



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 016 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Thursday, May 13, 2010

Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

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• (1530)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good afternoon.

This is the Standing Committee on Citizenship and Immigration, meeting number 16, Thursday, May 13, 2010. The orders of the day are pursuant to the order of reference of Thursday, April 29, 2010: Bill C-11, an act to amend the Immigration and Refugee Protection Act and the Federal Courts Act.

For the first hour today we have, from the Centre des femmes de Verdun, Annie Kouamy, community advocate, and Alein Ortégon, community advocate. All the way from Vancouver we have Richard Kurland, who is an attorney.

Good afternoon.

Centre des femmes de Verdun, you have up to ten minutes between the two of you. You may begin.

Welcome to the committee.

[Translation]

Ms. Annie Kouamy (Community Advocate, Centre des femmes de Verdun): Thank you, Mr. Chairman.

The bill concerns us for several reasons. First, the establishment of a list of safe third countries creates two categories of refugees. Such a list discriminates against women, because it does not take into account their status as women. Furthermore, this would impede access to a fair and independent hearing and would not take into account the enforcement of laws in these host third countries considered to be safe where attitudes do not change as quickly as legislation.

The short timeframe before the holding of a hearing would not allow women enough time to gather the evidence they need to have a fair hearing, especially since some of them speak neither French nor English. Furthermore, some women arrive here in an absolutely disastrous psychological state and require psychological follow-up in order to undertake a de-victimization process. This short timeframe would therefore exert additional pressure on them.

In our view, the bill would promote a dehumanization of the refugee protection process and would render Canada an accomplice of sorts of countries where unfair treatment is inflicted upon women, and lesbians in particular. These countries have adopted certain laws in order to please, to some extent, the international community.

I will now give the floor to my colleague, who will talk to you about the changes that the women's centre would like to see made.

Ms. Alein Ortégon (Community Advocate, Centre des femmes de Verdun): The Centre des femmes de Verdun is asking that the refugee protection process recognize the rights of women persecuted because they are women, given the problems that are specific to their social group.

We ask for the removal of the exclusion from appeal based on nationality, so as to avoid endangering certain women such as lesbians, those who have been victims of abuse by their spouse or their family or excluded from their religion. Access for asylum-seekers to applications for humanitarian and compassionate considerations must be maintained, because removal of this access could lead to an increase in the number of high risk cases without recourse. We would recommend the establishment of psychological support resources for women and an extension of the lead time before a hearing for women applying for refugee protection.

Thank you.

Ms. Annie Kouamy: Recently, the Canadian Council for Refugees, or CCR, made a proposal. It suggested that instead of selecting people based on their country of origin, we consider all claimants. In suspicious cases, the immigration officer in charge of the file could carry out an investigation.

We believe that this avenue should be explored by the committee and included in the bill, instead of people being rejected based on their nationality.

That brings us to the end of our presentation.

• (1535)

[English]

The Chair: Thank you very much for your presentation.

Mr. Richard Kurland, from Vancouver, you have up to ten minutes, sir. Welcome to the committee.

Mr. Richard Kurland (Attorney, As an Individual): It's my pleasure. Ten minutes is a luxury. I'll try to cut that in half for the committee's benefit.

The Chair: You can talk for up to ten minutes, sir.

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

Essentially, I have two issues today. First, I don't think this bill goes far enough. Allow me to explain. At its heart, our refugee system is designed to extend protection. State protection, if it's adequate, should include an examination of the question of whether the protection is readily available and truly accessible when the country of alleged persecution is a member of a group of states that provides quick and easy mobility to the person concerned.

Here is what I mean. A person within the European Community can travel freely to another member country of the European Community. The practice is that they land at an airport, like Heathrow, and complete a form allowing them to enter the country and work legally. The problem in our law is that for refugee protection, the test is based on citizenship. We need to move beyond that.

In World War II and afterwards, the essence of protection—convention refugee protection—at the time did not include, because it did not exist, the right to quick and easy mobility enjoyed today in parts of Europe.

The same principles that apply in international law for refugee protection, including safe third country and including internal flight alternative, should equally apply to members of European states. Citizens of Hungary or the Czech Republic need not come to Canada to claim fear of persecution when all they need to do is travel a few hundred kilometres down the road to a member county, such as the U.K., France, or Germany.

What we need to do in our laws is to recognize this fact and consider eligibility to the Canadian refugee determination system when there is such easy access to sanctuary and a zone free of persecution. That's the first issue.

Let me talk numbers and money. If implemented, this jiggling of the design would stave off, at a minimum, 100 claims a month. When you start to do the math, that's \$2.5 million a month based on \$25,000 per case, or \$25 million, give or take, in a year. So over the five-year period, that's close to \$125 million.

If you look at the intake of claims from Hungary in 2010, you're looking at close to double that number. So you're talking close to \$200 million a year to \$250 million over that time period. These are savings that can be generated. There's no reason the Canadian taxpayer has to foot the bill when claimants from Hungary can travel to Germany, France, and the U.K., where they're allowed to legally and safely work.

This brings me to my second issue. You have heard testimony, I'm sure, about the operational concerns of delivering refugee kits or packages, and being ready to go to a hearing in 60 days. I've been a member of the Quebec Bar long enough that I was participating back in 1989 in the old credible-basis system. The success of a fast-track process lies in appropriate compensation for the invaluable cog, the lawyer.

I confess that I'm a former national chair of the immigration and citizenship section of the Canadian Bar Association, and I have a sword that cuts both ways. The problem I see in the existing framework, in which legal aid is provincially delivered and the money flows from the feds, is that there's, to put it not too mildly, a

skimming off, at the provincial end, of federal funds once they enter the provincial legal aid system.

At the end of the day, you'll get a bigger bang for your buck by directly financing lawyers for the refugee determination system, along the same lines as occurred in 1989, than would be the case if the same amount of money were to be channelled in provincially through provincial legal aid systems.

● (1540)

If there's a true intent to deliver on a promise of 60 or 90 days from an oral hearing, omitting compensation to the refugee bar should be carefully considered. The \$125 million savings generated by the design adjustment to make ineligible claims, for example, from Hungary is more than enough to offset the direct federal financing to Canada's refugee bar. Administration would be a combination of IRB operational administrators together with the regional interests of the refugee bar in determining a list of available and competent lawyers.

Those essentially were my two issues that I thought I could subsume in the time provided.

The Chair: Thank you, sir, for your presentation.

Mr. Karygiannis has up to seven minutes to ask questions of our witnesses.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Thank you to Mr. Kurland in Vancouver and to the folks who are here.

Mr. Kurland, sir, you're a member of the bar, and I'd like to ask you a couple of logistics questions. Do you think that eight days is enough for the first claim?

Mr. Richard Kurland: Quite frankly, I think eight days is sufficient for the tombstone data. I think it's sufficient for the person to enter Canada and catch up from jet lag. Is it sufficient to prepare a full legal case? Unless there is a lawyer at the front end during that eight-day period, the person may well be caught by contradictions between the statements provided on day eight and the hearing date, day 60.

Hon. Jim Karygiannis: Mr. Kurland, do you think that someone who comes to Canada to seek refuge has ample time within those eight days to find a member of the bar and a lawyer?

Mr. Richard Kurland: Speaking from my own experience, absolutely yes. It turns on the operational availability of the lawyers.

Hon. Jim Karygiannis: So then that person coming into Canada should have either a lawyer in mind, or should have to quickly ask members of his community or stakeholders of that community to suggest a lawyer.

Mr. Richard Kurland: Those are two possibilities, but they are inadequate. The real deal is an instruction sheet provided by CBSA or CIC on entry to Canada included with the kit identifying the duty counsel number for legal representation. That's how it worked in 1989. There's no reason why it can't apply equally in 2010.

Hon. Jim Karygiannis: I'm an individual fleeing from a particular situation. I've got police and army chasing me down the street. I come to this country. I'm shell-shocked, female or male, females especially more shell-shocked than the males, and I want to find my footing. Do you think I'd be able to find my footing, pull myself together, and then present myself in eight days?

Mr. Richard Kurland: I dealt with Somali refugee claimants from 1988 and 1989 in their first week in Canada. I heard horrific stories. People who saved their lives by reaching our soil have the wherewithal to do it. There will be instances of traumatized individuals when that's going to present a challenge. There's nothing preventing the person from updating or correcting the information prior to the hearing after 60 days, but I share your concern.

• (1545)

Hon. Jim Karygiannis: But eight days. You agree with me that sometimes, in some cases, it might not be enough.

Mr. Richard Kurland: Absolutely.

Hon. Jim Karygiannis: It is said that people will make representation to the immigration officer, and this will not be in writing, this will be taped. Now, my concern here is that if you're giving something taped, sometimes you might say the wrong thing. It's not professionally transcribed, so a lawyer might have to read hundreds and hundreds of pages of transcript for the 60 days. Shouldn't a PIF do? For my colleagues here, a PIF is a personal information form. Shouldn't that be sufficient versus a taped interview?

Mr. Richard Kurland: I like the idea of a taped interview. I don't think it will run hundreds of pages because I'm not sure how long the interview is. I like the idea of the tape or the little doohickey that fits into a computer being passed directly to the person concerned. It comes back to preparation. The lawyer or the authorized third party representative has to listen to the tape in its totality to prepare for those eight days.

Hon. Jim Karygiannis: Mr. Kurland, you said preparation. I guess we come back to the same point, that you and I have to agree that eight days is not enough. Is that correct?

Mr. Richard Kurland: Well, we can agree to disagree, with the greatest of respect that I can muster, and I do. It is enough if there is financial compensation to make the system go. Currently, there's no way, based on existing legal aid compensation in this country to the refugee bar, that eight days and sixty days is going to fly.

Hon. Jim Karygiannis: How many hours do lawyers get from legal aid per case? We hear that here it's something like 16 hours. Is that the same in Vancouver?

Mr. Richard Kurland: I'm a proud member of the Quebec Bar, and I won't address the Vancouver elements. But I am aware that legal aid in British Columbia is largely inadequate to service the refugee claims. Mind you, only 10% or less of Canada's refugee claims occur out in British Columbia.

Hon. Jim Karygiannis: Mr. Kurland, should people who apply for refugee status, after they've failed a refugee case and all that stuff, and if they apply for an H and C—humanitarian and compassionate—be allowed to use part of the testimony they gave as a refugee or part of what they submitted as a refugee case, to be used in their humanitarian and compassionate case application? Should they be allowed to do that?

Mr. Richard Kurland: I do believe in a time delay that commences on termination of the refugee claim and initiation of the H and C, for practical reasons. In terms of what an officer can consider and not consider, it's going to be a tough call. I'm hard pressed to completely exclude all information obtained in the course of a refugee determination hearing from an H and C application. If there's something relevant that connects to post-facto evidence, it's got to have a context. If that context is anchored in the refugee work, so be it.

Hon. Jim Karygiannis: In layman's terms, then, you agree with me when I say that a person should be allowed to use part or all of the testimony at their refugee application in their H and C application. Is that correct?

Mr. Richard Kurland: By instinct, I have to say correct. I'm nervous about excluding evidence.

Hon. Jim Karygiannis: Thank you very much. I think I'm out of time.

The Chair: You are, sir. Thank you.

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Thank you to all of you, and especially to the representatives of the Centre des femmes de Verdun. I am one of the opposition members that had the privilege of hearing your excellent presentation.

I would like to talk a little bit more about the timeframe issue you brought up. Your centre must deal often with immigrant women in difficulty and who may have experienced very traumatizing events in their country. You get to know them and you are there to advise and accompany them. Does it take them a while before telling their story, even to you?

Ms. Annie Kouamy: It takes a long time. Each person is different. When a person, especially a woman, leaves a very traumatizing situation and comes to Canada, it takes time before she is ready to confide in someone else and let her guard down. The person in front of her does not know her. Establishing a trust relationship with the individual takes time. It can take weeks, months and even years. The gentleman stated that eight days is a sufficient period of time, but I have doubts about that, because most of the women that we meet with do not easily tell their secrets.

• (1550)

Mr. Thierry St-Cyr: These are women who decide to seek advice from a women's health centre, where the environment is exclusively female. They are somewhat reassured by your presence. When these women are required to meet with an official — man or woman — who may represent the authority that they fled, it can be even more intimidating and problematic for them to confide in that person than in you, is that not so?

Ms. Annie Kouamy: Absolutely. Let us suppose that the woman was abused by a figure of authority and she now finds herself in front of an official. She will systematically project onto the person. All of a sudden, the official brings her back to the situation that she fled because, in the circumstances at hand, she will not necessarily make the link between the past and the fact that this could be a friendly figure of authority. She therefore is intimidated from the very moment she finds herself face to face with an official. Even if one has not been a victim of violence, one is intimidated when faced with a person representing authority, especially if it is a representative of Immigration Canada from whom one is hoping to obtain permission to stay in Canada.

I therefore say that when a woman has been the victim of violence, or the victim of prejudice because her sexual orientation is different from the so-called "norm", it is difficult for her to confide in me, and even more so to confide in an official. I am very doubtful that after eight days a woman would be ready to confide in an official. The intimidation factor is clearly there. She is in a terrible psychological state, as I mentioned earlier. It would be unrealistic to think that such a woman would open up like a flower and start telling us anything about herself.

Ms. Alein Ortégon: There is also a technical aspect. Within an eight-day timeframe, it is impossible to tell someone's story. The lawyer must understand the context at play here. Sometimes, for us, it is easy to talk about our country of origin, but not everyone is familiar with the situation, the culture or the context in the case, for example, of lesbians. Let us take the example of someone who lives in a Catholic society. It sometimes seems ludicrous to talk about that because here, Catholicism is not really that present. But because of all the prejudice surrounding countries where religion continues to exert great pressure, it is sometimes difficult for the lawyer to understand the context.

Therefore, as Ms. Kouamy stated earlier, eight days is truly an impossible timeframe for one to confide in another and to go through the whole process of choosing a lawyer, establishing a trust relationship, writing and translating the story and then verifying if it is really what the woman wanted to say, because there is always something lost in translation. There is also all of the stress of

knowing that eight days to defend one's right to live is really a tall order.

Mr. Thierry St-Cyr: Underlying this will, on the part of the government, to proceed rapidly via an interview rather than through written documents, within an eight day timeframe, is this presumption that some people will be lying. The theory is that if we give them too much time, they will be better able to invent a whole story.

When we take a close look at this, is it not rather the opposite that risks happening, in other words that the people who have truly been traumatized will be penalized by the system? Whereas the person who invents a story, within two, eight or thirty-one days, will come out of the process just fine, despite it all.

Ms. Annie Kouamy: Obviously.

Ms. Alein Ortégon: Usually, post-traumatic stress leaves scars, and the person may, in the end, fail to mention some parts of his or her story, but it does not mean that the person is lying. It is just that he or she is very stressed.

• (1555)

Mr. Thierry St-Cyr: In your presentation, you talked among other things, of the proposal of the Canadian Council for Refugees, which has been brought up by several organizations, which would be to abandon the concept of designated countries, to use the same process for everyone, with a right of appeal for everyone, without discriminating on the basis of the country of origin. However, there is acceptance of the idea that the Canada Border Services Agency establish priorities with regard to suspicious cases or those that might be fraudulent or that might be the result of organized fraud.

Therefore, if I understand correctly, you are not opposed to the idea of bureaucratic processes that provide for a response to problematic situations as long as the principle of individualized treatment and non-discrimination is respected. The same rights must be granted to everyone.

Ms. Annie Kouamy: We believe it would be difficult for an official to determine who is telling the truth and who is not. However, we do recognize that there are cases where people are used, by street gangs or criminal gangs, to cheat the Canadian system.

We believe that there should be means in place in order to react to such situations, but what is required is not a cumbersome bureaucratic process likely to penalize these individuals. Therefore, the purpose of my question is to determine which criteria should be put in place for the evaluation of these types of situations.

[English]

The Chair: Merci.

Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Kurland, this bill has the implementation of the regulations in different phases. The refugee appeal division comes later, others come faster. Do you think there is any reason for an uneven implementation time? If you were the minister, would you want to see the implementation straight across, all at the same time?

Mr. Richard Kurland: Naturally, a brilliant question.

I think implementation has to be done right. If you need to take baby steps, take the baby steps. Experience shows that rushing to the finish line results in an inadequate structure and expensive mistakes, including a potential loss of life and removal from Canada. It's not worth that price. Take baby steps to get it right and have very strong transitional measures between old inventory and new.

My concern is with the refugee appeal division. That's been delayed a little too long. Is it possible, given the limited resources, to bring up both towers simultaneously? I'm not sure, but I'm very sensitive to the point.

Ms. Olivia Chow: Which one should come first, or should they be at the same time, small pieces at a time? Should they be simultaneous?

Mr. Richard Kurland: I'd go for the most expensive component first. I'd do my best administratively to provide relief using the existing administrative structure to soften the H and C or the PRRA on that end until the refugee appeal division is fully functioning. So soften up the intake and perhaps increase a target for the output. But, absolutely, we have to get this refugee system up and running in order to prevent a hemorrhaging of tax dollars.

Ms. Olivia Chow: I'll come back to you if I have time.

Is it five or seven minutes, Mr. Chair?

The Chair: It's seven.

Ms. Olivia Chow: Okay.

To our friends in Quebec, I'm going to give you a list of recommendations and amendments that I am going to be pushing for, that the New Democratic Party is going to be pushing for, and see if you would agree with most of them:

Make more time on the front-end—i.e., more than eight days.

Delete the safe countries designation.

Hire people who are qualified to make sure it's an open hiring process and not partisan.

Allow the humanitarian and compassionate application in some of the most serious cases, like domestic violence, etc.

Make sure the provinces have enough funding for legal aid, so that the claimants would be properly represented. Right now, sometimes it takes a long time to get legal aid because there's not enough funding.

Make sure the implementation wouldn't be so uneven that you shut down everything. The appeal division is not set up, so that's not fair. But if you just set up the appeal division and everything else is not ready, that doesn't work either. So it's an even implementation.

Do you disagree with any of those recommendations or the amendments that I would want to put in this bill?

• (1600)

[Translation]

Ms. Annie Kouamy: I am not talking about myself, but rather about the Centre des femmes de Verdun. The centre would like there to be fair and independent access and that the officials in charge of

welcoming these women and holding the hearings for them be independent individuals under the influence of no one.

The second thing, as you say, would be to provide sufficient means to qualified persons, in other words individuals who have a good knowledge of the individual in front of them. One must begin by knowing what is really going on in the country and what the socio-political situation there is, in order to be in a position to provide effective help to the claimant. These people must have access to legal aid within a reasonable period of time if we want to allow these women and these men who are seeking asylum to be able, as my colleague was saying, to tell their story with complete peace of mind and without any psychological pressure, and to allow them to make a proper application for asylum in Canada.

I will let my colleague add something else.

Ms. Alein Ortégón: I am in complete agreement with my colleague.

There is a lack of information. It sometimes happens that we are not aware of the true situation in the country of an asylum seeker. Furthermore, even if the country is being governed according to democratic principles, the reality on the ground does not always correspond to that which is written into law. This is why it is important to understand where the individual comes from.

[English]

Ms. Olivia Chow: Ghana offers an example, where being gay or lesbian is illegal. Yet it's on England's list of being a safe country.

I want to come back to Mr. Kurland.

In October last year a report came out. It's actually an audit done by the Public Service Commission. They found that half of the Immigration and Refugee Board of Canada appointments were not made based on merit or guiding principles of fairness, transparency, access, and representativeness; that 61%, they discovered, were made based on partisan considerations, and that "preferential treatment" was given—these are not my words, but are from the audit—which is a serious problem.

If this bill passes, we are looking at hiring 100-plus officers. These are officers who will be hired, I assume, by the Public Service Commission through the chair of the Immigration and Refugee Board. I assume that would be the case; I'm not 100% sure. If it is the case, how do we make sure that hiring these people is done in a way that is fair, transparent, open, completely based on merit, and not on who you may know?

Mr. Richard Kurland: I think I'm already on record back in 1993 for answering this kind of question the following way.

• (1605)

Ms. Olivia Chow: Say it again.

Mr. Richard Kurland: I think competence is at the core. As long as a decision-maker is competent, I don't think it should make a difference whether the person is a member of one political party or the other. This brings up the larger situation of how our Canadian political machine is energized; it is periodically, in a small number of cases, through the appointment of friends of the government. As long as those friends are competent and diligent in their work, their political affiliation should not make a difference. Mind you, a minority government context to me signals four potential pools of new applicants for the positions.

The Chair: Thank you, sir.

Mr. Young.

Mr. Terence Young (Oakville, CPC): Thank you to all our presenters for being here today.

I want to ask Mr. Kurland a couple of questions. Mr. Kurland, how many years have you been practising in this field?

Mr. Richard Kurland: Goodness, I took my oath, I believe, in October 1988, so it's a while.

Mr. Terence Young: Okay, thank you.

How many people have presented themselves before you as refugees, or people trying to get into Canada who might be refugees, whom you have assisted?

Mr. Richard Kurland: My goodness. The bulk of my refugee work was done from 1988 through 1994. At that point, I couldn't take the stories of pain and suffering any more. Even today, I don't want to recall those oaths. It's too high a personal price, frankly. I dwindled it down. I decided to help extremely large numbers by taking problems to media and correcting what I perceived as problems with our Canadian refugee determination system, to aid people that way rather than as individuals. There was more bang for the buck, so to speak, and I could continue the good work at a different level.

Mr. Terence Young: I'll tell you why I ask. I was interested in your comments on Hungary and the savings available. Some of the presenters who have been here and people who have heard those stories—we've all heard them in our offices as well, from people who come to us, actually, as a last resort.... They seem to feel that Canada is the only country that accepts refugees or in fact is the only option, rather than, if you're in Hungary, going to another European country, etc.

We should get back to really what our initial problem is. It's a problem that the editorial board of every major newspaper in Canada has recognized and that even the leader of the official opposition has recognized. Last year, over 20,000 claims were rejected, even in what is probably the most generous refugee determination system in the world.

Here is a broad question. We need to hear your view on it. Do you think false claimants take advantage of our asylum system, and to what extent?

Mr. Richard Kurland: A distinction has to be drawn between a bogus claimant—someone who intends to abuse Canadian generosity—and someone who just misses the mark. You can have good-faith claimants who simply fail the test of persecution because of their personal circumstances. However, when there is a rather large

influx of claims from certain countries in which the ground events tend not to establish the fundamentals of individualized persecution, the alarm bells ring, and when I see a couple of hundred claims a month flowing in from a member country of the EEC, I wonder.

In my case, I went downstairs. Our office is on the ninth floor in a certain building in Vancouver. On the eighth floor is the British Consulate. I asked them what their statistics of refusal were for people from Hungary or the Czech Republic who come to England and who fill out a form that enables them to work freely in the United Kingdom. What, I asked, is your refusal rate? She said they have to fill out those forms to pay taxes, and yes, they can remain in the U.K. That's the group I'm focusing on. Overall, no matter what system we have—medicare, refugee—you are going to have a certain level of abuse, but when do you throw out the entire barrel of apples? We're not at that point generally, but I think, looking at the Hungarian situation, that we have a problem.

Mr. Terence Young: I want to clarify. I think you said we could save over \$200 million, maybe as much as \$250 million over five years, just out of one country, Hungary, without endangering the claimants. Is that correct?

Mr. Richard Kurland: Yes, as long as those claimants can get off the plane in Paris, Heathrow, and Frankfurt in safety, I don't see what the problem is.

•(1610)

Mr. Terence Young: Thank you.

Will the changes that we have proposed in this bill improve Canada's asylum system, and how?

Mr. Richard Kurland: For the first time in Lord knows how long, I actually had a tingle of optimism trickle down my spine. I apologize if some members disagree; I don't mean about the entire bill. There is room for negotiation and change, but fundamentally the policy-makers within CIC clearly fixed most of the concerns. I don't think this is partisan from the standpoint of the policy-makers who put this together. One should carefully tender the kind words of Mr. Matas and Mr. Waldman in coming to answer that particular question, but overall, I was surprised if not shocked to see Canada be placed in the forefront of the design of the new refugee determination system. We've really done a spectacular job, frankly.

I can bring it down to details, but we don't have as much time as I'd like.

Mr. Terence Young: That was helpful; thank you.

Given the new refugee appeal division and continued access to the Federal Court, is it reasonable to limit access to additional avenues of recourse to allow a brief window to remove a failed claimant?

Mr. Richard Kurland: Yes, I think everyone is on the same page. I've spoken with failed claimants, and their anguish is in the delay—the delay in getting a decision, the delay in knowing whether they're in or they're out. They have to plan their lives.

The timeline is critical in this process, and you must deny access to certain post-refusal systems in order to justify, even within the refused refugee's family, a Canadian departure. If you continue to place candy on the road of delay, people will be inclined to try every avenue. If the candy is not there, they want to do the right thing as well, and they can come back to Canada in the fullness of time. But their refugee claim has failed. They need to get on with their lives outside of Canada.

The Chair: Thank you, sir.

That's it, Mr. Young. I'm sorry.

That's the conclusion of the first round. We're now into five-minute rounds.

Mr. Karygiannis.

Hon. Jim Karygiannis: Thank you, Chair.

I'm going to ask a couple of questions of the folks who are here with us, if I may.

Thank you again for coming.

I want to go back to the original eight days that are in place. Do you believe that eight days is enough for somebody who comes over, fleeing from whatever situation? Do they have enough time to put their facts together? Should they be given something like 30 days for the original application? If they don't have their paperwork, should they be given additional time to get that paperwork? Do you think that 60 days is enough for a second hearing, or should they be given four months? What is your feeling on this?

[Translation]

Ms. Alein Ortégon: I could not say if a four-month period is sufficient, but I am absolutely convinced that eight days is not. As we said a little earlier, it takes time to sort out one's thoughts and to find a sensitive lawyer with whom it is possible to develop a trust relationship. Certainly, one cannot decide about one's life in a mere eight days.

[English]

Hon. Jim Karygiannis: Could you give me a time?

[Translation]

Ms. Alein Ortégon: I think a minimum of six months should be provided. That is really the minimum. Furthermore, it is very important that these individuals receive psychological care at the same time. This could help them open up more quickly, allowing them to also improve how they relate their story.

[English]

Hon. Jim Karygiannis: So the person should have six months before they're able to make their first application?

[Translation]

Ms. Alein Ortégon: I would say that that would be the minimum.

[English]

Hon. Jim Karygiannis: Annie?

[Translation]

Ms. Annie Kouamy: In fact, the person arriving here needs time to gather her thoughts, to gain a better understanding of the

processes she will be faced with and to go about seeking a lawyer with whom she will have certain affinities and who will take the time to understand the dynamics of her native country. Psychological support can, it too, take time. Clearly, eight days is not enough. However, a timeframe that would extend...

● (1615)

[English]

Hon. Jim Karygiannis: Give me a time.

[Translation]

Ms. Annie Kouamy: I am of the same opinion as my colleague in this regard.

[English]

Hon. Jim Karygiannis: Chair, I'd like to share the rest of my time with my colleague, Mr. Sukh Dhaliwal.

The Chair: Welcome to the immigration committee, Mr. Dhaliwal.

You may proceed.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Tilson.

My question is to Mr. Kurland. I look at my office. As Mr. Young said, as the last resort people who have had their applications denied come to us. We don't like to see that. We would like to see a fair and efficient and fast system. We'd all like to see some changes.

Could you summarize what the changes are that you personally feel we should bring into the legislation so that we don't have to deal with it and it is a fair, open, transparent, and efficient process for refugees to be accepted in?

Mr. Richard Kurland: The eight days is a good tool. With due respect, I don't buy into the vulnerable, ignorant, scared claimant who needs to be hand-held. I agree, what we need to do is to provide training on the intake side. We need eight and sixty. If, for operational reasons, the financial consideration to make eight and sixty happen is not there, we have to then push back in time the eight and sixty.

The other design is to make the information the tribunal will be using as transparent as possible. One of the defects in the early days of Canada's refugee determination system was the opaqueness. Behind the scenes, the refugee judges—board members—were using information not available to counsel. Parliamentary inquiry led by Professor Hathaway back in 1993 exposed this. That is a guard.

At the back end, we need consistent application of transparent guidelines for what will happen to the individual post-refusal. We also are missing something very important. Deny access to the provincial immigration intake system. What's missing is wording to the effect that you are not eligible to be a provincial nominee when you are a refused refugee. It has to be done in the statute; otherwise, you're still baiting the path with state candy, as I call it.

Those are the fundamentals, and overall you have to resource CBSA properly to provide a fast removal system at the back end of the process. All else fails if you continue to reward overstays when the failed refugee is lingering.

The Chair: Thank you, sir.

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you very much.

I am going to follow up with you, Mr. Kurland.

During your presentation, you talked about the concept of the European Union. Indeed, we know that people can move about from one region to another. You rightly said that the Convention Relating to the Status of Refugees was drafted at a time when this union did not even exist and that the territorial principle contained in the Convention is that of the borders of a country. You would like to see that changed. I am all for it, but Canada is a signatory to that Convention. If I understand your proposals correctly, Canada should go ahead even before any amendments are made to the Convention. Should we not, in the end, respect the Convention?

Mr. Richard Kurland: Yes, absolutely, because, in concrete terms, it is possible for a person to enjoy freedom of mobility and of travel between countries such as France, Germany, etc. It is not necessary to amend the Convention. All that has to be done is to amend our legislation and eligibility for our rescission system.

Mr. Thierry St-Cyr: But in the Convention and in the international criteria, it is set out that one of the conditions to be recognized as a refugee is to not be able to find refuge elsewhere in an economic or territorial zone. Included in what you are proposing there is an amendment to the Convention.

• (1620)

[English]

Mr. Richard Kurland: Ideally, yes. You have your thumb directly on point. It's exactly the situation. We have to bring that convention forward in time half a century, or whatever the magic number is, to reflect today's reality. Back then, there were customs and borders between each of these countries, and that's not the case today.

[Translation]

Mr. Thierry St-Cyr: I hear what you say, but I want to be sure I understand. What you are telling us is that, in the meantime, we should bypass the Convention and go ahead in spite of it.

[English]

Mr. Richard Kurland: No. I would, with respect, part company there. We have two principles in that convention: safe third country and internal flight alternative. We're just recognizing that other parts of safe Europe present an internal flight alternative. They're holding EEC passports, so it's the EEC.

[Translation]

Mr. Thierry St-Cyr: Very well.

I would now like to come back to our representatives from the Centre des femmes de Verdun. In Bill C-11, there is a provision prohibiting a person who originally applied for refugee status from withdrawing, at some point, this application and to instead apply under humanitarian and compassionate considerations. As soon as you have filed a claim for refugee status, it is final, and it is no longer possible to make an application under humanitarian and compassio-

nate grounds. We are in a context in which the government is claiming that there are organized groups that use people and encourage them to come to Canada to file bogus refugee claims. Do you not however find it somewhat counterproductive to tell someone who has applied for refugee protection that it is not the proper route and that he or she should rather apply for admission for humanitarian and compassionate grounds? Is it not rather counterproductive to prevent the individual from doing so and to tell him or her that the only path allowable is to go all the way with the refugee claim, even if it is not the right path?

Ms. Annie Kouamy: No. I would say that we, at the Centre des femmes de Verdun, had, for example, the case of a woman who filed a claim for refugee status that did not succeed. Her only route was to apply for a temporary resident permit for humanitarian considerations. I do not believe that this option is in place in Canada. The need is there because it is important. It would fill the gaps that are not taken into account under the other process and would allow for their consideration in the context of an application for residency on humanitarian grounds. We therefore believe that there is a need to maintain the application for humanitarian and compassionate considerations process. We must not prevent people who have applied for refugee status and whose claims have been refused, or who have resorted to another process, from using this option to stay in Canada.

[English]

Mr. Thierry St-Cyr: Monsieur Kurland....

The Chair: Thank you. I'm sorry, sir, but you're way over.

We'll go to Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): My question is for the ladies.

Ladies, do you think the current system is acceptable? Do you think it's fair that genuine claimants have to wait almost two years to get a decision and the protection they need?

[Translation]

Ms. Annie Kouamy: A two-year process is a lengthy one. For most of the people who come to Canada, outside of the refugee status claim process, there are other things that are important. For example, they must find a job or have access to employment assistance agencies or organizations. It is very difficult for a person to just stay in limbo and to not have access to such services, because he or she does not have permanent residency or Canadian citizenship. The individual cannot make ends meet financially, and it is a very difficult situation to find oneself in.

Some immigrants who come to Canada are skilled workers. They could quickly integrate the job market. It is a loss for Canada to leave these people on the sidelines for two years, to then ask them outright to retrain so as to be able to be full-fledged partners within the system. Two years is a rather long time to leave someone on the sidelines.

That is just one example. It is difficult for a person who is barely surviving financially to fit into Canadian society.

•(1625)

Ms. Alein Ortégon: Furthermore, psychologically speaking, having to wait two years to know if one must go back home or find some other solution is too much. If the person arrives here already suffering from post-traumatic stress syndrome, two years is a little bit much.

[English]

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

Mr. Rick Dykstra (St. Catharines, CPC): Thank you.

You just said we shouldn't be making claimants wait more than two years because of the difficulties that presents to them, yet you want to move a system that now works under 28 days from initial contact to six months. So you want to make the system longer and make it worse for applicants.

I'm having a very difficult time understanding how on the one hand you think we should have our system move much quicker, but on the other hand you want to add five months to the decision-making process.

[Translation]

Ms. Alein Ortégon: If the system were it too improved, during this six-month timeframe, the lawyers and decision-makers would become better informed. During the course of these six months, everyone would become more and more comfortable and would thus be able to quickly come to a decision.

[English]

Mr. Rick Dykstra: We're trying to reach out to as many different witnesses and organizations across the country as we can to be able to come to a conclusion. So if there are things in this bill that need to be changed, addressed, negotiated, or put in here, we can make substantive changes that we haven't made in decades. As far as adding six months to this process and forcing individuals who are truly refugees to wait six months for their initial hearing, I hope you'll be willing to correct yourself on that one.

[Translation]

Ms. Annie Kouamy: What my colleague was trying to say with regard to the six months was that the timeframe would be able to be extended up to six months.

When we began this meeting, we stated that everyone does not respond the same way to situations of stress. There are people who arrive here in a psychological state such that they need to be reassured, to understand the system, even at times to understand the language, to adapt to everything. The idea is that the period could be of up to six months. If I am not mistaken, that is the message that my colleague was trying to communicate.

[English]

Mr. Rick Dykstra: Mr. Kurland, could you comment? I'd like to get your perspective on what was presented here.

Mr. Richard Kurland: Well, I looked at the proposed pay grade for these new board members or civil servants, and it's up there. The quality of decision-maker is up there. The eight-day tape would disclose, unlike a transcript, the sense of whether that claimant understood the nature and quality of the questions.

So it's not a hearing on day eight; it's simple questions. The trade-off is, if you finance the preparation early on in the process, you'll save big in terms of time and resources as the system rolls out. You have to invest in the lawyers.

My comments are that whether it's eight days, six months, or six years, we're talking about feelings. They want to feel good before sharing with the lawyer...? My experience is that the women from Africa and China who I dealt with were...I wouldn't say hardened veterans, but they put some of my family members to shame in terms of what they came away from and in terms of their self-confidence and esteem in being able to get around all of the international security safeguards to reach Canadian soil.

These are not marshmallows landing in Canada; these are unbelievable human beings who are brave. When I spoke with them, they knew what happened to them. They don't need a lawyer to tell them what the refugee law is in order to get accepted; they relayed their story plainly.

Sorry, Mr. Chairman, I got carried away.

•(1630)

The Chair: We do too. We let you get carried away, but I'm afraid the time is up.

I want to thank the three of you for giving up your time this afternoon to give us your thoughts on this bill. To the three of you, thank you very much.

We will suspend for a few moments.

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_____ (Pause) _____

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•(1635)

The Chair: Ladies and gentlemen, we're going to start our second hour. We have two guests today, two witnesses directly from Niagara-on-the-Lake.

From the City of Niagara Falls, we have Mr. Ted Salci, who is the mayor, and Mr. Peter Partington, who is the chairman of the Niagara Region.

The two of you could make an introductory presentation, if you wish, or we could jump right into questions. Each of you could speak up to ten minutes if you wish. It's a long time, but you have that time.

Mr. Peter Partington (Chairman, Niagara Region): Mr. Chairman, perhaps I'll just take two to three minutes initially to talk about, first, the current process, which of course takes up to two years to complete and certainly has an impact on the ability of individual refugee claimants and families to establish their long-term goals and plans, six months to receive a work permit, and certainly an increased reliance on Ontario Works.

Ontario Works is delivered by the Region of Niagara, and it creates a negative stereotype for immigrants, being seen as placing stress on the taxpayer.

In the region, we support Bill C-11. We see it's intended to provide a smoother, faster process. Certainly the initial screening by the Immigration and Refugee Board will be held in Toronto within eight days of arriving and the whole process is to be completed within six months. So we see that as positive steps forward in the process.

We appreciate the contribution that immigrants make to the Region of Niagara. We process through the Peace Bridge entry in the region 600 refugee claimants a month. About 13% of them stay in Niagara, and the rest move on to other municipalities.

We believe the proposed bill will certainly make it much better for refugee claimants, the legitimate refugee claimants, in terms of settling; and of course it will help the Region of Niagara because it will reduce, to some extent, our hostel bed capacity. Currently, 15% of our beds are taken up by refugee claimants. As well, it will go some way to removing the burden on our taxpayers through the Ontario Works social assistance requirements. But above all, I think it is helpful to the refugee claimants.

Those are my comments.

The Chair: Mr. Mayor.

Mr. Ted Salci (Mayor, City of Niagara Falls): Good afternoon, Mr. Chairman and members of the committee.

I'd like to begin by saying that aggressive refugee reforms are certainly needed, and we see this need in our community every day. I can tell you that we certainly get people contacting our office and the local offices of our federal members for assistance with the immigration process, because it is lengthy and it is cumbersome. And some applicants are blatantly abusing the system.

Being a border community, we see people trying to enter our country to work, to live under our democratic laws, and for the most part to become Canadian citizens living in our cities. We also see first-hand the great efforts made by the Canada Border Services Agency to protect and patrol our borders, as many abuse the opportunity to come to Canada and attempt to take advantage of the social systems we have in place here.

Speaking from the perspective of a border community, as the mayor I can tell you that we rely on the free and easy travel of people into and out of our country. We recognize the great importance of allowing people into our country to grow our communities, to attract business and tourism, and to support our population.

We certainly appreciate the sensitivity of this subject. We know the crucial role immigrants play in building our communities.

I see the proposed amendments to Bill C-11 as a step in the right direction. To support those coming in and to tighten up the rules for those who currently aim to take advantage, we need to speed up the process for successful claimants so that people can get on with their lives in Canada. We need to weed out those who have untoward intentions and get them back to their countries swiftly and effectively. This legislative reform is certainly imperative. It's an opportunity to improve the system. The result will be that it will quickly become fairer for those who are negotiating their claims, as

they will be taken care of in an expeditious way. And it will be fairer to the rest of Canadians, who pay for the social support systems that refugees without income rely upon.

The bill proposes to reduce the length of time a claim takes from start to finish. This will translate into a huge relief of the burden on our taxpayers. Instead of it taking an average of four and a half years for an unsuccessful claimant to go through our system and be removed from our country, under the revised law a claim would be processed in under a year. This translates, of course, into substantial savings.

The quick removal of failed claimants from the country would help discourage individuals from using the asylum system to try to jump the immigration queue to enter Canada. It would mean that unsuccessful candidates would not be supported by our social systems any longer than necessary. In turn, this would deter bogus claimants.

It's important to look at the savings that would result. It's estimated that each failed asylum case currently costs taxpayers approximately \$50,000 in social service and health costs. With a faster timeframe for cases, this cost would be reduced to approximately \$29,000. The savings for our taxpayers would certainly be substantial.

It will also ensure that valid claims will be processed in a timely manner so that successful refugees can get on with starting their lives in our country. They can get established, get gainful long-term employment, and start contributing to society in a meaningful way much sooner.

I support the faster process that will see claimants get their first interview within eight days of arriving in our country. Under the amended legislation, the first hearing will be 60 days after the interview. This is certainly a positive move. It is a distinct improvement over the current average of 19 months for claims to be heard by the IRB. Most importantly, the people who need help and protection will get it more quickly.

Currently, the U.K., Ireland, France, Germany, Greece, the Netherlands, Norway, Switzerland, Denmark, and other countries have a "safe country of origin" policy. By engaging in a similar system, we will be saving our taxpayers money and time. We will also be allowing those from unsafe countries an appeal process. Implementing an appeal process will allow new information to be brought forward by claimants from unsafe countries. All eligible asylum claimants, including those from safe countries, of course, will continue to have a hearing by the Refugee Protection Division.

With its commitment to increase the annual refugee target by 2,500 people, the new legislation will allow the government to help more refugees resettle in Canada.

Another benefit is that the government will be able to increase resettlement assistance program funding to \$54 million, which will be the first increase we've seen in more than ten years.

Ultimately, I see the bill as addressing a need. It will help the people who are going through the system now. It will help those who need our protection to get it quickly and efficiently. And it will weed out those who are abusing the system and get them back to their countries without the extensive burden on our taxpayers that exists now.

Thank you very much.

● (1640)

The Chair: Thank you, sir.

We'll go to Mr. Karygiannis.

Hon. Jim Karygiannis: Thank you both. I hope it's a beautiful day down in Niagara Falls and that the tourists are out there spending some of their hard-earned dollars in the casinos.

Mr. Ted Salci: That's something we like to see.

Hon. Jim Karygiannis: Yes, you would.

I really appreciate the fact that you were well versed and well read, and I am sure there was some help given to you in order to have some of those stats and figures. I'm not going to point to or say anything about your having any political affiliation with.... Oh, sorry, you do, don't you? Both of you ran provincially for the Conservative Party?

An hon. member: Chair, that's out of order.

The Chair: Yes.

Mr. Karygiannis, you're baiting the witnesses. Don't do that.

Hon. Jim Karygiannis: Mr. Salci, you did mention a couple of countries that have safe origin. Could you repeat them, please?

Mr. Ted Salci: Yes, I believe my reference was to the U.K., Ireland, France, Germany, Greece, Netherlands, Norway, Switzerland, and Denmark. Those are the ones I mentioned earlier.

Hon. Jim Karygiannis: So a lot of the European countries or aspiring European partners would be safe countries, wouldn't they?

Mr. Ted Salci: I believe so.

Hon. Jim Karygiannis: So would you put Turkey, which wants to get into the EU, into the same category?

Mr. Ted Salci: I can't answer that question.

Hon. Jim Karygiannis: Well, in your estimation, sir. You do see a lot of people and you're an experienced politician. Would you say that Turkey as an aspiring EU partner would be a safe third country, once they join the EU?

Mr. Ted Salci: I believe that would be the case, but I don't know the political situation in Turkey at this time. But I believe they would be. I don't have any basic knowledge of that country.

Hon. Jim Karygiannis: Are you familiar with the Jehovah's Witnesses in Greece and what they go through?

Mr. Ted Salci: No, I'm not.

Hon. Jim Karygiannis: Are you familiar with a case recently of somebody who was of same sex persuasion and the difficulties they went through in Greece?

Mr. Ted Salci: I am not, sorry.

Hon. Jim Karygiannis: You just happen to be speaking to a Greek.

Mr. Ted Salci: Yes, I'm not familiar with what they've been going through in their countries. I'm not versed on the political status of those individuals.

Hon. Jim Karygiannis: Are you familiar, sir, with the difficulties you would face in Greece if you were a Muslim, given the Muslim situation?

Mr. Ted Salci: Once again, that's beyond the scope of my knowledge.

Hon. Jim Karygiannis: But you did call Greece a safe third country.

Mr. Ted Salci: Yes, I believe that's the case.

Hon. Jim Karygiannis: I'm not saying that Greece isn't, but there are difficulties in all of the countries. So my difficulty, sir, would be that when we say a country is a safe third country, the situation varies country by country. And, yes, in the European countries if Roma have problems in one particular country, for example, they can go and work in another country. I'll give you that much.

However, I do want to move on and ask a couple of questions about the people who are crossing the border. You said they occupy up to 15% of your hostel space?

Mr. Peter Partington: No, what I stated was that 15% of our hostel space is taken up by refugee claimants.

Hon. Jim Karygiannis: For how long, sir? A couple of days, a couple of months?

Mr. Peter Partington: Well, it's 15% on a regular basis. So 15% of our bed nights would be taken up by those. I mentioned that 600 refugee claimants cross the border at the Peace Bridge to Fort Erie every month.

● (1645)

Hon. Jim Karygiannis: How many beds would—

Mr. Peter Partington: I don't have that number, but it is quite significant. A few years ago, when there was a crisis at the border because of legislative changes in the United States, the region, along with the Red Cross and other organizations, opened a great number of motels and schools to accommodate the influx at that time.

I guess what I would say is that the region has always accommodated those individuals, but I was just pointing out what that amounts to as a percentage of the services we provide to all of the residents of Niagara. We do provide those to the claimants coming in.

Hon. Jim Karygiannis: Is that something you do willingly, or is it something you regret doing or hesitate in doing?

Mr. Peter Partington: Of course we don't regret doing it. We're located in a very wonderful part of the region. We believe that we have to serve not only the citizens but also the visitors and those who come through on an immigration and refugee basis. We serve them well. What I was doing was just telling you what the impact is on our services.

Hon. Jim Karygiannis: Mr. Partington, do you get any extra funding from the federal or provincial governments for those beds, the 15%?

Mr. Peter Partington: No, those are our costs. When I mentioned the 15%, those are our costs. When I talk about the cost of providing social services through Ontario Works and so on, I think our total costs are in excess of \$1 million. That's our cost. That's apart from what we get from the province or the feds.

Hon. Jim Karygiannis: So you're spending \$150,000 per year at 15%, if I were to extrapolate that backwards, to help the people who are coming through and seeking refuge in Canada.

Mr. Peter Partington: No, that's not correct. There are two elements to our services. One is hostel beds, and I said 15% of the bed capacity is taken up with refugee claimants. That's one.

Hon. Jim Karygiannis: Sorry, can you give us a figure of what it's costing the border city of Niagara in people claiming refugee status? Roughly how much does it cost per year?

Mr. Peter Partington: What I want to tell you, first of all, it's in the Region of Niagara, not the border city of Niagara Falls. But the cost to the region totally, for assisting the refugee claimants, would be in excess of \$1 million.

Hon. Jim Karygiannis: Per year.

Mr. Peter Partington: Yes, and that's with respect to Ontario Works—

Hon. Jim Karygiannis: Mr. Partington, do you think that money is well spent?

Mr. Peter Partington: Yes, it is, but I would suggest that to the extent that we've done it, because we're a border city.... I think the crossing at Fort Erie is the busiest in Canada, and I think we have reached out to the province and the federal government in the past for assistance—

Hon. Jim Karygiannis: The Region of Niagara Falls spending \$1 million I think is well worth it, to welcome people who are fleeing from situations that are stressful to their lives.

Mr. Peter Partington: Oh, definitely. I'm not talking about the cost; I'm only letting you know what it is. I was not complaining about the cost or suggesting—

Hon. Jim Karygiannis: Mr. Partington, let me repeat the question, and to you, Mr. Salci.

Do you think you're spending the money wisely to welcome people who are coming to Canada seeking a better life and they're fleeing a situation, or do you regret having to put your taxpayers through that expense?

Mr. Peter Partington: I said it before and I'll say it again, there is no regret. We're pleased to do it and we do it. We live up to our responsibilities.

The Chair: We're going to have to stop. If you want to have the mayor answer, that's it, Mr. Karygiannis.

Hon. Jim Karygiannis: Mayor.

Mr. Ted Salci: Mr. Karygiannis, I should explain that we have a two-tier government here. Actually, we have 12 municipalities in the Region of Niagara. The regional chair is the chairman of the region, and the region is responsible for social welfare. As the City of Niagara Falls, we contribute about 23% of the total operating costs to the region. That's based on our population.

The Chair: There you go.

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you very much.

You told us that you support overall the bill that is before us. Are you in agreement with the minister who wants to set the timeframe for the initial interview at eight days and that for the hearing at 60 days?

[English]

Mr. Peter Partington: Yes.

Mr. Ted Salci: Yes, I agree.

[Translation]

Mr. Thierry St-Cyr: That is the theory but, in practice, what do we do in the case of an individual who presents himself for the interview within the eight days, as requested, but is unable to properly recount his story? Is the person's request simply rejected? Is the meeting put off to a later date? What would you suggest be done?

• (1650)

[English]

Mr. Ted Salci: Well, the primary interview, of course, at eight days sets a purpose. It allows the government to collect the initial information and to open the file. We understand it's only an interview, it's a tentative interview, and many times the claimants won't have any representation at that stage. We believe there will be plenty of time within the 60-day period to have their case heard thereafter. So I think it would expedite the matters.

We see many delays, and if you reflect on more efficiencies.... If I could offer my opinion, if we could deal with these matters on a more timely basis, we could save everyone a lot of extra dollars. The regional chairman was relating to that earlier in that cost amount we talked about. We don't begrudge this amount being spent, but we'd like to see it be done in a very efficient manner.

[Translation]

Mr. Thierry St-Cyr: You are saying that it is just a primary interview and that the person will have 60 days to prepare him or herself for the hearing. It remains that this interview must have some purpose. You cannot simply ask people to provide their name, their date of birth and their country of origin. We will ask them for explanations and to tell their story. If they are unable to do so, are you suggesting that we wait 60 days, until the hearing, for them to do so? Have I understood you correctly?

[English]

Mr. Ted Salci: No, I don't. I think it would give the government opportunity to gain initial information on the file and open their file. So it starts the process, and I think that's certainly important. It would happen sooner and allow the government to begin the information gathering they have to have for the hearing.

[Translation]

Mr. Thierry St-Cyr: If, 60 days later, during the course of the hearing, the lawyer demonstrates that he was unable to obtain the necessary documents so as to establish the proper evidence and if the commissioner does indeed believe that the person made a legitimate attempt to obtain the documents and will do so eventually, in your view, what should the commissioner do in this case?

[English]

Mr. Ted Salci: I believe, obviously, every case will be treated individually, but the board chair or the hearing chair would have to deal with that request presented to him or her, and, I guess depending upon the extenuating circumstances, would have to grant the time allowed or necessary to give that individual a fair hearing.

[Translation]

Mr. Thierry St-Cyr: Will... Excuse me, please continue.

[English]

Mr. Peter Partington: I would think, as well, that 60 days is a significant length of time to prepare, particularly where you have lawyers who specialize in these matters. Certainly the hearing officers will have to distinguish if there are significantly extenuating circumstances. Maybe there's a provision for some extension relief. But generally speaking, I think the 60-day time period certainly should be a reasonable time for lawyers to prepare a case.

[Translation]

Mr. Thierry St-Cyr: Most of the lawyers and their representatives who have appeared before us have said that it is too short a timeframe. A simple back and forth exchange through the mail can take up to a month in the case of certain African countries. You are talking about two weeks in one direction and two weeks in the other. By trying to move things forward too quickly, we might risk finding ourselves in a situation where the hearing does indeed take place within the required 60 days but, in the end, in one out of every two cases, the hearing has to be adjourned and postponed until later because of the simple fact that the lawyers were not allowed enough time to prepare themselves. Are you not afraid that this might simply lead to situations that are the opposite of what had been aimed for?

[English]

Mr. Ted Salci: Once again, I want to reiterate that I believe the process being speeded up would certainly create more efficiency. I don't think we'd ever intend to limit a claimant's legal rights. We would certainly hope that the hearing chair would allow for sufficient time for information to be gathered and conveyed. We have modern technology, which is instant in terms of e-mail and access by computers, so obviously, if there were data that had not been accumulated, we wouldn't be relying on mail to mail these documents back and forth; we would have technology available to us. So I believe—

[Translation]

Mr. Thierry St-Cyr: Mr. Salci, the fact that we have the technology here does not mean that the individual's country of origin necessarily has the required technology to produce the documents. Generally speaking, the person will have fled without leaving a trail behind. We are presuming that the person is a refugee. These people cannot simply send an e-mail back home in the belief that someone will forward them the information requested. All of the lawyers are telling us that this can take up to 60 days.

I am not opposed to speeding up the process, but virtually all of the lawyers that we have heard here have told us that this objective could be difficult to reach. Could we have greater flexibility on the enforcement side of things? We could allow a few doors to remain open and provide that, if 60 days are sufficient, all the better, but if that timeframe does not suffice, we are not going to call a hearing in

the morning to, in the end, adjourn after 15 minutes and resume a month later.

• (1655)

[English]

Mr. Ted Salci: With all due respect, sir, you as a legislator have to determine what the alternative arrangements could be. I would hope, and we would trust, that the hearing chair would allow for subjective decisions to be made to allow fairness and so that accurate information would be provided at a hearing. Once again, if an extension were to be required based upon the facts presented at the hearing, then that timeframe could be amended accordingly.

The Chair: Thank you.

Merci.

Ms. Chow.

Ms. Olivia Chow: Mr. Mayor, how many landed immigrants—not refugees, but landed immigrants—came to your city? That would include those who invest as entrepreneurs or those who joined their brothers and sisters or their wives, husbands, or who came as a worker. What number do you have? Is it a good number? Is it substantial or small?

Mr. Ted Salci: Ms. Chow, I'm going to let our regional chair act on that response, because those are regional figures, and he can give you that number.

Mr. Peter Partington: I don't have the numbers, but I can tell you it's extensive.

We're proud of the makeup of our region of Niagara. As a matter of fact, the folk arts festival, which has been going on perhaps longer than any other in Ontario, is being kicked off tomorrow. Niagara is really strong because of the tremendous number of landed immigrants from throughout the world who are living and working and contributing and investing in Niagara. A short visit to Niagara to look at the many wineries, hotels, and factories would show you that. That's why we say Niagara benefits from landed immigrants, from immigrants who bring in and contribute to the fabric of Niagara. We're proud of that, and always have been.

Ms. Olivia Chow: Is the refugee portion small or large? I don't know the numbers. Let's say you have 100 immigrants coming into the Niagara Region. Are maybe 10 of them refugee claimants, whether they are real or not real? Or are 50 out of 100 refugees? I'm just trying to see the size of the portion. Today the figures say Canada accepted 255,000 landed immigrants, and only 10,000 of them are refugees, so it's a very small percentage. But in your region, out of all the immigrants you get, do refugee claimants represent a large percentage or a small percentage?

Mr. Peter Partington: I think it would be a small percentage, because, as I say, each month 600 refugee claimants cross into Fort Erie at the Peace Bridge, but only 13% of them stay. Most of them go to Hamilton, London, Toronto, and the rest of the province. As a matter of fact, that's one of things we like to address, because we appreciate the value of having these individuals stay in the Niagara Region.

Mr. Ted Salci: Ms. Chow, I know you represent the residents of Toronto. We see a lot of gravitation towards the GTA. I think probably they feel comfortable because they may have relatives there. They may be feeling more welcomed having people of like nationalities living close by. But we are seeing more and more people either travelling from Toronto or coming back to our area, to work in our hotels and factories as well.

• (1700)

Ms. Olivia Chow: It's a nice area.

Mr. Ted Salci: Yes, it is, and as the regional chairman said, many times in our offices all we hear about are the problem cases, and I'm referring them to our federal members' offices.

Ms. Olivia Chow: I see.

I know the Federation of Canadian Municipalities is meeting soon, some time in June, I believe. I know that city councils and municipalities all across Canada have been asking the federal government to assist in programs for English as a second language, settlement adaptation programs for immigrants, whether or not they're refugees, and some kinds of housing support, for example, because new immigrants, in the first half-year or year, need to settle, and they need services and support. I have found that a lot of municipalities are saying that this is good for our towns or cities, but the property tax base is not enough to assist these folks to settle in, be they refugees, not refugees, or landed immigrants. Are you finding the same thing that I'm describing in other cities, big or small, across Canada?

Mr. Peter Partington: We have met the requirements in Niagara with respect to the refugee claimants crossing at the Peace Bridge. There's always a demand. We have 8,000 social housing units in Niagara that we own or manage, but there's a waiting list of 4,000 families. We are constantly talking to the federal government and the provincial government to assist us in providing funds so we can address a great range of social service needs. It just appears that you can try, but you never do satisfy the complete legitimate demand that is out there. We continue to do so, and hopefully that's very positive ongoing work that we do with our federal and provincial partners.

Ms. Olivia Chow: We know what happens to these refugee claimants or landed immigrants. The faster they settle and the faster they can find a job, the faster they are going to be able to rent a place or buy a house, and the more property taxes they are going to produce for your city. So in many ways it's not just the status that needs to be fast-tracked—because you don't want to keep people in limbo—but also in the meantime, while we are dealing with the refugee status, it would be useful for them to find some kind of job so they could get off Ontario Works or welfare. And in the meantime, if they are working, then they are paying taxes to all levels of government.

Is there some way we could do more together to help these claimants while they are waiting for us to deal with their status?

Mr. Peter Partington: Yes, and that's an excellent point. I made that earlier on. One of the things Bill C-11 will do is fast-track these claimants so they can start work earlier, can achieve their goals, and can get that sense of self-worth, which is being postponed under the current system.

Certainly in Niagara, with our Ontario Works program and social services, and having this tremendous tourism industry, we have people who are constantly reaching out to industry to find jobs for people on Ontario Works. One of the things we're pleased with—which is a little bit unique—is that the two casinos in Niagara tend to be a tremendous training ground and a step into a more permanent job for many people coming off Ontario Works in Niagara. So we're constantly reminded, and we do have a very strong part of our social services department working on that.

The Chair: Thank you, Mr. Partington.

Mr. Dykstra.

Mr. Rick Dykstra: Thank you, Mr. Chair.

To our two witnesses, thank you for attending. I know you are both busy, and the fact that we have some participation from both the regional and municipal level in this process is a good indication that we're trying to get witnesses from across a swath of different areas with respect to the bill. So I thank both of you for taking time out today.

Mr. Partington, one of the things you commented on was the issue of the approximate cost of at least \$1 million to regional taxpayers to fund the programs that assist those who are at the Buffalo border, at the Niagara Falls border, or the Lewiston border and come over. We find a way to help them, and through municipal and regional property taxes we are actually taking on that responsibility.

One of the things I found interesting in your comments was that it isn't just the federal and provincial governments that are under significant financial pressure with respect to our refugee system. Costs are also incurred by municipalities—especially border municipalities and regions—across our country. So I would just like to get your thoughts or comments on that financial responsibility that you've taken. Is that a responsibility that is given to you by the provincial or federal government, or is that just something that Niagara assumes, based on its location to the border?

• (1705)

Mr. Peter Partington: Well, in some cases, as I mentioned, Mr. Dykstra, such as the crisis we had a few years ago, we have reacted instinctively. We felt it was our obligation to do it. We spent the money that was necessary first, way above and beyond what the normal costs would be. And we went to the provincial and federal governments after the fact. But our taxpayers were there first, and we're pleased that we did that.

When we talk about the cost, as I indicated, we bear the cost proudly. We see the value of having immigrants, whether they come in as landed immigrants or refugee claimants, who settle in Niagara. And it seems to me, under this Bill C-11—we've done a quick estimate—to the extent that the number of days before the first interview would be reduced from the average of 14 or 15 down to eight, there would probably be a very modest cost savings, about \$22,000, to the region. With respect to savings for social service costs through Ontario Works, they would probably be in the neighbourhood of \$125,000 to \$150,000.

But I want to underline that it's not the cost that matters but rather the importance to the people who are coming here to claim permanent status as residents of Canada. That says everything about their ability to start fresh in a new land quickly, to move ahead, to maintain their self-esteem, and to look after themselves the way they should. So even though I talk about the savings there could be, this goes directly to assisting immigrants, in this case refugees, in a much better way than what currently exists.

Mr. Rick Dykstra: I want to steer the next part of the conversation to one of the issues we struggle with here and why the bill is before us. From a federal perspective, we want to do what you're doing in Niagara, and that is help more refugees.

We need to help more true refugees than just those who apply because we have a system that allows them to do so, as we can see in terms of some of the issues we have faced with some of the countries that have individuals who have come here.

It would seem to me that in the region of Niagara, the region of Peel, and the region of Windsor, from your perspective on the funds that you are spending, you want to spend them and you want, from a responsible perspective, to make sure you are helping those who are really in need.

Mr. Peter Partington: Absolutely. To the extent we improve the system to do that, that is what should be done. To the extent there may be people claiming refugee status—we talked about safe countries—who really don't qualify, Canada is governed by fair laws.

To the extent people don't qualify, they should be applying for immigrant status the normal way, through the proper channels. I think that's probably fair. You need fairness in the system, and that is what keeps us all moving forward. That's what creates good government in Canada.

I think that moving forward with Bill C-11 takes us along that way.

Mr. Ted Salci: Mr. Dykstra, I'd like to weigh in, if I may.

As the mayor, many times I have refugees coming to my office. In their country, of course, the mayor has different powers. They come to my office and they are anxious to have their matters dealt with. They're living at very loose ends. They're usually employed and want to be able to get on with their lives.

I believe if we could expedite the process to get these people settled and accommodated and productive, it's going to help everybody. It gets them off our social welfare costs, and it certainly helps them become productive Canadian residents and citizens.

• (1710)

Mr. Rick Dykstra: Mr. Salci, I just wanted to ask you a question. I know Mr. St-Cyr made a point. I understand what he's saying from a refugee claim perspective, that an individual fleeing another country doesn't necessarily have time to grab an extra set of clothes, much less a BlackBerry to send out an e-mail. I agree with him on that.

I think what you are referring to is that once they are here and in process, we have the capabilities from a technology perspective to assist that individual to ensure they get a fair hearing.

Mr. Ted Salci: Yes, that's exactly the point I wish to make.

Mr. Rick Dykstra: Thank you. Those are my questions.

The Chair: Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Mr. Chairman, Mr. Partington, and Your Worship Mayor Salci.

We have similar geography where I come from. The city of Surrey and Delta borders on the United States.

What is the population of the Niagara region and the city of Niagara?

Mr. Peter Partington: The region of Niagara has a population of 435,000. The city of Niagara Falls is one of 12 communities.

Mr. Ted Salci: Niagara Falls has a population of about 82,000.

Mr. Sukh Dhaliwal: According to your estimates, how many refugees are in the Niagara region?

Mr. Peter Partington: I don't have that information, but I can repeat what I said earlier, that 600 refugee claimants a month enter Ontario via the Peace Bridge, and 13% of them stay in the region of Niagara. The rest move on to other parts of the province.

Mr. Sukh Dhaliwal: You're saying 13%, but it's very difficult for me to compare them. The population of Surrey is about 450,000. The same with yours, so I wanted to see the effects.

I was talking to a councillor in the city of Surrey who's done great work on social justice issues, Judy Villeneuve. She said we have about 800 refugees in the city of Surrey. She mentioned they are very productive citizens in most cases.

Do you agree with that?

Mr. Peter Partington: Completely. As a matter of fact, it was interesting, because we've stressed more than once that the importance of successful settlement and integration of immigrants to Niagara is key to the health of Niagara. There are so many examples, and I know we talked earlier about Greece. There are so many examples of the contribution of people from Greece, and from all countries. They have made a better Niagara. When I talk about that, I mean making a better quality of life for everybody in Niagara, and that's key.

Mr. Sukh Dhaliwal: Can you tell me whether there are a certain number of people out of those 13% who stay in the Niagara region who are not productive?

Mr. Peter Partington: No; 13% of the 600 who come across monthly stay in Niagara, and the rest go. I would hope that they're all productive. We certainly work at making that. As I said earlier, Niagara is the fabric of people from all over the world who live and help make Niagara the success it is. It's pretty amazing.

Mr. Sukh Dhaliwal: Mayor Salci, you were saying Greece is a safe country, but as Mr. Karygiannis mentioned earlier, he brought in a lot of issues with that country. The issues will change and different populations will face different challenges during the course of time. Do you still feel that it is safe to put the safe country designation into this bill when those countries can be bountiful in the future?

Mr. Ted Salci: Again, I can't speak to the whole climate in Greece, and I'm not an expert in that area, so I would have to defer to those people who could answer the question.

As you heard the regional chairman say, the people coming to our country, in general, are very productive. It's just very disheartening when we have people waiting to be processed. It takes many, many years, where they're waiting for appeals and different matters to be dealt with. Time goes by, but it's way too long. We need to expedite that process.

• (1715)

Mr. Sukh Dhaliwal: I don't think there is any member of Parliament in the House of Commons who would not agree with you. The thing is, those people come to our offices as well. I would like to see a fair, fast process, right? But certainly my issue is that when we are putting those countries as safe countries into this bill, and the citizens of those countries can be wonderful, any time, under different circumstances.... So that's where I was finding some risk.

On another topic, I would like—

The Chair: I don't think you have time. Sorry.

Monsieur St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you.

During my first intervention, I tried to demonstrate that in wanting to speed things up, we sometimes risk obtaining the opposite effect. I subscribe to the government's aim of processing the files more quickly. I believe this is what you wish as well. However, in wanting to skip over a few steps, the risk to my mind is that things could take even longer. This is why I was saying that if we impose the holding of a hearing and if people are not prepared, we will simply be forced to postpone the hearing and very little time will be saved.

I wanted to bring to your attention another example and hear your opinions. The bill establishes two very distinct channels, that of the refugee status claim and that of the temporary resident permit for humanitarian and compassionate considerations. We do not allow people to move from one stream to the other. We understand the intention behind this is to force people to make a choice and to not multiply the number of appeals.

That being said, it seems that this might have perverse effects. For example, a person who applies for refugee status, and who along the way realizes that it is perhaps not the appropriate stream, is not allowed to change his or her application to one for temporary residency on humanitarian grounds. Indeed, this is prohibited by the bill. The bill provides that, if a person has applied for refugee status, that person may under no circumstances make an application invoking humanitarian and compassionate considerations and must remain in the same stream until the end.

Do you not believe that this very restrictive situation might have harmful effects? These people, after having consulted, will perhaps realize before the hearing that a dishonest consultant suggested to them that they claim refugee status, but that that was not the right route to follow. We will be pushing these people to continue on the wrong path, because the system simply has no flexibility.

[English]

Mr. Ted Salci: Your question is to whom?

[Translation]

Mr. Thierry St-Cyr: I put the question to whomever would like to answer.

[English]

Mr. Peter Partington: Certainly without studying the documents and not having been involved in drawing them up, I don't have the technical capacity to answer that, but I would hope that those who prepared the bill, the deliberations on that, have considered that.

Overall, it would be my hope. There always will be exceptions. There always will be those difficult cases, but I think what we have to do is provide a bill that really captures, for the most part, the wide range of what's necessary to be done. There's no question that in life, in any aspect of life, there are always those difficult cases and those exceptions, and I would hope that was taken into account when they drafted the bill.

Mr. Ted Salci: If I may add, I was hoping that the process would allow for fair and equitable matters to be dealt with in terms of time and a request for information. Once again, I would rely on the hearing chairman and the process to allow for amendments to time to be granted, if that was required. I would think that everybody would expect a fair trial or process to take place and that the deliberations would be dependent upon the access to this information.

Anything would be better than waiting for the time it takes now, the months and years that are being taken to have these matters dealt with. So I think that would be a matter that would be very subjective in terms of decisions to be made at the time of the hearing, and the hearing chair could sort those matters out, depending upon the circumstance.

[Translation]

Mr. Thierry St-Cyr: If I understand correctly, the aspect you wanted to discuss was more technical. The exclusively silo-based approach concerns me greatly and my fear is that it will push people who, otherwise, might have applied on humanitarian and compassionate grounds, to ask for refugee status despite the fact that it is inappropriate.

I will give you another example. There is another provision in the bill that states that when an application on humanitarian and compassionate grounds is being studied, all of those elements that might otherwise fall within a refugee application for protection and asylum must be excluded. We understand the will of the department. It wants refugees to apply for refugee status and those persons who are not refugees to apply under humanitarian and compassionate grounds. At the same time, is there not a risk that under such a provision, where you have people whose situation overlaps the two and who might be able to apply on humanitarian and compassionate grounds, they could be pushed into the refugee stream? Could such a provision not lead to the exact opposite of the desired result?

• (1720)

[English]

Mr. Peter Partington: For my part, I have not studied the bill to that extent or any matters in back of it, so I really am not in a position to answer that.

The Chair: It's not the end of the world if you say you don't know. I say it all the time.

Sorry, I shouldn't have said that. If you have an answer, fine.

Mr. Ted Salci: Once again, Mr. Chairman, I understand what the regional chairman is saying. That's something that we wouldn't necessarily be privy to on the process. But we hear from people on a regular basis who are well-intended, and I'm not sure whether matters are being dealt with expeditiously enough to allow them to proceed with their lives in a timely manner. I think that was the whole thrust of my presentation, that it would be nice to be dealing with these in a more expeditious manner—if I can use that word—and to have them get on with their lives.

We would hope that there would be fairness and equity applied to their hearing so that if there were information requirements or background requirements to be supplied, it would be done on a very timely basis.

The Chair: Thank you.

Mr. Dykstra.

Mr. Rick Dykstra: Thank you, Mr. Chair.

I have a couple of questions, but before that, I know we have about two rounds of five minutes each, more or less. I do have a couple of questions that I would like to ask, but if there's consensus around the table to see the clock at 5:30 when I finish those questions, I would be happy to entertain that.

The Chair: Actually, by the time you've finished, it will be 5:30.

Mr. Rick Dykstra: Okay.

Mayor Salci, one of the things you mentioned, which I found interesting, is that a lot of the witnesses who come to speak to us about the bill—whether they are in favour, and some obviously are opposed, but some who want some changes made to it in terms of moving it forward—speak about their relative experience in terms of dealing and working with refugees within their responsibilities.

You mentioned that you have a number of them come to your office to sit down with you. Could you just speak to that a little bit further in terms of what they ask you, and further, what you're able to

do in getting them some assistance on a very practical basis through the region?

Mr. Ted Salci: Thank you very much for the question, Mr. Dykstra.

Primarily, most of the cases are dealing with the time that it's taking these people to have their cases heard. In my case, they're asking me to facilitate or to help them facilitate the acceleration of the time taken to have their matters dealt with. That's what I hear mostly.

I have people come to my office who are engaged in jobs, who have relationships established, who want to be able to get on with their lives in this new country and to proceed onward. All I can do, usually, is to pass them on to the federal member's office. Many times, they ask for letters of reference. I see them in a very positive way. They are contributing to our society. Most of the time they're working as volunteers. I can recall a number of situations where we had people being involved with their church groups or as volunteers on our various committees in the city. They've integrated well and they're very positive people. Usually they're well-educated. I think their intentions are certainly well-intended. They want to get settled in our country and be dealt with in a very timely manner.

Mr. Rick Dykstra: This is my last question. Basically you've provided the committee today with a pretty sound example of actual refugees whose major complaint, when they come to sit down with you, is that the system takes far too long from their perspective.

• (1725)

Mr. Ted Salci: Exactly.

Mr. Rick Dykstra: Thank you very much. Again, I appreciate both of you taking the time to testify for us today. It's much appreciated.

The Chair: Mr. Dhaliwal has a brief question.

Mr. Sukh Dhaliwal: Thank you, Mr. Chair.

The way I see it, you said these families who come as refugees are very productive. But certain families have participated in an immigration loans program that provides government assistance to pay for transportation, medical exams, and other costs associated with the initial settlement. Recent studies have shown that these families are at a high risk of being homeless or going through family instability.

I have talked to my city councillors, and they're in support of not having this burden on these refugee families because Canada is the only country that participates in such a program. Would you have suggestions for the federal government to eliminate or rethink programs like that?

Mr. Peter Partington: I certainly haven't discussed that with our commissioner of corporate services, nor has he raised it with me. I guess I would just say that we're always working to ensure that the services are there to help those in need in the general population. I believe we do deliver that in the region, but it's always an ongoing matter. We continue to reach out to our provincial and federal partners to assist us in making sure that those who are in Canada and those who come to Canada receive the fair treatment and the fair opportunities they're entitled to.

Mr. Ted Salci: I can say, sir, in our city of Niagara Falls we don't see those people on the streets as homeless people. As the regional chair suggested, the commissioner of social services accommodates these individuals through our upper-tier government. We don't have that problem with them sitting idle. It seems that they're occupied in jobs, and certainly the potential is there for them to work in agriculture, and in the service industry as well. So we don't see them sitting on streets and park benches in our community.

The Chair: I think that concludes our time, gentlemen. It's always a challenge when politicians ask other politicians questions, and you've done very well. I thank you for your contribution. Thank you very much.

This meeting's adjourned.

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