannis: Okay, thank you.

I have no more questions.

The Chair: Thank you, Mr. Karygiannis.

Mr. Carrier.

[*Translation*]

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

Good evening.

Mr. Jean, I see that you have lengthy experience at the Department of Citizenship and Immigration. You are therefore very familiar with this issue, certainly more than I am. I have been a member of the committee for six months only.

The points system considered a number of factors in evaluating any immigration application. A good citizen needs a number of different qualities. The present bill seems to start from a list of already established priorities. Nothing tells us which other factors could be considered. Could we have kept the points system while still prioritizing the various government wishes and still allowing applications to be examined?

The present bill says nothing about how the applications will be subsequently evaluated, even those on the priority list. I see a problem there. How can the other important elements of an application be evaluated without a points system?

Mr. Daniel Jean: I cannot comment on the bill, and, to be honest, I am not very familiar with it either. But I can say that there are different possibilities. Historically, Canada's immigration policy has always contained ways to manage the volume of applications received. Over the years, legislative and administrative priorities have been established to deal with some cases more quickly. For example, the Department of Citizenship and Immigration has been trying for years to encourage family reunification by giving priority to applications from spouses. It tries to deal with most of those cases in six months or less. That decision was made in order to give priority to one group over another.

I invite the committee to look back to its work in 2002. The problem of the backlog and the difficult choices is not new. My first appearance before the committee dealt with this matter. Let me read you this:

[*English*]

“Our current immigration program has been described as a fully loaded airplane for which we keep selling tickets.”

[*Translation*]

It was the committee that wrote that in 2002. Further on, it says that, based on certain principles, it was probably going to have to

make choices in selecting immigrants, in saying who can come and who cannot. So this is not a new problem, it is a problem that existed then and that has always existed. Other countries are dealing with it too.

• (1920)

Mr. Robert Carrier: In what year was the points system established?

Mr. Daniel Jean: The new points system was established in the Immigration and Refugee Protection Act that went into effect in 2002.

Ms. Joan Atkinson: Yes, 2002.

Mr. Daniel Jean: But before that, there had been a points table for choosing immigrants for 15 or 20 years.

Mr. Robert Carrier: To go back to my question, do you find that some kind of points system should be used to evaluate every immigration application anyway?

Mr. Daniel Jean: A points system is useful when you want to choose a person on the basis of human capital. When the time comes to try to forecast whether there is an immediate need for plumbers in Toronto or whether we need people to work in the oil fields in Alberta, the employer is not prepared to wait for immigration and the points system is not really useful. That is the time when the system that works better is to pick someone to come as a temporary worker and then perhaps let him change his status later to become a permanent resident. We followed Australia's lead when we put that reform in place a few years ago.

Mr. Robert Carrier: Do you not think that there is some danger attached to prioritizing one kind of worker without worrying too much about the candidates' other values?

[*English*]

The Chair: Are you finished, Mr. Jean?

Mr. Daniel Jean: No.

The Chair: Go ahead. You have 10 seconds.

[*Translation*]

Mr. Daniel Jean: If economic conditions were bad tomorrow and we had less need for plumbers and carpenters, but we did still need professionals, the points table would be a good way to fill those needs. That is why it is important not to see immigration as one avenue or one channel. There are various channels and a number of avenues.

[*English*]

The Chair: Okay. We have 10 minutes left, so we'll give five to Mr. Telegdi—he's on the list—and we'll give the last five to Mr. Wilson. In the spirit of fairness, I would suggest....

Hon. Andrew Telegdi: Thank you very much.

I guess the objective way of looking at people coming in as immigrants to Canada began in 1967, and it ended up being copied by Australia, New Zealand, England. They're looking at it in Europe. I think they are doing it under the OECD. It's being done by the United States. They are looking at our objective system. That is the good thing about the point system—it's very transparent; people can see it.

We went off the rails. Australia and New Zealand went in another direction. They actually worked with the real world. If you needed a welder, they would be able to be brought in as welders. You would give points for a needed occupation, which we used to do as well. It's a model of building a country through immigration, versus having temporary foreign workers whom, when the economy goes bad, we can get rid of. One thing that is obvious in Canada is that we will always need people to do the jobs that have to be done at the lower end of the skill range.

The chair and I were in Halifax and we walked by a pub—we didn't go in. But this was in Halifax, and they were looking for a cook, a cook's helper, a server, a server's helper, and a dishwasher. Those jobs need to get done. It seems to make more sense to bring immigrants in to fill those jobs, versus bringing in temporary foreign workers. I'll tell you why.

When you take in temporary foreign workers... Take a look at what's happening in Fort McMurray. A lot of single men are working in Fort McMurray. There's a high incidence of alcohol and drug abuse. This is all over the tar sands, where people are forced to live without their families, particularly the temporary foreign workers who don't have the capacity to fly back to Newfoundland or the Maritimes every couple of months. But that's the reality of what they're living in, and we know that's not very good.

So we want people who will come over and welcome the opportunity to work at some of those jobs that in many cases Canadians don't want to do. Of course, this means you can't get rid of them if the economy turns bad. But the fact is we will always need people working in that part of the economy.

If you look around the table... Look at the parliamentary secretary. We brought in the men in the sheepskin coats because we had to have some job done that nobody else was going to do or had the capacity to do, and there they came.

I look at Maurizio Bevilacqua. When I went to work in construction, I worked with a lot of Italians and Portuguese, and guess what? Many of them didn't speak the language all that well, but they all were able to work, and they all worked hard and built a life for themselves.

I can look at Ms. Grewal. That's how this country was built.

So I think we have to respect that the point system has to reflect what we need. I think that's where we went off the rails, and I think that's where the Australians and New Zealanders have done better than we have.

Let's keep the openness and transparency of the point system, but make it responsive enough so that it will actually get the people we need into the country. That's where it went so terribly wrong.

I'm still at a loss, because we on the committee knew that this was going down the wrong path. We knew this was the wrong path to go down.

• (1925)

The Chair: You have 30 seconds.

Hon. Andrew Telegdi: We had no input. I'm still wondering how it happened.

Ms. Joan Atkinson: I think I'd go back to some of the points that Daniel made earlier.

I'm not as familiar with the Australian system...or I've lost a lot of my recollection of the Australian system, but they do use temporary workers fairly extensively.

But immigration is not just about skilled workers. We have an immigration movement that is multi-faceted. The economic component is a significant component of the skilled worker component, but we also have a family class movement. We also have a refugee movement. We have people who arrive as refugee claimants who are also working in the labour market. So I think looking at it holistically, we need to consider that newcomers to Canada come through different avenues, and it's not only through the skilled worker movement that they enter the labour market.

The Chair: Mr. Wilson, you'll be the last one.

Mr. Blair Wilson: Thank you, Mr. Chair.

Hindsight is 20/20. I think I'd prefer to take my time and look at the future. I think we all can agree where we are right now in Canada and what's best for Canada right now.

Where we are right now is that we have a ticking time bomb ready to explode, with the aging baby boomers ready to retire in the next 10 or 15 years. Close to one-third of our population is not going to be in the labour force in the next 10 or 15 years. We know that today.

We also know today that the Canadians we have right now aren't giving birth in high enough numbers to keep the population stable. So the only way our population can stay at the level it is today is through immigration, and if we want to go beyond that, if we want to grow our communities and grow our society, then we're going to have to increase the level of immigration even that much further.

So our choices, then, involve how we go about doing that, what is the most fair, open, transparent, and objective way of doing that. I think the point system satisfies that model. The new bill, on which I know you can't comment, goes in the complete opposite direction and puts the power into the hands of the minister to pick and choose exactly who's going to come into Canada. The point system has its problems. It's not perfect, but it's far superior to putting all the power into the hands of the minister to decide the fate and the future of Canada.

With that in mind, we have the other question we've got to answer. What type of Canada do we want? Do we want a Canada filled with temporary foreign workers, which is the way the Conservative Party and this minister are going, and with all due respect one of the ways you had suggested? Do we want temporary foreign workers or a Canada filled with full-time Canadian families? I think the fabric and the quality of life of Canada are enhanced immensely by going down the path of having families here.

You know, we can bring a foreign worker in to work at Fort McMurray or up at Whistler in one of the resorts for the 2010 Olympics, but that foreign worker, whoever he or she is, is alone. His or her family is back in some other country. I'm sure the productivity level, the satisfaction level, just the overall quality of life for the community as well as that individual, would be greatly enhanced if that person could bring his family here. Canada is in the unique position where we can choose the full-time Canadian immigrant over the temporary foreign worker.

We just had a discussion with the minister. There are 925,000 people on the waiting list. I could understand if we were a country like Norway, which has nobody on the waiting list, and the only way we could get people in were as temporary foreign workers. But we aren't. The minister has 900,000 potential full-time Canadians who want to come into Canada, who want to work. That should be the avenue we go to first, and I'm hopeful this committee will continue doing its good work and take a look at the point system, to reform the point system to allow the department to operate in such a way as to open up Canada's doors and let more Canadians in.

Is there a way we can modify the point system to allow more Canadians into Canada faster?

• (1930)

Mr. Daniel Jean: I think your question is a very good one, and I would start with a couple of premises. Whether you are talking to your departmental officials today or you are talking to experts around the world, they will tell you immigration alone is not a solution to population...or even just the labour force. It's one element of the response. We talk about the labour market. There are other elements, such as whether we can convince people to retire later, whether we can be more productive, all of these things.

I want to be very clear that I've never said the immigration movement should be solely made up of temporary workers adjusting

status. That's not what I've said. Even for economic workers, we will continue to have a number of people who should come. There are options on how you want to do it.

What Ms. Atkinson said earlier about the previous point system is very important. The record of Canada and the government to predict and be able to match immigrants to the labour market is not a very good one. So it has not worked in the past, and why would it work?

Then there's the other issue linked to your inventory management problem—

Mr. Blair Wilson: Chair, I'm sorry to interrupt. What I would suggest is for the government to get out of the way of the capital markets and let the businesses decide who they need. Let the businesses come to the department and say they need 300 cooks and 200 chambermaids for Whistler. That's what they need. Then the department, through consultation with industry and the marketplace, could formulate policy on an ongoing evolving basis.

Mr. Daniel Jean: On the point you have made, that's what they're trying to do in the reform of the temporary foreign worker program.

The last point I would make is a very important one, which I think you should examine in your study. You have an inventory problem. You have too many applications for the public policy goals that have been set by the government. If you were to say tomorrow that plumbers can apply, and you get a million applications from plumbers, which plumbers are you going to choose if you're bringing in 250,000 or 300,000 immigrants a year?

So there are some policy issues that need to be examined.

The Chair: Thank you. In spite of your declaration that you knew very little about Bill C-50, you've provided some very good information for us.

Our meeting is adjourned until 3:30 tomorrow.

Published under the authority of the Speaker of the House of Commons

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

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