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—
Chair

Mr. Norman Doyle

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•(1535)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): We have a reduced quorum, I would imagine, Mr. Clerk, so I guess we'll get moving and see if we can get through a number of motions that we have here.

Are you ready, Ms. Chow, for our first motion?

Ms. Olivia Chow (Trinity—Spadina, NDP): Yes.

The Chair: It reads:

That, pursuant to Standing Order 108(2), the Committee recommend the government immediately serve notice and then proceed to abrogate the Safe Third Country Agreement with the United States of America.

I'll pass it over to you, Ms. Chow, to present your motion and your debate.

Ms. Olivia Chow: Mr. Chair, thank you for allowing me to talk about this motion.

We in Canada have an independent foreign policy. It should be. We are a sovereign country. Our points of view and who we believe are or are not refugees really should be determined by our country and our Parliament, which is why the motion in front of you makes a lot of sense.

What is happening is that refugee claimants coming from places like Colombia or Haiti go past the U.S., and because they come through the U.S., because of this agreement, they are not allowed to claim refugee status in the States.

Some of these folks are desperate. They do not want to be deported back to their home country for one reason or another. They then come across the border in an illegal fashion and claim refugee status in Canada. The UNHCR has said that when we made this agreement.... The agreement was put together by the former Liberal government, and at that time they already said this was something that was not supportable. The Council for Refugees also said we must not have this agreement. In fact, the Federal Court also agreed with us and said that refugees really need to have the right for a proper hearing; that is why they deserve to be allowed a chance to submit an application outside of Canada in the States.

I put this matter in front of you hoping to avoid incurring a huge cost right now. The government is in the middle of appealing the Federal Court decision. Both sides are spending a lot of money on lawyers, and it is not a good way to proceed, so we really should support this motion and say that this agreement really should not proceed.

The Chair: Thank you, Ms. Chow.

Is there further debate?

Go ahead, Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Mr. Chair, the motion asks us to serve notice to proceed to abrogate the safe third country agreement when in fact an application is before the courts. It's been appealed to the courts. A decision has not been rendered, and in fact certain questions have been posed for the court to decide upon with respect to the very subject matter of this motion.

It would seem to me that since we have left this in abeyance for this time, it would only make sense to either leave it in abeyance or vote against it until the decision of the court is rendered. With the subject matter of this thing, it shouldn't be something that we as a committee should be undertaking without the benefit of that judgment. So I would say that we should all oppose this motion.

The Chair: Is it your wish to proceed with the motion, Ms. Chow?

It is the member's wish to proceed, and I see no other debate on it.

(Motion negated)

Ms. Olivia Chow: Is Mr. Carrier here for the vote? I think he just had a phone call.

The Chair: Let's proceed with our second motion.

I think we will leave the second motion alone, will we not? Mr. Karygiannis is not here to present his motion.

The next motion and the one after that and the one after that will be just held. Does anybody have any idea of Mr. Karygiannis' presence or absence today?

We will go to Mr. St-Cyr.

Mr. St-Cyr has indicated that he is going to further postpone his motion.

So we will go to Mr. Telegdi's motion:

That, when the House returns from the summer adjournment, pursuant to Standing Order 108(2), the Committee study the government's system for determining if applicants under the provision for the federal skilled worker class will be able to become economically established in Canada, and that, as part of the study, the Committee travel to Australia and New Zealand to examine the analogous systems in those countries.

Mr. Telegdi, please.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Basically, Mr. Chair, it's an issue that the committee has talked about over the years—

Some hon. members: [*Inaudible—Editor*]

The Chair: Order, please.

Mr. Telegdi.

Hon. Andrew Telegdi: We have made references to Australia's model of dealing with this. Both Australia and New Zealand seem to be doing it a lot better than we are, so I think it's an issue that we should have on the agenda, and, time permitting, we should make a commitment to check on some of these places, particularly when they're doing it better than we are doing it.

• (1540)

The Chair: That's a good point.

Is there any further discussion on the motion?

Mr. Komarnicki.

Mr. Ed Komarnicki: The first point I want to raise is that we still have some unfinished business from this session when we come back. We must not forget Bill C-17. It needs to be completed—we're part way into it—before any study starts.

To speak to the motion itself, there's probably some agreement on the committee's part that the point system should be looked at or studied. Indeed, Mr. Telegdi brought a person before the committee not that long ago to point out some of what could be considered the issues or concerns related to the point system. There's no problem with dealing with the point system, but whether one needs to travel to Australia and New Zealand to be able to deal with the point system is another matter.

It would seem to me that the problems or issues we have with the point system can be studied here. We can certainly get the people who are knowledgeable of the Australian system here either by teleconference or by actually having them come here, as one or two persons, as opposed to having the whole committee, and everything that goes with it, going there.

So I would proposed an amendment to that motion that deletes the words “and that, as part of the study, the Committee travel to Australia and New Zealand to examine the analogous systems in those countries”. I would so move.

The Chair: Mr. Telegdi.

Hon. Andrew Telegdi: I will speak against the motion, Mr. Chair.

We're not ward councillors here. This is something the committee has talked about over the years. We never did have a satisfactory situation in which we could even get the Australian embassy to come in here to talk to us on various issues. Australia has been held up as the model of a system that functions efficiently, and it would serve us well to make that journey. We're a national parliament. We're competing with other countries, particularly Australia, for immigrants. It wouldn't be satisfactory to make a half-hearted effort on this. It's something we should really seriously undertake, and I think we would be serving Canadians well by so doing.

So I'm against the motion.

Mr. Ed Komarnicki: It's the amendment.

Hon. Andrew Telegdi: I'm against the amendment.

Ms. Olivia Chow: Can I hear the amendment?

The Chair: You have Mr. Telegdi's motion before you. It's the last one in your package.

The amendment would be to delete in the last three lines of Mr. Telegdi's motion “and that, as part of the study, the Committee travel to Australia and New Zealand to examine the analogous systems in these countries”.

The question is on the amendment.

(Amendment negatived)

The Chair: We will now go to the main motion.

(Motion agreed to)

The Chair: We can now go back to Mr. Karygiannis' motions.

I would call your attention to the first motion.

Are you ready for your motions, Mr. Karygiannis?

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): I sure am, Mr. Chair.

The Chair: The first one reads:

That this committee undertake a study of the effectiveness of the Foreign Credentials Referral Office, call witnesses from the Department...stakeholders, immigration practitioners, lawyers, community organizations, and professional organizations and groups; that a report be compiled; and that the chair present it in the House of Commons.

• (1545)

Mr. Ed Komarnicki: A point of order.

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: We had established a process and procedure whereby things that people wanted to study and various issues were to be referred to the subcommittee or the steering committee. The steering committee would then look at what we have left to do and where we're going. They would then give a sort of prioritization and bring it before the committee in the main. Isn't that the process through which these motions that deal with studies should be dealt? I raise that and leave it in the hands of the chair and the committee.

The Chair: The motion is in order.

While you do have a point that we do generally have the subcommittee make recommendations as to what we will study, that doesn't take away from the fact that the motion is very much in order.

Hon. Jim Karygiannis: Mr. Chairman—

Mr. Ed Komarnicki: I would just—

Hon. Jim Karygiannis: I would humbly point out that this was taken up the last time the subcommittee met. Unfortunately, Mr. Telegdi wasn't there. I'm surprised that his assistant did not apprise him of it, but he was there.

The Chair: Okay.

Hon. Jim Karygiannis: I mean Mr. Komarnicki was not there.

The Chair: Okay.

Hon. Andrew Telegdi: Correct the record.

The Chair: Will I proceed with the motion?

You have heard the motion. We will have debate on the motion and discussion on the motion.

I'll go first to Mr. Karygiannis and then to Mr. St-Cyr.

Hon. Jim Karygiannis: Mr. Chair, I had an opportunity to listen to the minister when she was out west, regarding foreign credentials. She touted that this was the best thing since apple pie and ice cream. I then proceeded to phone the foreign credentials secretariat and I got what is called the Service Canada line. They proceeded to give me some information. I told them I was a graduate of engineering from the University of Toronto. I was referred to a technologist website and was asked to call them to see if my qualifications would be reasonable and could be reached in Canada. I found the point they were pointing me to was inaccurate.

I heard the minister say there are thousands of hits on the website. Having a website is one thing, but having something that means something is very important. Unfortunately, the service I received as a "prospective immigrant" was not something that was at par. So I think we should examine it, discuss it, and bring stakeholders forward in order to see what the minister is touting, to see if it's a reality or a myth. In my mind, it is a myth.

The Chair: Is there any further discussion on Mr. Karygiannis' motion?

We'll hear from Mr. St-Cyr first, and then I'll go to Mr. Komarnicki.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): It should not come as a surprise to the committee if I remind members that recognizing foreign credentials is in provincial jurisdiction, and Quebec's.

The Bloc Québécois has always been against this referral office. We see absolutely no relevance to our committee spending time studying what goes on there. Our energies should be directed elsewhere. We will vote against the motion.

[English]

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I had my hand raised on the issue.

In reflecting on that, there's no question that there are provincial jurisdictions and they've devolved that to associations and professional bodies, but what this motion talks about is not that. It talks about the referral office, which would refer people to these bodies. So there is a distinction and a difference.

The study of foreign credentials is not something we would be opposing, but I do find it distasteful if the member does call into the referral office and identifies himself as somebody other than he is. If that's what he was suggesting he did, I think that's most unfortunate.

Hon. Jim Karygiannis: Mr. Chair, I'd like to set the record straight.

The Chair: Is this a point of order?

Hon. Jim Karygiannis: No, I'm answering Mr. Komarnicki's allegations.

One, he wasn't there. Two, when I called, I identified myself, who I was, my credentials, and I asked for guidance.

The Chair: Order.

Ms. Chow.

Ms. Olivia Chow: Mr. Chair, I'm in full support of this motion.

Since we're doing the study, I also want to look at other recommendations that could expedite foreign credential recognition. It makes it a bit more comprehensive. It's not just looking at the past, but if the office is to work the way we all want it to work, what other elements does it need?

• (1550)

The Chair: Mr. Karygiannis is saying there will be a compilation of facts in the report anyway.

Ms. Olivia Chow: I thought I would add an amendment:

...study of the effectiveness of the Foreign Credentials...Office and other possible recommendations on expediting foreign credential recognition....

The Chair: So that's "study of the effectiveness of the Foreign Credentials...Office", and what?

Ms. Olivia Chow: Add "and other methodology to expedite foreign credential recognition".

The Chair: You've all heard the amendment.

(Amendment negated)

The Chair: The question is on the main motion.

(Motion negated)

The Chair: Moving along to the second motion from Mr. Karygiannis:

That, pursuant to Standing Order 108(2), this Committee hear officials from the Department of Citizenship and Immigration and the Canadian Border Services Agency, and other relevant witnesses, to enquire into processing times related to immigration from Sri Lanka.

Mr. Karygiannis.

Hon. Jim Karygiannis: Chair, the processing times from Sri Lanka, especially for spouses and families, FC1 and FC2, which are parental and spousal applications, take anywhere from two to three years for spouses and anywhere from six to ten years for other family class applicants. The people are asked to go back and do secondary enhanced background checks, and then more and more background checks.

I brought this to the attention of the minister a couple of times. She had promised to take a look at it. Unfortunately, that has not happened. Therefore, because of the length of time it has taken, especially in that part of the world and especially with the trouble that is happening over there and not getting clear answers from the department, I put this forward for us to hear from officials.

The Chair: Is there any further discussion on Mr. Karygiannis' motion?

Seeing none, I will call for a vote.

(Motion agreed to)

The Chair: The next motion from Mr. Karygiannis reads:

That, in the opinion of the Committee, the government should deport no one to Sri Lanka until a safe environment exists there, and that it should expedite any family class sponsorships from the danger zone; that the Committee adopt these recommendations as a report to the House and that, pursuant to Standing Order 108(1), the Chair present it to the House.

Hon. Jim Karygiannis: Mr. Chair, what is happening is similar to the previous motion we just passed. That area is one where hostilities do exist. We have been deporting people back to Sri Lanka who find themselves in severe danger. Until we can clearly signify that these people, when they are deported back, will not come into a danger zone—the same thing as not deporting anybody back to Afghanistan, Iraq, or other areas of trouble—I think it only merits that we should support this thing.

The Chair: Mr. St-Cyr, and Mr. Komarnicki.

[Translation]

Mr. Thierry St-Cyr: I agree with the motion. But I would like to move an amendment to the first part. The present text reads: "...the government should deport no one to Sri Lanka until..." At the moment, it says: "a safe environment exists there". I would change that to read "the committee has studied the issue".

I would like it to be more a request for a moratorium. By passing the preceding motion, we are now going to study the issue. I think it is important that we deport no one to Sri Lanka until the study has been done. What I do not like about the present text is that it makes assumptions about the outcome of our study. The amendment makes it clear that we are making no assumptions about the outcome of the study, but that we do not want the government to deport anyone to Sri Lanka until we have finished it.

[English]

The Chair: Does everyone understand the amendment? Mr. St-Cyr is saying there should be added, after "Sri Lanka", in the second line, "until the committee has studied the issue".

Before we go to discussion on the amendment, I had Mr. Komarnicki stand up for discussion on the motion. Do you want to proceed, or do you want to go...?

• (1555)

Mr. Ed Komarnicki: I can go right now.

The Chair: Okay.

Mr. Ed Komarnicki: The same applies to both.

The Chair: For discussion on the amendment, we'll go to Mr. Komarnicki.

Mr. Ed Komarnicki: The Immigration and Refugee Protection Act has two objectives. One is the fact that deportees have the benefit of access to all applicable CIC programs, such as the pre-removal risk assessment.

The purpose of the pre-removal risk assessment is specifically to deal with the issue of deportation to a country. We have a process in place, and of course there is the humanitarian and compassionate review of their personal situation, as well as access to appeals and judicial reviews if an application is applicable. So we have a process in place where people can apply.

You would presume that the process functions as it ought to and takes into account the kinds of things that have been raised by this member and other members in their decision-making. It would seem

to us sitting here, without having heard the facts or any of the individual cases, that to say it doesn't matter what kinds of systems you have in place, or the hearings that take place, we're saying you're not going to do that.... I think that's just wrong in principle.

Hon. Jim Karygiannis: Is that what we're going to study?

Mr. Ed Komarnicki: We ought not to take that upon ourselves, and not without hearing any evidence whatsoever before us. It just seems like it's not the proper way to proceed, so I would oppose the amendment, and the motion in the main because it has the same flaw in it.

Hon. Jim Karygiannis: Mr. Chair, I would say put the question to the amendment.

The Chair: Okay.

You've heard the amendment, which came from Mr. St-Cyr, that we would insert "until the committee has studied the issue".

(Amendment agreed to)

(Motion agreed to)

The Chair: We now have the last motion from Mr. Karygiannis:

That, pursuant to Standing Order 108(2), this Committee hear the respective Ministers and officials from the Department of Citizenship and Immigration and the Canadian Border Services Agency, and other relevant witnesses, to enquire into ever increasing processing times related to immigration time lines from posts around the world, and that, pursuant to Standing Order 108(1), any findings and recommendations based thereon be reported to the House before any amendment is made to the Immigration and Refugee Protection Act.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): That's self-explanatory.

The Chair: Mr. Karygiannis.

Hon. Jim Karygiannis: It's self-evident, Chair, and I would move that we—

The Chair: Discussion on the motion?

Ms. Chow.

Ms. Olivia Chow: Mr. Chairman, I'm going to try to amend it, and also add an extra clause:

and study the recent contract with VFS company.

The Chair: Study the recent contract with whom?

Ms. Olivia Chow: It's VFS, a private company. They are processing visa applications; it's a foreign company and it is from India. It very much connects with processing time because it's a contract that was just signed, and this committee never had the opportunity to learn about it or study it.

My fear is that the visa offices that are run by the government would have one set of processing times, but if you can pay the extra \$35—let's say in China and Beijing—you can go to this private company, get into a separate queue, and you can have your visas fast-tracked that way.

I totally agree with studying the processing time, but in order to do it comprehensively.... Since this motion has been submitted, we learned last week that they have signed this contract that none of us know anything about with this international company, which even just last year compromised the identity of 50,000 applicants in India.

How are we going to safeguard these applicants? This is an amendment that I want to add to Mr. Karygiannis' motion.

The Chair: The discussion, then, is on the amendment.

Mr. Karygiannis.

Hon. Jim Karygiannis: Before you accept the amendment, can I just say two things?

I think what my honourable colleague is trying to say is that she wants to study the visitor visa process, because the thing this is referring to is the visitor visa process.

In India, in order to apply for a visitor visa you go through a contract that we have with an office that takes all the visitor visas—a private company—and sends them to the posts, whether it be Chandigarh or New Delhi. Something similar was signed last week in China.

I think we need to keep it clear that this deals with the processing times of immigrant applications, and what my colleague is saying is that she also wants to study the processing times of visitor visa applications.

• (1600)

Ms. Olivia Chow: Thank you very much.

Hon. Jim Karygiannis: If we can make clear what we're studying, so that we're not discussing apples and oranges, what my colleague is advancing, and I have absolutely no problem with it, is that somewhere we have to find the processing variables for visitor visas in China and in India versus other parts of the world where no outside source is used to process the visitor visa application.

The Chair: Is there discussion on the amendment?

There is no discussion on the amendment.

(Amendment agreed to)

The Chair: Is there no further discussion on the main motion?

We will vote on the main motion.

Mr. Ed Komarnicki: The main motion was amended.

The Chair: We will vote on the main motion as amended.

(Motion as amended agreed to)

The Chair: That's the end of motions.

Hon. Andrew Telegdi: Just before we get into the issue of the report, the issue I'm going to raise is purely administrative, and I hope maybe the parliamentary secretary can convey it.

We changed the group permit process for international students in Canada to a three-year process. I have a case, and there are many other cases, where somebody may have completed a one-year process and then gone on to graduate school. But the process before was one year and now it has been extended to three years.

The problem with the present process is that when this person completes their graduate studies, they cannot apply for this three-year process because they have been granted a one-year process before.

It would probably be consistent with the government's aim to allow these people to at least get an extra two years, so that in total

they would have three, because I think the whole initiative is to get these international students to maybe pick Canada to settle in. It would make sense in those cases that we allow them to do another two years on top of their one year, especially in this case—the student is now going to be a graduate student. And this will apply in many other cases.

I'm not sure whether Mr. Komarnicki is aware of this, but I imagine he would very much want to support something like that.

The Chair: Maybe you and Mr. Komarnicki should—

Mr. Ed Komarnicki: Get it to the minister.

The Chair: —touch brains on that a little bit later on.

Mr. Ed Komarnicki: That's fine. We'll certainly take that through.

I want to make one point before we move into the study itself. We have partially completed Bill C-17, having heard some witnesses, but have not concluded that process, and we need to conclude it. It should be the first order of business when we get back, unless we're going to have further meetings at this point.

The Chair: We will—

Ms. Olivia Chow: Mr. Chair, can I resubmit the motion regarding safe third country agreements, so that we would deal with it again when we come back?

The Chair: No, we can't do that.

Ms. Olivia Chow: Really?

The Chair: No.

Ms. Olivia Chow: I'll change some wording. I'll resubmit a version.

The Chair: That will be at a point in the future.

Ms. Olivia Chow: We're not here....

The Chair: We can't do that. We would establish a precedent that is not—

Ms. Olivia Chow: Mr. Chair, when we were taking a vote, I specifically said that we should wait until Mr. St-Cyr came back in.

The Chair: No. The vote is completed on that. We can't go back to it now. That's totally out of order. I'm sorry. I'd like to be able to do it, but it's totally out of order to do that.

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair—

The Chair: Could we move in camera?

Hon. Jim Karygiannis: If it's possible, we should stay out of camera for 30 seconds. Since today we're not going to be dealing with the Iraqi report, I would ask that we either move or ask for consensus that this also be considered a prioritized item when we come back in September.

The Chair: We would have a subcommittee meeting to establish all that, I imagine.

Mr. Ed Komarnicki: So it has some priority.

The Chair: Can we go in camera?

[Proceedings continue in camera]

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