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—
Chair

Mr. Norman Doyle

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● (0905)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): Committee, we'll get our meeting going. Some of our members are a little bit slow this morning. And of course some of our members are on two committees, so it's not always easy to get a full complement at our committee meetings, because some members have dual responsibilities.

I want to welcome our witnesses today. Our witnesses are from Vancouver, and they never got in until about one o'clock this morning, so they're still feeling the effects of the jet lag.

Hopefully you got some sleep, and you're ready to give us some important information today. We welcome you.

We're doing part 6 of Bill C-50.

Our witnesses are Mr. Tung Chan, chief executive officer of SUCCESS; Mr. Eric Szeto, who is with Voice of the Minority; and Mr. Aziz Khaki, from the Committee for Racial Justice. Welcome, and thank you for being here.

We generally give you the opportunity to make an opening statement of roughly seven to ten minutes. You can all make individual statements if you wish, and you can do it in any order you want to.

Whoever wishes to go first, please go ahead.

Mr. Tung Chan (Chief Executive Officer, SUCCESS): I would say "age before beauty". Mr. Khaki is the most senior of us, so we'll defer to him.

Mr. Aziz Khaki (President, Committee for Racial Justice): I don't know in what way I am senior, but—

The Chair: You probably got more sleep last night.

You go ahead, sir, whenever you're ready.

Mr. Aziz Khaki: Thank you, Mr. Chairperson and members.

Once upon a time I used to be in Ottawa about ten days a month. Finally they got tired of me, so for the last five to six years I haven't been in Ottawa that much. But it's quite a pleasure to see nice warm weather here, coming from rainy Vancouver.

I'm the president of the Committee for Racial Justice. I'm also the vice-chair of the Muslim Canadian Federation, and I thought I should also mention that. I sit on a number of committees, but I won't go through that list.

Once again, thank you very much for inviting us here. I will start with my comments and then we can have the discussion.

Fifteen years ago the Committee for Racial Justice published a research paper entitled *Control and Inadmissibility in Canadian Immigration Policy*. It began with the following introduction, and I quote:

Traditionally, Canadian immigration policy has encompassed the dual function of admission and control, that is, its stated purpose has been to encourage the admission of immigrants while attempting to screen out those individuals who have been deemed undesirable.

Since the time of the Committee for Racial Justice report, changes to Canadian immigration legislation have progressively limited and restricted access to potential immigrants and refugees, with some exceptions. It appears that those individuals who have been deemed undesirable are an expanding group defined by the whims of a minister or a government-based decision with fundamental disrespect of the charter, on the whims of political expediency and agendas.

We maintain that changes proposed under Bill C-50, the budget implementation act, with respect to the Immigration and Refugee Protection Act give rise to serious legitimate concerns and point to very troubling patterns. An ongoing erosion of access, transparency, and accountability is what we have seen. Without accountability or explanation or recourse, entire groups or populations may be deemed undesirable and excluded by the stroke of the minister's pen. The point system, when it was first introduced, removed considerations such as race or place of origin as consideration in the immigration process.

It would appear that Bill C-50 is an attempt to reaffirm arbitrary decision-making into the immigration system and to remove the predictability of the application process. Sneaking these controversial changes through the House of Commons via Bill C-50 is a backdoor-entry tactic. We are challenging the provisions of Bill C-50 concerning the reason of its implementation, its regulation, and the wider question of its relation to our Charter of Rights and Freedoms.

Section 11 of IRPA, the Immigration and Refugee Protection Act, currently says that the official "shall" issue a visa if the applicant meets the requirements of the act. With the proposed changes, it will say that the official "may" issue a visa. Section 25 currently also says that the minister "shall" examine a humanitarian and compassionate application. Under the proposed changes the minister "shall" examine if the applicant is in Canada, but "may" examine the application if the applicant is outside Canada. So there's a change from "shall" examine to "may" examine if the applicant is outside Canada.

These proposed changes further limit access and undermine predictability and transparency in the decision-making process. There's a strong concern that some voices in Canada have been putting pressure on successive federal governments to stop recruiting immigrants from Africa or Muslim countries or other places in the global south.

Foreign workers have increased, while permanent residents have decreased. With poor working conditions, limited rights, abuse of their working ability, and the attitude of kicking them out when we are done with them, foreign workers are looked upon as disposable economic units. We have seen problems in Europe. European countries, to increase their prosperity, hired foreign workers. They want their cheap labour, but not the labourers.

● (0910)

With the introduction of immigration matters under Bill C-50, we would like to inquire what the intent of the government is. Is it to dismantle the Department of Immigration and make it operate under the Ministry of Finance as one of its functions?

The process of selection of immigrants should remain fair and transparent. The current status under Bill C-50 makes the minister and the government above and beyond accountability. There is a very clear erosion of our rights and liberties. When you look on human rights as favours you are granting someone, instead of as fundamental democratic freedoms, your intentions are underhanded.

Thank you, Mr. Chairman. That's my presentation.

The Chair: Thank you, Mr. Khaki.

Either one of our other witnesses may go ahead and make opening statements, if you wish.

Mr. Tung Chan: Thank you, Mr. Chair.

Bonjour, mesdames et messieurs.

My name is Tung Chan, and I'm from Vancouver. I'm the CEO of SUCCESS.

By way of introduction, I want to say that SUCCESS has been around for 35 years. We currently employ 390 employees in 18 locations in the lower mainland of British Columbia. We provide settlement, employment, language training, and health care services to youth, adults, families, and seniors, and particularly to the community of new Canadians.

I want to thank you for inviting me to appear before you to talk about Bill C-50, in particular part 6 of Bill C-50. As an organization, we applaud the intention of the new legislation. We believe it is a good intention. We do need to speed up the processing of applications of immigrants whom we need. But we also would like to say that the legislation, particularly in its application, needs to ensure transparency.

Currently the wait time is far too long. We have been dealing with immigrants coming from offshore who say they have been waiting for way too long to come here, and that it makes it difficult for them to plan. Many of them, actually, before they came, when they applied, had a different set of economic and family situations than they have by the time they actually get approved to come. So it's

important that whatever we do, whatever Parliament wants to pass, this be kept in mind.

As we heard earlier from Mr. Khaki, the most controversial point in the bill is clause 116, which replaces the word "shall" with the word "may". We do, however, recognize that in order to achieve flexibility there is a need to have some discretionary powers. Otherwise, we wouldn't be able to do anything if we simply stated everything. However, the point we want to make is that if we want to insert this kind of discretion and allow our offshore posts or the civil servants to exert that kind of discretion, then it is important that at the same time we put in place a very transparent, open, and clear reporting system so that when such discretion is being used, the public know, after the fact or before, how it will be used.

We understand that the minister, on an annual basis, gives a report to Parliament, so perhaps that would be a place where the reports should appear, in terms of when and how the discretionary power is used. Because as stated earlier by the previous witness, when people are allowed under the regulation to come in, but the bureaucrats may exercise the discretion and disallow people to come in, then any report from the department should contain that.

On a more general note, though, in terms of immigration we know that as a country we need immigrants. That's almost an established fact for most people; it is no longer an opinion. I've heard that assertion from different departments of the country, and we've heard it from different departments of the provinces.

The sad fact, though, is that the current points system causes a lot of false hope, particularly for the skilled-labour immigrants. So when you're done with studying this particular section, I would respectfully request that perhaps Parliament should look at totally reviewing the current points system as it applies to what is happening now. The points system has not only created false hope, but it's actually also creating a situation where we have a mismatch of the types of immigrants who will come in. When I say "type", I refer to their economic background in terms of their skills.

We also note that as a country, the way we apply our immigration law is that we divide it into two basic doors. The one is economic and the other is humanitarian.

● (0915)

I'm glad to hear the Minister of Citizenship and Immigration say that this amendment applies only to the economic side. Nonetheless, on the other side, humanitarian and family reunion, I believe that we have to continue to make sure people can come in early, and that we should look at providing better information to people before they come and adequate assistance afterwards.

We've often seen in both the economic and humanitarian streams that people could have done a lot better had they been told in their home country what they could expect. It would be even better to provide them with orientation and integration training, telling them about the Canadian system, the Canadian culture, even the language. People can train and learn far better in a home environment than in a strange one.

We also need to look at improving coordination between the provincial governments and the federal government. I would suggest that the federal government and the provinces come together to form a national standard on immigrant settlement. I know that under our constitution immigrant settlement is within the realm of the provinces. However, that should not stop the federal government from imposing, or at least requesting, minimum standards in language training, employment training, and integration of services within the host communities.

As we become more and more a country of multicultural communities, it is not only the newcomers who have to adapt and change. I firmly believe that the host country also needs to adapt and change. Culture is not static. Culture is always dynamic, and that dynamic would be all the better if we could all learn from each other in creating a unique and inclusive Canadian culture—not just a one-culture or bicultural community, but a more multicultural one.

With respect to employment training, I believe that this bill is going to allow people in the economic classes to come in faster. But even more important, once they are here, we have to have a good program to integrate them economically into employment. Census data indicates that recent immigrants are doing far less well than Canadian-born citizens.

We could take a page from the Quebec government's book. Quebec has a very good program for integrating economic immigrants. They provide people with wage subsidies of up to \$7,500 per person. They provide wage subsidies for supervisors of the companies—small and medium-sized enterprises—of up to \$1,100. They also provide grants to those SMEs of up to \$2,000, which allows them to adapt their workplaces, to find out how they can change and welcome the newcomers.

As I've said again and again, by the year 2011 the Canadian labour market net growth is going to have to come from new immigrants. It behooves us as a country to make sure that we have a good system to help to integrate those immigrants.

The other part of this is the foreign credential recognition program. The European Union is able to find ways to harmonize the 2,600 regulations that govern all the different professionals. If they can do that with so many countries, I'm sure Canada, if we have the political will, can find a way to resolve this issue.

Thank you.

• (0920)

The Chair: Mr. Szeto.

Mr. Eric Szeto (Organizer, Voice of the Minority): Thank you, Mr. Chairman.

Ladies and gentlemen, I will be straightforward as to what I would like to say.

The Minister of Immigration claims that she needs Bill C-50, the amendment to the Immigration Act, to reduce the backlog and give priority to the category of immigrant that Canada needs the most. Voice of the Minority, the group that I'm representing here today, supports this objective; however, we have serious concerns about the approach the government is taking with Bill C-50.

Bill C-50 will allow the minister to cherry-pick from applicants and simply discount others in a very unreasonable way by using the following provision in the bill: proposed paragraph 87.3(3)(b), which states that the minister may establish "an order, by category or otherwise, for the processing of applications or requests".

And further, under proposed paragraph 87.3(3)(c), the minister may set "the number of applications or requests, by category or otherwise, to be processed in any year".

And in proposed subsection 87.3(4), "If an application or request is not processed, it may be retained, returned or otherwise disposed of in accordance with the instructions of the Minister."

As we can see from the above provisions, the minister can set the priority and order for processing by category and very possibly by individual. And the applications that were not processed will be "retained, returned or otherwise disposed of", according to proposed subsection 87.3(4), as mentioned. This is very unfair and very undemocratic to the applicants who will be discounted, because it replaces a well-defined rules-based system with an unclear person-ruled system that has no recourse for the applicants. Also, discounting those who were not picked simply by retaining, returning, or otherwise disposing of their application is not a reasonable way to deal with the backlog problem.

Worst and most worrisome is the amendment to proposed subsection 11(1), which changes "shall" be granted an immigrant visa to "may" be granted an immigrant visa. This one single word change from "shall" to "may" gives the minister the authority to cherry-pick once again by refusing to issue visas to those who have already cleared the requirements. This provision would not contribute in any way to reducing the backlog, as efforts would have been used in processing their file. Shutting the door for them to come to Canada even after they have successfully passed the bar, without any recourse, is very unfair.

Minister Finley has been defending Bill C-50 for the last couple of months but has failed to deal with the above-mentioned concerns from the public. She is often evasive by refusing to deal with the specifics of the bill we are concerned about. She sometimes double-talks and is often misleading.

She repeatedly told the Chinese media that Bill C-50 would not cap the number of applications and would not affect the family reunification class, as family reunification is a priority of the government. However, on April 28, at the Standing Committee on Finance, she admitted that Bill C-50 is intended to cap and restrict immigrants, and that if at a future point in time we decide that family class is the priority, they will be fast-tracked just like any of the worker categories.

• (0925)

This leads us to believe that the family class application is not currently a government priority. Ladies and gentlemen, if one category of applicants is designated as a priority, others would be a lower priority. And it's impossible for them not to be negatively affected. It is common sense. And how could the minister just write off our concerns?

The minister claims opposition to the bill is misleading, as she will only set the order by category and has no intention of setting the order individually. If this is so, then why do they have “by category or otherwise” in proposed paragraph 87.3(3)(b)? Why is “or otherwise” needed, if the order she intends to set is only by category?

I also noted that she dropped the provision to dispose of the unprocessed applications in her explanation on how to deal with the backlogs at the committee. Is it because she realized how unfair it is to simply destroy one's application in order to deal with the backlog? Why does the minister insist on not allowing any amendments to Bill C-50?

The minister further commented that

There are millions, literally millions of people, in China and India alone, who qualify for admission to this country. That doesn't mean we can accept them all.

Ladies and gentlemen, it is particularly important that when we have more immigrants than we can accept in this country that we have a transparent, rule-based system that respects democracy and equality for all of them. How we select immigrants to our country will define who we are in the world. We will be telling the world that we are abandoning our cherished values if we adopt the immigration amendment of Bill C-50.

I truly believe there is no conflict between having a fair, equal, effective, transparent, and rules-based immigration system and addressing the need of skilled labour for the benefit of our economy. If we need more resources to streamline our system in order to deal with the huge problems in our hands, then we must do this. What we must not do is give the minister such arbitrary power, as it diminishes our core values of fairness, democracy, equality, and the rule of law, which have made Canada a great country.

We must amend Bill C-50 to rescind the above-mentioned provisions.

Ladies and gentlemen, thank you for allowing me to share our concerns with you.

Thank you, Mr. Chairman.

• (0930)

The Chair: Thank you, Mr. Szeto.

We will now go to questions, beginning with Mr. Telegdi.

Mr. Chan, what does SUCCESS stand for?

Mr. Tung Chan: Thank you. People always ask that question.

When we started 35 years ago, we were looking for an acronym and we decided to use SUCCESS. However, over the years it has moved into.... With signs like RBC, TD, or BNS, people don't ask what they mean any more. So I would simply say that SUCCESS is an organization that helps Canadians, particularly new Canadians. But at its origin, SUCCESS stood for Society of the United Chinese Community Enrichment Social Services. When we went to register, the registrar said we could not have the word “society” in front, so legally our name is United Chinese Community Enrichment Services Society.

The Chair: Thank you.

Mr. Tung Chan: Thank you for the question.

The Chair: Mr. Telegdi, go ahead, sir.

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

Some of the adjectives I heard used—“unfair”, “undemocratic”, “double-talk”, “misleading”, “undermining transparency”, “doing it through the back door”—are pretty good descriptions of the neocons who happen to be driving this bill.

In your statements you mentioned that you were glad that the minister said the changes were not going to apply to anybody but the economic class. Well, the reality is that they can apply to anybody.

Mr. Szeto, I share your concern. I saw the interview on television, where the minister talked about the Chinese and the people from India all qualifying. Good old-fashioned immigrant bashing is how I'm starting to perceive this, and it's done for electoral purposes.

You keep making reference to the minister. I wish it were that simple. I was here when we changed the Immigration Act back in 2002. I was on this committee. Essentially, what happened is that the bureaucracy misled the committee and misled government, and their duplicity only became apparent when the case of Laurentiu Dragan was taken to court, where the justice issued a mandamus thwarting the desires of the bureaucrats to use the new standard to apply to the backlog so they could disqualify applicants. Well, it didn't work.

In essence, I always thought that the driving purpose of the new point system was to do exactly that. They didn't succeed, but what they succeeded at was in creating a real crisis by having a point system that doesn't reflect what the economy needs. It is a problem, and as a result we have the rise in temporary foreign workers, which is the way to get around it, because they can't get them in under the point system, but these people are needed by the economy.

The question I have for you, and this really has been a concern of mine, is that, as you know, we apologized for the Chinese head tax, the Asian exclusion—and the government is going to be apologizing for the *Komagata Maru*—and the fact that the Chinese were brought in to build the railway, single men who couldn't bring their families. Now, with these temporary foreign workers, we're doing the same thing. I thought about the lessons of history and how important it was to recognize the mistakes of the past, so let's make sure we don't repeat them. I can see this temporary foreign worker class, where people can be exploited, as something that, if it's carried to its conclusion, we'll be apologizing for down the road in a 100 years' time.

My thing is that we need immigrants; that's what we need. We need immigrants who come here to build the country, and we should always have that as the first priority for immigration.

What's your thought about that, about the dangers of temporary foreign workers increasingly replacing immigrants?

• (0935)

Mr. Eric Szeto: Personally, I still believe we have a very good system in immigration policy. In my opinion, there's really no conflict in the system we have now, which is fair, transparent, and equal for everybody. It's a model; in fact, it's a model of immigration policy for other countries.

I'm not against any changes to the immigration policy. In fact we do need some skilled workers to address our labour shortage, which is critical to our economy. I'm just saying that there's no conflict between addressing the need of our economy and having a fair system.

What I'm going to say is that we can have a fair system. If there is some problem with the system, it doesn't mean that we have to throw away the system and change to a new one, drastically changing the principles of the existing system.

So let's say that these two goals—to have a fair system and to address our economy's needs—can go hand in hand.

Hon. Andrew Telegdi: That's exactly what I was saying, that we need to change the allocation of points.

Mr. Eric Szeto: Yes. What I mean is that we—

Hon. Andrew Telegdi: I wonder if you could give a chance to other folks to reply as well.

Mr. Eric Szeto: We don't need to abandon some of them and cherry-pick the others, but we can take care of them both by refining the system. The government could do something more to put more resources to upgrade the system.

Let me give you an example. Under the previous government it was a two-way highway with two lanes each way. After a few years, as more cars came in and wanted to use the freeway, it became a traffic jam. Now the government is saying it is going to put traffic police to dictate which cars can use the freeway and which ones cannot. The ones it picks, who can use the freeway, go straight ahead, but the ones who cannot use it, it tells them, "Okay, go ahead, because you are going to wait for a long time. If you don't want to wait, drop out and come back when the freeway is clear."

Why doesn't the government build or expand to three lanes, or car-pool lanes, or speed-up lanes for those skilled workers? That way the other people waiting on the freeway can still move ahead and speed up a little bit. But if they use a car pool, and they move to the car-pool lane, the cars using the old freeway can still move ahead. That's what I want the government to do, in fact.

• (0940)

The Chair: That clears up the seven minutes.

I'm going to go with four seven-minute rounds, because we do have 28 minutes.

Mr. St-Cyr, if you want to share your time with Mr. Carrier, you're welcome to. But you go right ahead for seven minutes.

[Translation]

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

I have only have two questions, but they are for you all. First, were you in any way consulted by the government during the development of this bill?

[English]

Mr. Aziz Khaki: Are you addressing all three?

[Translation]

Mr. Thierry St-Cyr: Yes.

[English]

Mr. Tung Chan: Thank you for the question. My French is only *comme ci comme ça*.

If it's a straight definition, a consultation, particularly relating to this particular bill, the answer is no.

However, I have sat in many informal discussions with the Vancouver Board of Trade and with other forums where many of the business people, particularly in British Columbia, have voiced concern that there is a labour shortage. In order to fast-track the workers that are required to come in, there is a need to somehow find a way so that we can respond to the rapidly changing economy faster.

[Translation]

Mr. Thierry St-Cyr: Thank you.

Mr. Khaki.

[English]

Mr. Aziz Khaki: No. As usual, we were not consulted. Our organization is 25 years old, and we have a record. Invariably we were consulted, but this time there was no indication of any consultation.

[Translation]

Mr. Thierry St-Cyr: Thank you.

Mr. Szeto.

[English]

Mr. Eric Szeto: No, I was not consulted about this bill.

[Translation]

Mr. Thierry St-Cyr: All right.

Here's my second question. Some of you talked about the fact that, from now on, a permanent residency application made on compassionate grounds would no longer be systematically reviewed. It clearly states that it could, and not should, be studied, as is currently the case. That's a major concern for me because this recourse is often used by rejected refugees who can't appeal to the refugee appeal division because it isn't yet in place. Those people therefore have no further alternatives and then apply for permanent residency on compassionate grounds. That's often how they manage to remain in or enter the country, even though they have been refused.

Aren't you afraid, as I am, that this bill eliminates another option for these people and that it closes another door to people who have been victims of an injustice by a board member at the first level?

● (0945)

[English]

Mr. Aziz Khaki: As I said in my presentation, the whole bill in itself is not very clear. The intent is to restrict. The intent is to deny what was available to other people, whether refugees or immigrants, especially refugees. Unfortunately, the bill is very one-sided. I've said it, and it is not going to help those people who are trying to apply under the refugee status. The intent is not to help. The intent is to literally stop them from trying to come into the country through the process that was once available to them.

Mr. Tung Chan: As a Canadian organization operating with 70% of our grants coming from the government, I think when we craft this law, what is needed is for it to be fair and to be balanced. Having said that, we do recognize and share your concern in terms of the privilege we can confer to refugees—and I stress that it's a privilege that we confer to refugees. At the same time, we have to balance out Canadian interests. Striking that balance needs the wisdom of Solomon. I don't think we can always get it right. We may need to err on the side sometimes of refugees and sometimes on the interests of the country. That's why we propose that there should be a very clear, open, and transparent monitoring system.

To refer to a previous question, we need to make sure the civil servants who are given those discretions cannot, without political masters and the public, knowingly violate those trusts that were given to them. I think that's the fear. It's a fear that's being expressed here as well as from some of the discussions I've heard in the media. That fear is that when civil servants are given those kinds of discretions, they may abuse them. I think that's the key point here.

The Chair: You only have about ten seconds, but I think we can afford to be a little easy on the time this morning, so we'll allow a little bit of overtime. So you go ahead, Mr. Carrier.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Good morning, gentlemen. I very much appreciated your presentations. Please be assured that the comments you make to us are very instructive. I agree with the vast majority of your arguments.

Personally, I've been a member at this committee for only six months, and I find it very frustrating to see that a potential reform of our immigration system amounts to two pages.

Two pages of the bill, which contains 130, concern immigration. In two pages, all discretion is simply left to the minister. I find it appalling that this kind of treatment is given to the entire immigration system, of which you are good representatives. You have expressed some good ideas which could be used to reform immigration.

Mr. Chan mentioned that the points system had raised false hopes. I would have liked him to develop that idea. What false hopes has the system raised? You also talked about improving our immigrant integration program. You cited the example of Quebec, where my colleague and I are from. Thank you for your good appreciation of Quebec. Quebec puts a lot of emphasis on integration of the communities it wants to welcome, and I think that's appreciated. I wonder how it can be explained why Canada does not succeed as well as Quebec. Is Quebec more aware of its nationhood and does it

want the people it welcomes to integrate? Is it a lack of appreciation by the Canadian nation, as manifested by the Canadian government? I note that what you said about Quebec is interesting.

Do you want to react to what I've said?

● (0950)

[English]

Mr. Tung Chan: Thank you.

I think you asked me a couple of questions. The first one is to talk about the false hope. All you have to do is to go to the website www.notcanada.com. This is a site that was developed by a group of new Canadians or immigrant professionals who came here and who were very discouraged about how they were being treated. Many of them are doctors, lawyers, accountants, or architects, who couldn't find jobs. They couldn't find the jobs they were trained for, so they set up this site to tell the whole world not to come here, not to come to Canada, because if you come here, it's a waste of time.

Principally what happens is that if you go through the point system, you are assessed in points based on your occupation, based on your education, and based on your language ability. When people went through that point system they felt they had it made, and that since this country approved them to come in, they were sure it had a job for them.

The Chair: I'm going to have to interrupt here and go to Madam Chow, then to Mr. Komarnicki, followed by a brief question or two from Mr. Bevilacqua, and that will include everyone who wants to get on the list.

Go ahead.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Chan, I know SUCCESS very well. With all your workers in your organization, do you think most of them would understand what damage this bill would do? Do you think the massive numbers of clients you serve would understand that their applications can be discarded, that there will be winners and losers, and that if the winners are just skilled labourers then the losers inevitably would be the family people, because there's only a fixed number of resources? If you're moving some people ahead, and obviously if that's skilled labour, then it wouldn't be the family members. So do you think most of the clients you serve, the people who work under you, or the large number of volunteers would understand what is happening because of this bill?

Mr. Tung Chan: Thank you for the question.

I don't think I can answer entirely accurately on behalf of all the 390 people, the full-time equivalents who work for us, nor can anyone, without doing scientific polling. So I'm sorry that I can't answer that.

However, I think there are many ways to interpret a bill, and I've done everything I can do. I've talked to the minister directly, personally. I've gone to a technical briefing by the deputy minister of the department. Our board has held discussions on the topic, and the position that I'd represent to you, the core message, is from the organization and is not my personal view. We have not done the same with the workers who work for us, because we don't have the mechanism for that. Perhaps in the future I should do that.

I thank you for your question.

Ms. Olivia Chow: The reason I asked that question is that we are hoping that this bill will not pass by the second week of June, which is the summer break. That would give us time in the summer to come to organizations such as yours to invite your workers and their clients, together with Mr. Szeto and others, to actually have a balanced discussion. Because right now, the minister has really just presented one side. The minister has financial means of over \$1 million to put out ads—and I've seen full-page ads in the Chinese paper—that talk about the backlog. This bill, if passed, if implemented, has nothing to do with the 925,000 people who are in the backlog. And if people are already there in the 925,000 backlog, an administrator could find out who they are without having to change the bill, without changing IRPA.

Let me then ask you about the point system. You talked about the need to review the point system, and I totally agree with that. Do you think it would make sense for us to put in more points, first, if there are family members, such as brothers, sisters, uncles, and aunts in Canada? Second, is the ability to speak fluent English or French or both really...? I've noticed that we have a lot of temporary workers coming in who are chefs. I looked at the list of all the temporary foreign workers who are coming in across the country—to B.C., Alberta, Manitoba, and so on—and the majority of them are chefs. Is it critically important that we have a large number of chefs who can speak either fluent French or English?

• (0955)

Mr. Tung Chan: I want to answer that quickly. Thank you for the question. It's a wonderful question.

Quickly, should relatives have more points? Yes, definitely.

Second, on the ability to speak French and English, I'd like to answer this way. I think what we need to measure is the ability to adapt and adjust. Take me for example. When I first came here at age 22, my English was so poor you would not have been able to understand me. I went to Alliance Française and studied French. I spent four months learning French, trying to adapt, but I never had a chance to use it. I live in Vancouver, so all my French is *comme ci, comme ça*.

It's important, though, to find a way to help people adapt and integrate and adjust. If we have some kind of measurement, language is not as important. It's not that it's not important, but it's not as important.

The Chair: Let's have a brief comment from you, Mr. Khaki.

Mr. Aziz Khaki: On the issue of the point system, my organization, which is 25 years old, was very much involved. The point system came about as a result of our thinking that there was racism in the process of immigration. The country wanted to keep itself white. That was the immigration policy. That's why the point system was introduced; it was to make it a little bit more fair. It worked in some areas. It didn't work in other areas. My friend from Quebec said that we are a country of immigrants, but unfortunately, the way we work, we seem to hate immigrants. I'm sorry.

The Chair: Thank you, Mr. Khaki.

Go ahead, Mr. Komarnicki.

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

I'm listening with interest as the honourable member speaks of the current system. She says there are over 925,000 applications in the backlog, and she's saying many people have died in the process because it has taken so long. I think that would underscore the point that it just takes too long to process an application if many people have died during the term. That certainly wouldn't be the type of thing that employers—and others who need skilled trades—would expect. They need people here within months. Other countries are able to do that, and some would suggest even more quickly than that, certainly not taking years, or multi-years, where people die in the process.

I was also interested to hear from Mr. Chan that the point system builds a certain amount of false hope where people came in but aren't matched to what the country needs. There needs to be a better alignment of those types of services, and certainly Bill C-50—whether you like it or whether you don't—addresses some of those issues and says that you are no longer required to process every application. I think many have said that simply receiving applications and storing them in a warehouse, and processing every application as it comes, or trying to circumvent it, is not the way to work a system. Bill C-50 would allow the departments to select among the applicants those who are best suited to Canada's labour market needs, which would make it more flexible and quicker, and it would respect the three pillars: family reunification; refugees; and skilled workers. It's in the skilled-worker class that the selection would be made to best match those who are most suited to what the country needs.

Now, you have to do it somehow. Bill C-50 does that. Now just to put to rest some of the concerns, at least a couple of lawyers who testified yesterday indicated that refugees will not be affected by Bill C-50. So you can rest assured that those applying for refugee status in Canada or out of Canada are not covered by Bill C-50.

Now having said that, in listening to Mr. Khaki, he seemed to indicate that Bill C-50 somehow would weed out groups of people. I think we heard the word “undesirable”. What did you mean by “undesirable”, and what did you mean when you said groups of people would be taken out of the system?

• (1000)

Mr. Aziz Khaki: By “undesirable”, I was not referring to a specific group. In our history of Canada there have been times when numbers of groups have not been treated fairly and have been looked upon as those who will not contribute to the wellbeing of Canada so there is no specific group, but during the time of our evolution of history, a number of groups have been targeted in a way that there was less emphasis to bring them than others.

Mr. Ed Komarnicki: When you say “targeted group”, what kind of group are you referring to?

Mr. Aziz Khaki: I did mention, first of all, you didn't want anyone who was not white. Let me say very openly that's why the point system was introduced.

After the point system was introduced, you could apply in Europe. I lived in Europe for years—in Sweden and in Britain—and in three to six months, your application to come to Canada would be accepted. If you lived in Africa, it would take three years before your application would even receive some attention. That tells you which groups are wanted and which are not wanted.

Mr. Ed Komarnicki: You see, we also had some lawyers testifying the other day, indicating that this legislation, Bill C-50, would have to pass the test of the charter, and in order to be charter-compliant, you can't base your decisions on race, religion, ethnicity. It can't be discriminatory; it must be universal.

We have to understand that Bill C-50 is not the instruction. It's the power to make the instruction, I think, as Mr. Chan said. That will come, and you see, there hasn't been a whole lot of consultation because the instruction is as yet not issued. The minister said there will be consultation eventually with the stakeholders before the instruction issues, but the instruction itself will have to be charter-compliant, which will ensure that the kinds of things you talked about are not part of the process.

Mr. Aziz Khaki: Are you suggesting that there will be steps taken to make sure there is no conflict with the provisions of the Charter of Rights and—

Mr. Ed Komarnicki: Absolutely. The instruction, the legislation—

Mr. Aziz Khaki: You are talking on behalf of the minister herself?

Mr. Ed Komarnicki: Absolutely, and in fact when the instruction issues, and that will happen after some time in consultation, those who apply the instructions must apply them in an objective way that meets the charter and all of its requirements. So there are some built-in provisions that safeguard some of the issues you raise.

Finally, the legislation itself indicates that these measures or instructions must support the attainment of the immigration goals established by the Government of Canada, so the government establishes some goals in its policy consideration. They have to decide, in weighing all of the issues, the policy they want and then it must be applied in accordance with Bill C-50. I think that what we find is clear: immigrant or newcomer intake is in the amount of 235,000 to 265,000, but the numbers that apply are far greater than that.

So what we have if we do nothing is a system that continues to grow, as we have now, whereas the honourable member said that people start to die in the process before their application gets received. And if you want to stay competitive with other countries, something needs to happen. Bill C-50 indicates that there can be establishing of categories and selection within the category, and the indication has been, within the economic class, to ensure that those who are needed with respect to the economy are those who will be processed, and processed on a quick basis without interfering with refugees or the family class itself.

So it's important to appreciate the context within which Bill C-50 arises. It's in the context of a system that's burgeoning with a backlog that's not moving anywhere. And it's fair to say we have the tools now, and why have they not been used? Why has it taken a decade

without any action? Because nobody grabbed the bull by the horns to wrestle the problem down.

•(1005)

The Chair: That's seven and a half minutes.

Okay, I'll give you 30 seconds to wrap up, and then I'm going to Mr. Bevilacqua and Madam Grewal.

Mr. Ed Komarnicki: All right, in fairness—

The Chair: I think we'll have a response from Mr. Szeto.

Mr. Eric Szeto: Our side can understand that Bill C-50 is retroactive as of February 27...applies only to the new applicants. All applicants, under Bill C-50, will not be affected. So actually Bill C-50 is not addressing the backlog at all.

The Chair: Thank you.

We'll have a couple of brief ones from Mr. Bevilacqua and Madam Grewal. That will put everyone who wanted to have a word or two on the list, and I think we can possibly deal with our next group in probably 50 minutes, because we only have two.

Go ahead.

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

I want to thank you for your presentations and for the contribution you've made to the study of Bill C-50.

I do want to get a sense from you. When you look at this bill, here is a government that wants to essentially speed this bill through the entire parliamentary process. I could understand that if it were a brilliant idea. I could understand that if this was such a great thing that we would have to rally the country just to make it happen because it's just the idea that will fix the immigration system.

The reality is that after listening to so many presentations, one thing is certain. This is by far a lousy idea. It hasn't really addressed anything they originally stated that it would when you're talking about the backlog.

When you look at this bill as a demonstration of how to be undemocratic, it's certainly one of the best I've seen in 20 years here. There's been no real consultation with people. The concentration of power in the minister's hands has been criticized extensively. You have a misinformation campaign. You have advertisements being purchased before the bill actually even becomes law. And it doesn't address the original intent of the backlog of 925,000.

Then there are the inconsistencies of values, and this is what really bothers me. The Conservative government wants us to believe that it's all about skilled labour, it's about understanding the economy, and it's about structuring the economy and addressing the human resources consequences of not acting on this issue. When it comes to the economy, the credibility is obvious, right? These are the same people who left us with a \$42-billion deficit, so it's very hard for me to believe that they actually have the answers to what the economy needs.

Having said that, what would be your recommendation to the minister? Would it be simply to go back to the drawing board, to open up the process, to scrap this bill and start anew? What is it that you would like to see from your government?

The Chair: Anyone?

Mr. Aziz Khaki: We'd like to see more consultation. Even in the time of the Brian Mulroney government and afterwards, there were two to three consultations nationally and provincially. There were people in the field, dealing with the issues of the day, the pain and suffering of people who had to go to the bureaucracy and the political class. There used to be a lot of meetings. People used to contribute, and there was a lot of acceptance of what was being said.

With Bill C-50, whatever you say, nothing has been discussed. It has been discussed with only a selected few. I don't want to go more into details.

The Chair: Ms. Grewal.

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

First of all, let me welcome all of you. You're from my home province of B.C., and I think I'm the only MP from B.C. It's nice to see you, Mr. Chan.

I think all of us are familiar with the system. We know that the immigration system has been broken for many years. What with the wait times and backlogs, things are out of control and change is essential. We agree with this. The potential immigrants, especially from India and China, are waiting too many years for verdicts on their applications. The changes we are proposing to the immigration legislation will tackle the 900,000-plus backlog. The changes will help to ensure that people with badly needed skills will gain quick admittance to Canada.

In your submission, you expressed a concern over potential discrimination. Ministerial instructions must comply with the Charter of Rights and Freedoms, which protects against discrimination based on race, ethnicity, colour, religion, sex, or whatever. The instructions must be published in the *Canada Gazette* and reported in the immigration department's annual report to Parliament. Considering all these facts, do you think any minister would publicly issue a discriminatory instruction? Do the charter and the Canadian Human Rights Act address your concerns?

• (1010)

Mr. Tung Chan: As far as charter protection and public transparency in policy goes, we have no concern. Our concern lies in the execution of those instructions. That's why we have to put in a point system. It's not the policy or the instruction itself. But anytime you give discretionary power to the civil servants, we have to have a way to monitor how those discretionary powers are used. That's why in our submission we say that there needs to be clear, transparent, and accurate reporting of when and how these powers are used. If these powers are incorrectly used, then the political masters can make sure it doesn't happen again.

The point system is put in for that purpose. It's not quite working. We heard from Madam Chow that maybe we should change it a bit to include the people who have relatives here, to give them more points. People with relatives here, by and large, have a better chance

of integrating economically, socially, and culturally. So perhaps that's the way to proceed.

The Chair: Thank you very much.

As you can see, we ran out of time. We managed to get in every individual who wanted to have a word or two. We try to do that in fairness, to try to get everyone on.

We're going to do a report, and I hope our report will be ready by Thursday. We're certainly pushing for it. Your submissions were very valuable to the preparation of the report by the analysts.

Thank you very much.

We will call to the table the Canadian Labour Congress. I would invite you to come to the table, Mr. Hassan Yussuff, secretary-treasurer; and Mr. Karl Flecker, national director, anti-racism and human rights department.

We have approximately 50 minutes. I invite you to take your seats, and we will try to get back on schedule.

Thank you, Mr. Yussuff and Mr. Flecker, for coming to our meeting this morning. You have appeared before our committee before and know what the drill is.

I'll go to you, Mr. Yussuff, secretary-treasurer, for an opening statement. You have approximately five minutes or so, and then we'll go to questions.

• (1015)

Mr. Hassan Yussuff (Secretary-Treasurer, Canadian Labour Congress): We will try to be as brief as we can, recognizing the time constraints of the committee this morning.

Let me thank the committee for allowing us to present before you on behalf of the 3.2 million members of the Canadian Labour Congress, essentially coast to coast. But more important, we will submit a comprehensive brief to the committee. I'm sorry we didn't get it done on time, given the shortness of the request to present before the committee.

I will outline some of the key points we want to make, and hopefully that will generate some questions from the committee members.

The government argues that the proposed changes are designed to make our immigration system more flexible and responsive to Canada's labour market needs. However, the process the government is using to advance their planned changes and proposed amendments represents a significant change in Canada's immigration system. It raises serious concern about the fairness, transparency, and public accountability.

Immigration reform must not simply be about addressing labour market needs. Immigration is fundamentally about the welcoming, supporting, benefiting, and integrating of newcomers into Canada. Immigrants are more than a component of an economic agenda. Immigration reform requires thoughtful policy attention and building an inclusive, vibrant, and diverse society.

Significant changes in Canada's demographic profile are well under way. We have an aging population and a declining fertility rate. The country is largely dependent on immigrants for both population and labour market growth. Unfortunately our immigration system is also overloaded with applicants on the waiting list, and many have been waiting for years.

There are serious challenges that require broad public engagement and thoughtful and effective policy solutions. Embedding major immigration reform inside a budget bill is playing electoral politics with people's futures and is both a wrong-headed and unsound approach to transparency and policy development. We urge the committee to sever the immigration amendments from Bill C-50 and undertake a set of comprehensive national public hearings.

Let me outline some very quick points.

We think embedding the reform in the budget bill is wrong.

There has been a failure to conduct meaningful and inclusive consultations prior to the development of the initiative.

Arbitrary powers granted to the minister fail the transparency and accountability test this government has promised.

New process is not the best way to deal with the backlog. The process of simply asking applicants who have been in the queue for years if they still wish to have their application processed demonstrates that other ways exist to cut down the line. Competing systems are unlikely to lead to a streamlined process.

The inappropriate use of ads to sell the initiative after the fact and before the amendments become law is problematic.

To view immigrants as an economic unit and skew the role of employers to determining citizenship is wrong-headed.

Unclear process steps exist in how labour market needs or priority occupations will be determined and how many assessment and selection processes will operate. We're likely to see a rise in applicants in the temporary foreign worker category or CIC numbers. It is not a balanced immigration system.

And last but not least, the funding allocation for competing systems may not be adequate.

I'd like to make one last point here, and this is a fundamentally important point for us. Immigration is about building more than just the well-being of employers' interests. Immigration policy is fundamentally about building our communities, workplaces, and society in a thoughtful, inclusive, accountable, and democratic manner. The proposed amendments come in the context of and contribute to a disturbing shift towards the use of immigration primarily to meet Canadian employers' needs without regard for the broader Canadian interests. This includes the problematic increase in reliance on temporary foreign workers. Canada needs to consider immigrants as full participants in society, not simply as temporary or disposable units to fill current available jobs.

Thank you so much.

• (1020)

The Chair: Mr. Flecker, did you have anything to add, or will we just go to questions now? Okay.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: Thank you very much, Mr. Chairman.

And I want to thank the Canadian Labour Congress for their presentation and for their contribution to Bill C-50.

I was trying to find something you like about this bill, and I think in many ways you reflect the opinions we have heard. The concern I have is that we really don't know where to start. We really haven't heard one presentation that has been very supportive, or supportive at all, of the government initiative.

Outside of the parliamentary secretary, the members of the Conservative Party, and the minister herself, I wonder if there are people out there who actually support this bill. After having talked to a lot of people across the country—I've spoken to many—I've come to the conclusion that this bill really doesn't have any legs to stand on as a response to the challenges we face in immigration.

It is also of major concern that the consultation process—before and after—has not been adequate. The fact that they're trying to push this through in a budget bill is of concern from a democratic point of view and a parliamentary process point of view. Above and beyond the fact that this bill does not address its original intent, which was to deal with the backlog, it is a bad example to give Canadians as to how our democracy works. That's the great damage of this bill. It goes above and beyond the issue of immigration.

So I'd like to give you this opportunity. What kind of advice do you have for the minister? If she were here—and Mr. Komarnicki can actually report to her—what would you tell her?

Mr. Hassan Yussuff: I would simply advise the government and the minister to take the changes she wants to consider on immigration and put them in a process that's transparent, and to have meaningful consultation across the country.

Canadians as a whole, regardless of what part of the country they're from, and especially those families and individuals who have been waiting in the queue for quite some time to have their application dealt with to get their families here, are very frustrated. I think that's a real issue.

If you're going to advance changes to the immigration system, recognizing that we, as a country, are also competing for immigrants from around the world, we need to be very thoughtful about how we go about that. No immigration policy should simply be driven by employers' demands. It should be driven by the desire of the country as to what kinds of individuals we want to bring to our country and how we are going to integrate them in building this country. That's fundamentally what the immigration policy should be about.

I think this policy shift is trying to accomplish how quickly we can respond to the employers' demands. And employers' demands, as you know, change with the speed of lightning. Today it's a need for widget makers, and tomorrow it's a need for windmill makers. We can't build a country that way if we adopt that approach to immigration.

I would simply argue that the minister should seriously heed the concerns raised by others who have come before the committee to withdraw these amendments in the budget bill and put them out separately for us to have meaningful discussion.

We, as a congress, represent three million members. A large percentage of our members are immigrants. Many of them have helped build this country and want to continue to do that. We want to help shape the policy of the country. But it should not be skewed in the direction for employers to determine, and this is exactly what this policy does.

Hon. Maurizio Bevilacqua: So scrap that portion of the bill is what you're saying.

Is there any other advice for the minister? You've tackled the issue of transparency. You've tackled the issue of the waiting list and how it doesn't address that. You gave us a long list earlier on. You're accurate on all those points, because they are simply the truth.

The minister and the government have not respected parliamentary tradition when it comes to the issue of consultation. And really, that lack of respect has been damaging to the government because they're not getting buy-in by anybody. We've spent a few days now listening to witnesses, and I can't recall one person who actually said this is a perfect bill.

• (1025)

Mr. Hassan Yussuff: Well, as a democracy, I also think that the government spending, which has been reported in the media as \$1 million on an advertisement campaign for a proposed amendment that is yet to be approved by Parliament and essentially gives the public no meaningful input as to how they can respond to the proposed amendments and changes that the government is contemplating.... I mean, this committee has not yet reported. I don't know what the findings of this committee will be at the end of the day. But to actually have a campaign where you're advertising the changes, with the public not having any meaningful way to participate in that process, I think raises serious concern about the government desire to have a transparent and engaging process.

From our perspective, the arbitrary powers granted to the minister under this bill are quite far-reaching. This essentially leaves the minister in control to determine the priorities of this country. I don't think any minister should have that determination. I think the Parliament of this country should have that determination.

The Chair: You have ten seconds, so I might as well go to Mr. Carrier.

Hon. Maurizio Bevilacqua: You want to scrap the bill, essentially.

The Chair: Mr. Carrier.

[Translation]

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

Good morning, Messrs. Yussuff and Flecker. I'm pleased to hear your comments. Once again, as my colleague mentioned, virtually no speakers support this bill except one. You said we should not devote too much effort to filling jobs and meeting employers' requests. That's not what the bill is about. You say it leaves discretionary power with the minister.

What leads you to believe that the minister will give this kind of immigration a priority? I agree with you that building a country is more than a matter of meeting labour needs. We need a diversified society that has a number of qualifications in various fields. These are people who have the ability to integrate and who constitute a positive contribution to our population. We aren't a placement agency for employers. What leads you to believe we're headed toward that?

[English]

Mr. Hassan Yussuff: Both my colleague and I will respond.

I have one quick point. There is no question that a large part of these changes are to deal with the so-called—I would characterize it—skill shortages in the country. The amendments are essentially to allow the minister to determine the categories of immigrants that will be let in to meet the skills shortages that employers continue to argue exist in the country. That shifts the burden so that essentially the employer is going to determine who comes into Canada. This is our analysis of the amendments that the minister must propose in the legislation.

Karl, you may want to answer.

Mr. Karl Flecker (National Director, Anti-Racism and Human Rights Department, Canadian Labour Congress): Mr. Carrier, as to where that comes from, I attended a technical briefing offered by senior members of Immigration Canada on April 18, in an effort to better understand how the mechanics of this program would operate. As Hassan was pointing out, the minister is going to have the opportunity to make these ministerial instructions for the class of immigrants. We asked how they were going to determine which class of economic immigrant or skilled worker was going to receive the priority attention that is implicit in this bill. The response was that it was going to be something done in coordination with the provinces and the territories and with the employers' input.

We've already seen, in immigration changes over the last 18 months to two years by this government, the creation of the Canadian experience class. We've seen a phenomenal growth in the temporary foreign worker program. James Sutherland, the director of that program, on March 12 acknowledged that in 2007 there were 236,000 applications for guest workers received from employers. In 2006 we had granted permanent residency status to 251,000. There is enough data there to show that decisions on classes of immigrant workers are being made principally by employer groups.

When we pushed the question on April 18 and asked where the opportunity will be and how labour, for example, will be meaningfully involved at the regional level to determine the class of immigrants, the answer was not forthcoming because it hasn't been thought through yet.

Second, immigration, if we're seeing it in a comprehensive way, is not just about employers. It's not just about labour. There is the role of immigration and settlement agencies. There is the role of communities that want to be able to see their needs identified. These are other stakeholders that have to have meaningful input, and clearly, what we have seen so far is that the group that has the ear is the employer group. That is where that's coming from.

• (1030)

[Translation]

Mr. Robert Carrier: The minister mentioned that the purpose of the bill was to reduce the waiting list of immigration applications. In your opinion, will the bill achieve that objective?

The proposed subsection 87.3(4) states that officers processing an application may "retain, return or otherwise dispose of" that application. That's what's stated in the English version of the bill. Does that mean that we will reject applications without studying them because they don't meet the criteria? Is that how the minister intends to reduce the waiting list?

[English]

Mr. Hassan Yussuff: For the individuals who have submitted an application that's currently in the system, I think it's simply an abuse of power to tell people who have been waiting years—and in many cases, it is years—"Sorry, you have to start over again." In that regard, they would have to possibly resubmit their application, maybe wait to get their fees refunded by the government, and maybe if they resubmit it, they may or may not meet the categories the government determined they fall into. In other words, the application, for all intents and purposes, could be void. It is highly problematic as to how this going to take place.

From our knowledge of the proposed amendments, it is very unclear, but we're very skeptical, obviously, that those applications that are currently in the system will not be given priority any more and you will have two parallel processes. The government could continue with those applications and follow some process to deal with them over time while it develops a new track to deal with new applications, and then they will determine how fast those new applications will be dealt with concurrently.

The Chair: Thank you.

Do you have a response, Mr. Flecker? And then I'll go to Madam Chow.

Mr. Karl Flecker: Sure.

There's no question that this is not going to deal with the 925,000 in the backlog. We heard at the technical briefing and also from the senior CIC staff that they hope that of the 925,000, Mohamed and Fatima, let's say, will realize that it might be in their interest if they withdraw their application, if they're able to wait long enough to get their \$400 back, if it's forthcoming, and then they have to hope that their new application is going to fit the category that the minister is going to determine.

You have to weigh that against the same plan that the technicians announced, that they're going to send out 50,000 letters as a sample to some of the 925,000 on the list and ask, "Are you alive? Do you still want to try to get here?" Would that simple measure not be a much more effective way to find out if you can thin down 925,000?

The Chair: Madam Chow.

Ms. Olivia Chow: I have in front of me a very interesting report that showed a number of requests from four provinces: British Columbia, Alberta, Saskatchewan, and Manitoba. We need labour, right? We need skilled labour. People kept saying this is the reason we're going to do this.

It's interesting to note the top jobs that are requested by employers under the temporary foreign worker program. In British Columbia, the number one temporary foreign worker position requested is cooks, 1,771. In Alberta, the number of cooks requested is 3,343. In Saskatchewan, the number two position, actually, is cooks, with 167 being requested. In Manitoba, it's cooks again, 197 or thereabouts.

The minister keeps saying we need these doctors; we have to have doctors in Canada. When employers desperately need labour, they go the temporary foreign worker route—which I have a great deal of difficulty with, because if people are good enough to work here, they're good enough to stay here, and they should come in as landed immigrants.

It actually is fascinating to look at this whole area. Do you know what the second area is, in terms of low-skilled occupation? It's babysitters, nannies, and parents' helpers. In Alberta, for example, the request came in, in terms of labour market opinions, for 5,597. For specialist physicians, there are 210—just to give you the contrast in numbers between specialist physicians, babysitters, and chefs.

We do need babysitters and chefs. They do require skill, and they are trained, but we can certainly bring them in as landed immigrants.

It brings me to a point that I want to ask you. The present point system does not really give a whole lot of points, if you're applying for landed immigrant status, to people who are cooks, babysitters, carpenters, people we desperately need in Canada. Nor does it give any points to people who have relatives in Canada. That would allow them to adapt easier.

I hear that you dislike the Bill C-50 immigration changes. You have already said a lot about that. To really fix the situation, should we actually change the point system? If so, in your mind, how can we change the point system?

• (1035)

Mr. Hassan Yussuff: Here are a couple of quick points. The evidence you are stating regarding the provinces' requests for temporary foreign workers raises, fundamentally, a more serious question about what we're not doing in our country in training individuals to meet the skills needs of the economy.

That comes back to the whole transfer of responsibility from the federal government to the provinces. They have the resources, and yet they are not equipping their people with the skills needed.

What employers are doing, and we're seeing it again, and this needs to be highlighted in this process, is an abuse of the temporary foreign workers program. All you have to do, essentially, is file an application. Most of the procedures that are supposed to be followed by the department are not being followed, and essentially people have been brought in to work for minimum wage, or in some cases worse, and some in situations of abuse. We have tracked it in complaints we have filed with the department.

In regard to changes to the points system, there's no question that the points system brought a little more transparency and fairness to what had existed prior to that, but if there's going to be a thorough review of our immigration system, of course we need to look at it to ensure that if these are the categories employers have identified for which we need to bring in people, it is fair that they be given an equal amount of points, so that they could come into the country. Right now, they would not be qualified, because they're not the ones Canada wants. Essentially, we're mostly looking at skilled immigrants—and highly skilled immigrants, for that matter.

There are many changes we would consider or be supportive of respecting what the points system needs to reflect, given the current challenges we face in our economy, but the reality is that this is not the question we're asked.

I'll also ask Karl to comment on this, based on our knowledge of the temporary foreign workers program.

Mr. Karl Flecker: Going quickly to the point of your question, there's no question our points system needs a re-examination, particularly when your numbers so clearly expose something going on that actually has a bit of rank to it. The employer demand is for low-skilled or lower-skilled, likely less-waged, less-protected workers.

Yet on the other hand, we have two decades of data showing immigrants who are highly credentialled, who actually have a higher academic standing than most Canadians: 37.5% have a BA or higher degree, compared with Canadian-born citizens at 19.1%. We're seeing the same thing with their kids as well.

Meanwhile, the employers have insisted that we're moving into a knowledge-based economy. They've said that the new area for our dependents is biotech or IT. I have to ask the question: how's Nortel doing? We have these credentialled immigrants; they're living in low-income situations; the system does not work to put them in jobs that are commensurate with their skills.

Meanwhile, your numbers show, and it will not be a surprise to us to see, probably in the near future, yet more changes to the temporary foreign worker program, probably saying that some classes of those immigrants are going to be allowed to bring in their spouses and their children with work permits. I wonder how many of them will suddenly find themselves as cooks and babysitters, working in positions with less protection.

• (1040)

The Chair: Ms. Grewal.

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

Thank you both for your presentations.

While the Canadian workforce is aging and the birth rate is declining, is the immigration system filling the resulting skill shortages?

Mr. Hassan Yussuff: We would argue that most of the skill shortages claimed by employers don't exist. Some of them do, a very small number. In a large number of categories that employers are claiming have a shortage, there's no real shortage.

One point I wanted to make concerning Madam Chow's point about cooks is that a simple way to get cooks is to pay them a higher wage. You'd be surprised how many cooks you'd get if you paid them a higher wage. People are prepared to work. Some people are just not prepared to work for minimum wage.

I think the employers are abusing the system. There's clearly documented evidence, which we have filed with the government, on the temporary foreign workers program; it is there.

The issue, too, about skill shortages, and I think my colleague just made the point, is that all of the immigrants we've been bringing into the country, and we're doing our own research on this, come here highly skilled to begin with; yet they can't find meaningful employment in the areas in which they're qualified.

If you simply bring in more people on demand because we say we need more skilled people, the question is whether you can get them to work in the categories in which you're bringing them in to work in the first place. The government has yet to respond to the failures of our policy; yet we're proceeding with more proposed changes that will meet employers' demands, rather than asking how we give meaningful employment to the people who are already here in this country and can't find meaningful employment.

So yes, our policy to some degree has been a failure, because it does not allow the immigrants who have the qualifications to work in the fields they're qualified to work in.

Mr. Karl Flecker: I find it interesting that the same department that runs the temporary guest worker program also has a strategic unit that does long-range 10-year forecasting on the Canadian labour market. In October of last year they put out a report called "A 10-Year Outlook for the Canadian Labour Market". They said there were "no looming skill shortages 10 years out", but the same department down the hall running the temporary foreign worker program said there was "a looming skill shortage".

The same department used a U.S. Bureau of Labor Statistics formula to determine the veracity of whether or not we have labour or skill shortages. It's a three-point program and was tested in the U. S. It's been tried in some situations here. You should take a look at the results of it, because the employers' claims for these labour and skills shortages, when put against that formula, demonstrate that somebody's not telling the truth.

On your other point, there's no question our Canadian labour market and our population are dependent on immigration, but doing it in this duplicitous manner with a lack of transparency is not the way to build a country and respect immigrants who are coming here to build their homes and communities.

Mrs. Nina Grewal: I know you have been quite critical of this temporary worker program, but the needed workers are not getting into Canada quickly enough through those regular channels. So will these proposed changes to the immigration act lessen or eliminate the need for temporary workers?

Mr. Hassan Yussuff: I think that's a question best put to the employers. I don't know what their demands are, and they change by the moment. But the temporary foreign workers program has grown more than anyone would have believed, because it was never intended to do what it's doing. Will these changes lessen the need? I don't see that happening. The minister is using that as an argument.

Our argument to the government has fundamentally been that if there's truly a need for skills in this country, we should increase our immigration quota rather than restrict it. The temporary foreign workers program, for all intents and purposes, should be closed down. It doesn't serve any meaningful purpose in terms of the needs of the country. It's simply a program to abuse and undermine the wages of workers currently in many categories in which employers are bringing in temporary foreign workers. So my answer is very straightforward.

● (1045)

Mrs. Nina Grewal: Mr. Flecker.

Mr. Karl Flecker: Hassan has answered it very clearly. There's no way it's going to lessen it. Even the government's Canadian experience class initiative, by the technicians' own admission, will bring in no more than 8,000 to 10,000, with a maximum of 20,000 by 2015. The program that is targeting temporary foreign workers in the high-skilled category has such a minuscule number. Meanwhile, an employer can get an application for a guest worker processed within three to five days, and there's no compliance monitoring enforcement mechanism to ensure that well-being, wages, and protections will be extended to those workers.

I think it's very straightforward. Some employers are going to use a huge opening in the fence to take advantage of that.

Mrs. Nina Grewal: Are foreign workers who are entering Canada as permanent residents less likely to be exploited than temporary foreign workers?

Mr. Hassan Yussuff: I think temporary foreign workers are in a more precarious situation. Their vulnerability is acknowledged by the employers and by the labour contractors who bring them here. If you come here as a permanent resident, you know you have certainty and cannot be deported because of an employer's whim. So I think the abuse of temporary foreign workers will continue, because workers are very much in a precarious situation and they're very unlikely to complain about the situation they're in.

The Chair: There are five seconds left. Like the last panel, we try to get every questioner on who wants to. So there are 15 minutes and I see three questioners who haven't spoken: Mr. Telegdi, Mr. St-Cyr, and Mr. Komarnicki. We'll divide the 15 minutes among those three.

Mr. Telegdi.

Hon. Andrew Telegdi: The government should learn from that.

If I were in the labour movement, I would be concerned about the greater reliance on temporary foreign workers. It reminds me of the history of the Chinese when they were brought in to build the railway. As soon as they were used up, they were considered redundant, and the government did what they could to get rid of them.

Having people come here without their families is totally the wrong way to go. To me, one of the big questions is whether, if

you're going to build a nation, you build it through temporary foreign workers or you build it through immigration.

We have a problem with the point system. The point system was designed in such a way that it really doesn't let in the people the economy needs. If you're in the trades or if you are going to come and do hard labour or whatever, you should be able to get into this country, because we need that in society. If you can't find anybody in Canada, then it's legitimate to bring in immigrants to do those jobs. That has been part of history. When you look at most of the temporary foreign worker jobs that are coming in, such as truck drivers, I mean, there's no way a truck driver is going to pass the point system the way it's set up. Australia has much better success with the point system, because they give greater relevance to what the economy needs.

The example that comes to me is that we bring in engineers from Pakistan or India, but they do not get to work as engineers. They're unhappy campers. They quit their jobs. They sold what they had and brought their capital here. Then all of a sudden, they find out that chances are that they will never work as engineers. So we have unhappy campers. On the other hand, if a bricklayer from Portugal comes here, and we have a shortage of bricklayers, he finds a job fairly quickly, and he's happy. We have a system that brings in the engineer who cannot be absorbed and keeps out the bricklayer who could be happy and do well.

Of course, the other big issue is the underground economy for the undocumented worker class. Once you bring in a lot of temporary workers, a lot of those folks aren't going to go home when their visas expire. They're going to join the class of undocumented workers. We saw the Auditor General's report that said that 41,000 people have not been kept track of. And there are a lot more. The numbers are something like half a million. It's asking for trouble.

I'm going to put the question to you: Do we need immigrants or do we need temporary foreign workers?

● (1050)

Mr. Hassan Yussuff: I've been making the argument for the longest time that what Canada needs is more immigrants. That's the way to build a country. It's also a way to develop your economy.

In the old days, if you were lucky, you got a job and you might spend 20 or 35 years in that workplace. If you were lucky, you would retire and get a pension. The norm these days is that you're likely to go through five, six, and, in some cases more jobs before you retire. In the context of that, people are constantly learning and relearning skills. I think we also need the provincial governments to be more responsive in how they provide training as workers shift from industries and jobs so that they actually have the skills to continue. That's what a nation is supposed to do. We can fill our skills needs in the country by simply relying on stealing workers from other countries, but at some point that's going to come to an end. We're not the only country competing for immigrants. But we continue to be determined to stick with that.

Coming back to your point, specifically and directly, yes, we need to increase our immigration numbers and end the temporary foreign workers program. The program is an abuse. There's no accountability in terms of what laws apply to these workers when they come into the country or whether the provinces are going to enforce their laws to protect these workers on basic stuff such as health and safety and employment standards.

The Chair: We'll go to Mr. St-Cyr.

[Translation]

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

Thank you for being here today. I'll start by asking a brief and simple question that I've previously put to other panelists. I'd like to know whether your organization was consulted in some way during development of part 6 of Bill C-50.

[English]

Mr. Hassan Yussuff: The answer is no.

[Translation]

Mr. Thierry St-Cyr: All right, thank you.

I believe that's quite clear. I continue to ask it in the hope that one day someone may answer yes, but unfortunately the government conducted no consultation on the subject. And that shows.

The bill under study is almost unanimously criticized by everyone following this issue. I get the impression that even the government realizes this makes no sense. I've already seen this parliamentary secretary defend files with greater conviction. We're in a political situation—and that's very unfortunate—in which the government doesn't want to back down, when it knows very well that won't resolve the issue. I won't ask you to comment on that because that's more my personal political analysis.

I want to talk about the compassionate component of the amendments under consideration. Previously, when a person filed an application for permanent residency on compassionate grounds, the officer had to evaluate that application. According to the amendment, the officer may examine the application. It would no longer be mandatory, and that's of particular concern to me. Having handled a number of problem immigration cases, I know that this compassionate application procedure is used by a number of refugee claimants who have been refused by board members.

If a person appears before a board member who rejects 98% of applications on which he is required to rule, that person will feel unfairly treated, which is legitimate. As there is no refugee appeal division, that person will apply for permanent residency on compassionate grounds in a second attempt to come and settle in Canada.

If the government closes that door, don't you fear we will lose another opportunity to meet our international obligation to help the people who need it?

• (1055)

[English]

Mr. Hassan Yussuff: I think you're right in your assessment. Our assessment is exactly the same, as the proposed changes certainly make us worried that the humanitarian provisions the minister

currently has in her authority will be very much diminished under these proposed amendments. That's worrying, because I think that both as a government and a policy initiative, you need to have those elements there. Indeed, we write to the government quite frequently for it to look at an applicant who has been refused, so that the person can be considered under humanitarian considerations to stay in the country.

And more problematic is the wording whether the minister “may” or “shall”...which I think raises serious questions whether or not it was deliberate on their part to use that particular wording, so they can essentially get rid of that, because I do understand that when humanitarian applications go to the minister, this certainly puts some pressure on the minister to exercise his or her authority. If you remove it in the legislation, it certainly shifts the burden; a minister doesn't have that responsibility and can no longer intervene. So the government doesn't have to respond to the lobbying and the political pressures that are there.

So we're seriously concerned. I think many of the people who have been granted the opportunity to remain in the country under humanitarian considerations have become good citizens and have proved the worthiness of that section of the law. So I think there are serious grounds for us to be worried about what the implications might be at the end of the day.

The Chair: Thank you.

Thank you, Mr. St-Cyr.

Mr. Komarnicki.

Mr. Karl Flecker: Can I add one thing on that?

The Chair: Yes, go ahead.

Mr. Karl Flecker: It is important to pick up on what you're saying about the international reputation, the fairness in the use of humanitarian and compassionate grounds, and the notion that this process is going to streamline.

First, with respect to the suggestion that folks in the economic class who don't get in will use the H and C process, the Canadian Council for Refugees has pointed out that they'd be pretty surprised if people actually did that. It's an expensive and uncertain process, so you have to wonder about why it's being played that way.

Second, with respect to the technical briefing stating that the intent is streamlining and greater responsiveness, the same technicians acknowledged that we now have more than one system. We have more than two systems. We actually have a number of systems that are going to be operating simultaneously. We have the point system. We have the new Canadian-experience class system. We have the ever-increasing temporary foreign worker process. If this passes, we would have the ministerial instructions process system. And we would have the humanitarian and compassionate system. All of this would be funded with a \$22 million envelope for the first two years, scheduled to climb to \$37 million by the third year. Interestingly, Carol Goar points out that one visa officer overseas costs between \$900,000 and \$1 million. Just play out those numbers and ask yourself if you see any streamlining in that formula.

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I have just a couple of remarks. Listening to questioning, past experience shows me there isn't much that my learned friend from Kitchener—Waterloo likes about anything that's proposed.

• (1100)

Hon. Andrew Telegdi: I'm voting against it.

Mr. Ed Komarnicki: However, Mr. Bevilacqua asked if there was anyone supporting Bill C-50. As far as I know, the Liberal opposition has been supporting it thus far, and I hope this continues.

Ms. Olivia Chow: It has already passed second reading.

Mr. Ed Komarnicki: There are two obvious things. Mr. Yussuff, did I understand you correctly when you said our birth rate will be insufficient to match our labour market needs? Is that correct?

Mr. Hassan Yussuff: Yes.

Mr. Ed Komarnicki: You were not particularly happy with the temporary foreign worker program. You would sooner see the skilled or lesser-skilled people come through a regularized permanent residence process under the Immigration and Refugee Protection Act.

Mr. Hassan Yussuff: That's true.

Mr. Ed Komarnicki: You would like to see that happen, I gather, so that the person applying to come into the country would get a job and stay here on a regular or permanent basis.

Mr. Hassan Yussuff: Yes, that is the way to build our country and our economy.

Mr. Ed Komarnicki: Would you agree with me that having a job on arrival would be helpful in integrating into our society?

Mr. Hassan Yussuff: Yes and no. Not everybody who has come here as an immigrant has had a job. There was no promise of a job.

Mr. Ed Komarnicki: That's not my question. Maybe I'll take a step back. Would you agree with me that having people with a particular skill employed in a job that does not make use of that skill, such as driving a cab, is not the way to match things up? Would you agree with that?

Mr. Hassan Yussuff: If we bring people as engineers, we should try to incorporate them so that they can work in their field.

Mr. Ed Komarnicki: Would it make sense to bring in an engineer when you knew that you had a position waiting for him when he got here?

Mr. Hassan Yussuff: That would seem to make sense.

Mr. Ed Komarnicki: Would it make sense not only to allow for the engineer to have a job, but also to provide an open work permit to the spouse and the children?

Mr. Hassan Yussuff: These are all hypothetical.

Mr. Ed Komarnicki: We are talking about hypotheticals. You have been talking in hypothetical terms throughout your presentation.

Mr. Hassan Yussuff: We are stating some facts. What we are stating about the temporary foreign workers are facts. We don't make them up.

Mr. Ed Komarnicki: No, let me talk. That we have people driving cabs who are qualified for something else is also a fact, is it not?

Mr. Hassan Yussuff: I would say that's a failure of our own policy, as a government.

Mr. Ed Komarnicki: True, and I'm trying to bring you to the point of some success. If we have an engineer coming in, we should line him up with an engineering job. You agreed with me on that. Then I said the system should probably give the spouse and children an open work permit so they could find work. Would you agree with that?

Mr. Hassan Yussuff: Well, I simply make the point that bringing people as temporary foreign workers does not give them the security

Mr. Ed Komarnicki: I'm not talking about temporary foreign workers. I'm talking about providing a way for them to come through our immigration system to become permanent residents, not temporary foreign workers.

Mr. Hassan Yussuff: Well, I don't know how it would be. They will still have to come on a temporary basis. Their visas are contingent on the fact that if we choose to revoke them, they have to leave.

Mr. Ed Komarnicki: Well, no, if we had a bill like Bill C-50 that said we will take applications in the engineering field because we have positions for engineers, and if you're an engineer and apply, we will take you.

Mr. Hassan Yussuff: What happens if the engineering company that the person is coming to decides it no longer needs engineers? What do we do with the engineer then?

Mr. Ed Komarnicki: I guess you'd have to make that decision whether you would take someone else for which there is a job because there is that principle that if you have a job, that might help you get started within the society.

Mr. Hassan Yussuff: If we are going to argue hypothetically, I think our point is that most immigrants who have come with their skills to our country have adapted, despite the fact that we made a commitment that they were going to work in their fields. They have learned new skills, and they have actually gained meaningful employment to support themselves and their families in our country.

Mr. Ed Komarnicki: Let me put it to you in simple terms. If you were to come into Canada with a particular skill and didn't have a job, as opposed to coming into Canada with that same skill and had a job, which way is more likely to be successful?

Mr. Hassan Yussuff: Well, the person who could have a job, obviously.

Mr. Ed Komarnicki: And then, of course, you would want to ensure that the family members could come as well and that they could get jobs as well, if possible. Agreed?

Mr. Hassan Yussuff: Quite possible.

The Chair: Time is up. Thank you.

Mr. Flecker.

Mr. Karl Flecker: It's very interesting to talk about hypotheticals. It's interesting that I don't see—and probably a number of other people who have presented haven't seen—those hypotheticals you're describing in Bill C-50.

Second, the data that's out there actually shows that successful economic and community integration is not simply based on a job, but is also based on other supports.

Finally, in terms of the mechanics of this program, simply to say some group of people has said it needs these skills doesn't necessarily transfer that the process will say that Mohamed or Fatima is going to be applied with an appropriate NOC code to be plucked out of a 925,000-person lineup to be able to be assessed by whom, for a job we don't know is actually guaranteed. Talk about hypotheticals.

● (1105)

The Chair: I'm going to give Mr. Yussuff the last word.

Mr. Hassan Yussuff: Yes, just very briefly, I want to again thank the committee. I think there were some very thoughtful questions about the process here. I just want to end.... I know that quite often we indulge in partisan bickering about these matters. I just want to make a plea to the committee members, because I know we all have good intentions in terms of what our immigration policy should be.

The fact of the matter is that immigration is not simply a policy we ought to do on a whim. It is of serious consequence to what kind of country we can build and how we integrate people into the economy, how we build our communities, and more importantly, how we succeed as a nation in the future.

I think there's a need for regard. Our sincerity in coming to this committee is to try and influence the committee in terms of the direction of your report. I believe if the government truly wants to engage in a process to talk about how we reform our immigration system, we will be an equal partner to participate in that process to support the government to at least try to achieve the objective we think would be the one that could succeed and make Canada truly a remarkable country, given the fact that we are a country of immigrants.

I think we ought to take this seriously.

Thank you so much.

Mr. Ed Komarnicki: Before an instruction is issued, there will be consultations. That's something you need to understand.

The Chair: I want to thank everyone for coming today. Thank you, Mr. Flecker and Mr. Yussuff.

The meeting is adjourned.

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