



House of Commons  
CANADA

# **Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development**

---

SDIR • NUMBER 034 • 3rd SESSION • 40th PARLIAMENT

---

**EVIDENCE**

**Thursday, November 25, 2010**

—  
**Chair**

**Mr. Scott Reid**



## Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

Thursday, November 25, 2010

•(1310)

[*Translation*]

**The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)):** Today is November 25. This is the 34th meeting of the Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development.

[*English*]

Pursuant to Standing Order 108(2), we are continuing our study into the treatment of sexual minorities in Uganda.

We have as a witness today Chantal Desloges, who is an immigrant and refugee lawyer from Toronto. She is here to testify by video conference. After she is done, we will turn the floor over to questions.

Let me start, Chantal, by just saying hello. We have a personal connection, as Chantal was at a conference that I was also at in Jerusalem last year. It's good to see you again.

Welcome to our committee. Please feel free to start.

**Ms. Chantal Desloges (Lawyer, Certified Specialist in Immigration and Refugee Law, As an Individual):** Just to clarify my qualifications for the committee, I am an immigration and refugee lawyer with almost 14 years of experience. I'm certified as a specialist by the Law Society of Upper Canada in both immigration law and refugee law as well. For the past eight years, I have done a great many overseas refugee sponsorships. So I have a lot of experience in the area of regulatory framework that you've been looking at since your last session.

I understand that what you've been looking at is the issue of sexual minorities in Uganda. I have had the benefit of reading the transcript of the witnesses that you had at the prior sitting, so I understand that the issue is in regard to logistical problems that they're having in seeking refuge in other countries, and particularly Canada, and that's why you called me here today. I can indeed identify the procedures for you, identify some areas of concern, and give you some recommendations.

In order to know what you can or cannot recommend, of course, you have to understand a little bit about the statutory and regulatory framework, and that's where I'm taking you now.

First of all, there are two ways someone can claim refugee status in Canada. You can apply if you're inside the country—you can

make a claim inland—or, if you're outside Canada, you can make an application as a convention refugee abroad.

In order to make a claim inside Canada, obviously you have to make it to Canada in order to lodge your claim. However, as your previous witness testified, and I agree, the system is set up so that the very temporary visa that would allow a refugee to come to Canada and make that claim is not issued to people who actually intend to make refugee claims in the first place.

Temporary visas are intended for tourists. They're not meant for people who are coming here permanently. They're meant for people who are going to come and visit and then go back. The only way to get such a visa, if you were a refugee claimant, would be, frankly, to lie about it, which some people do. International law actually precludes countries from punishing refugees from doing that if it's the only way to save their lives.

Basically, it's a catch-22 from the very beginning. We'll process your refugee claim if you manage to make it here, but then again, we're going to do everything in our power to make sure you don't make it here in the first place. That leaves people, of course, at the mercy of human smugglers, and then we get all riled up when people find illegal means of entering the country, such as the scene you saw recently in Vancouver with the Tamil boat people.

That's why, in my submission, it's kind of ridiculous to call these people queue jumpers, because there is no actual legitimate way that they can apply to come here as a refugee, except in very narrow circumstances, which I'm about to get into.

The overseas refugee program, the way it's set up, states that individuals can come as refugees from abroad only if they're already outside their country of nationality where they're being persecuted. People who are inside their country of nationality, even if they're under dire threat of death or persecution, cannot meet the definition of refugee. It's inherent that you have to be outside your country of origin. So if you're inside your country, you're out of luck, basically.

There's also a category called the source country class, where if your country is on this certain list of countries, you can actually apply for refugee status while you're still living inside your own country without having to leave. However, the problem is that the list is extremely limited. It's somewhat out of date. Right now, there are really only six countries on this list. They include: Colombia, El Salvador, Guatemala, Congo, Sierra Leone, and Sudan. El Salvador and Guatemala—those are obviously out of date. They're not having the upheavals they used to. Rather incredibly, countries like Afghanistan or Iraq, for example, where we know there are serious human rights violations, are not on this list.

Even if the refugees are actually living outside their country, so they meet the aspect of the definition, they can only apply under three very narrow circumstances. Number one is if you're sponsored to Canada by a sponsorship agreement holder, so that would be a church or other organization that has an agreement with the minister to allow you to sponsor refugees, or you could also be sponsored by a group of five concerned Canadians who are willing to support you financially for a year after you arrive. That program is called the private sponsorship of refugees program, or PSR.

The second way would be if that person is referred to the Canadian government through the United Nations High Commissioner for Refugees and the Canadian government agrees to accept that person for resettlement to Canada. That process is called government-assisted refugee; we also call them GAR, for short.

- (1315)

The third way is that you have a refugee who is financially wealthy enough to be able to support themselves after they come to Canada without any recourse to any help. That could be a self-supporting refugee. I've never actually done one of those before, but it does exist as a statutory category.

As you can imagine, the statutory regime, the way it stands, severely limits legitimate refugees from even applying to come to Canada as refugees in the first place, because most refugees, let's face it, don't have anyone here in Canada who is willing to support them for a year, along with their family, after they arrive in Canada. And most don't have sufficient wealth to establish that they can do it on their own.

That leaves them basically at the mercy of the UNHCR referral system, which can take years; it's very cumbersome. Because of the very small quota of refugees Canada accepts every year, people can be stuck in refugee camps for decades, literally. That's how you end up in that situation.

Aside from the limitations within the statutory framework, there are also some procedural difficulties that people face when they try to apply as refugees. I've included in the reference material I've sent over for you—I hope you've received your copy—a printout from the Immigration Canada website. It shows you what the processing times are for people who apply as refugees. The information is provided in English and in French.

It shows all of the different Canadian visa offices and how long they take to process sponsored refugees or government-assisted refugees. Of specific interest, Ugandan people would apply through the Canadian High Commission in Nairobi. If you look at the data

for Nairobi, you will find that the processing times are really astronomical. If you're a privately sponsored refugee, you will wait 50 months to be processed to Canada. If you're a government-assisted refugee, you will wait 35 months to be processed for refugee status. That means three to four years of living in what are usually unsafe conditions.

There are also operational problems that confront the embassies. For example, there are government-imposed quotas on the numbers; the number of trained officers who are available to interview people is very limited; in addition, if the person isn't actually in Kenya and can't attend the embassy for the interview, they have to wait until such time as the embassy can send a visa officer to the country they are in to interview them. As you can imagine, that can take a long time.

You have to sympathize with the embassy staff. They don't have an easy job. They're trying to cope with a lot of applicants with very few resources and they're trying to schedule trips to interview people in countries that sometimes aren't even safe to go to.

It's also worth noting that many times, unfortunately, the decision-making of visa officers is a little bit lacking in the area of refugee determination. The area of refugee law is very complicated. It's been developed in the jurisprudence at a very advanced level, and it's not easy for a lay person to understand. If we compare the level of training that the visa officers receive with, say, the level of training a refugee board member in Canada would receive, there's simply no comparison.

A visa officer is expected to make a lot of different kinds of decisions. For example, one minute they could be looking at a work permit, the next minute they could be looking at a marriage sponsorship, and the next minute they could be analyzing a refugee applicant. The overall acceptance rate for refugees in Nairobi is currently sitting around 60%, which means that close to half of all claimants are refused. It's a pretty high refusal rate.

Don't get me wrong. I don't want you to misunderstand me. I'm not saying that visa officers are incompetent. They're definitely not; they're doing the best they can with what they have. But what they have is not a lot.

I also printed out in the materials for you a copy in English and French of the application kit a refugee would use if they wanted to apply to come to Canada as a refugee. If you look through it, you'll see that the kit is quite complex. It contains exhaustive instructions and a lot of data and requires a lot of supporting documentation as well. However, all of the information that is in those application forms and on the document checklist is required information. This is something the government needs in order to make the determination they need to make and in order to make sure the person is not a security threat. It's hard to know how you could simplify it; that would be difficult.

• (1320)

Finally, section 10 of the immigration and refugee protection regulations is the section that says what constitutes a perfected application or complete application. What it says, basically, is that if you send in your application with any of the data missing, or if any of the required documentation is missing, they don't even accept it as an application; they just mail it back to you. You can imagine that if you're an unsophisticated person, a refugee, who's applying to Canada and doesn't know anything about our system, there are so many ways you could go wrong in that application kit, and it would just be bounced back to you. You have to keep sending it until you get it right.

I have heard that Nairobi has some kind of private agency that pre-screens applications and charges people a fee, but refugees don't have to pay the fee, which can help them to fill out the forms and make sure the documents are there. I don't know a great deal about it, but I know it exists.

If you're looking for recommendations of what could be done to help these sexual minorities in Uganda, I would say that the existing system simply does not, as it stands, allow for refugees to be processed quickly to enter Canada if they're under a situation of threat. It simply doesn't exist. Probably the only way you might be able to do it is by a special program that would have to be in cooperation with the minister. It would have to be a special measure.

There is some historical precedent for this. For example, some of you may remember when the government brought the Kosovar refugees from Kosovo to Canada as part of a group resettlement; that was done as a special program. They also did something similar just a few years ago for the Burmese refugees, the religious minorities who were stuck in a refugee camp in Thailand. So it's not unprecedented; however, it would be an exception to the rule, just to be clear.

Someone might have a problem justifying why we should do something special for this particular group of people when there are many different groups of people out there who are under at least as much persecution and sometimes even more.

The other recommendations that I have are more to do with ways in which the system itself could be improved. I don't know whether you're interested in hearing about those, because it wouldn't specifically affect this group that you're looking at.

What I'll do is maybe turn it over for questions, and you can let me know what types of things you're interested in.

**The Chair:** That sounds like a good idea. I think anything that is germane to the particular situation under question, which is of course the sexual minorities from Uganda, is very welcome. But perhaps, as you say, we can get to additional information through questioning.

We have 35 minutes left. That means we can have seven-minute rounds.

We'll start with Professor Cotler from the Liberals.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Thank you, Mr. Chairman.

I'd like to take up the suggestion you just made, because following your presentation I think it would be germane to it and helpful to us, and that is, ways in which the system itself could be improved. I expect that would impact not only with regard to Kenya, but beyond.

In that connection, I wonder if you might offer some comments on Bill C-49, because while it has been characterized as a bill with respect to combatting human smuggling, nonetheless it has an impact with respect to refugees and people fleeing from dangerous situations in their homeland. One of the newspapers, *The Province*, noted, interestingly enough, that Albert Einstein would have been rejected under this legislation. I'm wondering whether you could comment on that as well and perhaps integrate the two in your response.

**Ms. Chantal Desloges:** Absolutely, I can do that.

My number one recommendation for improving the system would be to expand the category of people who can apply for refugee protection while still living in their own country. As I said before, you can't be a refugee if you're inside your own country. The only other way would be if you are in the source-country class, which has only six countries on it. Uganda is not one of them. This needs to be expanded. It could be done either by amending the legislative definition of convention refugee abroad class, or by expanding the source-country list. So you could add more countries to it, for example. That's one recommendation.

The other thing is that you could increase the government-imposed quotas for government-assisted refugees, or GARs. Right now, I believe the quota for Nairobi is something like 1,000 per year. If you imagine all of the refugees in Kenya, that's really just a drop in the bucket. Increasing those quotas would go a long way.

Also, increasing the quotas for privately sponsored refugees, which would allow people who have sponsors in Canada...it would allow more numbers, and things would go a lot more quickly. That makes a great deal of sense when you think about it. These people are sponsored by organizations or people in Canada who are guaranteeing a financial commitment for these people. So there's no downside risk for anyone. You get to save someone's life and at the same time it doesn't cost the public anything.

The Nairobi mission needs to be resourced more effectively. It's one of the busiest missions in the world for Canada, if not the busiest one, possibly. They're trying to do a lot of different things and process a lot of different cases, with no increase in logistical support. I think they need that. Training would also be part of that, training the officers properly in refugee law.

Finally, the application procedure should be simplified. If someone in a refugee class sends in an application that for some reason is incomplete, instead of just sending it back to them and waiting all that time, maybe we should just request the missing documentation, so that they don't lose their space in the queue. You can't overestimate the difficulty that people have and the amount of time that's lost in sending things back and forth.

You also asked about Bill C-49. I'm glad you asked me about that, because I love to tell my views about that bill. What you said was correct. Bill C-49 has been pitched to the public as a method of deterring human smugglers. When you say it like that, it's motherhood and apple pie. Who doesn't want to deter human smugglers? They're the scum of the earth, they're organized crime, blah, blah, blah.

The problem is, if you actually look at the bill, many provisions of it are punitive to refugee claimants. I'm not talking about bogus refugee claimants; I'm talking about people who are totally legitimate. For example, one of the provisions is that if you are designated as one of these group arrivals, which is arbitrary, really.... What difference does it make if you're a refugee who came on a boat with other people or if you came on a plane by yourself? It's arbitrary. If you're in that designated group, even if you're accepted as a refugee claimant and you're found to be totally credible and everything you're saying is true and you would be in danger...you're going to be prevented from bringing your family members to Canada for a period of five years.

I fail to see how that punishes human smugglers. That punishes refugees, and that is not right. I also think that a lot of these provisions will not withstand a constitutional challenge.

• (1325)

**Hon. Irwin Cotler:** Just to follow up on that, do you also think they breach our international obligations, and possibly the charter?

**Ms. Chantal Desloges:** Absolutely, they do. There are several international conventions. I could get the citations for you if you like.

Just to give you one small example, international law indicates that once a refugee is determined to be a refugee, you should make every possible effort to integrate them into your society, so as not to leave them displaced and hanging in limbo for a long time.

Historically, Canada has been one of the very few countries that has been really good at that. We allow them to get permanent residence. We allow them to proceed toward citizenship. This would be a huge step backwards.

**Hon. Irwin Cotler:** Thank you.

**The Chair:** All right.

*Madame Deschamps, s'il vous plaît.*

[Translation]

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Thank you, Mr. Chair.

I'll speak to you in French, Ms. Desloges. I hope the translation is coming through. Can you hear me well?

[English]

**Ms. Chantal Desloges:** Yes, I do. I understand French, but I would prefer the interpreter.

[Translation]

**Ms. Johanne Deschamps:** I suspected as much because there are some Desloges in my family, and they're French.

I have to admit that anything related to immigration or to legislation that governs it is not really my area of expertise.

When we began studying the issue of violence and discrimination toward sexual minorities, the committee received, among others, one particular witness. He told us about the difficulties people in his situation face, and about how they are threatened in their country of origin. I find the current system to be very complex, very bureaucratic.

I think that we are in a way closing the door to a large number of people from African countries who are applying for refugee status in Canada. Owing to the reduced number of public servants abroad and the closing of embassies—other embassies will close soon—people who are seeking help now have fewer opportunities to apply for refugee status.

According to what I've heard, embassy employees are poorly informed or understand little of the Canadian Immigration and Refugee Protection Act. Often, fearful of making a mistake, they may reject an application in order to avoid being reprimanded. This is an issue.

Just off the top of your head, could you tell me whether the Americans have enacted less restrictive legislative measures in order to make it easier for these applicants to enter the country?

• (1330)

[English]

**Ms. Chantal Desloges:** That's something I don't know much about, U.S. refugee law. However, I do know that they had some flexible measures put in place for Iraqis, but beyond that, I don't know what they've done in the U.S., no.

[Translation]

**Ms. Johanne Deschamps:** Could you comment on what I said earlier, regarding consular services available, especially in Africa?

[English]

**Ms. Chantal Desloges:** Sure, I'd be happy to comment on that.

As I said, I want to preface my remarks by saying that I don't want to disparage or demean the visa officers in any way. They have a very difficult job and they're doing it with very few resources, but I do think they could use some more training. I have to sympathize with them. I've been doing refugee law on a full-time basis, eating, sleeping, and breathing it for almost 14 years, and I'm still learning new things every day. It's a very complicated area of law. We have board members in Canada and that's their full-time job, just to do that every single day. So I do think that any amount of extra training that could go to the visa officers would definitely be helpful.

I think another problem we have is that a lot of the pre-decision work is done by locally engaged officers. These are people who work at the embassy, but they're not Canadians. This is the pre-screening of the application, the handling of the paperwork, sometimes even interviews, although not so much with refugee claims.

I strongly disagree with the practice of using locally engaged officers, particularly for sensitive cases such as this. You know the people who are working at the High Commission in Nairobi are African, and given what we know about homophobic tendencies in a lot of the African countries, for a gay man or a gay woman to go into the Canadian High Commission in Nairobi and deal with another African, handling their paperwork for the refugee claim, is at the least extremely unnerving, and also I fear that the biases of the person could creep in to the decision-making process.

[Translation]

**Ms. Johanne Deschamps:** You mentioned the implementation of a special program. Does the Immigration and Refugee Protection Act contain any provisions geared specifically toward sexual minorities?

•(1335)

[English]

**Ms. Chantal Desloges:** Yes, absolutely. That could be done in a couple of ways. One way would be to create a one-time project. It doesn't operate with any sort of regulatory amendment or anything like that; it's a special project where national headquarters would say, for example, that they want to get 200 cases, or something like that, out of Uganda within a specific timeframe. If they have the willpower to do that, all they have to do is say the word and it can be done; all they would have to do is speed up the process that's already there.

They could also do it by issuing special temporary visas for them. These are not visitor visas, but there is something called a temporary resident permit. Those are usually issued only in very specific, exceptional circumstances. Legally, it could be done; it just takes willpower.

[Translation]

**Ms. Johanne Deschamps:** Given your expertise, has the government consulted you in the past when reviewing its legislation?

[English]

**Ms. Chantal Desloges:** I have from time to time been asked for feedback on refugee matters. For example, I was part of a lobby group a couple of years ago on behalf of the Iraqi community—religious minorities in Iraq—that did a significant amount of lobbying. I wrote a report at that time about the problems they were having, and some recommendations.

As a result of the efforts of that lobby group, the minister did in the end increase the quotas for the visa office in Damascus to allow more Iraqi refugees into Canada, if they were sponsored.

[Translation]

**The Chair:** Your time is up.

**Ms. Johanne Deschamps:** Thank you, Mr. Chair.

Thank you, Ms. Desloges.

[English]

**The Chair:** Mr. Marston, please.

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Thank you, Mr. Chair.

It's good to see you again. I think it's been about a week since we met in my office.

I'm sitting here mulling over one side of this—and Mr. Chair, I'll even interrupt myself—and I believe the testimony we've had from this witness today is worthy of sending to Citizenship and Immigration Canada, or to the committee that handles it. There's some detail we've heard that might be helpful to them and they may want to follow up with this witness.

**The Chair:** Let's wait until we get the official Hansard, including, of course, the questions and answers they haven't yet asked, and then we'll make sure we pass it on.

**Mr. Wayne Marston:** Sure.

One of the things I am curious about...you mentioned a one-time project. Are you aware of a time when the government has actually said to a select number of people, similar to this—a couple of hundred people—that if they could get out of the country, they would send an officer to deal with their applications?

**Ms. Chantal Desloges:** The example I alluded to earlier is a good one. There was a religious minority group from Myanmar, or Burma, called the Karen refugees. They were a religious minority who had escaped over the border into Thailand and they were sitting in camps at that time.

This was just a few years ago. They had a special project, where they said, "Okay, we're going to resettle a whole group of these people. We're going to pluck them right out of where they are and bring them over to Canada as part of a special one-time project."

That would be a perfect example of what I'm talking about.

**Mr. Wayne Marston:** I look at a report we have here, and one of the things notes how the minister may enter into a memorandum of understanding with an organization for the purposes of locating and identifying convention refugees. I wonder if that is something that brings us close to what you're describing.

The situation has been reported in the media and in countries around the world. We're well aware that in Uganda there is a systemic situation when it comes to gays and lesbians and that the government has passed this law. And then you had...I think it was over 150 people named in a newspaper—literally targeted.

I know we have exceptional situations around the world of people who are in dire circumstances, but to be targeted within your own nation in that fashion strikes me as something that's worthy for our government to consider some kind of special action.

We had a witness before us, and if I'm remembering his testimony correctly, he offered to go to a neighbouring country if he had these special temporary residence visas, or the application, or whatever the form would be. He was in communication with close to 200 of these folks he was willing to work with.

Do you know of any time that something similar to this has ever happened? Is this outside of the standard procedures completely?

• (1340)

**Ms. Chantal Desloges:** It's not unprecedented, but it's fairly rare. I do remember that a few years back—well, not a few, maybe ten—there used to be an organization that did a lot of the refugee pre-selection for refugees in Turkey. I believe it was a Catholic organization called Caritas. Usually CIC would enter into agreements with organizations that have a very established track record and a high degree of credibility dealing with refugees.

So yes, that's definitely something that could be done, but I really doubt that they would entertain that for someone like the witness who just offered to go and do that without having a track record. However, that doesn't mean some other organization couldn't do it.

**Mr. Wayne Marston:** When we listened to the witness, I was concerned that even though he had a great passion for the situation and felt very involved, he came across very much as a layperson trying to get into this very complex field to try to address the situation for people he knew in that country. It's good to hear that there's a potential there at least, so that this committee, in considering what actions or recommendations we may make, has at least the avenue to discuss some potential.

If we had a special group put in place, can you give us an estimate of the timeframe it might take them to conclude and get the people transferred to Canada? Are we talking 35 or 50 months, or are we talking sooner?

**Ms. Chantal Desloges:** If the willpower is there, there's no reason it couldn't be done in less than a year.

For example, once the selection of the person is made, once we put the label on you—yes, you're a refugee—the requirements after that are security and medical tests. We want to make sure you don't have tuberculosis that you're going to spread. We want to make sure you haven't been involved in any groups or have a criminal record. Those things can actually be done within a few months, depending on outside agencies such as doctors, security agencies such as CSIS, and things like that.

**Mr. Wayne Marston:** When people were described to us as being on the list, so to speak, it sounded as though there were a large number of professionals, people of means, who might have a better chance of surviving in another country for up to a year to get here, so it's not as pressing as it would be if they were people in a refugee camp and struggling day to day in that fashion.

I certainly appreciate your testimony. It's been helpful. Thank you very much.

**Ms. Chantal Desloges:** Thank you.

I'll just add the comment that there is that category of self-supporting refugees. If some of them do have significant financial means, it's possible for them to apply independently without necessarily being sponsored.

**Mr. Wayne Marston:** If they had to apply separately, would they be doing that in their own countries? Would they not be facing the people they'd be concerned about? I'm thinking of the Africans who might be troubled with the situation. We are in a circumstance in which they have to leave the country, I think, from everything we're hearing. They don't dare deal with the bureaucracy there. That complicates their situation, I would think.

**Ms. Chantal Desloges:** Yes, and you can't be a refugee if you're still inside your country anyway, so they would be in a position of having to leave.

**The Chair:** Thank you, Mr. Marston.

Do we begin with Mr. Sweet or Mr. Hiebert?

**Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC):** Thanks, Mr. Chairman. I'll pick up on Mr. Marston's questions and comments with Madame Desloges.

There's also another way: those who are highly skilled or who have technical skills that are on a list of what we're looking for to build our economy can apply and be fast-tracked through the immigration process rather than come through the refugee process. There's that avenue too.

I should say right from the beginning, for full disclosure, that I know Madame Desloges quite well. I've been an admirer of her great work, and we've had the opportunity to work together. One of our mutual pursuits was the expansion of the private sponsorship of refugees program in order to get the numbers to a place that would allow us to welcome more people here.

This is one of the areas that's tough in that sense. I was just going to mention.... Chantal, you mentioned Iraq and Afghanistan. Some other countries that come to my mind are Sudan, Myanmar, and Iran—particularly Iran, as far as the gay-lesbian-bisexual-transgender community is concerned—where there is a huge need similar to the need we're talking about right now. Our capacity to absorb is one of the challenges we face. We're a country that takes a lot of refugees per capita.

You mentioned the visa office, but in the case of private sponsorship there's also the capacity to process them by having families or groups of people who will look after them and settle them here as well. That is a major challenge. I appreciate some of the comments you've made about some ideas.

Because you commented on some other legislation, I wanted to ask you about Bill C-11. That bill, the refugee reform act, was passed and has received royal assent, but it's not in place now. Did that move the ball along the field, so to speak, in terms of making it easier for inland refugees?

• (1345)

**Ms. Chantal Desloges:** One positive thing it did for inland refugees was give them a right of appeal. That's something all the refugee advocates are very happy about.

There are other aspects of the bill that weren't so well received—for example, forcing a person to have their complete story and case ready to go within a very short period of time. We felt that deprived them of the right to counsel.

I wouldn't say it's easier; it's different. We can certainly celebrate the introduction of the refugee appeal division.

**Mr. David Sweet:** You mentioned before that there were some other ways. You mentioned the visa officers getting more training and having more specifics about dealing with the different levels of cases. Are there some other areas, as far as our capacity building is concerned, around improving the whole system?

Lastly—and I'll leave it with you—because of your experience, have you come across some research that gives some kind of definitive answer on the numbers of refugees we can successfully absorb and integrate into our population annually?

**Ms. Chantal Desloges:** On the way it is set up, it's actually a good system. Most of it—the regulations and the act—works, but it's just so slow and cumbersome. It's really just a resource issue. If there were a little more training, a little more money pumped in, and a few more people doing this kind of work, it would really expedite things.

I do a lot of refugee sponsorships abroad, and I've noticed that for some reason the officers seem to think they have to interview every single applicant. I think there are a lot of cases where interviews could be waived, based on very compelling documentary records. We do it in Canada sometimes, where if someone presents a very airtight case to the refugee board, they can approve that person without even having a hearing.

So if they would use their discretion more to waive interviews in the right cases, that would really help a lot.

I missed your last question.

**Mr. David Sweet:** I was wondering if, in the process of doing your work, there was some think-tank research, some extraneous research, on the absorption capacity in the broader population for the numbers of refugees we actually land here.

**Ms. Chantal Desloges:** I'm not aware of any studies like that. I could definitely do some research and remit it to the committee, if that would be helpful.

Just from my own perception in doing a lot of this work, at least when it comes to privately sponsored refugees and self-supporting refugees, there's probably an unlimited capacity for absorption, because these people are not taking any resources. They're financially supported by external agencies for at least the first year they're here. So there's absolutely no reason not to increase those quotas.

**Mr. David Sweet:** Thank you very much.

**The Chair:** Mr. Hiebert, do you want to add anything?

Unexpectedly—and this doesn't happen very often—we have a few more minutes left.

Are there any additional questions that members would like to ask?

Mr. McKay, please.

**Hon. John McKay (Scarborough—Guildwood, Lib.):** Thank you.

Thank you for your testimony. You raised the issue of source countries, and I was thinking about that. You're making a specific case for Uganda, for the specific community.

How would you go about deciding on source countries? For instance, it's a pretty grim situation for anybody who is a Christian in Pakistan.

• (1350)

**Ms. Chantal Desloges:** That applies to Egypt as well.

**Hon. John McKay:** Egypt is another one that comes to mind.

Then I think you described a couple of countries as having sort of fallen off the list. So how would you refresh that list? What criteria would you apply? How do you know what would be a source country at any given time?

**Ms. Chantal Desloges:** The problem with the source country designation is it's a bit of a blunt instrument. By that I mean it doesn't go according to the minority or the situation; it goes according to the whole country. So if they only want to add countries to that where there are mass violations of human rights for significant groups of people, source country may not be the best solution here.

Suppose we were to add Uganda to that list. Aside from sexual minorities, how many other kinds of people are persecuted in Uganda? You open it up for basically anybody in the country to make a refugee application and try to prove their case. As I said, it's kind of a blunt instrument.

I would agree with it more for countries like Iraq, where there are sustained mass violations of human rights against not only one small group, but a whole bunch of religious minorities, sexual minorities, and political minorities. It makes more sense in a situation like that.

**Hon. John McKay:** You described the system as “not bad”, but my guess would be that if you had to prioritize, training and resources would be your number one and number two requests at this committee.

**Ms. Chantal Desloges:** Absolutely. Next would be some kind of program to help people who are still inside their country facing persecution.

**Hon. John McKay:** You also suggested that you didn't like the pre-screening process. I wasn't sure whether you meant that you didn't like the people who were doing the pre-screening process because of allegations of homophobia among Africans, as opposed to the pre-screening process being done in a more neutral way. On the face of it, pre-screening seems to make sense to me, so I'd be interested in your comments on that.

**Ms. Chantal Desloges:** My position is this. Forget about Africa for a minute. Take any visa post in the world. I do not think that locally engaged officers should even be touching refugee applications. The information is so private and so sensitive that I think only Canadians should be handling those files at all. I don't even want a locally engaged clerk photocopying my application forms if that's my situation.

Now I do agree that locally engaged staff can be very helpful for other types of applications—for example, skilled workers, visitor visas, marriage applications, those types of things. I just think that refugee matters are simply way too sensitive.

**Hon. John McKay:** That's a very good clarification. My sense of what you were saying was that you just didn't want any pre-screening going on at all, where in reality a well-handled pre-screening, a pre-screening done only by Canadian embassy staff, would possibly actually assist the process and expedite the process.

**Ms. Chantal Desloges:** Right. My issue is not with pre-screening; my issue is with locally engaged officers.

**Hon. John McKay:** Okay. Thank you.

As for the timelines you suggested, I guess it's on a fact basis that it's 50 months in Kenya, in Nairobi. Is that correct? Is that what you said?

**Ms. Chantal Desloges:** Yes. If you're a privately sponsored refugee, you will wait 50 months just to get your visa for Canada, and that's not counting the amount of time at the office inside Canada, where the sponsors have to apply to be qualified as sponsors. So that adds another—I don't know—maybe two to three months.

**Hon. John McKay:** So if my church decides to sponsor X, Y, or Z refugee or group of refugees, we have the timeline prior to qualifying, and then it's 50 months on top of that.

**Ms. Chantal Desloges:** Right. You'll be waiting over four years, period.

• (1355)

**Hon. John McKay:** Really? All right.

Thanks for that. I appreciate it.

**The Chair:** Thank you.

I'll take advantage of the fact that we have a little bit of extra time to ask a couple of questions myself. I wanted to deal with the issue of using local personnel who are nationals of the relevant country and then a bit with the timeline issue as well.

With regard to the use of locals, obviously we are only one of a number of immigrant- or refugee-receiving countries. Others, I assume, have different practices. Is there any other country you can point to that seems to have practices that would serve as a good example for Canada in this regard?

**Ms. Chantal Desloges:** I'm not aware of any.

**The Chair:** All right. Maybe we'll ask our analyst to take a peek at that.

With regard to the 50 months, I can certainly understand the frustration. That seems like a terrifying barrier to someone who is in a position of uncertain safety and is in danger.

One thought that occurs to me in this regard is that if we improve our capacity and lower the time, I assume we would actually become more of a destination for people who are in danger in those particular countries. The very fact that it's such a substantial barrier causes some to turn away and not attempt to come to Canada.

So I wonder if we face a bit of a catch-22 here, such that if we improve our capacity we'll get more people applying in the relevant places. That's not necessarily a bad thing in and of itself, because it may mean that deserving people are able to come to Canada, but I wonder if in the end that is the right metric to be measuring by, if you follow.

It's virtually increasing bandwidth, right? You increase bandwidth on the Internet and people start downloading bigger movies with higher pixilation rates. I wonder if there is some other way of measuring efficiency.

I could reverse that, though, and just ask whether, for other areas, like Nairobi, there are genuine refugee-receiving countries that are producing a faster turnaround time successfully in an environment where there is obviously a large number of potential refugees seeking asylum.

**Ms. Chantal Desloges:** I don't know if you have considered calling a witness from the UNHCR, but they would have very good information about that. I don't know what the turnaround times are for other refugee-receiving countries. Whether they're faster, I really couldn't tell you. It would only be anecdotal. I have heard that places like New Zealand, for example, are faster, but it's purely anecdotal.

**The Chair:** My impression with New Zealand, unless things have changed, is that they are probably fast at saying no. They actually are not big recipients. There are very few people who manage to make it successfully there.

**Ms. Chantal Desloges:** Yes, the information that I was privy to was about Iraqi families who have resettled in New Zealand. Also, those particular individuals had family there, so that may have also played a factor in it. I'm not sure about the regulations.

But if it's a floodgates argument that we're worried about, the government does impose quotas. If you were to streamline processes or make the system more efficient, you don't necessarily have to admit more numbers. You could still have caps on it, only issuing a certain number of visas per year. That's what they do now.

**The Chair:** I think what you don't want to do is give people false hope and cause them to put time and energy, in an environment that is not inherently safe for them, into something that ultimately stands a high degree of failing, having strung them out for a while—and expense as well. That would seem to be the least optimal result. It sounds like we're getting a fair bit of that right now.

**Ms. Chantal Desloges:** Yes, there's a pretty high refusal rate. I'll tell you what I attribute that to. It's not only bad decision-making, although that accounts for some of it. It's also because the majority of people who use this type of category don't have someone like me helping them. There are people who are doing it on their own. They're well-intentioned church people in Winnipeg or whatever it is, but they're lay people. What you're asking them to do is to pitch a case to the visa office where you have to meet certain very specific legislative requirements. There are all kinds of case law and rules about it that people wouldn't know about. A lay person wouldn't know that.

People apply their colloquial definition of what is a refugee, and sometimes they're sponsoring people who don't even really fit into the category. They probably should have never even gone in that category in the first place. So you always have a certain amount of attrition just through people being in the category they shouldn't be.

•(1400)

**The Chair:** Right. Thank you. That's actually very helpful.

We are actually at the end of our time. Are there any further questions?

Mr. Marston. We'll make it the last question.

**Mr. Wayne Marston:** It's not so much a question as it is a comment. I really appreciate the information we've been given today, but I want to bring our discussion a little bit away from the process, which we're getting fairly in-depth with, to the fact that we're dealing with gays and lesbians who have basically been put on a hit list in a country. My concern is that even if they get out of Uganda—and it was mentioned before that the attitude towards homosexuals throughout Africa puts them at risk.

For the committee's deliberations, is there a recommendation we can make to our government in order to enact some process or some means of literally saving their lives? They are going to be walking targets. They're identified people. Even if they go into other countries, they still remain such. I'm concerned about that.

But I really want to thank you for the testimony, because it's been very helpful. I strongly recommend, as I said before, that this testimony be forwarded on, because I think it would be of value to the other committees.

Thank you very much.

**The Chair:** All right. I think we have to stop here. I will thank our witness.

Thank you very much, Ms. Desloges. We really appreciate your being here.

**Ms. Chantal Desloges:** Thank you.

**The Chair:** Just for members of the committee, after I gavel the meeting to a conclusion, the clerk will be handing out a memo from me regarding working meals. It's a matter we can discuss offline.

As I said, I appreciate it very much. We'll see you all next Tuesday.

We are adjourned.

---





**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

Published under the authority of the Speaker of  
the House of Commons

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>