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Thursday, February 12, 2009

—
Chair

Mr. David Tilson

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• (0905)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): The meeting is called to order. This is the Standing Committee on Citizenship and Immigration, meeting number three, Thursday, February 12, 2009. The orders of the day are committee business.

I promised you, Ms. Chow, at the last meeting that you would be the first on the agenda today with respect to the estimates. In respect of my discussions with you earlier, I am going to take the position that any vote on the estimates is.... If you wish to make a motion, that's fine, but I'm telling you in advance that a motion involving the reduction, the negating, or even adopting vote 1b of the estimates is out of order, because pursuant to the order made in the House, which was agreed to by the parties yesterday, the supplementary estimates were deemed to be reported back to the House yesterday at 5 o'clock.

Therefore, I would take the position that any motion with respect to the estimates to adopt, negative, or to reduce is out of order. But you can make a motion and we'll see what happens.

Ms. Olivia Chow (Trinity—Spadina, NDP): Before I do that, would you like me to move the adoption of the first report of the subcommittee on agenda?

The Chair: No, because I made a promise to you, and I always honour my promises.

Ms. Olivia Chow: Oh, okay—amazing.

My interpretation of yesterday afternoon's motion was that they would see the clock so that whatever came out of the standing committees today would still be reported out for tonight's vote. That was my interpretation.

The Chair: Let's see what happens. I've told you in advance what my ruling would be, but you can make a motion.

Ms. Olivia Chow: I'll place the motion, which I did on Tuesday.

The Chair: Has it already been moved?

Ms. Olivia Chow: Yes, it was moved on Tuesday, just before 11. The motion was to strike out vote 1b, I believe, because I'm fundamentally opposed to—

The Chair: I understand.

Ms. Olivia Chow: —a \$2 million advertisement budget. I don't need to repeat my speech.

If you want to rule it out of order, I'll challenge the chair.

The Chair: For the reasons given, Ms. Chow, I'm ruling your motion out of order.

Ms. Olivia Chow: It's the same motion that I made on Tuesday. You have that, right?

The Chair: Yes.

Ms. Olivia Chow: Perhaps the clerk could read it out, and then I'll challenge the chair. And just to save time, I'll ask for a recorded vote when I challenge the chair.

The Chair: Yes, of course.

Ms. Olivia Chow: Thank you.

The Clerk of the Committee (Mr. Andrew Chaplin): I understand Ms. Chow's motion to be that vote 1b be reduced to zero.

• (0910)

The Chair: How do we do this? All in favour of supporting the chair.... She's challenged the chair.

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Yes, but we're not voting on the motion itself.

The Chair: No, we're not; we're voting on her challenge to the chair. The chair has ruled the motion out of order, so all those—

The Clerk: Shall the chair's ruling be sustained?

The Chair: Shall the chair's ruling be sustained?

Mr. Clerk, there's a recorded vote.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Is there a recorded vote on this?

The Chair: Yes.

(Chair's ruling sustained: 9 yeas, 1 nay)

The Chair: So the chair's ruling is upheld and the motion is out of order. We will continue on with the committee business.

The subcommittee report has become a little redundant. Maybe I could say a few words and then you can correct me or whatever.

We return on February 24. The only accurate portion is the third item. On Tuesday, February 24, there will be a briefing from departmental officials on the operations of the department in an informal meeting. An item that's not here on the report, which I thought we dealt with, Ms. Chow and Mr. Bevilacqua, is that on March 12 we were going to talk about the outstanding reports. I'm open to the floor. We have the first Tuesday back. We don't know what we're doing the first Thursday back or from there on. So I'm open.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): According to my notes at the subcommittee, I agree with all of the report as it was outlined. The only thing that's missing is a final paragraph or sentence indicating that we had agreed at subcommittee to continue on until March 12 with unfinished business from the 39th Parliament, including undocumented workers, temporary foreign workers, and/or Iraqi refugees.

Hon. Maurizio Bevilacqua: That's true.

The Chair: We seem to be in agreement with that.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: If we could just add what the parliamentary secretary stated to this report, it would actually be complete. It could be a friendly amendment to the first report, which I would gladly move.

The Chair: So we're all set until March 12. That settles that.

Mr. Bevilacqua is moving that the first report of the subcommittee, as amended, be adopted.

(Motion agreed to)

The Chair: We now move to the motions of Ms. Chow.

Ms. Chow.

Ms. Olivia Chow: Mr. Chair, just before the motions, I'm wondering whether you could call a subcommittee meeting before March 12 so that we can then in a few weeks' time plan what we would do after the break.

The Chair: Absolutely. I'll have to let you know. That's a good idea, and we'll do that.

Ms. Olivia Chow: Thanks, because sometimes if we wait until it happens it gets confusing.

The Chair: You're absolutely right.

Ms. Chow, the floor is yours. You have some motions to make.

• (0915)

Ms. Olivia Chow: The first one deals with consultants. We were going to have the report back here. I've been persuaded that rather than doing it that way, apparently the department or the minister may choose to take some action on the whole issue of regulating consultants. I thought it best to wait for a little while, not that we are short of things to do.

The Chair: Are you withdrawing that, or setting it down? What are you doing?

Ms. Olivia Chow: I'll stand it down until the end of March or in the spring.

The Chair: She's not moving it.

Ms. Olivia Chow: I'm not moving that.

The Chair: We'll just take the position you're not moving it.

Ms. Olivia Chow: Thanks. I will just table it and leave it there.

May I move on to the next one?

The Chair: Sure.

Ms. Olivia Chow: The other one is about spousal sponsorships. Let me speak quickly about the spousal sponsorship motion.

The Chair: Perhaps you could move it officially, please.

Ms. Olivia Chow: For some reason it was not circulated, which I don't quite understand.

Oh, it's combined. Thank you.

It's motion number two:

The Committee recommends that the government allow any applicant (unless they have serious criminality) who has filed their first in-Canada spousal or common law sponsorship application to be entitled to a temporary work permit and an automatic stay of removal until a decision is rendered on their application.

And that this motion be reported to Parliament if adopted by this committee.

The Chair: Do you wish to speak to it?

Ms. Olivia Chow: Yes. Given that we have a—

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

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Chairman, I was wondering if these are two separate motions or part and parcel of the same motion.

Ms. Olivia Chow: They are two separate ones. They should never have been connected. I had no intention of connecting them.

The Chair: I take the view that the motion is as she has read it to the committee.

Hon. Jim Karygiannis: Mr. Chair, it's a two-part motion, part one and part two. Part one, if I'm not mistaken, talks about war resisters.

The Chair: She's not proceeding with that right now.

Ms. Olivia Chow: Mr. Chair, a point of order. When I submitted those motions, I submitted them separately. The clerk chose to connect them. I don't need to.

The Chair: Just give me a minute.

It doesn't matter. We're getting into procedure. What are you suggesting, Mr. Karygiannis?

Hon. Jim Karygiannis: Mr. Chair, the difficulty I have, and certainly it's a point for clarification if the committee wants to split them.... Point number one talks about war resisters. I am just wondering if point number two is a continuation of point number one, because if you are a war resister in Canada and you are married, then it could be that we're dealing with the war resisters and a spousal application versus two separate applications.

Hon. Maurizio Bevilacqua: Mr. Chair, if I may, it's obvious to me that Ms. Chow's intention was to have two different motions, so the committee should deal with them like that accordingly.

The Chair: Okay, Ms. Chow, carry on with your words of advice here with respect to that motion.

Ms. Olivia Chow: Mr. Chair, whatever you deem appropriate.

Coming back to the content, for those of you who are new to this committee, in the past few years we have seen quite a few cases where couples have been married in Canada, and the Canadian spouse has sponsored the new husband or new wife. The application supposedly takes six months, and it is all done in Canada. Unfortunately, in some cases, for some reason the application has taken longer than six months. Sometimes it takes a year, two years, sometimes even longer. In the meantime, the wife becomes pregnant and the couple has kids. The family establishes roots in Canada just like any new family. What is tragic about this situation is that in the meantime, Canada Border Services Agency says that because the person is out of status, it will proceed to deport the spouse that is being sponsored. When department officials came to talk to us, we said, "Wait a second. It does not make sense for you to deport the spouse. You have not proved that it's a marriage of convenience. If you have proven it's a marriage of convenience, by all means deport the person, but you haven't made that determination. So perhaps you could not deport these inland-sponsored applicants until after that determination has been made."

This motion is saying that the applicants be given a work permit and that they not be deported until a decision is made. Sometimes the applicants are pregnant, or they have kids, or they could be the breadwinner of the family. What happens if they are deported is that the family is thrown into total chaos and financial and emotional hardship.

In the meantime—let's say the person is from China—once the person is deported, the application to sponsor such a person has to start all over again, and it is another six months, a year, sometimes even two years before the person gets back into the country. That's a really difficult separation for the family.

This is a common-sense motion. It saves Canadian taxpayers' money, in that the application process does not have to start all over again overseas. It saves money for CBSA, as it would not have to deport the person. Some inland applicants end up appealing the decision to the Federal Court. They do all this legal manoeuvring in order to stay in Canada as long as possible while their CIC application is being processed. It's a lose-lose situation for the applicants and their families, and for CBSA, CIC, and the overseas visa office.

That's why I brought this motion back into this committee. We approved it at this committee last term, but in the meantime, I've experienced quite a few more cases where the spouses are facing deportation. In one case the woman was three or four months pregnant. She already had a six-month-old baby here. She was facing deportation around Christmas and New Year's. It made no sense. Thank goodness she got a minister's permit to stay, because it was really hard for the family.

That's why I'm putting that motion in front of you. I would hope the government would draft a response and that it would agree and would enact some legislative change.

● (0920)

The Chair: Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, I certainly would have no problem supporting such a motion, but I'm just wondering if we need a point of clarification from Ms. Chow.

Although it's a first-time sponsorship application when they address the situation, if the spouse previously was a refugee claimant, or a failed refugee claimant, and had applied for an H and C, does that also mean that the first application to the agency was to take precedence over the sponsorship?

The Chair: Ms. Chow, a question to you.

Ms. Olivia Chow: I don't want to complicate this, because there are many shades here. Let's say I'm a sponsor with a track record of sponsoring spouses and then divorcing, with shades of marriage of convenience. That we should not tolerate, and that's why the word "first" sponsorship was added by the committee. As I recall, we didn't want to have to tolerate people who abused our system. It's a small percentage, but that is why this reads the way it does.

A lot of committee members provided their wisdom in fine-tuning the original motion. That's why it reads "first" in-Canada sponsorship, and so on.

● (0925)

Hon. Jim Karygiannis: That still does not answer my question. It's very simple: if the spouse is a previous failed refugee claimant and all of a sudden he gets married, but there is a first spousal sponsorship, and he still has an H and C in the system....

Does the member understand what I'm talking about?

Ms. Olivia Chow: Yes, I know exactly. I just don't think they should be excluded from being considered in this motion. People fall in love and get married, and whether they have previously filed or not—

Mr. Rick Dykstra: No, say it isn't so.

Ms. Olivia Chow: Oh, it happens to us, especially close to Valentine's Day. It's coming up.

So whether there is an H and C application or previous refugee claim, it doesn't matter; I just don't think they should be deported.

Hon. Jim Karygiannis: Fair enough, Mr. Chair, but if somebody has an H and C application, how can they file a sponsorship application when the first H and C application is already in?

Ms. Olivia Chow: Then it wouldn't apply to them.

The Chair: Is there any further debate on this Valentine's Day motion?

Mr. Shory.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Mr. Chair.

The Chair: Do you want to suspend for a minute, members? What do you want to do?

Mrs. Alice Wong (Richmond, CPC): I have an amendment. When should I put it?

The Chair: I don't know. I'm just sitting here looking for people to tell me what to do.

Mr. Shory has the floor.

Mr. Devinder Shory: Thank you, Mr. Chair.

Ms. Chow has brought this forward with, it seems, good intentions, but I want some clarification on the wording. My understanding is that for in-Canada spousal applications, there is one person who makes the application and one person who sponsors the applicant.

Ms. Olivia Chow: That's right.

Mr. Devinder Shory: Well, this says any applicant who has filed their first in-Canada spousal or common-law sponsorship application.

An hon. member: Yes—

The Chair: Order. Through the chair, please.

Go ahead.

Mr. Devinder Shory: The application for permanent residency in Canada is made with the applicant who wants to be a permanent resident of Canada, and that person has to be sponsored by someone. So what does it mean when it says it's their first in-Canada spousal sponsorship? Are we talking about the applicant or the sponsor?

Thank you.

The Chair: Ms. Chow, it appears there's another question for you. Or maybe you have no comment, and that's fine too.

Ms. Olivia Chow: I wasn't the person who added "in-Canada spousal". As I recall the discussion at the time, I think it was to apply to people who have not been previously sponsored. For example, it's my first marriage; it's not that I've been married, someone sponsored me, and then it didn't quite happen or I've been divorced.

So I think that was the intention.

The Chair: Ms. Mendes.

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): If I may, I think the question here is that there are two applications in this process, one for sponsorship and one for permanent residency. Obviously, yes, you have to have both, so you have to add something about permanent residency to make it a proper motion.

The Chair: Are you making an amendment to the motion, Ms. Mendes?

• (0930)

Mrs. Alexandra Mendes: May I make an amendment?

The Chair: You sure can.

Mrs. Alexandra Mendes: Yes, to add an application for permanent residency. The process has to have both.

The Chair: Where will that go, Mr. Clerk? Where do you want it?

Mrs. Alexandra Mendes: You would add it for "any application...who has filed their first in-Canada spousal or common law sponsorship application as well as a permanent residency application".

Hon. Jim Karygiannis: Accompanied by.

Mrs. Alexandra Mendes: Accompanied by a permanent residency application, yes.

Ms. Olivia Chow: Yes, a friendly amendment.

Mrs. Alexandra Mendes: Mr. Shory's totally right, it needs to have both.

The Chair: Okay, so are we treating this as one motion? She's agreed, so that's one motion.

Ms. Wong.

Mrs. Alice Wong: I'm proposing an amendment. After the words "the following motions to Parliament", I would like to add "and allow the government the opportunity to respond". Right now we have already brought a lot of technical challenges here, so I would like to see that the government would have the opportunity to respond.

The Chair: Where do you want that?

Mrs. Alice Wong: Right after "the motions to Parliament"; and then instead of a semicolon, put a colon and add "and allow the government the opportunity to respond" and then colon.

The Chair: After the word "Parliament".

Mrs. Alice Wong: Yes, and then colon.

The Chair: Okay, we have an amendment on the floor.

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, I'm sort of taken back. The government is to respond to what? This is a motion. It's going to go to the House to be debated. The government already has the response, because if they wanted to do something like this, they would have done it already. We know the government response.

So the words "allow the government to respond" are just stalling tactics by the government members. The government has the opportunity to respond. This will go to the House, and let's debate it in the House.

Mr. Rick Dykstra: Then what's the problem?

Hon. Jim Karygiannis: Why do you need the wording—

The Chair: Wait a minute.

Mr. Dykstra.

Mr. Rick Dykstra: Every other one of Ms. Chow's motions has that in there. This is the only one that doesn't have it in there. So there's no reason not to just—

Hon. Jim Karygiannis: I didn't see that in any other motion.

The Chair: Please, don't get into a chat. Remember I'm up here.

Monsieur St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: I would like to remind the committee that this motion was introduced and passed in the last Parliament. The government has had ample time to respond to it. I do not feel that it is necessary to give the government more time to respond.

[*English*]

The Chair: Further debate?

Mr. Dykstra.

Mr. Rick Dykstra: Just to respond to Thierry's point, we haven't had a chance to respond to it. The motion's being put on and we'd like a chance to respond to it, so that's the purpose of it.

In the previous motion that Ms. Chow actually tabled, it says very clearly, “the government table a comprehensive response to the report”. That’s all we’re asking for the ability to do, and we will do that. This is not a delay tactic; this is simply acknowledging that the government has the opportunity to respond. The process will follow itself through.

The Chair: Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: If we can get clarification as to the time required by the government to respond, then it will give us a better sense of whether we can support the amendment in the House.

The Chair: Ms. Chow.

Ms. Olivia Chow: I was going to amend the amendment and say “within 30 days”. So it would now read “and allow the government to respond within 30 days”. That’s a lot of time.

The Chair: I’m sorry, Ms. Chow, I was just getting counsel from the clerk, and you can proceed. So you’re proposing a subamendment?

Ms. Olivia Chow: We think 30 days is appropriate, reasonable.

Hon. Maurizio Bevilacqua: Either you give them a chance to respond and be reasonable or you don’t. You can’t have it both ways.

● (0935)

Ms. Olivia Chow: I want to give the benefit of the doubt to the new minister and the new parliamentary secretary. If I allow that, I hope I will get a unanimous vote, in the spirit of cooperation. Now, if they then vote against it, then it will be clear that the 30 days is a clear stalling tactic. But I always like to give people the benefit of the doubt, so I’m moving that amendment.

The Chair: We have a subamendment on the floor.

We’ll have Mr. Shory and then Mr. Karygiannis.

Mr. Devinder Shory: Thank you, Mr. Chair.

Mr. Chair, to me it seems as though this motion is not as simple as it seems. It will have complications when the word “first” is added here to say “first in-Canada spousal or common law sponsorship application”. Are we discriminating against people who have, for any reason, been divorced before? Maybe Ms. Chow would like to elaborate on the logic of having the word “first” in here?

An hon. member: But there’s a reason.

The Chair: Hold it. You can’t just jump in when you feel like it here.

Go ahead, Mr. Shory.

Mr. Devinder Shory: Why should it be “first in-Canada” application only? Why would it not be for a second? Maybe somebody wants to address this.

The Chair: Mr. Karygiannis is next.

Hon. Jim Karygiannis: In answer to your question, somebody can go wife-shopping. The first wife sponsors them, and if that fails they can have a second wife who sponsors them. We want to make sure this is a “true” marriage for us to go on. That’s why this is only for the first sponsorship application. There are definitely individuals out there—I’ve seen them with my own eyes—who go wife-shopping. That’s why it says the “first in-Canada” application.

If I may, Mr. Chair, I’d like to move to the subamendment, in which she wants to say “30 days for the government to respond”. I’d like to propose the following wording on that: “and the government ceases immediately deportations until the government does respond”.

The Chair: Just give me a minute here.

Mr. Karygiannis, I’m going to rule that you can’t amend a subamendment. We’ll vote on the subamendment, and then I guess it’s fair game for you to see what you can do at that time.

Hon. Jim Karygiannis: Can I amend the main amendment?

The Chair: After Ms. Chow’s subamendment you can.

Hon. Jim Karygiannis: The subamendment—

Mrs. Alice Wong: A point of clarification. So we’re voting only on number 2? I mean, we’re working on number 2?

The Chair: We’re not even voting. We’re still in debate, unless you’ve had enough.

Ms. Olivia Chow: We’re voting on 30 days.

Mrs. Alice Wong: No, we’re working on number 2 on the list.

Hon. Jim Karygiannis: Can the clerk read the motion as amended?

The Clerk: The way I understand it, the committee has agreed that this motion be divided. So Ms. Chow’s first motion, which is largely from paragraph 2, would read as follows:

That the Standing Committee on Citizenship and Immigration reaffirm its previous position on spousal sponsorships in Canada and resubmit the following motion to Parliament:

The Committee recommends that the government allow any applicant (unless they have serious criminality) who has filed their first in-Canada spousal or common law sponsorship application, accompanied by a permanent residency application, to be entitled to a temporary work permit and an automatic stay of removal until a decision is rendered on their application.

Mrs. Wong has proposed that the motion be amended by adding, after the words “following motion to Parliament”, “and allow the government the opportunity to respond”.

● (0940)

Mrs. Alice Wong: Then there should be one motion now, so you won’t say “following motions”, right?

The Clerk: Then there’s Ms. Chow’s subamendment to your amendment that reads, after the words “government to respond”, “within 30 days”.

Hon. Maurizio Bevilacqua: Are those sitting days or calendar days?

The Chair: Mr. Bevilacqua is asking an interesting question.

Ms. Olivia Chow: Those are calendar days.

The Chair: Okay.

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, just a point of clarification. Does that mean we report this to the House, and once we report it to the House, then the government has 30 days before we’re allowed to debate this in the House?

The Chair: I'm just up here with a gavel. It's up to you people to make your motions appropriate. I don't interpret what you're saying.

Hon. Jim Karygiannis: No, but with this 30 days, we're saying to submit this to the House. Once it's submitted to the House, do we allow the government 30 calendar days for them to respond before this is debated?

The Chair: It appears to be a question to you, Ms. Wong.

Mr. Rick Dykstra: That's actually not our jurisdiction. The House leaders debate and decide how things come up in the House and when they will be debated. All we're asking for is an opportunity to respond. If the debate comes up in the House in less than 30 days, we'll obviously be prepared to debate the motion. If it comes up in 45 days, we'll be prepared. What we wanted to be able to do is issue a report on the motion.

We want the committee to acknowledge that the government has the responsibility to respond to the motion. That's all we're asking for. This is not complicated.

Hon. Jim Karygiannis: Mr. Chair, then why don't we give the opportunity to the government to come to this committee within 30 days and report, and then we just move it the House after that?

The Chair: Well, that's not on the floor.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: Mr. Chair, I think we're taking too long with these procedural things. Either we all have to learn procedure better or we have to have our points down pat before we get here.

The Chair: I'm going to suspend for a minute or two and you guys can have a chat off the record.

• _____ (Pause) _____

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• (0945)

The Chair: Order, please.

We've got a subamendment, we've got an amendment, and we've got a motion. Is there any debate?

Mr. Shory.

Mr. Devinder Shory: Mr. Chair, before we move forward, you may want to ask Ms. Chow to replace the word "sponsorship", in the third line, to "sponsored". That will make more sense and give clarification.

Hon. Jim Karygiannis: A sponsorship application.

Mr. Devinder Shory: It's a sponsored application.

A sponsorship application, Mr. Chair, is made by the person who sponsors the spouse. An application to be a permanent resident of Canada is made by the applicant himself—

Hon. Jim Karygiannis: If that's what she said—

An hon. member: That's why I added it.

The Chair: I was trying to give everybody a lot of leeway here, but I'm going to have to start getting picky.

We're on the subamendment. That's what we're on. Otherwise, we're going to be bogged down on this.

Is there any debate on the subamendment?

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: I just want to make sure that we are talking about 30 actual days, 30 calendar days.

[English]

The Chair: That's what we're talking about. That's the debate. It's on the subamendment.

[Translation]

Mr. Thierry St-Cyr: I want to make sure that we are not talking about 30 sitting days, but 30 calendar days.

[English]

Ms. Olivia Chow: I said "calendar".

The Chair: Are you putting in that word?

Ms. Olivia Chow: Sure, just to be clear.

The Chair: Is there further debate on the subamendment?

An hon. member: Call the motion.

The Chair: Mr. Dykstra, on a point of order.

Mr. Rick Dykstra: I just want to point out that according to Standard Order 109, the government has 120 days to respond if a committee requests it. The committee doesn't have the power to amend that necessarily, obviously according to the standing order. They can request the government to table a response in 30 days, but it's non-binding.

So go ahead and do the 30 days. It's non-binding.

Ms. Olivia Chow: On a point of order, perhaps then Ms. Wong's motion is redundant, given that the government already has the responsibility to report.

Mr. Rick Dykstra: Mr. Chair, it's actually not the case. It's not the case, because you didn't ask for a response.

When you get a response, the government has 120 days. We will do our best to get it back to this committee within 30 days—

Mrs. Alice Wong: We have to ask.

Hon. Jim Karygiannis: Not this committee—

Mr. Rick Dykstra: It's going to come back here. We'll get it back here from the House. If it's done in 30 days in the House, it's coming back here.

The Chair: Is there further debate on the subamendment?

Ms. Chow.

Ms. Olivia Chow: Well, vote for the subamendment and then don't support the amendment.

I'll just put it on the record that I notice it doesn't matter how we assist the government, because I heard they're going to vote against the motion anyway. I don't think it makes any difference whatsoever, because it sounds like there's no intention of assisting folks in Canada not to get deported.

The Chair: Okay. That's it.

All those in favour of the subamendment?

Ms. Olivia Chow: The 30 calendar days.

The Chair: Yes, the 30 calendar days.

(Subamendment agreed to)

The Chair: We're now on to Ms. Wong's amendment.

Mrs. Alexandra Mendes: Ms. Wong's?

That's what she said: that the government would have a possibility to respond. That's it. It's passed. That one is done.

Mr. Rick Dykstra: We just passed that.

Ms. Olivia Chow: We just passed the 30 calendar days. Then it's her motion.

The Chair: We passed the 30 days. Now we're—

Ms. Olivia Chow: That's right.

The Chair: We voted on the 30 days. We still have to vote on Ms. Wong's amendment. That's the chair's position. Is there any debate on that?

Hon. Maurizio Bevilacqua: I move that the last vote taken be applied.

•(0950)

The Chair: Agreed?

Some hon. members: Agreed.

(Amendment agreed to)

The Chair: Now we're on to the motion as amended.

Further debate on the motion as amended?

Ms. Olivia Chow: Can we have a recorded vote on the motion?

The Chair: Yes, on the motion as amended. It's a recorded vote.

(Motion as amended agreed to: yeas 6; nays 5) [See *Minutes of Proceedings*]

The Chair: Now, Ms. Cheung, Ms. Chow, do you have....?I have to get my Wongs and Cheungs and...I'm sorry. I shouldn't—

An hon. member: And the Bevilacquas—

The Chair: Can you remove things from the record? Probably not.

Ms. Chow, do you have another motion?

Ms. Olivia Chow: No problem.

I'll move that the Standing Committee on Citizenship and Immigration reaffirm its previous position on Iraq war resisters and resubmit the following motion to Parliament:

The committee recommends that the government immediately implement a program to allow conscientious objectors and their immediate family members (partners and dependants) who have refused or left military service related to a war not sanctioned by the United Nations and do not have a criminal record to apply for permanent resident status and remain in Canada; and that the

government should immediately cease any removal or deportation actions that may have already commenced against such individuals.

The Chair: Thank you, Ms. Chow.

Debate?

Do you have any comments to make on the motion?

Ms. Olivia Chow: I don't need to comment much, because this has been very high-profile in the media. There are war resisters and their families facing deportation: Jeremy Hinzman's, with two kids, and Kim Rivera's, with two children, one a newborn baby. Already, two American war resisters have been deported. One of them is in jail already. It's quite a sad situation. Some of them have been in Canada for five years.

It's quite a sad situation. Patrick Hart, in my riding, has been volunteering. He'd been in the army for eight years and was a good soldier, but just did not want to continue to kill civilians in Iraq. I respect that kind of courage in making the decision to leave their families and come to Canada. Watching their deportation is really quite sad. Canada had a humanitarian tradition; we had 50,000 in Canada.

Anyway, I think other members want to support this, so I'll leave it in front of you. I really do not believe that we need the government to respond on this motion, because the government has been responding by speeding up their deportations. In fact, the minister has said that these people are not refugees. Even without considering their cases, it was said in a blanket way that they are not refugees, so I see no reason for any response whatsoever. I'm just predicting what motion might be coming, so I don't need to repeat myself.

The Chair: Mr. Dykstra has the floor.

Mr. Rick Dykstra: Mr. Chair, I move the same amendment as the previous motion, in terms of a government response within 30 days, and I move to call the question.

The Chair: We'll vote on the amendment. I don't see any hands to oppose the amendment, so the amendment carries.

(Amendment agreed to)

•(0955)

Ms. Olivia Chow: I don't want to see that again. Half the people didn't vote. There should be a recorded vote.

The Chair: Ms. Chow, I can't tell people to vote. If they want to sit on their hands and not vote, that's their business. I'm going to rule that the amendment carries. I'm just counting hands, and if you don't put your hands up, you're not voting, and you are entitled to abstain.

Ms. Olivia Chow: What was the vote out of that?

The Chair: It was four to five.

Ms. Olivia Chow: How many?

An hon. member: Could we have a recorded vote?

The Chair: Too late. We've voted on it.

We're now going to vote on the motion, as amended. Unless there's further debate, we're going to vote. Is there further debate on the motion, as amended?

Ms. Chow.

Ms. Olivia Chow: I am withdrawing my motion.

The Chair: Okay.

Ms. Olivia Chow: I am withdrawing my motion right now.

The Chair: Do you have a further motion, Ms. Chow?

Ms. Olivia Chow: No. I can withdraw the motion and not move it if I choose to.

The Chair: We're in the middle of a vote. I'm told that it's up to the committee to determine whether it can be withdrawn. I think you're too late to do that, Ms. Chow.

If there's no further debate, we're going to vote on the motion, as amended.

(Motion as amended agreed to) [See *Minutes of Proceedings*]

The Chair: Ms. Chow, further motions?

Ms. Olivia Chow: No.

The Chair: Monsieur St-Cyr, you have a motion.

[*Translation*]

Mr. Thierry St-Cyr: Yes, Mr. Chair. I think that this will be much quicker, given that it has been discussed by the parties.

You have the original motion before you; it reads as follows:

That the Committee on Citizenship and Immigration vigorously denounce the decision of the Immigration and Refugee Board (IRB) refusing to allow applicants to have their hearings before the Board conducted in French if they so request; that the committee recommend that the government take the measures needed to correct the situation; and that this motion be reported to the House of Commons at the earliest opportunity.

After discussion with all the other parties, I would like to move an amendment myself to remove the word "vigorously", and, second...

[*English*]

The Chair: Do we have unanimous consent for Monsieur St-Cyr to amend his motion?

Some hon. members: Agreed.

The Chair: Go ahead, sir. You were making an amendment to your motion.

[*Translation*]

Mr. Thierry St-Cyr: So I would like to remove the word "vigorously" and remove the following words: "that the committee recommend that the government take the measures needed to correct the situation;".

[*English*]

The Chair: Monsieur St-Cyr, do you have some comments to make on this?

[*Translation*]

Mr. Thierry St-Cyr: Everyone is in agreement.

[*English*]

The Chair: All in favour?

(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: The committee appears to have concluded its business.

An hon. member: No.

The Chair: I think we have problems, Ms. Mendes.

Ms. Alexandra Mendes: Yes.

The Chair: I don't think he's in time, unless there's unanimous consent, I suppose.

Hon. Maurizio Bevilacqua: No, just a second, Mr. Tilson. Don't say I'm not in time, because actually I am in time. I want to deal with this today. It's quite different.

Ms. Olivia Chow: Do we have anything else?

The Chair: Mr. Bevilacqua and I are having a chat here.

Ms. Olivia Chow: Do you want me to move adjournment?

The Chair: Absolutely, and it's carried.

The meeting is adjourned.

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