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Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

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• (1530)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Ladies and gentlemen, we'll start. This is the Standing Committee on Citizenship and Immigration, meeting number 39, Thursday, May 2, 2012. As to the orders of the day, this meeting is televised pursuant to the order of reference of Monday, April 23, 2012, Bill C-31, An Act to Amend the Immigration and Refugee Protection Act and other acts.

You will note that because we have three witnesses on this panel, this meeting will be one hour and 15 minutes.

We have Sharalyn Jordan, a member of the board of the Rainbow Refugee Committee, good afternoon, and we have Christine Morrissey, who is the founder and a member of the board. Hello, you've been here before for the backlog studies, and thank you for coming again.

We have Michael Deakin-Macey, who is the past president of the board of directors of the Victoria Immigrant and Refugee Centre Society, good afternoon. We put you off from this morning because we had to vote, and I thank you for coming around this afternoon.

We have from London, England, by video conference, John Amble.

You gave evidence on our security study. So thank you, sir, for coming and helping us with this particular bill.

Each group will have up to 10 minutes to make a presentation. We will start with Ms. Jordan or Ms. Morrissey or both.

Ms. Sharalyn Jordan (Member of the Board, Rainbow Refugee Committee): We will be sharing our time.

The Chair: Thank you.

You have up to 10 minutes.

Ms. Sharalyn Jordan: Thank you.

[Translation]

On behalf of all my colleagues at the Rainbow Refugee Committee, I want to thank you for giving us the opportunity to share our point of view on Bill C-31.

[English]

Rainbow Refugee supports efforts to create a fair, efficient, effective, and affordable refugee system. We share goals of upholding the integrity of refugee determination. In 2010, we were grateful for the opportunity to discuss Bill C-11 with this standing

committee and we took notice when parliamentarians worked together and listened to those of us who work closely with refugees to revise what is now the Balanced Refugee Reform Act.

Rainbow Refugee is disturbed to see that Bill C-31 resurrects measures that we identified as problematic, and includes new measures that disproportionately harm lesbian, gay, bi, trans, and queer refugees. These concerns are based on a decade of experience focused on this work.

Canada has been a global leader in refugee protection for those facing persecution due to sexual orientation or gender identity. We were the first country to recognize that transphobia and homophobia can result in persecution; 21 countries now do the same. This protection is vital in a world where 76 countries continue to criminalize lesbian, gay, bi, and trans people.

Ms. Christine Morrissey (Founder and Member of the Board, Rainbow Refugee Committee): We strongly oppose giving the minister sole discretion to create a designated country list that denies access to appeal. A safe country list cannot accommodate the current state of complexity and flux in safety and protection for LGBT people. For example, Brazil holds the largest pride parade in the world with over three million people participating. It also has the highest rate of homophobic murders reported in the world. Is Brazil safe because the murders are reported, or unsafe because they happen in the first place and police are incapable of curbing them? Would you put Brazil on a designated country list?

South Africa recognizes same sex marriage, is democratic, has an independent judiciary, and civil society organizations. Based on Bill C-31, it could be placed on the designated country list. Yet there are 10 cases a week in which lesbians have been targeted for corrective rape, and the police have done nothing to investigate. Would you give a lesbian from South Africa an expedited hearing and no access to an appeal?

● (1535)

Ms. Sharalyn Jordan: It is precisely when country conditions appear safe on paper that LGBT refugee decisions are most complex and the safety net of an appeal is crucial. A life or death decision should never rest in one person's hands. The safe list was proposed to deal efficiently with surges in unfounded claims, yet countries like the U.K. that have a list do not necessarily have a more efficient system.

Our brief outlines more efficient measures aligned with UNHCR guidelines. If a designated list is kept, it must not deny right of appeal, and the criteria must include meaningful safety and viable state protection for LGBT people and other vulnerable groups. For example, have constitutional protections for sexuality and gender identity been put in place at an operational level? What protection resources are available, in practice, to people who face sexual or gender identity persecution?

Ms. Christine Morrissey: We have grave concerns about the injustice and harm caused to LGBT refugees designated as irregular arrivals under Bill C-31. Agents may be the only way LGBT asylum seekers can escape persecution, given that neighbouring countries are often unequally safe. In some regions of the world there is no safe haven for LGBT asylum seekers, so overseas refugee protection is not an option.

Consider the experience of one of our members, Adil, a gay man from an east African country that criminalizes homosexuality. If he fled to Kenya, a nearby country, he would face at least an eight-year wait for resettlement, while trying to survive in a country that has a 10-year prison sentence for homosexuality, and having to hide in camps or remain destitute in a city. UNHCR officials, typically locals, are not trusted and are often not trained in sexual orientation or gender identity decisions. We are working with overseas refugees from countries that publicly execute gay men. The UNHCR accepted that they were gay, and nonetheless denied their claims for protection.

Going back to Adil, an agent agreed to take him to Europe. Instead, Adil ended up in South America, where he was forced to work as a farm labourer. Over several months his work crew was moved north. They were eventually dropped off just over the Canadian border with \$20 cash each. They went their separate ways. The mode of arrival says nothing about whether someone is a genuine refugee or not.

Adil found his way to a church, and the pastor helped him start a refugee claim. However, Adil was not able to disclose the reasons why he feared persecution. It was only after several meetings with his lawyer that he felt enough trust to say that he was gay.

Ms. Sharalyn Jordan: We strenuously object to the provisions that detain without prompt and independent review, deny due process, and delay access to permanent residency. Recently we received a letter from a gay man in detention in the Lower Mainland. He was from a country that imprisons LGBT people. He was afraid to speak openly with his assigned duty counsel, and felt extremely unsafe around the other detainees. Under Bill C-31 he would have to stay closeted and vigilant in jail for 12 months. His chances for a fair hearing would be severely curtailed.

Detention punishes the 94% of refugees who are not security threats. Existing legislation provides for detention until identity and security can be identified.

Ms. Christine Morrissey: The expedited timeframe proposed under Bill C-31 will not give LGBT claimants a fair chance to obtain competent legal counsel and prepare themselves and their evidence. We are pleased that the government has heard the concerns we expressed that a screening interview at 15 days would be unfair, ineffective, and extremely costly. Returning to a written basis of claim prepared with legal counsel is a step in the right direction. However, with this responsibility returned to community groups and lawyers, it is only fair that we be given reasonable opportunity to do a decent job. Legal aid applications take time, and we work with language and cultural gaps, and extremely intimate and sensitive testimony.

How would you begin to talk with a relative stranger about being sexually assaulted by police officers at gunpoint, or having your family threaten to stone you if you don't agree to an arranged marriage? Under these circumstances, how would you collect the documents that prove your fear of persecution? Could you do so in 30 days? Could you do so if using e-mail or fax put you and your family at further risk?

We know people who have been sent back to harm because they were unable to say what they needed to say, or because documentation was impossible to obtain. We fear that the vast majority of LGBT claimants will be inadequately prepared for hearings, resulting in poor decisions and unfair rejections.

● (1540)

Ms. Sharalyn Jordan: We are deeply concerned about the impact of barring claimants from an H and C application both during and for 12 months after the claim.

These measures form a crucial safety net for LGBT people at risk of serious harm in their home countries. Determining when homophobia and transphobia cross the threshold and become persecution is challenging. Board members and lawyers struggle to make this call. Good information is sparse and the gap between laws on paper and on the ground conditions is large.

Marta, from Mexico, arrived at a Rainbow Refugee meeting two years ago. With time, she confided in us. As a young woman she had been rejected by family because of her sexuality. On her own since the age of 16, she dealt with harassment as a butch lesbian and a mixed race Mexican.

In 2008 she was viciously attacked by a gang of men with connections to the police. They beat and burned her, smashed her hands, and threatened to kill her. Marta and her girlfriend went into hiding, but the threats continued. Marta filed police reports and was told that she would have to pay daily for protection from the police.

The two women tried relocating and in each city, threats followed. After another close call, Marta bought a plane ticket to Vancouver. Would you advise Marta to make a refugee claim or to file an agency application?

The Chair: Thank you.

Ms. Christine Morrissey: Marta—

The Chair: I'm sorry, we're out of time. I'd like to give you more time, but I'm not allowed to.

Mr. Deakin-Macey, you have up to 10 minutes.

Mr. Michael Deakin-Macey (Past President, Board of Directors, Victoria Immigrant and Refugee Centre Society, As an Individual): Thank you very much.

Good morning to all members of the committee and all those who are witness to these proceedings.

I recently travelled to Europe with my sweetheart and visited the grave of one of her relatives who died at Passchendaele in Belgium. It's very emotional seeing the name of a relative on a tombstone, especially when so far from home. There are many others there too, and many among them are Chinese workers brought in to dig graves for the fallen. They dug well into 1919 to bury the dead.

I start with this because Canada at that time did not treat the Chinese particularly well, especially by today's standards. Yet despite this, the Chinese are buried in the same graveyard. Despite all of the things that generation did wrong by today's standards, when the time came, they did the most honourable thing possible: they all rest together.

I see myself as a quiet Canadian. By that I mean I work to take care of my family, I volunteer in my community, and run my small business with hopes of employing more people in the future. My volunteer activities have caused me to be here before you today, because I'm the past president of the board of directors of the Victoria Immigrant and Refugee Centre Society in the city of Victoria, British Columbia.

It's a small organization of approximately 30 full-time staff with a budget of \$2 million a year. I was a very involved president. I know business and learned the somewhat arcane business of the Canadian immigration and refugee system at the street level. It works despite itself. Our funding came from more than a dozen sources and it consumed 20% to 30% of the staff's time applying for and administering all of these programs. Simply put, it needs a bit of improving.

I've been following the debate in my current role as a quiet Canadian in a quiet city. Canada is a generous country to the point that some see us as simple and often take advantage. Simple is a country that takes care of everybody, regardless of whether or not they're Canadian.

The Canada Health Act of 1984 guarantees access to emergency health care regardless of nationality. We get many visitors who are sick and show up in Canadian emergency rooms. We treat them, no questions asked. Then we try to get compensated for what it costs us to treat them. Being generous is not inexpensive.

Which brings us to today and the question of refugees, at least that's the reason I was asked to come. The *Sun Sea* was brought into my home town of Victoria. The first thing that Canada did was to ensure that they were physically safe and then to get them any medical attention that they needed, as well as food, clothing, and a clean place to sleep. Yes, they were detained, but they were not denied entry. Our country took care of them.

As reported in *The Toronto Star* on August 21, 2010 by Petti Fong, three in five Canadians believe that the ship should have been turned back. Yet the government did the honourable thing despite public opinion at the time.

Bill C-31 is partly a debate about the detail of our refugee system, partly a response to the public's desire to stop large groups of illegal refugees from taking advantage of our generosity. The devil, as always, is in the details. Let us remember that nobody is attempting here, in my opinion, to stop refugees from coming to Canada. Proportionately we take more than most countries.

We want to stop the organized trafficking of refugees using Canada as a target of their activities because of our international reputation as a simple country. This uses scarce Canadian resources that are better utilized getting the horrendous backlog of legitimate immigration applicants—800,000 and counting I believe—processed, letting those poor, quiet people waiting patiently in other countries know whether the answer is yes or no to being allowed to come to Canada.

Like our forefathers who ensured that the Chinese labourers rested with the fallen Canadian soldiers, I want to ensure that we continue our national generosity of taking care of all refugees who come to our shores, while placing reasonable restrictions on how quickly they become Canadians based on their method of arrival. We owe it to all Canadians, past and present, to continue quietly building this simple country we call home.

Thank you.

• (1545)

The Chair: Thank you, sir.

Good afternoon, Mr. Amble. I guess it's good evening; it's ten o'clock over there.

Mr. John Amble (As an Individual): It's close. It's coming close to nine o'clock.

The Chair: I am really pleased to see the palm trees behind you.

Mr. John Amble: You wouldn't know it, but the weather is not quite so nice here.

The Chair: Thank you, sir, for participating with the committee. You have up to ten minutes.

Mr. John Amble: Thank you.

Mr. Chair, honourable members, I am privileged to speak to you today. Thank you for having me back and thank you for the opportunity to provide some comments on the bill at hand, Bill C-31.

I have studied extensively the phenomenon of homegrown terrorism in the West. During the course of my research, I have looked closely at the connection between the threat of terrorism, and asylum laws in refugee application-processing programs. I am not an expert on the intricacies of asylum laws in any given country, including Canada, but I am happy to speak to the security implications of the systems that I have encountered.

My comments will be limited to these security implications. I hope you understand, if I acknowledge areas in which I might be less than qualified to offer an assessment of aspects of the bill in question that extend beyond the realm of security, and particularly the dangers of terrorism. I want to strongly qualify my comments by stating that the risk of terrorism is not proportionate to the number of a country's immigrants, either legal or illegal; to the number of approved asylum requests; or to the number of people who remain, say, in a country despite being denied asylum.

However, the evidence does show that a risk arises when either asylum and refugee processing structures are not properly developed or the laws are inadequately enforced.

It is in the highest tradition of western democratic values to welcome immigrants of all origins. Nowhere have such values been put into practice more fully than in North America, particularly in Canada. However, equally important are our government's responsibilities of ensuring accountability and providing security.

As an American, I can say unequivocally that Canada's reputation as a nation that both welcomes and values its immigrants is well known in the U.S. Living in the U.K. and travelling across Europe and elsewhere in the world, I certainly have the sense that Canada is viewed as a beacon of hope and opportunity around the globe. However, paired with this welcoming reputation is a certain awareness, at times even a cynical appreciation, of Canada's very generous social welfare programs and their extensive availability to newly arrived immigrants.

This is something shared with other countries as well, mainly those in western Europe. Too often, this generosity is exploited, as it often is here in the U.K., and notably in Scandinavian countries as well, for example. As I understand it, ending the manipulative exploitation of such programs, which sometimes carries on for an extended period of time, is one of several objectives of the bill being discussed here today.

From my standpoint, I would argue that there is also a security component to this. Recent history from European countries certainly shows that Byzantine refugee legal structures are sometimes exploited by people who threaten the security of the host country. Thus, you have senior radicalizing preachers and a number of convicted terrorists who have claimed asylum and subsequently received surprisingly large sums of money through very generous social welfare programs. Many of these individuals are currently in prison.

To give an example that involves Canada, in the so-called millennium bomb plot, an individual named Ahmed Ressay planned

to detonate a bomb at Los Angeles International Airport, which was thwarted at the Canada-U.S. border in December of 1999, as I'm sure you all know. Ressay had entered Canada in 1994 on a fake passport. He was arrested and he applied for refugee status. He was released pending a hearing and subsequently received several years' worth of social welfare benefits. When his application was denied, he appealed, and that too was denied in 1998. However, no removal order could be carried out, because at that time, he was at a training camp in Afghanistan. He would later return on a fraudulently obtained Canadian passport.

Incidentally, another millennium plot was disrupted just days later, halfway around the world in Frankfurt, Germany. Four men were arrested who were believed to be planning to blow up the Strasbourg Christmas market just across the border in France. Two of those arrested were failed asylum seekers living in Britain, whom the British government had failed to deport for several years.

Now, anecdotes are not a suitable substitute for the broader data that appropriately reflects the realities on which effective policy is based. But such incidents do illuminate the security implications of refugee and asylum policy, and are instructive in any discussion of such policy.

Practically speaking, I would like to highlight two factors of immigration laws that can weaken a country's ability to safeguard against the threat of terrorism. The first is when systems are overburdened and the asylum application process is delayed by backlogs, potentially allowing somebody entering the country under false pretenses and with a goal of conducting a terrorist attack a lengthy period of time in which to move freely within the country.

The second factor is a matter of inadequate enforcement of immigration laws, allowing failed asylum seekers to remain in the country. This is a problem that seems to impact the U.K. quite considerably.

To mitigate against such dangers, there should be some means of maintaining an awareness of where those asylum seekers are, so that removal orders can be implemented for those whose applications or appeals are denied.

In addition to addressing the challenge of knowing where asylum seekers are once they enter Canada, it is also important to know specifically who they are. For a variety of reasons, this task can be considerably more difficult than it sounds.

● (1550)

Insofar as it is prudent to know who exactly is entering the country, not just as a refugee but under any visa or permit program, biometric data provides a very valuable tool. I understand that expanding the use of such information is part of the legislation this committee is examining.

I'll conclude here with three recommendations based on my research that I believe can enhance the security of Canada's refugee laws.

First, every effort should be made to expedite the process to grant refugee or asylum status in the minimum period of time that continues to allow for a complete and secure investigation. In addition to making the process run more smoothly generally by removing backlogs, I think such an action can have a real impact on improving security by eliminating the sometimes very long window during which an asylum seeker who enters the country with any sort of nefarious intent might be free to, for instance, plan and execute an attack.

Second, a system should recognize that some countries of origin produce a disproportionate number of those involved with terrorism globally. To that end, identifying a list of so-called safe countries, as this bill would allow, can also have a very positive second-order effect. It will allow for greater emphasis on applications from individuals coming from those countries with known human rights abuse issues, some of which are also more likely to produce a worryingly large number of the world's terrorists. That being said, this should also be balanced with the very critical appreciation that terrorists may also, at any time, arrive from countries that don't fit the traditional profile.

Finally, refugee processes should embrace newly developed advances in technology, as I discussed earlier, such as those that allow agencies to collect, access, and store biometric information safely. Relationships with other governments that also make use of such tools should be leveraged. Ties with countries with whom Canada has enjoyed long-standing information-sharing relationships should be enhanced, but new agreements should also be formalized where prudent.

Like the U.S., Canada has historically benefited from a great degree of security by virtue of the vast oceans to its east and west. But as threats to national security have evolved to encompass many for which these natural barriers are less effective, and as global population movements have become simpler, faster, and cheaper, information-sharing relationships with a wider variety of partners can be expected to pay major dividends.

With that, Mr. Chair, I will end my remarks.

Thank you again for the invitation to appear today. I look forward to answering any questions you may have.

The Chair: Thank you, Mr. Amble. I'm sure the committee will have some questions for you.

The first person to ask questions is John Weston.

• (1555)

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Mr. Amble, thank you for being with us.

Many witnesses have come before our committee. You were here several months ago, and it's probably a testament to the rigour of your academic study and its important substance that I remember clearly your testimony from several months ago. I suspect several of my colleagues here do as well.

I recall that you talked about sleeper cells in the U.K. and about how people who were born and bred in that country were themselves being radicalized.

That's a bit of a backdrop, because we're also looking today at refugees in the context of an overall refugee policy. The kinds of stories that Sharalyn related to us this morning make any red-blooded Canadian quiver. We're all united in our desire to continue to be the country known for our compassion and as a safe haven for people from around the world.

I appreciate all of you being here.

Our Charter of Rights talks about balance, and you've used the word "balance" a couple of times in what you said today, Mr. Amble. It talks about certain undeniable rights that may be limited in ways that are explicable in a free and democratic society—I'm paraphrasing a little bit.

The point is that we need to achieve balance. The detention provisions that are being looked at here would apply to a very small percentage of refugees—fewer than 1%, in fact—who come by way of what's known as "irregular arrival".

My first question is this, then. Can you focus us on balance? If we desire to be a safe haven, if we desire to keep our gates open for those who would come to our country, persecuted either because of their sexual orientation or their political belief or anything else, how do we achieve that balance while keeping out the kinds of people who threaten our democracy and the safety and security of our children and our families?

Mr. John Amble: There are several things I'd like to highlight. One is that a number of principles need to be embodied in whatever effective asylum laws are put in place. Chief amongst those principles is the balance between security, accountability, openness, and fairness. Certainly, the stories of those who see Canada as a refuge, who have faced persecution for a variety of reasons, are heartbreaking at times.

In the interest of balance, I think it's also important to recognize the large number of stories of people who have abused those sorts of systems. This happens frequently. It tends to be a bigger problem, I think, in the U.K. and a few other European countries than maybe it has been in Canada. However, there's the example I gave you of Ahmed Ressay, the millennium bomb plotter who blatantly abused the Canadian refugee process. It happens elsewhere as well, and it's part of the trend in terms of liberalizing immigration laws.

In 1983, for instance, there were 80,000 asylum applications across the entire continent of Europe. Nine years later, in 1992, there were 700,000. It rose by almost a factor of 10. Islamists took advantage of the opportunity to hide in these massive crowds, and many of them became part of what would later be described as the first wave of Europe-based jihadists, and would become key figures in a number of terror cases. Abu Hamza, the notorious firebrand preacher who's currently serving a seven-year prison sentence and facing extradition from the U.K. to the U.S. when he's released, was among them. Ramzi bin al-Shibh eventually served as a Europe-based coordinator for the 9/11 attacks, after having been given asylum status in Germany.

I would say that an awareness of those stories and many others should inform effective policy.

Mr. John Weston: We've heard from people who oppose the provisions proposed by this government that up to 6% of the refugees who come in via irregular ways could be security threats.

I'm going to turn my attention to Mr. Deakin-Macey from my home province of British Columbia. You mentioned the incidents of the *Sun Sea* and the *Ocean Lady*. We found that 41 persons from those two groups were either considered to be security risks or actual terrorists. That was a fairly large portion of the persons involved.

I suspect, based on your background, that you want to defend our refugee program for generations to come. Yet if we were to allow such people to roam free, not be detained, what do you think would be the impact on future Canadians of our willingness to keep our gates open?

• (1600)

Mr. Michael Deakin-Macey: Based on the reaction the Canadian public had, which was published, for example, in the *Toronto Star*, three out of five Canadians—60%—said that we should have just turned the boat around and sent it away. God forbid—the thing probably would have sunk, and then we would have had the horrible responsibility for having done that and would have been out rescuing them. That's the same proportion as the federal election. It took a lot of moxie, in light of what was going on, to say we were going to override all of that and bring them in anyway.

I think detention is entirely appropriate in terms of what goes on. When you think in terms of some of the security implications amongst other things, you pretty much have to detain. We did the right thing. We made sure every one of them was well taken care of. They got medical care right away. This was the Canadian way—in keeping with how we lead our lives and how we treat people. Despite that, we still found 41 out of the total, which I believe was 76 on the *Ocean Lady* and 492 on the other.

Mr. John Weston: Let me just slip in one more comment before my time—

The Chair: No, I'm sorry.

Madame Groguhé.

I'm sorry, Mr. Weston. We're out of time.

Mr. John Weston: I don't think you're sorry at all, Mr. Chair.

The Chair: No, I'm not.

[Translation]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Thank you, Mr. Chair.

I would like to come back to the importance of keeping a balance between the safety of Canadians and welcoming individuals, some of whom may be under threat. For that, I'd like to quote the Supreme Court of Canada:

...the challenge for a democratic state's answer to terrorism calls for a balancing of what is required for an effective response to terrorism in a way that appropriately recognizes the fundamental values of the rule of law. In a democracy, not every response is available to meet the challenge of terrorism.

I stress the expression "rule of law".

This brings me to my question for you, ladies. In terms of this bill, do you think that refugee claimants who fear persecution because of

their sexual orientation will be at a disproportionate disadvantage with the introduction of this idea of designated countries? Could you give us a few examples of countries or regions where the vast majority of refugee claimants are fleeing from to come to Canada because they fear persecution in their country of origin as a result of their sexual orientation or gender identity?

[English]

Ms. Christine Morrissey: First of all, yes, we know that quite a number of people come to Canada as a result of their fear of persecution. We see people from Southeast Asia, from many African countries, from many South American countries. We've also seen people, interestingly, from Mongolia and Moldova, and they have both been given refugee status because of their situations.

The reality is that there are many people who come to Canada specifically for that, to seek that protection.

Ms. Sharalyn Jordan: It's important to recognize that just because a country is democratic, has an independent judiciary, and has civil society organizations, it does not mean it is not refugee-producing, when it comes to sexual orientation and gender identity claims.

We have seen that people's social class, social networks, religion, region, all affect the viability of state protection as well as their vulnerability to violence. People are targeted because they stand out, because they are poor, along with their gender identity or sexuality.

Those are two reasons why it's very important not to have broad criteria that do not consider the human rights record of countries, particularly the human rights record with regard to vulnerable groups. It is also absolutely critical that if a designated list is maintained, we do not deny the right to appeal. This is in keeping with the UNHCR guidelines. They say it is all right to expedite a process and to identify people for expedited processing, but not to deny due process. Equality before the law is the principle that we uphold in Canada.

• (1605)

[Translation]

Mrs. Sadia Groguhé: So you think that, even though some of these countries have a legal system, rights and freedoms democratic covered under legislation, LGBT individuals may still be persecuted despite all of this?

[English]

Ms. Sharalyn Jordan: That's exactly right, yes, very much so. We gave the example of South Africa. We've seen this in Colombia. I've had one gentleman describe Bogotá as a wonderful city in which to be gay, and another had to flee for 10 years and stay in hiding because of death threats. So it is very much a situation that must be determined on a case-by-case basis, and there must be a right to appeal.

[Translation]

Mrs. Sadia Groguhé: Very well.

The Balanced Refugee Reform Act was adopted in 2010 following compromise and relentless work by all the parties of the House. In accordance with one of those compromises, the delay for refugee status applications was reduced to just 28 days. What challenges do you have to face because of these already reduced delays? What problems do you anticipate, given the even tighter delays being proposed under this bill?

[English]

Ms. Sharalyn Jordan: We appreciate that the government has seen that the initial interview or the screening interview at 15 days will not work. It will be ineffective and costly.

As people who are on the ground with refugee claimants, we can tell you that legal aid applications in B.C. take at least a week, and good refugee lawyers meet with their claimants at least three or four times before they prepare the written document. There will not be time in 15 days. We need at least 30 days for a basis-of-claim document.

Then in terms of preparing for hearings, you are asking people to document hidden forms of persecution. They go to great lengths to find medical records, police records, and this takes time when you're navigating in different languages. The 30 days or 45 days or 60 days proposed under Bill C-31 simply will not work. People will arrive inadequately prepared, and we have seen that bad evidence results in bad decisions.

In Canada we have some of the finest decision-makers in the world around sexual orientation and gender identity. They understand the issues. They have been trained. But you need to give them the opportunity to do their job right.

[Translation]

Mrs. Sadia Grogue: You wrote the following in the brief you submitted to our committee: "Ensuring that Canada's refugee system provides fair and effective protection for LGBT refugees requires understanding the particular manifestation and impacts of SOGI persecution."

Could you comment on this to provide clarification?

[English]

Ms. Sharalyn Jordan: I'm not sure I understand the question, I'm sorry.

[Translation]

Mrs. Sadia Grogue: You say in your brief that it is essential that Canada provide fair and effective protection for refugees, but that it is important to understand how sexual orientation and gender identity persecution happens and what the consequences of it are.

[English]

Ms. Sharalyn Jordan: All forms of persecution are heinous, but there are particular characteristics to sexual orientation and gender identity based claims that make giving an account of this kind of persecution especially difficult for claimants. One is that it usually occurs outside of the public eye. Often it is in families. Often people are betrayed by their family members and by their classmates. The traumas they've experienced are associated with relational betrayal and sexual violence. Both of these are particularly traumatizing, and

we know through the psychological literature that they have long-standing impacts on a person's ability to give coherent testimony.

The Chair: I'm sorry, Ms. Jordan, we're going to have to move on.

Mr. Valeriote, welcome to the immigration committee.

Mr. Frank Valeriote (Guelph, Lib.): Thank you so much. It's a wonderful opportunity.

I come from the agriculture committee, so you'll forgive any misunderstandings of this legislation. I have looked at it for quite some time, mind you, and I know that immigration issues, and particularly refugee issues, are very complex, especially in our global society, and will only grow more complex with populations that will be displaced because of global warming and the many more claims that will arise.

When I look at this legislation, I have to say from my perspective that it's a rather simplistic approach to rather complex issues, particularly when it comes to naming countries as safe countries and just making certain assumptions that will arise from that, and declaring certain arrivals as irregular and all the consequences that arise from that. My questions really arise from those two issues.

From my experience travelling in other countries, I'm very aware that there are a lot of people—most refugees I would think—who would rather spend a year in a detention centre in Canada than in a refugee camp, or subjecting their lives to a certain threat in the country from which they come. It makes me question the sincerity that's found in the notion of detention.

In your opinion, will it really be a deterrent, or is it really there to satisfy some people in Canada to give the appearance that we're going to try to hold people back, especially when it is associated with a five-year penalty of not being able to claim landed immigrant status?

• (1610)

Ms. Christine Morrissey: The reality is that people who are genuine refugees who live in really challenging circumstances and face persecution on a regular basis will find whatever means they can to come to a place of safety. Certainly, Canada has been identified as one of those by many people around the world, and that is very clear from the sexual orientation and gender identity perspectives.

I agree with you that there are many people who would prefer to spend a year in detention, and I do think it is a way of appeasing the Canadian public—the ones that Michael mentioned before. To some extent that has grown because of the way the media have painted things, and the way the public has been exposed to this ongoing language around refugees and refugee asylum seekers. The problem with the detention that's presented in Bill C-31 is not the detention per se. The problem is the 12-month no review. A 12-month no review is totally outside of Canada's legal framework.

Mr. Frank Valeriote: I know the Supreme Court set out in the Singh decision that the charter guarantees are applicable to refugee claimants. It was also set out in the Charkaoui case that detention without review within 120 days is unconstitutional.

Let me ask you arising from that—and Michael and John, you are welcome to jump in on any of these at any time—without referring to the specific sections of the legislation, would it be your intention, or do you know of other groups whose intentions it would be, to appeal and take these matters to court should the legislation pass in its current form, and to contest the legislation as being unconstitutional?

Ms. Christine Morrissey: Unfortunately, none of us are lawyers and so it's very hard for us to speak about that, but certainly in the groups and consultations that we have attended, there is serious consideration being given on the part of lawyers who work with refugees that this will be contested.

Ms. Sharalyn Jordan: It clearly violates the constitution and our charter obligations, and there are intentions to move forward with challenges.

Mr. Frank Valeriote: Okay, now, do I have any more time?

The Chair: You have 30 seconds.

Mr. Frank Valeriote: I have 30 seconds, very good.

The Chair: Tell us a bit about your riding.

Mr. Frank Valeriote: Yes, right.

The bill removes the automatic stay of removal for several types of claimants including designated foreign nationals and claimants from safe countries when seeking judicial review. Effectively, an individual can be removed before their hearing is made.

What are the problems associated with that, when somebody has to go back before their hearing? Let's be candid.

Ms. Sharalyn Jordan: It's an absolute denial of justice and due process, and it puts Canada at serious risk of returning someone to their death, to persecution.

When we signed on to the Geneva Convention, we signed on to be a place of refuge and protection for all refugees and to give them access to due process.

•(1615)

The Chair: Thank you.

Ms. Christine Morrissey: The other thing—

The Chair: I'm sorry, I have to move on.

I'm sorry.

Mr. Opitz.

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Mr. Chair.

There are a few things that aren't perceived properly. Bill C-31 is proposing changes that will build on reforms that the asylum system passed as part of the Balanced Refugee Reform Act. This bill will not change any of the protections that the LGBT community has. In fact, it's going to help people from this community seeking status in Canada to get it faster and protect those refugees because that's what we do.

We are a compassionate country, and we are going to make sure that people that are needing our protection do get it. We are a signatory to the Geneva Convention and many other international agreements that we dutifully follow.

Also, I want to point out that Minister Kenney has been a great defender of the gay and lesbian community, and has encouraged the gay and lesbian community here in Canada to privately sponsor LGBT refugees. That option exists. In fact, they should listen to the minister, take him at his word, and apply to do that.

The other one, because I do want to talk to Mr. Amble about some security issues, is that 99% of people that do arrive here are out in the community, are working, and are contributing, while their claims are being processed. Only 1% are detained, and that's where the problem comes in for some of our security issues and why detention can be important until we understand who these people are.

Mr. Amble, over to you quickly on the detention side first, let's begin with that because I only have a few minutes.

A lot of these folks, especially smuggled, trafficked folks, come from places that are rife with terrorist groups and other criminal organizations.

If you were one of these people, for example, would a mass smuggling event be something you would conceal your identity under when you arrive?

Do you follow me?

Mr. John Amble: Yes. The short answer is, yes, if it's available.

We've seen evidence that, particularly with people who originally travelled to western countries like Canada, in this instance, with the intent of at some point carrying out a terrorist attack, they don't care how they get there. They'll get there in any way, and if it's through a smuggling operation where they get bunched together with 20 or 400 other people and that gets them in, they're going to do it.

It happens to be that, unfortunately, too often these are from the countries that have human rights abuses too, countries where the government oppresses its people tend to generate a level of militancy amongst at least [*Technical difficulty—Editor*] members of the population.

That oppression often takes the form of human rights abuses, and that militancy often takes the form of terrorist activities. What happens is that the two are actually sort of linked, and the governments across the Middle East and areas of central Asia and Southeast Asia and Africa that have strong human rights abuse issues, also tend to produce the most terrorists.

Mr. Ted Opitz: That's interesting.

Those terrorists, even though they come to our shores, they may not necessarily be interested in doing harm to Canada or the United States, but they may actually use us as a base of operations to strike back at the place they came from. Is that a fair statement?

Mr. John Amble: Yes, it is very fair.

In fact, the governments of those countries where they originally come from are aware of that. This has been a pattern since the end of the 1980s, after the Soviet war in Afghanistan when the mujahideen felt they'd defeated the Soviet Union—now what do they do? Then they were going to go back to their home countries. Those countries didn't want them there because they knew that they were going to come back and undertake activities designed to overthrow those governments.

Many of them did move to Europe and Canada and the United States from where they did continue to plot attacks on their home countries.

Mr. Ted Opitz: Thank you.

Mr. Deakin-Macey, yesterday we had Imre Helyes, from the Embassy of Hungary, and he said people basically come here because it's easy money. In your opinion do you think Canada is easy money, and does this affect and harm our international reputation and economy?

Mr. Michael Deakin-Macey: Well, "easy money" is a bit of a loaded term perhaps, but I think we take great care of people who come here.

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

Mr. Deakin-Macey: Is the mike on?

• (1620)

The Chair: Go ahead, sir. We were just chatting while you were speaking.

Mr. Michael Deakin-Macey: Oh, all right.

I think we easily have one of the most generous packages for new immigrants and refugee claimants in the world. For example, with the *Sun Sea*, they didn't come here directly from Sri Lanka; they came from another place. You could almost argue that they were upgrading as they went along and they got here. God forbid that they drifted around for three months and arrived anyway. And, we took good care of them.

If you include all of the cost of that—and I'm not trying to be flippant about this—the military overflights to keep track of the ship before it got out of international waters and inside our borders, because we couldn't touch it before then, all the military stuff that went on.... If you included the actual total cost for that particular operation and applied that money to other things, such as hearing times and applying more resources to get rid of backlogs, it would have to produce the kind of effect that we all want to see. It has to.

Mr. Ted Opitz: Towards that end, Mr. Amble called that a "cynical appreciation" of our generosity, and I think that's an apt term.

In reply to some of the comments that were also made about law enforcement in democratic countries that fail to protect, whether it's LGBT community members or others, it's really not Canada's role in the world to augment and enforce law enforcement in those countries. It's up to those countries to reinforce their own laws and ensure they afford protections for people who are persecuted. They also have options to go to countries for refuge that are a bit closer and not just target Canada. I think part of that is something that is happening.

I think I'm out of time, Mr. Chair.

The Chair: Are you finished?

Mr. Ted Opitz: I thought it was up.

The Chair: Well, you have more time.

Ms. Sharalyn Jordan: I wouldn't mind responding to some of the comments that were addressed to Rainbow Refugee.

Do we have time?

The Chair: I'm sorry, we have to move on. Now the time is up.

Incidentally the clock has stopped again, so the immigration committee has stopped in time.

You have five minutes, Ms. Sitsabaiesan.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you.

Ms. Jordan, did you want to respond?

Ms. Sharalyn Jordan: Yes. We do share the goal of seeing refugee claimants move through their claim much faster than the current system allows. Clearly waiting a year or two in limbo is unacceptable. However, that waiting time was created through inadequate resourcing of the refugee board.

You can legislate any timeframe you want; it won't work if the refugee board is not staffed properly and fully. Legislating too rapid a timeline will actually create inefficiencies. People will end up going to a second decision, when a first decision could have been enough if they were well prepared. This is what's happened in the U. K.

Ms. Christine Morrissey: I would like to add that with regard to the reference to people going to a nearby country, we have many examples and many experiences—for example, we had two gay men from Pakistan who were outed by the local BBC. Their only way of escape was into Afghanistan in the middle of a war, to where people from Pakistan are not accepted. They were there with double indemnity, if you like.

It's the same thing with almost all of East Africa. All of East Africa gets processed through Kenya. In Kenya there are backlogs of years. Even if we attempt to sponsor somebody, we're still up against the same backlog that everybody else is up against.

Ms. Rathika Sitsabaiesan: Thank you.

Did you have more?

Ms. Sharalyn Jordan: We see overseas protection as a complement to good inland protection, but not a replacement. Canada has an important role to play in upholding good standards of refugee protection for sexual orientation and gender identity claims. We should continue to pass measures that allow us to maintain those standards.

Ms. Rathika Sitsabaiesan: Thank you.

As you know, we passed the Balanced Refugee Reform Act last year. The Conservatives are now going back on their promise that they just praised only months ago. We know that the European Court of Human Rights, among others, has raised serious legal and human rights concerns about the list of safe countries.

Do you think that the complete ministerial discretion to designate countries as safe—

• (1625)

Ms. Roxanne James (Scarborough Centre, CPC): Mr. Chair, I have a point of order.

The Chair: Go ahead, Ms. James.

Ms. Roxanne James: It's been an extremely long week of long hours of committee, but if I'm not mistaken, I just heard you say that the Conservatives went back on their promise. I don't think that's really appropriate language to use in this committee, because that's not exactly what's happened.

I'd like to clarify that, please.

Thank you.

The Chair: You know, Ms. Sitsabaiesan, it's probably not a point of order, but it's not helpful to bait the government, because then they'll bait you. Then I'll lose control of the meeting, and we don't want that to happen, do we?

Ms. Rathika Sitsabaiesan: No.

The Chair: So try not to bait the government.

Thank you.

We'll start the clock again.

Ms. Rathika Sitsabaiesan: Do you think that the complete ministerial discretion to designate countries as safe will lead to further court challenges?

Ms. Sharalyn Jordan: Bill C-11, the Balanced Refugee Reform Act, provided for consultation with human rights groups before a country could be designated. That's one of the measures that's been removed in Bill C-31.

So yes, I do see that as one of the problems with the way that the designated country list has been included in Bill C-31.

Ms. Rathika Sitsabaiesan: With your experience, and I know you articulated some of your ideas, what recommendations do you have for fixing this bill? You spoke about some of your concerns with it. What are your recommendations to actually fix this bill to respond to the reality of LGBTQ refugees?

Ms. Sharalyn Jordan: Our brief outlines these in more detail. I'd also refer you to the brief by the Canadian Council for Refugees, as there are great parallels there.

Creating a system that protects the most vulnerable—women who are fleeing domestic violence, LGBT refugees—creates a system that works well for all refugees. Our suggestions include that we stay with the existing legislation in terms of the provisions under IRPA and now the Balanced Refugee Reform Act, although remove the screening interview at 15 days; and maintain the written basis of claim document and allow a decent amount of time. I think the CCR recommended 30 days. That would work for us.

I believe there's no need to legislate timelines, really. As long as the refugee board is well staffed, hearings will be scheduled. That's what's getting in the way, not lack of legislation.

The Chair: Thank you.

Ms. James.

Ms. Roxanne James: Thank you, Mr. Chair.

I'm going to direct these questions to Mr. Deakin-Macey.

When we're talking about human smuggling—this seems to be your area of expertise, being on the west coast—I can't believe for a

minute that the people involved in a human smuggling organization are doing it out of the goodness of their hearts. To get people out of one country and into another country, there has to be some sort of monetary benefit for a human smuggling operation and the people involved in it.

Could you speak a little about that, please?

Mr. Michael Deakin-Macey: Really it boils down to two kinds of profit motives.

First of all, yes, there is the monetary, but it may not be direct monetary. There's a simplistic one, where they have some kind of cash or money or a tradeable something, such as gold or whatever, and they pay for passage. That's very overt and above board.

The second issue that causes a lot of people a lot of concern is the fact that they put themselves in what amounts to indentured slavery when they get here in order to pay off the transit. For example, if they come from an area where English isn't a language that shows up on the language radar of the region, then in Canada they pretty much have to go to that ethnic community. This means that automatically, even if the Canadian government has intervened at some point in time, it puts them back on the radar to be tracked by the smugglers and told, "You have a debt to pay; you have to work it off."

This amounts to years, potentially, of.... We've heard reports of \$50,000 in transit fees that they would have to work off over years. If they refused or they didn't pay, there would either be a threat to them personally here in Canada or there would be a threat to family members remaining in their country of origin.

I think that's a big part of the challenge. I would say that the majority of them don't have the cash, and the majority of them, in my opinion, come into some form of "working it off", if I can word it that way.

Ms. Roxanne James: That's very concerning, because if they're working it off here in Canada, obviously there are ties to organized crime here in Canada and other such things are going on that we don't want here on our shores—not only the criminality aspect of that particular issue but the human aspect of that issue. Someone, as you said, is now enslaved to these people who got them to this country.

I thank you for that answer. Going along this road, I have a quote from something else you said:

We are pleased that the Government has sent a clear message that it will not be tolerated, and we welcome the introduction of legislation preventing human smugglers from in effect creating an unfair two-tier immigration system, one for the impatient rich and the other for the honest applicant.

In your speech earlier, you talked about the "poor, quiet people" in countries waiting for a yes or no answer.

Mr. Michael Deakin-Macey: Absolutely.

Ms. Roxanne James: And I'm sure that's what this quote ties into.

● (1630)

Mr. Michael Deakin-Macey: Correct.

Ms. Roxanne James: Would you like to elaborate a bit more on that? Because you know what, there are hundreds of thousands of refugees around this world, sitting in UNHCR camps waiting patiently to get a positive “yes” answer to come to a country like Canada, and we have others who are making ties with organized crime and coming in through the back door. Do you think that's fair?

Mr. Michael Deakin-Macey: You have to divorce yourself from the individual cases sometimes and come up a little bit in terms of how you look at it. The challenge becomes one of trying to treat people the same as they work their way through it. Sorry, I had a mental lapse, could you—

Ms. Roxanne James: I think we have enough answer there.

I just want to speak for a moment to Ms. Morrissey and Ms. Jordan.

I can't remember who said it, but you referenced a particular case from Pakistan and the fact that they may not get a fair process, or whatever the case was that you were talking about. I just wanted to clarify that with regard to designation of safe countries there are certain qualitative and quantitative factors that are involved in the designation. The minister cannot just designate a country, it has to be based on stuff that is in legislation and also outlined....

I'm just going to give an example. Sixty per cent or more of total asylum claims from the country are withdrawn or abandoned by the claimants. The second one is that 75% or more of the total asylum claims from the country are rejected by the independent Immigration and Refugee Board. So when you're talking about cases like Pakistan, are people coming from Pakistan who are refugees abandoning their claims in droves like some other countries from the European Union? I'm just wondering if you were thinking this applied to that particular country.

Ms. Christine Morrissey: No, certainly they don't.

Ms. Roxanne James: Thank you. That's all I needed to know. I just wanted to make sure that we understood that.

The Chair: Thank you.

Mr. Menegakis.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Mr. Chair.

I'm actually going to pass it over to Mr. Dykstra.

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

Chair, through you to Sharalyn, I'm afraid that you're misinterpreting or not understanding the new legislation correctly in maybe three areas. I did have some questions for Mr. Amble, but I really think it's important to get this clear, because I understand your concerns, but I think we've alleviated them. In fact I think we're correcting the actual concerns that you have in terms of your perspective.

The first is that the only time that the detaining of an individual will happen is when there's an irregular arrival, meaning that there will be a large number of people coming in a specific way that is irregular to the normal entrance of 99% of the asylum seekers who

would apply for refugee status here in Canada. So the community that you represent will not be impacted by that.

Ms. Sharalyn Jordan: We already have been.

Mr. Rick Dykstra: Okay, you already have been. Then it's kind of hard for you to have been impacted by legislation that hasn't been passed yet.

Ms. Sharalyn Jordan: We've been impacted because people who are LGBT have been detained and been unable to access legal counsel because of that detention. Our concern is that even though it may be a very small percentage once people are in detention and they are without review for 12 months.... And I understand that it is maybe less than 1%, but that it could happen, and it has happened, that people have been detained and once they are, they do not have access to legal counsel in a safe environment that allows them to say what they need to say. That then creates a credibility problem for them in their hearing.

Mr. Rick Dykstra: I would disagree with you. But if it has happened then that is an issue for the IRB to deal with. It's not an issue of legislation. So I take your concern, but it isn't in fact part of what this bill is about. It's an issue that you have with respect to individual IRB judges who may or may not have made a mistake with respect to the individual file—

• (1635)

Ms. Sharalyn Jordan: Yes, I understand. Our argument is that it's going to become much easier for IRB members to make these mistakes, because people are going to be arriving without having disclosed what they need to disclose at the beginning, and we have seen people returned quite literally to their deaths because they have not said in the early parts of their claim that they were gay, or lesbian, or trans, and then this has come up later, and then this creates a credibility problem. The courts have disciplined IRB members around—

Mr. Rick Dykstra: I don't have much time. My purpose wasn't to get into an argument with you. It was to clarify that your issue has little or nothing to do with this legislation and more to do with the process that's in place now—a process that we need to repair.

The second point that you made is that the process takes far too long, and the only solution to that process is to hire more IRB representatives to solve these, because you call it a process.

That is, in fact, not the case. The problem we have is that the number of applications that have come into the country that are actually false, and not true. That's part of the reason we're trying to address it through this legislation. Hungary, Mexico, before we had the visa implemented in that country—those are the issues we face.

There's a volume issue, based on how broken our system is now, that has an impact. So that will change with this legislation.

The second point is that we're going to eliminate all the barriers in the appeal process so that people whose claims are truly denied, and should be truly denied, do not clog up an appeal system that doesn't allow those who are true refugees to be able to use that system.

While I don't doubt that you have some issues to deal with, the point is that this legislation is actually going to help you a great deal more than the current system we have. I think, taking another look at this, you'll understand that it's extremely good legislation from the perspective that you're bringing forward to the table.

Ms. Sharalyn Jordan: With all due respect, there has not been a gender analysis done on Bill C-31. Our on-the-ground experience suggests that no, it will not be helpful. Our people will be affected.

The Auditor General has identified the source of the backlog as the lack of resourcing of the IRB—

Mr. Rick Dykstra: —which has been addressed.

Ms. Sharalyn Jordan: We have already seen an increase, without the Balanced Refugee Reform Act being implemented.

Mr. Rick Dykstra: It looks as if we're just going to agree to disagree, which is fine. I think it's important. That concern went into this exact issue you're raising, when we prepared the legislation, just to note that.

Ms. Sharalyn Jordan: We've suggested alternative mechanisms in our brief that would address our concerns, and I hope you'll give those some attention.

The Chair: Thank you, Mr. Dykstra.

Monsieur Giguère.

[Translation]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Thank you, Mr. Chair.

Of course, I'd like to thank our witnesses for sharing this information with us.

Ms. Jordan, a good number of countries around the world currently include sanctions against homosexuality in their criminal code. Some legally tolerate what they call crimes of honour committed against members of the homosexual community.

If you are open to it, I would like to give you my five minutes. Tell us how many of these countries—countries that have a democratically elected government and a legal system but that still apply criminal sanctions and still tolerate crimes of honour toward homosexuals—could be declared safe under Bill C-31.

[English]

Ms. Sharalyn Jordan: Thank you for this time.

It's important to recognize the complexity of homophobic and transphobic persecution that exists in the world today. There is a myriad of countries—right now, 76 hold official criminal sanctions, even when criminal sanctions don't exist. Things such as public health laws, morality laws, and religious laws disproportionately affect transgendered, lesbian, gay, bi, and trans people.

We have also seen an increase in what I would call “scapegoating” of our people who are tied to nationalist movements in countries. The situation in Uganda is a very good example. It is essentially a witch hunt. People are not able to leave their homes. Your example, Monsieur, of the honour crimes is another excellent example.

Transphobic and homophobic persecution is often perpetrated by family members, with the complicity of the state. The state allows

this to go on and does not implement the safety measures needed, or people cannot access the safety measures needed in order to be safe in their own countries, and because of that, are forced to leave.

I can think of an example of a woman from one of the Middle Eastern countries. I won't name it in order to protect her confidentiality, but she was seen with a girlfriend. It was her classmates who turned her in to the religious police. The religious police then imprisoned her. She was kept in prison, tortured and sexually assaulted, and prepared for her execution once a month for a period of six months until she could be released, because her parents were able to pay a bribe. She was able to exit her country only because her parents had the resources to help her leave. Canada has become a place of refuge for her.

I'm going to give the floor to you.

● (1640)

Ms. Christine Morrissey: I think at the moment the most obvious country that is problematic for people in our community is Mexico because the situation in Mexico has deteriorated in relation to drugs and the drug war, and the cartels. Our perspective is that if police are not able to take care of their citizens, they're not going to bother about lesbian, gay, transgender, bisexual people. Marta, the example we gave earlier, made a refugee claim and she was denied because she was from Mexico. She had the option to make an application on humanitarian and compassionate grounds, so she's still here.

There's this other piece that if the country is on a list and the person comes from that country, the person doesn't get a second chance. It's true that people do fall through the cracks. As Mr. Deakin-Macey said earlier, some of the things are in the details. We haven't seen the details that are connected to this legislation. While we hear things such as it's going to be particular countries, we also heard Mr. Amble say that countries where governments persecute their own people are also countries that grow terrorist movements, or opposition movements. That for us is problematic because the people who are most vulnerable in those situations aren't the people who are being persecuted on sexual orientation and gender identity. So even from those countries, there's a problem.

The Chair: Thank you.

I'm afraid our time has come to an end. Ms. Morrissey, Ms. Jordan, Mr. Deakin-Macey, Mr. Amble, I thank you on behalf of the committee for participating and providing your comments to assist us with this bill. Thank you very much.

This meeting will suspend.

● (1640)

(Pause)

● (1645)

The Chair: We will reconvene for panel two. We have two witnesses. From Action Réfugiés Montréal, we have Glynis Williams, who is the executive director. Good afternoon to you. Jenny Jeanes is the program coordinator. Thank you for coming.

We also have Canadian Paediatric Society. Richard Stanwick is the president-elect. Congratulations on being elected.

Dr. Richard Stanwick (President Elect, Canadian Paediatric Society): Thank you. It's a bit of the same passion as the people in this room, but certainly not the same scale.

The Chair: Okay.

Marie Adèle Davis is the executive director.

Each group has up to 10 minutes. One person can speak, or you can share the time.

Ms. Williams.

[Translation]

Ms. Glynis Williams (Executive Director, Action Réfugiés Montréal): Good afternoon. My name is Glynis Williams. I am the director of Action Réfugiés Montréal, and on behalf of that organization, I would like to thank you for allowing us to present our concerns about Bill C-31.

[English]

Action Réfugiés Montréal was founded in 1994 by the Anglican and Presbyterian churches in Montreal. Our mandate includes assisting refugee claimants who are detained in the Canada Border Services Agency holding centre in Laval, which my colleague Jenny will soon describe. In addition, we match women refugee claimants with volunteers, and our third program is sponsoring refugees from overseas. We believe that one of our strengths is that we work with both inland refugee claimants and refugees who are overseas. This is a somewhat unique situation in Canada.

Twenty-four years ago I started working with refugee claimants who were being detained in Montreal. As the founding director of this organization, we chose to make the detention program a priority. As mentioned in our brief, though, we are also concerned with clause 19, which allows the minister to initiate a process that would declare cessation of refugee protection resulting in a former refugee's removal from Canada. Furthermore, there is no remedy available to the individual or family once the decision has been made. This clause renders permanent residence an oxymoron for most resettled and accepted refugees.

A story illustrates this point. Sixteen years ago the Presbyterian Church in Montreal agreed to sponsor a young Iraqi woman, a victim of Saddam Hussein's regime. She had been interviewed in a Jordanian prison by a Canadian visa officer at the request of the UN High Commissioner for Refugees, a rare situation that reveals the persecution refugees can face even in countries of first asylum. She lived with me for a short while using lots of sign language—I do not speak Arabic—and several volunteers became her good friends. We raised the required \$8,000 to care for her in that first year. I just discovered recently that she's still only a permanent resident, not a citizen, even though she has three Canadian-born children, she owns a house, drives a car, and works in a day care. She speaks French very well.

This clause could definitely apply to her, and for what purpose? She and her husband both work, pay taxes, and their daughters are Canadians and they have very little knowledge of Iraq. In the language of the UN High Commissioner for Refugees, refugees seek a durable solution, something which too few manage to obtain. The humanitarian basis of Canada's refugee programs, whether it is

government-assisted, privately sponsored refugees, or accepted refugee claimants within Canada is mocked by this proposed clause and must be withdrawn.

• (1650)

Ms. Jenny Jeanes (Program Coordinator, Action Réfugiés Montréal): Hello. My name is Jenny Jeanes and I am responsible for Action Réfugiés Montréal's detention program. Since joining Action Réfugiés Montréal in 2005, I have visited the Canada Border Services Agency holding centre in Laval, Quebec, on a weekly basis.

As our only staff person who visits the detention facility, I rely on the assistance of law student interns, who accompany me to the centre. Each week we meet newly arrived refugee claimants who, for the most part, have been detained in order to verify their identity. We try to help them understand complex immigration procedures, especially the requirements for their refugee claim.

We assist them in finding counsel. We supply phone cards to those who need to call their families and ask for their identity documents to be sent. We also identify the more vulnerable detainees, including pregnant women and families with young children, in order to provide them extra support.

Before leaving the office yesterday, I spoke to two young detainees who needed phone cards to call their families back home. These young men, one 17 years old and one 18 years old, are from Sierra Leone, a West African country that not long ago was torn apart by a decade-long civil war, and with upcoming elections, faces new unrest.

They travelled to Canada by boat and were detained upon arrival. Tomorrow they will have spent one month in detention. They have already made contact with their families, but a single phone card provides only nine minutes to call their country. They are still waiting for their documents to arrive, hoping family members will be able to help them.

One has already obtained from his family a faxed copy of the only official document he possesses, but his family has not been able to gather the funds to post the original. They know no one in Canada, so when they need help with cards, they phone our office and ask for "Auntie Jenny".

They are just two of the hundreds of detainees we assist each year, but their situation brings to mind two of our main concerns with Bill C-31: the 12-month mandatory detention for designated irregular arrivals and the very fast processing times for refugee claims.

These two young men meet the criteria of claimants who could be designated as irregular arrivals and detained for one year without review. Although one is 17 and legally a child, he would not be exempt from mandatory detention.

Even if they were not designated as irregular arrivals, they are already halfway along the 60-day delay for a refugee hearing, as proposed by Bill C-31. They have yet to obtain identity documents, let alone meet the requirements for preparing a refugee claim. With the assistance of a lawyer, they have just begun to tell their stories. They speak limited English, relying on an interpreter to assist them. Their lawyer will have to tease out the complexities of their country's situation, distinguishing their personal fears from generalized violence and instability and examining the impact of regime change on their individual lives.

Over the years, I have met refugee claimants detained at late stages of pregnancy, and even some who have given birth while detained, returning to the detention centre with a newborn baby. I have met elderly claimants in detention and those sick with diabetes or other illnesses. I have met claimants who have been raped or tortured or who have seen family members killed and have ongoing nightmares.

I have met many young children under the age of five who accompanied their parents in detention, sometimes for over a month. One very young woman, herself an unaccompanied minor, spent almost a month in detention with her own baby until she was able to satisfy authorities as to her identity. She spoke no English or French, and was separated from her own family members in Canada, who were released before her due to their identity documents.

I have learned that refugee stories are often complicated and that it takes time for a claimant to be able to share their experiences. In our brief, I mention the case of a young gay man from Algeria who spent three months in detention until his identity was verified. He was scared and ashamed of disclosing his sexual orientation and was uncomfortable around other detainees during his three months in the centre. He was so psychologically fragile that he was unable to testify at his eventual refugee hearing, even after several months in Canada. Only with the help of a therapist was he finally able to clearly explain his need for protection, and he was accepted as a refugee. I would just like to add that this therapy was not available while he was in the centre.

I'd also like to tell you about a woman from Nigeria who we first met in detention in 2008. She has since been accepted as a refugee and is now a permanent resident in Canada, but it was a difficult road to where she is now. She arrived in Canada eight months pregnant and spent most of the last of her pregnancy locked up in the holding centre, where rules dictate when and what to eat, when to sleep, and whether one can go outside for some air. It took her 40 days to obtain identity documents and be released, and she gave birth less than two weeks after leaving detention.

• (1655)

Being in detention is a difficult experience for most of the claimants we meet. We hear repeatedly about the shame of being handcuffed and under constant surveillance; the fear of deportation exacerbated by the regular removals of other detainees; and chronic physical discomfort, such as constipation and fatigue. We regularly meet detainees who speak no English or French, and are extremely isolated by language barriers. Claimants express distress at having to prepare written documents to start their claims while detained, where they have no privacy, there are obstacles to communicating with

their families, and there is little contact with their legal counsel. As mentioned in our brief, there is no privacy for phone calls, and even when lawyers can visit the centre there's limited time and space for consultation.

We have a unique perspective, being able to meet individual detainees week after week and hear their experiences. Detained refugee claimants tell us of the significant challenges they face during days, weeks, or months of detention. It is hard to imagine 12 months of mandatory detention. Having seen how many obstacles refugee claimants face when detained at the beginning of the refugee process, we worry that the short delay of only 60 days or less will result in refusals for people genuinely in need of protection. Many of these individuals would not even have access to appeal under Bill C-31 provisions, eliminating the chance of having errors corrected.

Thank you.

The Chair: Thank you.

Mr. Stanwick.

Dr. Richard Stanwick: Good day, Mr. Chair and members of the committee.

I'm Dr. Richard Stanwick, a pediatrician and public health specialist. I also probably have a unique qualification in that I was dockside on August 13, 2010 with the RCMP and the Canada Border Services Agency for the arrival and processing of 492 refugees from the *Sun Sea*. I participated in the organization of the health response as well as the provision of on-site public health and pediatric advice.

I am here this afternoon representing the Canadian Paediatric Society, a professional organization representing over 3,000 health professionals dedicated to child and youth health.

My opening remarks today are going to be focused specifically on the health of children and youth, and what we can all do through public policy to ensure they have the potential to become active contributing members of Canadian society.

As pediatricians, we are committed to working with all levels of government to make decisions and develop programs, programs—and I want to emphasize this—that are based on emerging science that clearly shows how young people develop and what should be in place within their communities to ensure their optimal long-term health and development.

Child health experts now have a truer understanding of the importance of family in ensuring and supporting the development of children than was previously the case. We know that good preventive health care, early education, physical activity, and a balanced diet set the foundation for a productive and healthier adulthood, and that protective aspects of a good childhood experience inoculate individuals for improvements in all aspects of their life, be that mental health, physical health, high school completion, and even employability. Conversely, we know that higher than normal levels of stress contribute to ill health.

Former Japanese internees in World War II experienced a twofold increase in cardiovascular disease and premature mortality than did individuals who were not interned. One epidemiologic study suggested that internees die 1.6 years earlier than a comparison non-interned group. So-called “toxic stress” is particularly harmful when it occurs during childhood and when it's not mitigated by nurturing relationships with significant adults.

On the basis of this evidence—the importance of family and a positive childhood experience—we respectfully ask the government to reconsider and withdraw Bill C-31. If the bill is not withdrawn, then we strongly advocate that it be amended in specifically those sections that could lead to refugee children under the age of 16 being either detained with their parents or separated from them for a period of a year. If the legislation must be passed into law, we would ask and encourage you to ensure that it has provisions to keep families together. These provisions should really integrate them into communities as quickly as possible, and ensure immediate and ongoing access to health services and care, including preventive care such as with immunizations and—I think we would want to emphasize as almost equally important—ongoing access to education and other social and community values and associations.

Both options in the current version of C-31 cause great concerns to pediatricians because essentially we're forcing a *Sophie's Choice* on the parents. Should children under 16 go into detention with their parents, there is no assurance that they will have access to the education or health services they need. It's also vital that children have the benefit of safe recreation and we have concerns that detention facilities will not have age-appropriate facilities that will allow them to play and exercise—all critical in normal development.

A peer-reviewed article by Rachel Kronick and Cécile Rousseau, published last October in *Paediatrics & Child Health* clearly documented the serious effects of detention on claimant refugee children in both Australia and England. Here's what they found. Almost all the children suffered a mental health problem. Some of them had sleep disturbances and separation anxiety. The range of problems went to even more serious post-traumatic stress disorders, self-harm, and suicidal ideation. Developmental delays were common. There were reports of mutism and behavioural issues. Infants wouldn't breastfeed properly and older children were engaged in food refusal. Many children lost previously attained developmental milestones, which shows that detention itself had negative effects on their development, and the problems could not be solely attributed to the experiences before arriving in this country or their country of refuge.

The other choice that parents have would be to give up their children to a child welfare system that is already overtaxed and struggling to meet the needs of children and youth currently living in Canada.

● (1700)

Consider what it would be like to be separated from family just after arriving in a new country, perhaps after experiencing conflict or separation, war or starvation. You'd consider that traumatic for an adult. For a child, it's unimaginable. This kind of separation would create the type of stress and trauma for both the child and adult,

making future integration into Canada far more difficult—and this is the concern.

Apart from separation from the family, in many cases the child welfare system would be hard pressed to find a foster family that understands the culture from which the child comes, or perhaps even to find one where the adults speak the same language. It is likely the demands on the health care system will be more taxed if refugee children are put into detention or in foster care while awaiting their parents' release from detention, as opposed to the family being settled into Canadian life with access to health care, community services, and schools.

In British Columbia, our representative for children and youth, Mary Ellen Turpel-Lafond, and our provincial health officer, Dr. Perry Kendall, studied over 50,000 children born in 1986 who were attending school in our province 10 years later. In the largest study—to the best of our knowledge—or at least one of the largest studies in Canada, they found of the children living under ministry supervision in foster homes or with relatives, 41% were involved with the criminal justice system by age 21. The rate of legal problems was much lower, only 6.6%, among children living with parents.

The Canadian Paediatric Society urges that Bill C-31 be amended specifically to ensure families with children, and families that are expecting children, be kept together on arrival in Canada, and that they are not placed in detention centres. We ask that families have immediate and ongoing access to needed health, community, and education services. This will help children integrate smoothly into Canadian life and support them in achieving good health quickly.

In recent years this government has recognized and apologized to groups of individuals who were detained or separated from families simply because of who they were—most notably, aboriginal Canadians who were forced into residential schools. There was an understanding and recognition in Prime Minister Harper's apologies to generations of first nation and Inuit people that great harm had been done to individuals, especially children, by separating them from their families and cultures. Sadly, in many cases, this harm proved insurmountable for the victims. Even now, many years after the residential school system has been dismantled, the negative results persist, in some cases, generations later.

I think there is a little irony in that at this time the Truth and Reconciliation Commission of Canada is crossing Canada as these hearings are held in this committee room.

During World War II, Canada undertook forced removal and detention of the Japanese population on the west coast, separating Japanese men from their families, and relocating them to war camps. Women and children were sent to inland towns. Prime Minister Brian Mulroney formally apologized to Japanese Canadians in 1988 and provided compensation to survivors of wartime detention. Ottawa marked the 20th anniversary of this recognition under the leadership of Prime Minister Stephen Harper. If we, as a country, have recognized the ill effects on health of such schemes, then why would we consider instituting detention again?

These are examples of repeated failure to deal with other cultures. We, as Canadians, should be recognized as a nation by our ability to do things right, not for being ready to apologize for getting it wrong again and again.

Thank you.

● (1705)

The Chair: Thank you, Dr. Stanwick. I apologize for not addressing you correctly.

Mr. Menegakis has up to seven minutes.

Mr. Costas Menegakis: Thank you, Mr. Chair. Thank you to all of you for appearing before us today and for sharing your views and for, quite frankly, the very passionate way in which you explained some cases you're familiar with.

I want to go through a couple of points first. I really think we're all trying to accomplish the same thing here. Our goal is to try to get legitimate refugees, people who need our assistance, into the country as fast as possible. We need a mechanism in order to accomplish that in the fastest possible way. Clearly the system today is broken. It is not working.

I think Canadians take pride in the generosity and compassion of our immigration and refugee programs. They have no tolerance for those who abuse our generosity and seek to take unfair advantage of our country. Canada remains one of the top countries in the world to welcome refugees. In fact, we welcome more refugees per capita than any other G-20 country. Canada welcomes one in 10 of the world's resettled refugees. That is more per capita than almost any other country. In fact our Conservative government has increased the number of refugees resettling each year by 2,500 people.

Bill C-31 proposes changes that build on reforms to the asylum system passed in June 2010 as part of the Balanced Refugee Reform Act, as you well know. The proposed measures would provide faster protection to those who genuinely need refuge and faster removal of those who don't. Currently the time to finalize a refugee decision, if you will, takes 1,038 days, on average. With these new measures in Bill C-31, that could be as low as 45 days for people coming from designated countries and certainly 216 days for all other claimants, surely the very people who need that assistance.

Let's talk about family reunification. People are coming here from countries where they were facing persecution, torture, death in many cases. Surely the amount of time they have to be in a holding pattern when they come to our shores so they can be properly identified and processed.... That's the key. We want to identify people before we allow them into Canadian society for obvious reasons.

Forty-one people who came on the *Sun Sea* and *Ocean Lady* were found to be security risks or had perpetrated war crimes in their country. We can't allow just everybody. I know we want to be compassionate, but we have a responsibility to the Canadian people and I'm sure you understand that. You wouldn't want them in your neighbourhood. You wouldn't want them going to school with your children. You wouldn't want them around your families. Nobody would.

Would you agree that this is a problem that needs to be fixed? That's my question to you. Please, any and all....

● (1710)

Ms. Jenny Jeanes: Thank you very much for your comments. They raise a few things to my mind.

Yes, we agree that many people need to be processed faster. As my colleague mentioned, one of our programs matches women refugee claimants with women volunteers to facilitate integration. Some of the women in our program have waited two-and-a-half to three years before having their claims heard and have suffered as a result.

I recently told one woman who waited two-and-a-half years about some of the proposed changes and she felt that had she had her hearing in 60 days, there is no way she would have been ready psychologically or physically. She had a lot of pain from previous torture while imprisoned in her country. She had to see a physical therapist to help her deal with that psychologically.

Then in terms of the complicated evidence one has to acquire, it's.... Refugee claims, as I'm sure you know, are not simple. People do have to sometimes get very specific documents, death certificates, proof of membership in political parties, and things from home. They rely on people back home to get those documents. It takes time.

In many ways 60 days would be too short for many of the people we see.

In terms of your concerns you raise about identifying security risks, identifying who people are, I'm not a lawyer, but one of the regular activities in our program is to accompany people to detention review hearings. In the existing law, the review is on detention—for example for identity grounds or for security grounds. Some of the cases I've illustrated, these are people who had their detention reviewed and were held because their identity wasn't yet established and the current law does provide for that.

Mr. Costas Menegakis: But you would agree that the current system needs to be fixed, wouldn't you? The cases you're stating are cases that have happened already, under the current system.

Ms. Jenny Jeanes: These are cases that the Balanced Refugee Reform Act, passed in 2010, probably would have helped.

We have concerns about some of the new changes in Bill C-31.

Mr. Costas Menegakis: Mr. Stanwick.

Dr. Richard Stanwick: In responding to your question, I think what we want to do is bring a recognition that if you place children in settings that are essentially detention centres, you will traumatize them. They will not achieve their full potential as future Canadian citizens.

In the sense that you're right, perhaps 10% of those individuals justifiably should be removed. The other 90% that came off a ship, honestly, if you walked past them in a Walmart today, you would not recognize them as being refugees. They would blend in with Canadian society.

It's the children who are so profoundly influenced. A year for you and me is simply a year. For a child, it's part of a lifetime. What we're saying is that if you are going ahead with Bill C-31, recognize the downsides of the detention centres and take the steps to mitigate the impact on children's health so that you have really healthy, productive citizens from the ones you allow in.

Mr. Costas Menegakis: I'm hearing what you're saying.

I don't know about anybody else in this room, but I was separated from my parents for four years, from the age of three to seven. So I understand, I understand what you're saying. However, we do have to identify people before we allow them into the country. That is a clear thing that we need to do.

One of the key elements in Bill C-31 is the issue of biometrics, a 21st century identification tool, as it has been presented to us from law enforcement agencies in this country, supported by the RCMP, CSIS, and CBSA. We are implementing that type of a tool, if you will, in Bill C-31 to ensure that we can process people faster.

• (1715)

The Chair: Thank you.

Mr. Giguère.

[Translation]

Mr. Alain Giguère: Thank you, Mr. Chair.

I'd like to thank our witnesses for coming to provide us with information.

A number of you have had the opportunity to visit the Laval detention centre. It's a pleasure that we, the members, have unfortunately been denied. So we are going to ask you for some information about that. We've been told that it is like a hotel and that refugees have better lodging there than a lot of Canadians have. Can you tell us a little bit about what this detention centre is like? Is it a prison?

Ms. Jenny Jeanes: The Laval detention centre is not a hotel. I think that, in Toronto, a former hotel was or is being used, but this building is owned by Correctional Services Canada. I don't know the details of the agreement, but the place is surrounded by barbed wire. To get in, you have to go through a metal detector; every time I need to go there, I have to go through it. There are a large number of security guards, given the number of individuals being detained. The doors are locked and cannot be opened. Even a security guard has to wait for a door to be unlocked before opening it.

I've never been to a prison, but based on what I know, several aspects of this centre correspond to characteristics of a prison. I can't say that it's a completely inhuman place. There is, in fact, some assistance, but it isn't full assistance, and children, for instance, can see the barbed wire through the window. The guards are very friendly. But they're still in uniform, and sometimes they have to wear a bulletproof vest for certain transports, and some individuals are put in handcuffs. These are still prison conditions and a lot of rules have to be very strictly respected every day at that centre.

Ms. Glynis Williams: Perhaps I might add a comment made by a child of one of the detainees. When she saw other people handcuffed, she asked her mother why they were being treated like criminals when they hadn't committed a crime.

Mr. Alain Giguère: Let's talk about the housing conditions. Unless I'm mistaken, these are dormitories, not cells. They're dorms, aren't they?

Ms. Jenny Jeanes: They aren't cells. Yes, they are dormitories.

Mr. Alain Giguère: There's a dormitory for women, one for children, and I think there's a place where the women with young children can go.

Ms. Jenny Jeanes: Yes, there's a family wing for women and children. If there is a father with the members of his family, they are separated. There's a wing for women and another for men.

Mr. Alain Giguère: Unless I'm mistaken, even though we're saying that children under 16 aren't required to be held in this detention centre, despite everything, children age 10 or 11 are going to prefer staying with their parents in detention centres, rather than being placed with a foster family.

Ms. Jenny Jeanes: That's already the case. There are often cases of families with young children where the parents are kept for identification purposes. Theoretically, the children are not detainees but are accompanying their parents. As I said in my brief, even in that context, the presence of children is not considered when reviewing the detention to determine whether a parent must continue to be held for a certain time in order to establish identification. The presence of children doesn't change the decision, but they can stay with their parents. That's already the case.

Mr. Alain Giguère: Let's imagine that a six-year-old boy is in the men's dormitory and wants to go see his mother but is refused for security reasons. From a medical perspective, might this situation have long-term psychological effects?

• (1720)

Ms. Jenny Jeanes: As far as I know, that kind of situation wouldn't happen because young children are not kept in the men's wing, and family members can see each other during the day.

Mr. Alain Giguère: I've been told that young boys past a certain age must go with their father.

Ms. Jenny Jeanes: I can't say how it works exactly because it's often handled on a case-by-case basis. There are boys in the family wing. After a certain age, yes, sometimes the dormitories that aren't being used have to be used for families with a mother and adolescent boys. Family members can see each other, but separations do take place.

Mr. Alain Giguère: Okay. In your experience, what are the long-term effects? We're talking about imprisonment in conditions that you just described, that are a little more difficult than in a prison—in a prison, you have a cell, your own corner—for a period that may be longer than a year. In fact, we can now incarcerate someone in these conditions for longer than a year.

What do you think about that, Mr. Stanwick?

[English]

Dr. Richard Stanwick: Actually, I think this question has two parts to it.

One is the detrimental effect of being kept in those circumstances, because being a child is a tremendous period when you are acquiring skills and developing. Your brain requires active play, engagement, socialization. It's actually a double whammy that if these children are held back in those sorts of settings where they do start having sleep disturbances, going right up to suicidal ideation, which has been documented in England and Australia under similar detention-type circumstances, you're starting them from a negative, even when they leave. What they're missing out on, and this is what we were asking that Bill C-31 consider, are the normal requirements to become a healthy child. Those are exercise, play, the ability to get a good education.

Really, what we're trying to emphasize is that if this does go forward, the detention centres have to take into consideration the needs of the children if we want to create a healthy generation that follows this one.

The Chair: Thank you, Dr. Stanwick.

Mr. Valeriote.

Mr. Frank Valeriote: Dr. Stanwick, I have to say that you have given an incredibly compelling reason why this committee and this government need to revisit the sections respecting detention. My wife is a psychotherapist, and she's always talking to me about the attachment theory and the consequences of severing that attachment at an early age.

I think we're willing to sacrifice all of that because there's an element in our society that, for some reason, this government feels the need to appease. This element says we can't allow people who may not be worthy of being here to enjoy the same amenities as those who are worthy of having those amenities—the families that are legitimate refugees. They say we can't allow them to enjoy those same amenities, so we'll let everyone suffer rather than allow those amenities to be enjoyed.

Yet I think there are a lot of refugees elsewhere who would be prepared to live in these circumstances of detention for a year—live in these circumstances of severing relationships for almost five years after that, not able to become residents, not able to sponsor others.

Do you see that? Are there people in other countries who would be willing to make that sacrifice and live in these conditions? Does that concern you?

Ms. Glynis Williams: It certainly concerns me, and I'm not sure that we can make those assumptions. Just because our detention centre is clean and bright, it's still a prison-like environment. It's not a place for a child. The UNHCR has made that clear.

We have an assumption that people in refugee camps are in horrendous circumstances, but sometimes when you are with your family, abnormal situations become somewhat normal. Canada's not abnormal. We have the capacity to allow people to go before a refugee board, to be determined to be a refugee or not, and then to learn whether they can stay or move on.

There is no reason why we should be detaining people. The number of people who are claimants was brought up earlier. I've been around a long time in this field, over 20 years. We had much higher numbers of refugee claimants in the early nineties than we even have currently, and people were passed through the system quicker.

I think there really is, as the Auditor General has said, a problem of resourcing. We do need—as Mr. Menegakis has said—to move this system forward faster. You do not need to detain people, and in fact you can be putting them in a much worse situation trying to prove their claim.

● (1725)

Mr. Frank Valeriote: Let's speak of a few solutions. The bill allows only 15 days for a basis of claim to be submitted. I was a lawyer before this, and I know how difficult it is to put a meaningful case together. It's not just one or two quick meetings with a client who has to seek legal aid and look up records. Under the circumstances of detention or elsewhere, it's very difficult to do that.

Would you suggest that they allow extensions of time if people are demonstrably making an effort to put their case together? Do you have any suggestion?

Ms. Jenny Jeanes: In our brief we recommend sticking to a timeline that more resembles the current 28 days for what's called a personal information form. I heard the witnesses from the previous session talk about 30 days—15 days in our experience working with detainees would be, for many, far too short.

The form has to be submitted in French or English. Many of the people we meet don't have any French or English, or if they do, it's spoken. They certainly can't write. They need to write in Farsi, Tamil, or Arabic, and to find a lawyer.

There's a lot of cynicism about lawyers in all fields. In the refugee field, I say to detainees all the time that the importance of a lawyer is that while they know their own story, the lawyer knows about, for example, what's called a “nexus”—making a nexus with the convention, being able to show the elements of your claim that make it clear that it relates to refugee protection, which is an individualized determination. It's not general. People often misunderstand that. A lot of people see refugees as a catch-all term, but it's a very specific, individualized determination, and 15 days to get those elements on paper is just too short. It's true that 28 days can still be too short, but that's the current system and we feel it's more reasonable.

The Chair: Thank you, Ms. Jeanes.

Ms. James.

Ms. Roxanne James: Thank you, Mr. Chair. Welcome to our guests.

I'm just going to clarify and just give a little bit of a background. There has been some discussion here. All guests or witnesses have talked about detention and how it's unfair and whatever the other cases are. I just want to specify that under this particular bill there is no mandatory detention of all persons for one year. I just want to clarify that. That has come up multiple times, not just in this hour.

Additionally, once someone receives a positive claim with the IRB, bona fide, legitimate refugees who have come here to seek a better way of life will be released from detention. Also, I want to just throw this number out. All three of you here are talking about the same issue, but it's really less than 1% of the people who come to Canada as refugees. I just want to put that on the table as well. Again, until their claim is heard and they are classified as a refugee, they are only asylum claimants. They are not bona fide, legitimate refugees in Canada.

Additionally to that, only asylum claimants whose identities cannot be established, who are a security risk to Canada—you can recognize the importance as a government to make sure we are detaining people who may be a security risk to Canadians—or are suspected architects of a criminal activity can be held longer under this particular bill.

Having said that, I want to direct my first question to Dr. Stanwick. I commend you for what you do. It's interesting to speak to someone directly who was at the *Sun Sea*, who processed claimants, who dealt with some of the children there.

I have something here. There were 46 persons under the age of 16, and six were unaccompanied minors, so without parents whatsoever.

I don't want to sound harsh, but in your statement you mentioned that 10% of the people who may come in by irregular arrivals could have security issues. Then, you said the other 90% are probably okay. Can I just ask this question before you answer that question? You suggested two options. One, the child should not be in detention. Under this bill, they will not be in detention. The second option was, instead of sending them into child care or with a guardian, that the parent should be able to be with that child out in a community, integrated, and so forth.

But let me ask you a question. If there's a possibility that 10% of the people who are on that ship or come in by irregular means are one of the people who we can't identify, and they also claim to be the parent of a child, or are the legitimate parents of a child, should they be released into the general population without proper identification? Although you may say it's not a likely situation, without knowing who these people are, without knowing the risks that they may or may not pose to Canadians, in general, or as our nation, as a responsible government, we need to identify who these people are.

• (1730)

Dr. Richard Stanwick: I leave that, in fact, to the elected decision-makers. We want to provide you with evidence. The same rationale was used to incarcerate the Japanese in World War II because they were a threat—we could lose the war because of this—and meaningful action was taken.

Mr. Rick Dykstra: On a point of order, I understand that references are trying to be made to bring familiarity to the issues that are trying to be delivered by witnesses. But continually referring back to issues of World War II—the era of Hitler and the issues around the extermination of Jews—as somehow being part of what we're trying to accomplish here, I would just respectfully request that if you are going to use metaphors to try to make them more analogous to the issues we're discussing.

Dr. Richard Stanwick: It's not a metaphor. It's the fact that we put individuals in detention because there was a perceived—

The Chair: Dr. Stanwick—

[Translation]

Mrs. Sadia Groguhé: Please, Mr. Chair.

[English]

The Chair: Just hold on.

Have you finished?

Mr. Rick Dykstra: Yes.

The Chair: You're next.

We'll have a little fight here, Dr. Stanwick, and then we will come back to you.

[Translation]

Mrs. Sadia Groguhé: A point of order, Mr. Chair. I would like to point out that the witnesses are responsible for their testimony. We are not here to put words in their mouth or to intervene because they refer to this or that aspect of the situation. The witnesses are here to give their testimony.

[English]

Mr. Frank Valeriotte: I just wanted to echo and repeat what my friend is saying. It's up to the witness to give clarity and give context, historically. If we don't learn from history, then we have learned nothing, Mr. Chair. I think the witness needs to be able to be able to say exactly what is on his mind.

The Chair: I agree with you too.

Go ahead, sir.

We have someone else, I'm sorry.

Ms. James.

Ms. Roxanne James: Thank you.

As a point of clarification, perhaps I can rephrase the question so it'll be a simple yes or no answer and we can move on. I don't want to cause disruption in this committee.

Let me just rephrase that question.

The Chair: The only problem was that I think he was in the middle of his answer.

Dr. Richard Stanwick: In fact, my answer may satisfy the—

The Chair: Mr. Valeriotte, please.

Dr. Richard Stanwick: I may satisfy your question.

Those decisions about policy and what poses risk are made by our government. The mistake we made is that we separated the men from the women. We didn't provide for education. The circumstances at that time were suboptimal and they had an impact on the health of those children. I'm just asking that—

Ms. Roxanne James: I understand. You've given us an historical background, but—

Dr. Richard Stanwick: No, no, no, it—

Ms. Roxanne James: Just a minute, I understand completely.

Mr. Frank Valeriotte: You have to let him finish.

The Chair: Ms. James—

Ms. Roxanne James: Yes, Chair?

The Chair: —you have to let him finish. You asked a question. He's in the middle of his answer. Just calm down and let him finish.

Ms. Roxanne James: I only have a set number of minutes, and I would like to get a yes or a no answer on my particular question, because it was very specific.

The Chair: Obviously, you're not going to get that.

Ms. James, I'm not going to stop the clock, so let him finish.

Go ahead, Mr. Stanwick.

Dr. Richard Stanwick: The decisions about the risks and what steps to be taken have to be left to the elected officials sitting around this room. If you have to impose these conditions, and you believe there is a risk to the community, we're asking you to keep in mind how vulnerable children are and take steps to protect them. If you are going forward with Bill C-31, then we have made recommendations that, if this is the request and this is the appropriate course of action that this government decides, you please keep children in mind when you're housing them, their education, and all those things.

Ms. Roxanne James: Thank you.

I commend you for your concern about the child. As a parliamentarian, I'm concerned about the child as well, but I'm also concerned about Canada as a nation and the Canadian citizens I'm responsible to.

Again my question to you, sir, is, if one of those persons who had a child with them could not be identified, do you think they should be released into the general community and be integrated without the government's knowing exactly who this person is? It's really a simple yes or no answer, in this particular case, just this simple case.

Mr. Frank Valeriote: Mr. Chair, I have a point of order.

Ms. Roxanne James: I'm just not getting an answer.

• (1735)

The Chair: What?

Dr. Richard Stanwick: The answer to that is—

Mr. Frank Valeriote: I don't think anybody should be restricted to a yes or no answer, when there's more context that needs to be given to the question.

Ms. Roxanne James: I receive the—

Mr. Rick Dykstra: Who's chairing here? Is it Mr. Valeriote?

The Chair: I don't know. I've lost control of the meeting.

Ms. Roxanne James: And I'm not trying—

Dr. Richard Stanwick: Mr. Chair, I've treated the children of murderers—

The Chair: Everybody's talking.

Mr. Ted Opitz: A point of order, Mr.—

The Chair: No.

Mr. Ted Opitz: I can't raise a point of order?

The Chair: No.

Mr. Ted Opitz: Why?

The Chair: Because I'm dealing with Mr. Valeriote, and you guys have to wait until I finish with one point of order and another point of order. Your turn will come.

Have you finished?

Mr. Frank Valeriote: Yes, sir, I have.

The Chair: Mr. Dykstra, go ahead.

Mr. Rick Dykstra: I would just like to say, sir, that if one of the members is going to raise a point of order, that they raise a point of order, and not just put their hand up and try to tell you how to chair this meeting.

The Chair: Mr. Opitz, go ahead.

Mr. Ted Opitz: I'm sorry, Mr. Chair, but when Mr. Lamoureux is here, he oftentimes stops his witness and says, "Look, I only have five minutes. I want to redirect my question", and you allow it. When Ms. James is doing that, you don't allow her the same courtesy.

I'm sorry, Mr. Chair, you're out of order.

The Chair: Do you want to join in, Mr. Menegakis?

Mr. Costas Menegakis: I'd just like to continue now, Mr. Chair.

The Chair: I would, too.

I forget where we were.

Ms. James, go ahead.

Ms. Roxanne James: Sorry, I was trying to determine if you felt someone who was unidentified—the Government of Canada did not know who they were—whether they posed a security risk or not, whether they should be released out into the general populace.

Dr. Richard Stanwick: The answer would be, in terms of the general populace—what we haven't discussed, and that would be a whole other presentation—under what circumstances would they be released into the community so that their children could participate in those activities but not lose sight of the particular individuals?

Ms. Roxanne James: Okay.

I'm not going to be able to get an answer, but I have to tell you that my responsibilities as a parliamentarian, and my responsibilities to the Canadian taxpayer and my constituents of Scarborough Centre, that I believe we should err on the side of caution and not on the side of ignorance.

I think my time is probably done because so many points of order were taken up and—

The Chair: You actually have a whole minute, Ms. James.

Ms. Roxanne James: Okay, thank you very much.

Actually, I'm going to ask a different question, directed to you.

The issue that the four panellists are here today for is on the less than 1%, but a large portion of this bill deals with legitimate refugees who have to wait up to two years for their first hearing. It costs taxpayers a lot of money. Let's face it, refugees are waiting to have their claim processed and a decision of yes or no. We are trying to improve that situation so that legitimate refugees can have their hearing much quicker, are able to integrate into Canadian society, and can start to contribute to Canada's economic prosperity as well.

Do you think this bill ensures that legitimate refugees have their cases heard much quicker so that we can put our resources into the legitimate refugees coming to Canada and not into the ones abusing our system?

Just to give you a bit of background on the ones that are abusing our system—

The Chair: You're well over time, Ms. James.

Ms. Roxanne James: Okay. Thank you very much.

The Chair: Madam Groguhé.

Ms. Glynis Williams: May we answer that question?

The Chair: Well, my problem is that you talked well over your time. People have set rules and I'm trying to follow them.

Madam Groguhé.

[Translation]

Mrs. Sadia Groguhé: Thank you, Mr. Chair.

Just before I start asking my questions, I would like to emphasize the fact that the witnesses are here to be heard. We must show our respect to our witnesses, whoever they may be.

We had a witness yesterday, a woman from Australia. She told us about her concerns about Bill C-31. In fact, a similar bill has been implemented in Australia particularly with respect to mandatory detention. She told us that this mandatory detention has significant economic and social costs, particularly for children.

My question is for either one of you. What type of mental and physical health risks are there for children who are detained in the longer term? Under this bill, some children will be separated from their family. What are the consequences of this kind of separation on their health and their subsequent reintegration?

• (1740)

[English]

Dr. Richard Stanwick: Perhaps I'll start, again highlighting the paper that did appear in *Paediatrics & Child Health*. Probably some of the most severe is the future suicidal ideation because of the consequences associated with sleep disturbances. Children experienced mutism—in other words, they lost their voices.

I think we've emphasized again, these children lost some of their milestones. Child development is a one-way process, and if you lose those steps you can't go back and fix them. B.C. has probably a world expert, Clyde Hertzman, who speaks to the importance of making sure that children fulfill the normal steps in childhood development.

That is why we're expressing such great concern that if this bill does go forward, respect must be given to the fact that children only get one chance at being children, so the exercise piece has to be there, the play piece, and the education.

Again, in terms of dealing with the criminality aspect, what we're trying to suggest, particularly in avoiding foster care, is that future criminality can, in fact, be avoided by the appropriate steps, should this bill go forward. That is the plea that we're making. We know there are going to be health consequences and if we don't do it

properly, basically we'll be jeopardizing this whole population of individuals coming in.

Ms. Marie Adèle Davis (Executive Director, Canadian Paediatric Society): Perhaps I can add, it's not only the negative effects, but there is an opportunity cost. Kids are incredibly resilient, which is wonderful. But the sooner they get into a normal situation with their family, and they have access to recreation, the sooner they can get back on that developmental trajectory and become the future Canadians we hope they will be—that they will be going to secondary education and will become vibrant members of the workforce. So there's a whole host of negative consequences, but then we lose opportunities by not giving kids access to what they need as soon as possible.

Ms. Glynis Williams: May I also say that a child watching his or her parent become disempowered in detention, and also suffer mental health consequences, has an even more dramatic effect on that child. One year in the life of a five-year-old is 20% of all of their life. It's a huge period of time.

[Translation]

Mrs. Sadia Groguhé: That's fine, thank you.

One of our witnesses reminded us about the content of the International Convention on the Rights of the Child, which defines a child as a human being below the age of 18 years. Under this bill, children over the age of 16 years will be detained in centres. What types of services will be offered to young people detained in provincial prisons? Are these centres suitable for children?

Ms. Jenny Jeanes: Basic school services are currently offered, but it isn't a full-time school. There may be a few hours of schooling a week offered to school-aged children. Otherwise, as Dr. Stanwick said, very few activities are offered, aside from television.

[English]

The Chair: Thank you.

Mr. Opitz.

Mr. Ted Opitz: Thank you, Mr. Chair.

First of all, I applaud everything you do. You're very compassionate people. You're clearly intelligent. You've thought this out. You're looking towards the safety of children, as we all are, and I think it's very important that we do that. This country is compassionate. It's built upon immigration, on many generations of immigrants coming from all over the place.

To give you some context, since you brought up World War II, my father was in a gulag, and my mother was taken to Nazi Germany as forced labour. They came back certainly with their scars from those endeavours. Of course they came to this country and relocated essentially as refugees, because they couldn't go back to their home country. They had to build a new life, so I understand that. As a soldier I've served in a war zone and I've seen the psychological impacts on people, not only on the people we were trying to protect, but on my own soldiers who right now are dealing with a myriad of difficulties and psychological traumas from all sorts of incidents, not just Afghanistan or Bosnia or other places. So I understand all that.

I will tell you I think that when you're talking about psychological trauma of children in detention, the root cause is not necessarily that detention. I acknowledge the factors you've discussed, but a lot of these things are from the places they come from, and from the trauma, the tyranny, the oppression, and possibly the mass killings and other horrific things they've witnessed.

I would suggest to you that's probably a greater source of that trauma than being here in detention. A comment was made that we would try to appease "these conditions". Well, these conditions are some of the best in the world. We have a right as this country to defend the security of our country. I understand sometimes it's only

• (1745)

The Chair: You only have a few seconds, Mr. Opitz. I'm sorry.

Mr. Ted Opitz: Well, thanks to all those points of order I'm almost out.

The Chair: Well, you were a part of those points of order.

Mr. Ted Opitz: Some of those issues are definitely acknowledged, but we have to look to the safety of Canadians before we release people.

You were at that boat, sir. Forty-one people were held, several of them for war crimes and for other criminal activity. Many of these mass arrivals involve smugglers, and people lie. People aren't all refugees.

Ms. Rathika Sitsabaiesan: Mr. Chair.

The Chair: Point of order.

Ms. Rathika Sitsabaiesan: I just wonder, Chair, if there are incorrect facts. I wonder if there's any way to—

The Chair: I'm just chairing the meeting. I don't know what's—

Mr. Ted Opitz: Is it a point of order?

The Chair: Just settle down, Mr. Opitz.

Ms. Rathika Sitsabaiesan: There's a question of clarity to the chair. It's directed to the chair.

The Chair: My problem is I don't know what's correct and what's not correct. Therefore anything goes. It's up to the committee members to correct something that's incorrect.

I will say that time has expired.

I want to thank you, Dr. Stanwick, Ms. Davis, Ms. Jeanes, and Ms. Williams for coming. I'm sorry you had to put up with our little squabbles, but that happens at the end of the day sometimes. Your contribution has been greatly appreciated. Thank you very much.

We will suspend.

• (1745)

(Pause)

• (1745)

The Chair: Thank you very much. We will reconvene.

Our final panel today is just the one witness. This panel will be for 45 minutes as opposed to the hour. The panel consists of the Roma Community Centre. I'm going to try to pronounce your name. I'll do my best: Gina Csanyi-Robah.

Ms. Gina Csanyi-Robah (Executive Director, Roma Community Centre): The anglicized pronunciation is "Casani" and the Hungarian pronunciation would be "Chani".

The Chair: Oh no, I'm sorry. I'll do my best.

Ms. Gina Csanyi-Robah: "Casani" works.

The Chair: You're the executive director.

• (1750)

Ms. Gina Csanyi-Robah: I am.

The Chair: We have also with us, Maureen Silcoff, who is a representative.

We have your brief, and we have your press release, which is bilingual, in French and English. We appreciate that.

Let me finish, and then you can challenge me.

Mr. Frank Valeriote: Okay. It's not a challenge.

The Chair: Just wait one second.

You also have some pictures, and you have some posters, and you have a file, right?

Ms. Gina Csanyi-Robah: That's right.

The Chair: They have to be in both languages. They are not, so I will need unanimous consent to distribute them. If I get unanimous consent, we will distribute them.

Do I have unanimous consent to distribute all the materials?

Some hon. members: No.

The Chair: No. Thank you very much.

Point of order, Mr. Valeriote.

Mr. Frank Valeriote: I just want to alert you that I have to leave at six o'clock. So if I absent myself, I mean no disrespect.

The Chair: Okay.

That's a problem. We'll try to oblige you as much as we can. I'd like these people to make a presentation.

Mr. Frank Valeriote: Yes, absolutely.

The Chair: We need some order here, members. I'm talking.

Mr. Rick Dykstra: Could I get some clarification as to why we didn't allow the documents? I'm just asking one question, that's all.

The Chair: We didn't have unanimous consent, Mr. Dykstra.

Mr. Rick Dykstra: Is it because the documents were only in one language?

The Chair: Yes.

Mr. Rick Dykstra: Okay. Thank you.

The Chair: If I can oblige you, I will, sir. If not, we'll have to move on. I'm sorry.

Ms. Csanyi-Robah, you have the floor. How about if I just call you Gina?

Ms. Gina Csanyi-Robah: That's perfect. My students call me "Miss G".

The Chair: Miss G, you have up to 10 minutes.

Ms. Gina Csanyi-Robah: Do I? I'm sharing—

The Chair: Yes, you can. Absolutely.

Ms. Gina Csanyi-Robah: Thank you very much.

Ms. Maureen Silcoff (Representative, Roma Community Centre): We're sharing our time, so it's a total of 10 minutes.

The Chair: Yes. You get a total of 10 minutes for the two of you.

Ms. Gina Csanyi-Robah: Did we decide that we're sharing the files or not?

The Chair: No. The files are not being distributed so you'll have to do your best without them. I'm sorry.

Ms. Gina Csanyi-Robah: Okay. But there are translated documents, French and English documents from—

The Chair: We have your brief and we have your press release. That's all we have before us.

Ms. Gina Csanyi-Robah: Okay.

The Chair: I'm sorry, but the rules require that documents be in both languages, and they weren't. I'm sorry about that.

The two of you may speak for up to 10 minutes.

Ms. Gina Csanyi-Robah: Thank you.

Good evening, ladies and gentlemen, distinguished committee on the Standing Committee for Citizenship and Immigration. My name is Gina Csanyi-Robah. I'm the current executive director at the Toronto Roma Community Centre, the only organization existing in Canada representing the needs of and helping the Roma community specifically. The Roma Community Centre is a 100% volunteer-based organization, which opened in 1997, and became a non-profit in 1998. It was housed inside a very large immigration settlement organization called CultureLink up until October 2011. This past October 2011, we were finally able to build enough capacity to open our own independent office. At our office we now help with daily settlement service needs, with education, and also with building pride in Roma culture.

I come to you today, and I'm immensely appreciative of this important opportunity. As far as I know, I'm the first Roma person in Canada to have this privilege of coming and presenting in front of our Canadian government. I was born in Canada. My family came here in 1956 as Roma refugees from Hungary during that revolution. I've been in Canada ever since. I'm a teacher by profession for the Toronto District School Board, and I use my other time to be the executive director of this organization, so I'm currently working 80 to 90 hours a week to be able to help this community.

I come to you today with my testimony, and to do my best to encourage this committee to not create a designated safe country list, whereby citizens that are Roma from EU countries will not be given fair opportunities to seek safety in Canada, while inadvertently condoning the lack of implementation of human rights legislation for Roma minorities in many central and eastern European countries.

I want to open with a small passage from a February 2012 publication from the Council of Europe. This is the Council of Europe commissioner for human rights, Mr. Thomas Hammarberg. He says to be able to understand the Roma people, you must have some understanding of their history.

The history of European repression against the Roma precedes the Nazi and fascist era—

—where Roma lost two million of their own during the Holocaust.

In fact, it goes back several hundred years – following the Roma migration from the Indian subcontinent—

—from the Rajasthan area in the 10th century.

The Roma were the outsiders used as scapegoats when things went wrong and the locals did not want to take responsibility. The methods of repression have varied over time and have included enslavement, enforced assimilation, expulsion, internment and mass killings.

This is the history of the Roma people in Europe. Nothing has changed since the 13th century when we arrived on the European continent. It's not a pretty history.

Roma are coming, leaving apartheid-like conditions in education, housing, health care, and every segment and sector of society you can imagine. Hate is organized, it's endemic, and it's been ongoing for a long time. It's nothing new. When I meet with members of the Hungarian government who have come to the Roma Community Centre, they sit there and think I'm speaking some alien language when I tell them about the hate that is crippling our community. The only answer I've ever been given by Zoltan Balog, the Minister of Social Inclusion, Zsuzsanna Repas, Attila Kocsis, and the Hungarian Ambassador to Canada is that there's an economic problem taking place. This is a lie.

What's also a lie is that Roma are bogus refugees. In 2011, there were 167 accepted applications at the Immigration and Refugee Board. That means that, if Roma are bogus, those Immigration and Refugee Board adjudicators are liars, and I don't think that they are. I don't think they should be fired. It makes absolutely no sense to call Roma refugee claimants “bogus” if even one refugee claim is accepted.

Roma are not living off the welfare system. They're coming to the Roma Community Centre every single day begging us to help them find jobs. We've created a Friday resumé-writing clinic. We have Roma who have come here who are now in school, they're going to college, they're working, and they're trying their best to be as empowered and have as much a voice as possible. They have a large number of withdrawn refugee claims because it's been an incredibly unwelcoming climate for Roma people in Canada.

• (1755)

In 2009 there was an 85% acceptance rate for Czech-Roma refugees before the visa was reimposed and public discourse started talking about bogus refugee claims.

Am I at my five minutes?

The Chair: A little over five minutes. It's fine. We're right on schedule.

Ms. Maureen Silcoff: Thank you for the opportunity to address the committee today. I am speaking as a representative of the Roma Community Centre, but I've been a lawyer in private practice since 1988. I'm also a former member of the Immigration and Refugee Board, where I sat as a member for five years. I currently represent many Roma refugees.

I'll focus on Roma refugees from Hungary because these refugees seem to be of particular concern. I would like to begin by addressing a question. Hungary is an EU country, so why don't the Roma relocate to another EU country? There are misconceptions about this issue, and there are serious barriers to relocation.

The first barrier is that EU citizens cannot make asylum claims in EU countries, therefore Roma from Hungary cannot, for example, file refugee claims in Italy.

The second barrier is that there is a limitation on the right to relocate within the EU. A person can stay in a country for up to three months and then must either find a job or show enough money to support themselves. Owing to the high level of prejudice against Roma in the EU, finding a job is extremely difficult. When France deported Roma en masse in the summer of 2010, this sent a clear message that Roma cannot simply relocate within Europe.

What is the refugee board doing with these claims? The United Nations stated that the Roma community faces discrimination in all fields of life, and further, they face violence by extremists and prejudice by the police. They arrive in Canada missing teeth because neo-Nazis have kicked them out and with visible scars from being attacked by fascists. They are no different from refugees who come from Africa or Asia.

The board knows this. It accepts that hate crimes exist but refuses the claims on a technical point of law. The Federal Court has begun setting aside some of these decisions saying that the board has made mistakes.

Turning to the DCO list, there are concerns. The criteria for the DCO operates regardless of whether the country is safe. They use statistics of rejected, withdrawn, and abandoned cases to determine whether a country is designated instead of human rights records. This statistical analysis appears to be directed at Roma claims.

We hear a lot about the high number of refused Hungarian Roma cases. Of the cases that came before the refugee board in 2011, just under one in five were accepted as refugees. In other words, of the claimants who appeared before a board member, just under one in five were determined to be refugees. The overall acceptance rate of the board is about 39%. This is very important to consider.

We've also been hearing a lot about Roma criminals. This is a tiny drop in the bucket. In Canada we are surely above racial stereotyping.

The minister expressed concerns that claimants from EU countries don't need Canada's protection because they are bogus. People who work with Roma refugees are at a loss to figure out why this group is called bogus. Why has the minister not expressed concern about growing fascism and racism, instead of condemning Roma refugees?

The Prime Minister recently expressed support to fight anti-Semitism and racism on Holocaust Remembrance Day. We support this. The extremist party in Hungary with 20% of the vote is anti-Roma and also blatantly anti-Semitic and has even forged an alliance with Iran. Anti-Semitism in Hungary is rampant. We should condemn the human rights abuses in Hungary of both the Jews and the Roma.

The situation in Hungary is worsening. A new constitution took effect in January. The changes in the constitution reflect a move away from democratic principles, and the EU has begun legal action against Hungary because it is no longer a true democracy.

So how can we call the Roma claims bogus? Why was the DCO list created to discourage Roma claims? Are the Roma claims proving to be a problem in light of free trade negotiations with Europe? I urge you to consider the fact that refugee determination is a human rights issue and that we have an obligation to protect persecuted people and that this must not be trumped by political factors.

● (1800)

The Chair: Thank you.

Mr. Valeriotte, you have up to five minutes.

Mr. Frank Valeriotte: Thank you, Mr. Chair.

I'm curious. I think most of us appreciate the passion with which you've made your presentation. This hearing today is specifically about Bill C-31. In the next five minutes, could either one of you address specific changes that you think need to be made to the legislation that's before us? Having considered your plight, now we need to hear from you about the specifics of the bill that you'd like to be changed.

Ms. Maureen Silcoff: The primary concern, I think, is the DCO list. In an ideal world, we would remove it completely. We know this is not likely, so in terms of what's actually possible, we would much prefer to go back to the criteria in Bill C-11, where there was a human rights expert panel that would decide the criteria as to whether a country was safe, as opposed to the current system of statistics.

We also believe there's insufficient time, as other people have said, to file the BOC and to have the hearings. Important criteria, as well, are the restrictions that flow from the designated country list. There is the lack of a refugee appeal division, RAD, and the inability to stay in Canada while judicial review is pending. These two criteria are new to Bill C-31. We would ask that they be removed.

Ms. Gina Csanyi-Robah: I would like to add something, please.

What we see at the Roma Community Centre are people who are bruised, battered, and broken. They need time. I get calls and e-mails on a regular basis from school social workers and community social workers. They say that a lot of these students and families are going through post-traumatic stress disorder from the trauma they endured before coming here. They need time to acclimatize to our society.

Even the most educated Roma who come here and who I've been meeting in my life—for example, a former member of the European Parliament from 2004 to 2009—have a very difficult time getting in their applications in 30 days. If it is reduced to 15 days, it's going to be almost impossible, literally impossible, for someone to be prepared within that time.

• (1805)

Mr. Frank Valeriote: Is it your concern that Hungary, specifically, is going to be designated as a safe country, and that you will be restricted in your rights as refugees if you seek refugee status in Canada?

Ms. Gina Csanyi-Robah: I think that most of the EU countries will end up on the designated safe country list, and it happens to be that Roma are the largest minority in Europe. There are 15 million of us in Europe and we're throughout European countries. Romania and Bulgaria are two countries that have huge concentrations of Roma. If anybody thinks that removing the visa from these countries and implementing a designated safe country list is going to stop people in such desperate situations from trying to come here, it's going to make our country even more of a mess.

Mr. Frank Valeriote: Thank you.

Mr. Chair, I have no further questions, and I appreciate your gesture.

The Chair: It's a pleasure having you here, sir.

Mr. Dykstra.

Mr. Rick Dykstra: Thank you, Chair.

I do want to express my empathy for the passion with which you make your presentation and the work that you do on behalf of your community. I think we all come from backgrounds that suggest that we have cultures within Canada and those that we support. My parents both came here from the Netherlands and certainly I do find myself at times overly protective of the Dutch and want to stand up for them at every opportunity. So I want to emphasize that we understand what you're saying and appreciate what you've brought to the table both in terms of your suggestions and your passion.

I do want to ask a few questions about the issues that we face as a government. While we try to use as much empathy as we can when making decisions, we do have to make legislation and move that legislation forward, and that's done through words, not necessarily through emotion.

One of the issues we face with Hungary is that back prior to the year of 2008 when there were visa restrictions within Hungary, the applications we received for asylum seekers were in the neighbourhood of 20 to 30 people a year. In 2009 there were 2,500 and in 2010 there were 2,300. These numbers just went through the roof. When we see that 95% to 98% of those individuals come to Canada for a period of up to 10 to 12 months, and just prior to their hearings

taking place at the IRB, they do not show up for those hearings—or we find they have returned to Hungary—that is an issue. I think you would agree with me that a number of those individuals didn't come here to seek refugee status. They came here for different reasons. I won't label what those reasons are but they weren't for reasons of seeking asylum.

How would you deal with that issue other than how we're dealing with it through Bill C-31? This isn't specific to Hungary. We face similar types of issues with all countries. Before we implemented the restriction with respect to the visa for Mexico, the numbers were just going through the roof. They were astronomical. We had over 10,000 applications in 2008, of which 400 were deemed to be successful refugee applications. All the rest were not.

So we need a fix. We need to solve this problem because it's clear that there is an opportunity for people to take advantage of the system here in Canada.

Ms. Gina Csanyi-Robah: I appreciate what you said. Let me just explain a little bit. The last large wave of Roma refugees with these same numbers came in the late 1990s, early 2000s, and it was the first time after the fall of communism that Canada had removed the visa restriction from these countries. Roma flooded in. There was a lead case decision to close the door. It was overturned eventually, and they've said they would never put a precedent of a lead case decision to decide on a large group of refugee claims from any ethnic or nationality group to come into Canada.

The visa requirement was reimposed. I was in Hungary working at the European Roma Rights Centre based in Budapest, Hungary, in 2006, when our Canadian government came and hosted a round table discussion at the Central European University. The honourable Robert Hage was there that day and the purpose of the discussion was to gauge the situation for Roma in Hungary. The Canadian government was trying to decide whether or not that was the time to perhaps remove the visa requirement. We heard from Hungarians and Roma. Academics, journalists, and a whole slew of people from civil society gave us a picture of the Roma. Robert Hage left with a very clear description that it's a dismal situation. Almost 50% of our Roma children do not graduate from primary school, and 10% are lucky if they're getting through high school. There is only 2% who have post-secondary education. There's an 85% unemployment rate and almost complete exclusion from society over there.

It took from September 2006 to 2009 to remove that visa requirement again, and you saw what happened. The Roma came flooding into the country. They're looking for safety. They're looking for someone to protect them. They're looking to live with dignity and integrity.

Now there are people coming, and I'm not saying that everybody is 100%—

• (1810)

Mr. Rick Dykstra: But 95% of the applications filed are not being represented at the IRB hearing. Almost every single one of them is not participating at even the first level of having their refugee hearing.

Ms. Gina Csanyi-Robah: Let me just explain that.

In 2010 there absolutely was a 91% withdrawal rate of refugee applications. For those that made it through to the end there was a 26% acceptance rate. When the Roma come here they don't have the skills to navigate this complex refugee system. They come here in large numbers because their families are large. This is a communal community, just like the South Asian community, where it's normal for people to live with three or four generations in one house. They travel together in large numbers.

In October, when there was a huge alert in the media that Roma were coming here as a result of organized crime, there were five families, 91 people.... That night a family of 13 slept on the street on Kingston Road in Scarborough because they couldn't get beds in a refugee shelter.

Mr. Rick Dykstra: Gina, I understand, but my issue isn't whether or not there is fair and equitable treatment in Hungary, and whether or not the government should do a better job in the treatment of its people. That shouldn't change.

But what we're talking about is what you're suggesting, and that's where we're moving with respect to immigration. But we are changing our immigration policies to allow permanent residents to come here under a different scheme. Achieving permanent residency for a better life is not done through seeking refugee status here in the country; it's done by seeking permanent residency. We can't have a system that allows people to make application for what they are seeking—a better life—if they don't qualify from an asylum perspective.

The Chair: Sorry, Gina, my job is to keep the time and we've run out of time.

We have to move to Madam Groguhé.

[Translation]

Mrs. Sadia Groguhé: Thank you, Mr. Chair.

Thank you to our two witnesses for being here. I would just like to give...

[English]

The Chair: I just need to set the clock.

[Translation]

Mrs. Sadia Groguhé: Okay.

[English]

The Chair: Are you ready?

[Translation]

Mrs. Sadia Groguhé: I would just like to give a brief personal testimony. I'm from France. So I lived and grew up in Europe, and I am particularly familiar with the situation of the Roma throughout Europe. It's a situation that has historically been extremely difficult. Furthermore, I remember having to do research on it when I was in college. Historically, the Roma have been marginalized, stigmatized and persecuted, and that continues into the XXIst century.

Ms. Csanyi-Robah, my question is for you. You live in Scarborough-Centre. Based on your conversations with the people in your community, do you think that most of them are anxious and worried about the consequences of this bill? More specifically, do they fear the retroactive nature of the bill that will affect refugee

claimants who have arrived since 2009, many of whom live in your community and risk being turned back to their country of origin?

• (1815)

[English]

Ms. Gina Csanyi-Robah: Yes, absolutely. The question is not about seeking a better place to live or finding a more comfortable place to live. The question is about human rights and persecution. The question is about people—the state protecting the citizens. That's what it's about.

It's not about Roma coming to Canada because there's better scenery, or it's a nicer place, or there's an immigration lineup.... They're coming as refugees. There's no lineup for refugees; it's not an immigration queue. The people are coming here believing that Canada is a country of human rights.

We just had a rally over the weekend. It was called "Rally for Roma, not Bill C-31". We had people feeling empowered for the first time. They were coming out with signs saying, "Please, Canada, don't abandon us Roma".

Don't believe the stereotypes about us that we're criminals. This is not a community of collective criminals. There was one case in Hamilton with 20 people involved. You've just heard that there are thousands of refugee applications each year. I've done my own research for the Canadian Museum for Human Rights for a report I did on forced migration. There were easily 9,000 refugee applications in the last few years. That was 20 people, while 9,000 applications can each represent a family of four. That's thousands of people—refugees who are coming here right now.

There have been Roma living in Canada for over 100 years. There are over 80,000 of us. You don't hear about us engaging in organized crime and criminal activity. One case cannot represent an entire family or an entire community of people. It's racism. It's prejudice. It's unacceptable in Canada.

People believe this country is a mecca for human rights. We need to uphold these values. As a teacher, I'm always talking to my students about human rights, the Canadian values of pluralism, and setting an example for the rest of the world.

Today, in Washington, D.C., they're holding a meeting with the U. S. Helsinki Commission and Hillary Clinton and trying to decide how they're going to be able to support the Roma in Europe. In Canada, we're still talking about bogus refugees, criminals, and people living off the welfare system.

When people legitimately need help in Canada, they are being doubly victimized. They're being told to get out of Hungary. They're being told that Hungary is for Hungarians—ethnic Magyars. After longer than Canada has been a country, they are told to get out.... They come here and people are, like, "You're criminals". It's the same rhetoric, the same discourse, that's happening in these European societies, and we're allowing it to come here.

I teach that we don't allow hate to be imported into this country. People came here for a reason. We're all immigrants at one point or another. Often we came here because we didn't like what was happening in our own countries. We came here for a better life. That's why Roma are coming here, too. They want a better life. They have families. They want to integrate. They're going to school.

I have letters from the York Regional Police chief telling you about how Roma are coming to the police station in this project we did. I gave you these posters. It's called the Hate Can Kill project. It's a hate crime prevention project in partnership with the Toronto Police Service and the York Regional Police.

On March 31, 2012, for the first time in our Canadian history, we had over 40 Roma families go to the police headquarters at 40 College Street in Toronto. They were interacting with police officers and trying to rebuild trust. Even Chief Jolliffe from the York Regional Police said:

[While] our initiatives thus far have focused on addressing risk factors associated with intolerance, discrimination, hate crime and violence, while also attempting to deconstruct historical barriers, the community police engagement, while restoring community trust and confidence in policing.

We're trying to make sure that our Roma who are getting an opportunity to stay here know that this is a different society. We have police that will protect them. We have politicians who won't allow hate speech to continue or to affect them anymore. It's a different country they are in, and they believe that with all their heart. When they withdraw their refugee applications and go home believing they are not wanted over here, because they don't have the language skills and they don't have the navigational skills, they've been marginalized—not for decades but for centuries. They don't have the skills —

Sorry.

[Translation]

Mrs. Sadia Groguhé: I still have one minute, Gina. Could you describe for us the situations presenting a risk of death and persecution that the Roma are confronted with in those countries?

[English]

Ms. Gina Csanyi-Robah: I'm sorry. Can you repeat that one more time?

[Translation]

Mrs. Sadia Groguhé: Could you describe for us the persecution and the situations presenting...

• (1820)

[English]

The Chair: The time has expired.

You know what? She didn't understand the question.

I'm going to let you ask the question. Go ahead, Madam Groguhé.

But you have to be brief, Gina. You promise me—

Ms. Gina Csanyi-Robah: I promise you.

[Translation]

Mrs. Sadia Groguhé: Could you describe for us the situations that present a risk of death and persecution that the Roma in those countries are confronted with?

[English]

Ms. Gina Csanyi-Robah: Okay. I'll give you one example.

In the European Union in general, we have anti-Roma riots, homes being burned to the ground. Just in Italy a few months ago, 200 homes were burned to the ground. In Bulgaria there are non-stop Roma riots, homes being burned to the ground, people being killed. There are mass expulsions in Italy, in France. There are internment camps.

Ujjal Dosanjh, who was a member of the Liberal government and a former premier of British Columbia, came to a public education event that I organized at the University of Toronto in November 2010. He saw these integration camps and said they were more like internment camps. He even brought back pictures.

I'll give you an example that took place in Hungary last Easter—not this past one, but the one in 2011—in Gyöngyöspata, a small village in Hungary. The Jobbik political party, which is on the far right and openly anti-Roma, has a paramilitary organization that works in solidarity with them. They wear the same Arrow Cross uniform from during the Nazi era.

Jason Kenney came to our Roma community centre in October and heard first-hand testimony about this.

These neo-Nazis stayed in this village, 2,500 of them. After the demonstration and the rally ended that day, they stayed for three weeks. It took the international community—Amnesty, Red Cross—to intervene to get these thugs to stop terrorizing the people in this community.

Just now—

The Chair: Excuse me, Gina.

Mr. Leung.

Ms. Gina Csanyi-Robah: That was too much.

The Chair: No, I'm sorry. I know you're passionate about this—

Ms. Gina Csanyi-Robah: I'm sorry. It's just too much information.

The Chair: —but I have to keep things moving.

Ms. Gina Csanyi-Robah: Okay.

The Chair: Mr. Leung.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Mr. Chair.

Thank you, Gina, for your impassioned plea about the situation of the Roma.

I look with interest at this document, “Roma Refugees in Canada and Bill C-31”. You go to great pains in this document to try to explain the difference between gypsy fiction versus Roma reality. I'd like you to elaborate on that.

Secondly, in my travels in Europe, I have come across all kinds of people. Perhaps you can tell me how current European society discriminates in terms of how they would prosecute the Roma or the gypsies. How is the treatment different? To me, they, or least those I've come across, can ethnically or racially blend into the society.

I would just be curious, then, to know more about that in the context of gypsy fiction versus Roma reality.

Ms. Gina Csanyi-Robah: I do a lot of public education around gypsy fiction and Roma reality. A lot of people, even some people with double degrees, still don't know who the Roma are. They've heard of gypsies and know all the stereotypes, the negative connotations, that go along with being a gypsy.

I grew up in this country. My Canadian friends always thought it was kind of cool, but they asked me funny questions—i.e., do I have a crystal ball at home, or do I have a caravan in my driveway? Some of my friends would wear the gypsy Halloween costume to school. That stuff was a little bit perplexing at times, but it didn't hurt me.

Whenever I encountered a person who was ethnic Hungarian, for example, they would tell me—not every time, but often—if I were willing to divulge who I was and my background, “Keep that to yourself. That's shameful. Don't let anybody know that. Keep it a secret.”

There's this whole fiction that gypsies like to travel and can't settle down, and find it impossible to be sedentary. That's a lie. I mean, when you're kicked from place to place and not allowed to stay, it doesn't mean that's how you normally are.

Another fiction is this whole criminality thing. There's not this mass community of criminals in Europe. It doesn't exist. There are people who are criminals, just like in every other single community there are people who are criminals.

In the Roma community there's been a huge problem with the cycle of poverty—lack of education, people committing crimes of poverty. You hear this whole rhetoric in Hungary of the gypsy terror. You hear about gypsy criminals. It's dehumanizing. In Gyöngyöspata they had that mass rally because of the gypsy terrorists. But if you read a little bit deeper, you end up finding out that people were stealing firewood from the local privatized forest to heat their homes because they live in such endemic poverty.

The reality is so much different from the fiction that we have over here, but the problem is that the fiction here influences people's thought process, even at schools. At the schools our kids go to, staff are reporting to me that many of their colleagues have these very negative stereotypes of gypsies. When kids hear the discourse that happens often in our media, it just compounds the problem.

They believe the kids don't want to go to school. What they don't realize is that they're living for three years in this abysmal state of not knowing if they're coming or going, or what they're going back to.

There are so many complicated issues. It's so important to be able to depict Roma reality versus gypsy fiction.

In Europe it's very clear who are the Roma, as these are homogeneous societies. Ask somebody from Greece, from Italy, from Hungary, “How can you tell if someone is Roma?” Often it's

because everybody who's not the ethnic majority are Roma. The only diversity that exists is in the main European city centres. As soon as you leave Budapest, it's a mono-ethnic, homogeneous society.

● (1825)

Mr. Chungsen Leung: I appreciate that distinction. It's just that in my travels in eastern Europe, I have come across them, and sometimes, when you're coming as an outsider, it's not easy to understand.

I address my next question to Maureen Silcoff.

There are lots of Roma claimants in Canada. Why is there proportionately higher abandonment and withdrawal, because that causes a problem for those of us who are looking at this. We're asking what the reason is. There has to be a reason. Are they really committed to this country? Do they really need to seek asylum, with that status, here in Canada?

Ms. Maureen Silcoff: Thank you for the question.

I'd like to first of all address statistics, and then I'll deal with why people withdraw.

We see in the year 2011 that about 4,500 people initiated claims. About 800 were withdrawn, about 250 were abandoned, 160 were accepted, and 738 were refused. Half of the claims initiated were still pending.

When you look at the numbers, the percentage of withdrawn claims over the number of claims pending is not very high. It's a matter of how you look at the statistics. There is no refusal rate of 98%. There is no abandonment rate of 98%, and there is no withdrawal rate of 98%.

We see that in one in five cases of people who actually appear before board members, their cases are approved.

Now, why do people withdraw? This is a little bit of a complex situation, and there are certain factors that I think warrant looking at.

First of all, as Gina mentioned, it's very difficult for people who have low or little education to navigate a complex legal system. Until recently, there has been very little community support to assist these refugees. There has been a huge problem with a handful of unscrupulous lawyers and consultants who have actually done an injustice to this community. Numerous complaints have been filed at the law society against these lawyers. I myself am cleaning up dozens of messes from what happened. People lose hope. The lawyers don't show up. They don't answer their phones, and sometimes people just end up withdrawing their claims.

I'd like to make another point. If you come here to so-called scam the welfare system, you don't withdraw your claim. You stay here, and you take every last penny from welfare. The fact that people withdraw means that they're not in it for the money.

The Chair: Ms. Sitsabaiesan, can you get a question and an answer in one minute? Probably not.

Ms. Rathika Sitsabaiesan: Probably not, but maybe I can. All I have is one minute?

The Chair: Yes.

Ms. Rathika Sitsabaiesan: Okay. In the brief there is mention of the minister showing up on Hungarian TV. Can you comment more on that, please, Maureen? Go.

Ms. Maureen Silcoff: The minister showed up on a right-wing TV show. It's described in Gina's brief. You can see the YouTube video yourself.

As well, he stated in the *National Post* a little while ago that his delegates were handing out leaflets in a city in Hungary that said, don't come here. The message on TV and the message in the leaflets is, do not come to Canada. More or less, they're saying, "You are not refugees".

I've never heard of this happening before. I've never heard of a minister taking such measures in a planned, strategic way to tell people that they are not refugees. Sometimes people make off-the-cuff remarks, but this is completely different.

I think it is a concern, because these cases, in effect, are being prejudged. The refugee board is an independent tribunal. They're supposed to look at each case on its merits. The board members, of course, are human. If they hear that this is happening, and they hear this kind of information coming from the minister, how could they not take it into account?

• (1830)

The Chair: Thank you.

Our time has expired.

Thank you kindly for coming. You're two very passionate ladies. We appreciate that and thank you for your contribution to the committee.

This meeting is adjourned.

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