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—
Chair

The Honourable Andrew Telegdi

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• (1115)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): I'm going to call this committee to order.

Ms. Beaumier, you should have told us we were going to have so many people, and we could have gotten a bigger room.

I'm pleased to note that Ed Broadbent is here, given his history on human rights and his having run the International Centre for Human Rights in Canada.

When I look out at the audience, I see a wave of refugees who came to this country, mostly in the seventies and early eighties, and I just want to inform you of two refugees we have in the House of Commons. I was part of the Hungarian wave of refugees, and Rahim Jaffer, who's going to get here soon, was part of the wave of refugees out of Uganda.

The issue before us is one where you have done an excellent job in informing members of this committee. I understand you met with most members.

So let us welcome you, and I'll turn it over to you for a presentation, after which we will have members of the committee ask questions. The way we do it is that the first round of questions will be seven minutes for each party for question and answer, and the other round will be five minutes once we complete that, when we'll alternate between government and the other parties.

Mr. Vo, do you want to go ahead? You have seven minutes.

Mr. Maxwell Vo (Project Coordinator, SOS Viet Phi): Good morning, ladies and gentlemen. I want to thank you all for coming here today, dear committee members.

Currently 2,000 Vietnamese refugees are stranded, abandoned, and helpless in the Philippines. They've been there for the last 16 years, which is truly incredible. We appear before the committee today to ask Canada to lend a compassionate hand, to hear their cases, and to try to close this tragedy and close the book on the Vietnamese boat people.

My name is Max Vo. I'm a Vietnamese-Canadian, and I'm here today with my companions. Mr. Hoi Trinh is a Vietnamese-Australian lawyer who has a legal aid office in the Philippines, where he's been working for the last seven years. Cecil Rotenberg, Queen's Counsel, is an expert immigration lawyer, knowledgeable in citizenship and immigration laws in Canada as well as administrative law, and we're proud to have him here today.

At this point in time I'd like to turn it over to Mr. Hoi Trinh, who's going to talk a little bit about how this situation came to be as well as about what he's been doing in the last seven years to help these people.

Mr. Hoi Trinh (Lawyer, Australia, SOS Viet Phi): Thank you so much.

Thanks to you all for being here today. I think most of you have met with other members of the Vietnamese-Canadian community, so I will just go straight to the point.

You are obviously now aware that there are 2,000 stateless Vietnamese refugees in the Philippines. They've been there since 1989. Over the last seven years, our communities in Australia, the U. K., and Norway have helped and resettled 600 already. Of the 2,000 Vietnamese who are left behind, the U.S.A. has indicated it will use a very generous screening standard to admit as many as possible. They promise they will take the majority of the 2,000 Vietnamese refugees. We are here to ask Canada to please accept the minority of those for whom a durable solution has not been found.

We have talked facts and we have talked figures. You have all the evidence in front of you. But today I would like to put a face to the facts and the figures. I would like to introduce you first to Ms. Hoa. Ms. Hoa is a citizen of Canada. She has been here with her family. She's a refugee, and she has a business here. She fled by boat with her husband and niece. The niece, even though they were considered a family unit in the Philippines while in the camp, was screened out and not accepted as a refugee by the Philippines. Her family were lucky enough to be admitted as refugees and therefore got resettled in Canada. That's the first story.

Here is the second story. I would like to introduce to you Ms. Thuy. Her family fled Vietnam in 1989. She, her father, and six brothers and sisters got into the camp in Palawan and were considered a family unit. Thuy was accepted as a refugee by the Philippines, but her father and her six brothers and sisters were denied; therefore, Thuy got resettled here in Ottawa. Even though the father can come here as an immigrant, he chose not to, because if he does, he would have to leave his six sons and daughters behind.

I'd like to talk a bit about their stories, because at the end of the day, we are here for humanitarian issues. I urge all of you to please take a look at the families. Canada may not have started the exodus, but it has every chance to help the Vietnamese boat people and close the last chapter for the 500 refugees who will be left behind without a durable solution.

Thank you.

• (1120)

The Chair: Thank you.

Is there anybody else? You still have time.

Mr. Hoi Trinh: I'm not an expert on Canadian laws. I've been working in the Philippines over the last eight years; I can answer any questions you may have about the Philippines. Obviously Cecil Rotenberg, Q.C., is an expert. He has obviously looked at the laws. He may have a few words to share with you all.

Thank you.

Mr. Cecil Rotenberg (Lawyer, Immigration, SOS Viet Phi): I see that we're here to close the book by asking this committee to recommend an application of a country of asylum law that's part of the sponsorship refugee program of IRPA. There are four criteria that we seem to meet but the government says we don't meet. The fifth, of course, is sponsorship. You'll hear that there's adequate sponsorship from the Vietnamese community.

My expertise is not as a refugee lawyer—which I'm not—but as an administrative lawyer, to ensure that the fair and reasonable attitude and look is taken at the facts of these cases. We can then really close the book on what was a very successful venture in Canadian humanity and refugee law.

Thank you.

Mr. Maxwell Vo: I'd like to say a few more words.

Hoi, Mr. Rotenberg, I am not a lawyer; however, I am a proud Canadian, and here with us today are former Vietnamese refugees who are now community leaders. They've come from Montreal, Ottawa, and Toronto. Among them are dentists, doctors, lawyers, business leaders, and spiritual leaders. As well, we've support from the community. We have a former mayor of Ottawa, Ms. Marion Dewar, as well as a representative of the current mayor's office. As well, Mr. Ed Broadbent has come out to support us. So we want to thank you all for coming out and supporting our cause today.

Like the refugees, my family fled Vietnam in the late 1970s in search of freedom. Like these refugees, my family went onto little dingy boats that were leaking. They risked their lives at sea, they battled storms, in search for a new hope for life. Like these refugees, my family landed in a new country in a refugee camp, not knowing what the next day would bring.

Unlike these refugees, my family was lucky. We were lucky in that Canada extended a compassionate hand and resettled my family in the city of Vancouver. Unlike these refugees who have children in the camps, I was born a Vietnamese-Canadian in 1980. I had the chance to have my rights respected. I had the chance to have an education. I had the chance to go to university, become a professional, and contribute back to the society that has given so much to me and my family. But for a stroke of luck I could have easily been one of these Filipino refugees, or one of their kids, still stranded for the past 16 years, not knowing what to do with their lives. Now their rights are still denied. It's still going on.

As a Canadian citizen I've come here today to ask you, my Canadian government, to please lend a helping hand. Please extend this compassionate gesture once again. It's the eve of the thirtieth anniversary of the fall of Saigon and the twenty-fifth anniversary of

Project 4000, which initially brought thousands of Vietnamese refugees here to Canada, who have now become vibrant, thriving, and professional members of their society. I'm asking the government here today, as Mr. Rotenberg mentioned, please, let's close the book on this ongoing humanitarian tragedy.

Thank you very much.

• (1125)

The Chair: Thank you very much.

Our researcher says there are two key questions that the committee should know. One is why the UNHCR denied refugee status to those still in the Philippines, and the other one is why the Minister of Citizenship and Immigration says that this group doesn't fall into the asylum class. After that, we'll go on to the questions.

Mr. Hoi Trinh: I would like to answer the questions.

Basically, the UNHCR has never considered their case, by the way. The Comprehensive Plan of Action for Indochinese Refugees, which is an international agreement put in place in 1989 and ended in 1996, stipulated that the asylum countries would be the ones to screen these people. That's why Thuy got screened in and her father got screened out.

The UNHCR is an overall monitoring agency. It doesn't do screening. My legal answer is that the UNHCR, under the agreement, is bound to agree with whatever the determination is, so if the Philippines says that these people are not refugees, then the UNHCR says that they're not refugees. That's my answer.

Despite that fact, each resettlement country has its own laws and policies regarding refugee issues. So even though these people have been screened out, Australia, over the last four years, accepted these people as refugees and we resettled them.

The U.S. had a ROVR program. It's a program of resettling refugees who happen to be returnees in Vietnam, because it was recognized that the screening process was flawed. Corruption, bribery, sexual favours were commonplace. So those returnees who were forced by plane and on boats back to Vietnam were then re-screened by the U.S., and the U.S. accepted some 18,000 of these people over the last five years. That's different from the policy they just changed last year of re-screening these people under their own law.

So my answer is that refugee status determination has never been done by UNHCR, nor has it ever been done by Canada with this group of stateless people.

The second answer is in regard to what you were asking about...

• (1130)

The Chair: The asylum class.

Mr. Hoi Trinh: The asylum class. I think your minister basically determined that these people were not in imminent danger, because that is what she believed at the time. She said that the mission in the Philippines confirmed that these people had been integrated into the society. That's the view she held.

However, about four months ago my office met with the head of the immigration section of the embassy. Over the last seven years that's what we tried to do. We tried to inform your mission in the Philippines. I can confirm with you that the person said, "No, I have never confirmed such a thing, because we have never considered any case, nor have we ever met a refugee". They are quite aware of old evidence—as late as December—when the senate of the Philippines wrote that they could not consider any issues regarding permanent residency because the Philippines is poor, etc. The letter is right in the booklet that we have already given you.

The situation has not changed. For some reason, your minister decided that she's of that view, and I cannot really answer why she held to that view despite the evidence.

The Chair: Thank you very much.

It's interesting that stateless persons can be considered integrated to a country.

Ms. Ablonczy.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Thank you, Mr. Chairman.

It's good to see you again, Mr. Trinh, and to our other witnesses, we welcome you.

I must say that every applicant would be fortunate to have such articulate and determined advocates as Mr. Trinh and the others we have spoken to. They have done a fine job, and the Vietnamese community has made a good choice in bringing them before us.

Of course, as parliamentarians we are well acquainted with the Vietnamese communities in our ridings and in our cities. They have made a tremendous contribution to Canada, to building its future, and to the multicultural mosaic of our country. We compliment all of you on that.

I want to start out by saying that this is the first time for this committee, as far as I know, Mr. Chairman, to deal with an application for admission to Canada of this nature. Generally speaking, the committee deals with policy matters and with legislation. In this case, this is much more specific and more particular than I've ever known the committee to deal with before. I guess it puts us into uncharted territory in some ways.

We've heard a number of submissions, from Mr. Trinh and others with him, and we also have before us a letter from Amnesty International that sets out some of the facts. We have a summary on the Vietnamese community in Canada, and we also have, of course, a submission from His Worship, the Mayor of Ottawa, supporting this application.

We haven't heard, Mr. Chairman, very much from the department or the officials who would have been dealing with this matter, and I would suggest it would be helpful for the committee to have some other background information. I'm a little concerned that this application seems to have received no sympathy at all with the department or with the former minister of the department. It seems very straightforward to me, but I would like to know some of the reasoning behind the dealing with this application in the past, because it's difficult for me to understand what has gone on.

Mr. Trinh mentioned, and Amnesty International confirms, that the U.S. is using a generous refugee screening standard for the Vietnamese families that will be resettled in the U.S. from the Philippines. I wonder if you could just give us some idea of what is meant by that. Do you know exactly what the standard of generosity would be?

Mr. Hoi Trinh: Yes, I do. The U.S. will use a special law and it is called the Lautenberg Amendment. The Lautenberg Amendment was a special law designed to resettle refugees from the former Soviet Union or from communist countries such as Vietnam or Cuba.

Unlike the usual convention refugee standard that is applied worldwide, the U.S. would accept people if they can just cite two instances of discrimination. The usual test is that you have to have a well-founded fear of persecution if returned. For the U.S., and especially for designated groups, as long as you can show that you have had two instances of discrimination—and there is no "if returned"—then you would satisfy the Lautenberg Amendment. It's a very special law provision and it was used to resettle refugees from Vietnam, and it has always been used for refugees from Vietnam. As I mentioned about the ROVR program, even though refugees in the camps were forced to return to Vietnam, having been rejected by the asylum countries, 89% of the applicants were screened in as refugees, recognized by the U.S.

So that's the legal thing I can say to you. They said they will use this standard to screen the remaining refugees in the Philippines. You can confirm this with the USCIS, which is in the booklets that I have given to you.

Also regarding that test, it talks of humanitarian compassion, which is very similar to section 25 that Rotenberg, Q.C., told me about. It's a combined effort of the law and a reasonable man standard of what is humanitarian compassion. In this case, the U.S. determines that these people are deserving or deserve humanitarian compassion.

• (1135)

Mrs. Diane Ablonczy: Can any of you tell us anything about the life and circumstances of these families in the Philippines?

Mr. Hoi Trinh: I would love for Thuy to talk about father and her brothers and sisters, but given her English...maybe Thuy can speak for the families themselves.

Generally speaking, because they are stateless, because they're not authorized to work, because they don't have any legal papers, they have to work on the streets, from door to door, and most of them have to buy and sell goods. They sell shoes, they sell...stuff. We have photos here of Vietnamese-Americans going over there and documenting the situation.

If the family is well enough connected, they would be able to get a licence to sell by paying a bribe to the local authority. If they're not good enough, then they would just have to run when they see the police. Many women end up in jail, depending on their situation. It could be a few days. It's easy for them to be harassed.

I don't want to be here to badmouth the Philippines. It doesn't have a systematic way of persecuting these Vietnamese, but for the lack of status, they are subject to the whim and the authority of the local police. They would end up in jail; then, because they don't have any legal papers, they would be deemed illegal.

Then people like me—my office has other lawyers, from Australia, from the UK, and from the U.S.A., working together as volunteers—go to the jail to say that these people are legally here, you should contact the Department of Justice, and this is the paper, and they will be released. If they're not lucky enough and don't meet up with us, they either have to pay a bribe or stay there for days or weeks. A guy stayed in there for two years before I knew about his case; I went in and tried to sponsor him.

The Chair: Thank you very much.

We're going to go on to Madame Faillle for her question.

[*Translation*]

Ms. Meili Faillle (Vaudreuil-Soulanges, BQ): We have before us another human rights issue. All those who are familiar with the Bloc Québécois positions are aware that in matters of human rights, of individual rights to citizenship, and of basic needs, we feel very concerned.

You are looking for a humanitarian effort to resettle Vietnamese families. We will readily support your initiatives. The Bloc Québécois takes to heart the situation of stateless people. We have already taken a similar position concerning the Palestinians.

You have demonstrated that the applications you will make will have some link with Canada. The cases we will examine or that will be presented to Canada will have a link with Canada through sponsorship.

I can confirm that the Vietnamese community has made a great contribution to Quebec and Canada. Many of you spoke French when they came here.

I learnt yesterday that you speak Mandarin, my mother tongue. Incidentally, I would like to wish a Happy New Year to the whole community: Gong Xi Fa Chai. This is the year of the rooster, a year of feistiness and, I hope, a year of success for your community.

I will deal with just one question to give an example of the progress made on project. Other countries are involved, including Australia and the USA. I understand that these other countries have a large lead over Canada as concerns the interviews. You have indicated that the United States have already begun the interviews.

Could you tell us which countries are involved in the integration of these refugees, of these stateless people, and could you explain why it is urgent for Canada to do something and why Canada is late?

• (1140)

[*English*]

Mr. Hoi Trinh: Thank you very much.

Regarding Australia, it has already accepted people since 2000. Every year the community and I meet up with the immigration minister, and he uses his ministerial discretion to allow certain numbers. So approximately 300 people have gone. I got the figure of 264, and those people are gone, but some of them are still being

processed because they have to pass the security and health checks. So a substantial number of people who have found sponsors in Australia are now already in Australia.

With the U.K., they've gone too. That started in 2000.

Norway passed a special law last December, and they said they will interview these people in April.

With the U.S., they changed the policy last April and they have started processing already. Right now they are at the last stage of security checks. Their security checks are a bit tougher than the other checks, because they have to look at whether these people are Communists and what not. It's a different kind of security; it takes three months and they have their own security checks. So they expect to finish the security checks this February, at the end of this month, and they expect to interview the people in April.

Could you please remind me of the second question regarding Canada?

[*Translation*]

Ms. Meili Faillle: A moment ago, you seemed to be telling that the minister had held a certain position. Was it an outright refusal or was there a certain opening?

[*English*]

Mr. Hoi Trinh: I hope there will be an opening. According to the advice we have received from expert lawyers, it looks as if the criteria under the country of asylum class would be easily met. But because the minister has determined that these people have had a durable solution in the Philippines—and we don't know why she determines that—I do advise all the refugees in the Philippines to not apply to Canada yet, because if you apply you lose money, you have false hope, and then you're denied anyway because the minister has already predetermined.

Obviously you can see that the community over here thinks of this as an urgent matter. It is an urgent matter, because it's been a 16-year issue and they have remained stateless since 1989. The community feels very strongly about it, as you can see, and I hope that with each of us here can also see why it is urgent.

Mr. Cecil Rotenberg: May I remind the committee that there are five essential grounds for the asylum class: if they are outside of their country of citizenship, which they are; if they have been affected by civil war or armed conflict, which they were; if they have suffered violations of human rights, which they have; and if they have no possibility within a reasonable time of having a durable solution. It's been 16 years, and there are still children without education and children without access to hospitals and medical care. The last question that is important for the Vietnamese community is if they be privately sponsored, which I'm quite assured that the community will respond to if the Canadian mission in the Philippines also responds similarly.

[*Translation*]

Ms. Meili Faillle: Your explanations and your presentation are quite convincing, and that is why we will support you.

[*English*]

The Chair: Thank you very much.

There is actually a letter from the minister, dated July 14, with her signature. I think that whoever drafted the letter could have done a little more research, but it's available to members of the committee.

Mr. Siksay.

• (1145)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Mr. Chair.

Thank you for the presentations this morning.

This community in Ottawa in particular strongly responded to the crisis of Vietnamese refugees many years ago, and clearly that commitment still exists with so many citizens still willing to carry on that work after so many years. This gathering of witnesses to the situation of Vietnamese refugees in the Philippines is indeed very impressive, and I'm very moved by that. It's a remarkable story, and it's a remarkable story that after so many years people are still living in this kind of circumstance. To read that the Canadian government somehow believes that stateless people do not deserve the consideration of this country I find quite unbelievable and quite heartless.

It's also remarkable to me that in a year when we didn't meet our target for refugee resettlement in Canada—Citizenship and Immigration's immigration plan for last year hoped to see 3,400 to 4,000 privately sponsored refugees settled in Canada and we only managed 3,114—we didn't even make the bottom end of the range, and if we had resettled all of these folks, we'd still be within the anticipated range for last year. So there's absolutely no excuse. The capacity is here, the willingness is here within the community, and the need is very clear.

This is a new issue for me. I didn't know of the circumstances of these folks until this week, actually.

So I don't understand why we can't move on this with some urgency. Clearly the criteria that Mr. Rotenberg just reviewed do apply absolutely to these folks. When I consider someone who is stateless and has no hope of that change happening.... When you read the letters from the political leaders in the Philippines that say this is unlikely to happen in the near future, if at all, in terms of folks getting permanent residence status in the Philippines, it convinces me that something absolutely needs to be done.

I have a question. I know you've been meeting with members this week. I'm wondering if you've had a meeting with the new minister or with the parliamentary secretary. Have you had any indication with the new minister that there might be a change in the position of the government on this?

Mr. Hoi Trinh: The community and I have sent letters requesting a meeting, and over the last three days Tu-Anh, a colleague of mine and a Canadian of Vietnamese origin, and I have called his office every day. But unfortunately the minister hasn't found time to fit us into his schedule.

Mr. Cecil Rotenberg: One of the funny facts is that he was there Saturday night speaking to the Vietnamese community. We congratulated them on their 35 years. He was there, but nobody had the chance to speak with him.

Ms. Tu-Anh Takacs (SOS Viet Phi): I'm sorry, if I may add to this as well, I also did call the Honourable Hedy Fry's office every day for the last three days. Unfortunately, they told me that—

The Chair: Could you step up? Could we get your name for the record, please?

Ms. Tu-Anh Takacs (SOS Viet Phi): My name is Tu-Anh Takacs. I have been calling through to the minister's office, Mr. Volpe, and also to the Honourable Hedy Fry's office, and unfortunately.... I know you are all very busy, and so even though we've come to the committee now and haven't had an opportunity to meet with them in person before this, we are still hopeful that we'll have a chance to meet with one or both of them individually after this.

The Chair: Thank you. Good.

Mr. Bill Siksay: Mr. Chair, do I have more time?

• (1150)

The Chair: Yes, you have two minutes and 20 seconds.

Mr. Bill Siksay: Mr. Trinh, I'm wondering if you can expand any further on the Philippines government's official response and what level it has come from, and what they have been saying about what's possible or not possible there.

Mr. Hoi Trinh: Since 1998, basically the immigration bureau and the Department of Foreign Affairs have always insisted that either the Vietnamese be resettled or find a durable solution elsewhere, but not the Philippines. You can see the letter dated from back in 1998 when he wrote to me.

If you look at page 12 of the submission, this was dated July 14, 2004, which is six months ago, signed by both the Senate's president and president pro tempore, saying:

...in the absence of durable solutions for those who will be left behind and realizing that the legislative process could take long in enacting the much-needed law designed to grant permanent residency of these...Vietnamese...we welcome and earnestly urge other initiatives from your country...

I have met with a few well-intentioned congressmen and senators in the Philippines to urge them to please provide a durable solution by passing a bill. A bill has been pending before the House since 1998. However, and unfortunately, the Philippines has far more problems than, at least to them, a little problem of 2,000 refugees who don't have any status. There's no confirmed willingness on their part to pass the bill, basically because the political stability is not so great in the Philippines.

If I can inject a personal story here, I met up with President Estrada approximately three months before he got kicked out of his office. At the time he was a very powerful president, and we were urging him to help the Vietnamese, but after a week of demonstrations he was kicked out of office during the night.

It's not that the Philippines has not tried. A few have tried, but as you can see, to pass a bill even in Canada is difficult, or in Australia, or in the United States. You have to have a willingness to pass it among everyone. The Philippines basically has 18 million people who are poor, and they lack so much. To them, they've been looking after these 2,000 refugees for 16 years and they think, why shouldn't Australia and the U.S. or Canada take some?

So I cannot exactly answer the question as to why the Philippines hasn't tried its best. But we try our best, and there's only so much the Philippines can do.

The Chair: Thank you very much.

We'll now go on to Ms. Beaumier.

Ms. Colleen Beaumier (Brampton West, Lib.): Thank you.

I usually get right to questions, but I'd like to do a little thank you to some people I've never thanked publicly.

The first one is Howard Adelman. Howard Adelman began the program Operation Lifeline. We'd go to bed in 1979 and see people—your mothers and fathers, and some of you—being pulled back out to sea and your boats sinking. I'd go to bed and cry, and my husband would say, “Stop crying, do something”. Then one morning we woke up and there was Howard Adelman on TV saying, “This is what you do, this is Operation Lifeline”. I have to say that was probably the most spiritually rewarding thing I have ever done in my life.

To see you here today and to know how much you've contributed to the fabric of our country, and to know how hard everyone has struggled.... You didn't come here and get good jobs. You came here and.... Phong Tran, who was part of my family, chopped chicken wings off, and her hands were so swollen they were out of shape when she got home. She never complained. You have been wonderful additions to this country. So I thank all of you.

The other person I have to thank is Jeff Kerbel. He's my current landlord, but he gave me five units for housing for Vietnamese during that time. I think that every single one of us who had been involved in the refugee movement for the Vietnamese are absolutely thrilled and feel as though you've really more than paid us back. Thank you to everyone. Thank you, Hoi, for taking this on.

We had another question. What is the difference in our taking stateless Vietnamese refugees in the Philippines when we often send people who are stateless back to their refugee camps, for example, in south Lebanon? There are stateless people all over the world; what is the difference here?

• (1155)

Mr. Hoi Trinh: I think there are differences factually, legally, and really. First, you have refugees worldwide, and everyone needs compassionate help. But at the end of the day, I think we have to make a judgment call, as I told the honourable MP, Ms. Ablonczy.

I guess this is a very small number that we ask for. Canada can take 30,000 refugees, and if you have 100,000 refugees in Burma, Canada really cannot resettle them all. We're asking for approximately 200 families, which is approximately 500 persons who would be left behind without a durable solution. The number is manageable, it's doable. At the same time, this problem has been around for 16 years. It's solvable.

Canada is not alone. Usually we don't want to do it alone. Australia obviously didn't want to do it alone. Australia did it because the U.K. did it.

We are not asking Canada to make an exception to the rule. Every year you all make a decision to take 30,000 refugees, even though

there are more than that who want to get into Canada. All of us make a judgment call at the end of the day, and I do think the circumstances would compel us to extend a compassionate hand.

It's been 16 years. I hope that on the eve of the thirtieth anniversary of the fall of Saigon, we can, and Canada can, close the last chapter.

Mr. Cecil Rotenberg: I wonder if I can remind the witness that many of these are family class or extended family class, and many of these are also children. Canada is bound by the United Nations Convention on the Rights of the Child, which would also affect this as well. I'd just remind the member about those things. They make a difference.

Ms. Colleen Beaumier: Thank you.

We're talking about 16 years in the Philippines. What prompted the exodus from Vietnam at that time, after the original people came out as early as 1975? How were they able to get to the Philippines? I know it was in leaky boats, but what prompted this exodus?

Mr. Hoi Trinh: I'm sure there are expert witnesses on the conditions in Vietnam.

As late as last week, we heard your Minister of National Defence saying he just recently met with officials from Vietnam, and he still recognizes that Vietnam is an oppressive country as of now, and certainly Vietnam was a lot more oppressive 16 years ago. That's why refugees continue to flow from Vietnam.

Ms. Colleen Beaumier: If they're going to continue to flow, what will we feel our responsibility is? Does this never end, or will this close the door on our...?

Mr. Hoi Trinh: It definitely will end, because in 1989.... These are the left-over cases. In the 1990s, Vietnam introduced economic policies and reforms like perestroika back in 1986 in Russia. Thank God there are no more Vietnamese boat people fleeing Vietnam. Even though Vietnam is still oppressive, it's not as bad as it was in the 1970s and 1980s, when our families left. That's why this group unfortunately got stuck in the twilight zone. Many of them left and didn't know that when they got to an asylum country they would not be resettled.

Between 1975 and 1989, the policy was to resettle every single Vietnamese refugee without screening, ever. In July 1989, the international community got together in Geneva to say that as of March 21, 1989, anyone who arrived after that date would have to go through a screening process by the asylum country. Anyone who arrived before midnight would be recognized as a refugee. It was an arbitrary date.

To be honest, I don't know how to better answer the question.

Ms. Colleen Beaumier: The other question is, would Vietnam accept these people back, or have they shut the door on them? In conjunction with that, a number from Hong Kong were sent back to Vietnam, much to my horror. Do we have any indication of how they've been able to resettle?

Mr. Hoi Trinh: I can answer both of the questions, because I used to work in Hong Kong as a volunteer as well.

It is legally and factually impossible to return these people even if these people want to return. Of course, we're talking about refugees who think they have been persecuted, who believe they fled persecution.

Legally, you do need agreements between two countries before you want to return someone, but I'm sure you are all aware of that. Right now there are no agreements between the Vietnamese government and the Philippines government to look into this issue.

Factually, it's impossible, because these people have never applied for return to Vietnam. The Philippines is an exception. They did not force people back to Vietnam. Hong Kong basically just put everyone on planes back to Vietnam. There are reports of returnees being persecuted in Vietnam. That's why the U.S. got the ROVR program going and accepted 19,000. In Hong Kong, fortunately we started asking the Government of Hong Kong to please regularize the status of those who were there. England, in 2000, took in over 400, and Hong Kong basically gave permanent residency to the rest.

•(1200)

The Chair: Thank you very much.

We go on to Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for their presentations. I've got a couple of questions.

In the briefing material you provided to the committee, you mentioned that many of these refugees have family members living in Canada. Why does the family reunification system not work for these people who are so desperate to leave the Philippines?

Second, how does being stateless as a Vietnamese refugee in the Philippines affect their ability to immigrate to Canada? What obstacles stand in their way?

Third, the Vietnamese refugees in the Philippines have been in limbo for almost 16 years. Not only have they been unable to come to Canada, but they have also been unable to immigrate to any other country. Is Canada's refugee immigration program any worse than that of any other western country?

Mr. Hoi Trinh: Even if one has a brother or sister living in the Philippines, one cannot sponsor the person as an immigrant under your laws. The only way for them to be reunited is through the humanitarian programs, such as the country of asylum class. They have not been accepted for resettlement in Canada because they have never been considered by Canada. The community tries to use due process by first going to the mission in the Philippines, then going to the director of the CIC, then going to the minister to ask first for recognition of the facts. It wasn't really adhered to, and that's why these people are still in limbo in the Philippines.

Right now we are not asking for an exception to be made. We ask simply for Canada to recognize them as refugees under this class, because they have satisfied the criteria. They would only be resettled if they passed other normal health and security checks, like the other 30,000 refugees you accept per year.

I would like to ask one more thing. Under this class it is required that these people have to be privately sponsored, so they won't be a burden on the Canadian society. Many of the 200 families do have relatives who want to sponsor, but right now, even if they sponsor, the application will not be successful, even with the determination of the CIC in the past.

The Chair: Ms. Ablonczy.

Mrs. Diane Ablonczy: Why, in this situation, has there been so little movement on your request? How long have you been working on this situation, and why have you met with such a lack of response? I just can't understand what's been going on here.

Mr. Hoi Trinh: I wonder if Dr. Can Le is here. Dr. Can Le is a community leader and vice-president of the Vietnamese Canadian Federation. In 2002 he and I met up with the director of refugee resettlement, Rick Herringer, and his letter is there for you to peruse. His reply was very similar to the Minister Judy Sgro's and, before that, Minister Denis Coderre's. Why it was responded to unfavourably or so slowly is a great question, but I think each of us will have to find an answer as to why that was the case. I simply don't have an answer, even though we gave all the evidence.

•(1205)

The Chair: Thank you very much.

Mr. Temelkovski.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): I'm reading some of the letters that have been sent by our previous minister. She is responding to a letter and citing a previous letter that was negative. She also mentions that the Philippines mission says the community has been able to integrate itself with the local community there. I'm assuming you don't agree with that.

Mr. Hoi Trinh: I don't think any of us in this room from the Vietnamese community, including the City of Ottawa or former mayor Marion Dewar, would agree with that. That's why we're here.

Mr. Lui Temelkovski: She also goes on to say that we, as the Canadian government, have found out that many of the persons you have mentioned do not have family ties within Canada. I also assume you don't agree with that.

Mr. Hoi Trinh: Actually, legally she's correct. As immigrants they're not eligible to come as family members, because you can only come here as family members on family reunion grounds if you are husband and wife. Even if you have brothers and sisters, you're not eligible to come here as immigrants on family reunion grounds. So technically she's correct.

Mr. Lui Temelkovski: Going on, we have letters from the Republic of the Philippines that say the refugees there have really not been able to settle within the Philippines community.

My own uncle was a refugee for three years in Greece. I remember waiting every day, as a young boy, for a letter to come saying that he was accepted somewhere, anywhere—Australia, Canada, America, anywhere. I know the difficulty your community is facing there.

After I learned about your being available yesterday, I did meet with your group. I had other questions that you answered for me yesterday, but if I could just ask one more question, how would you feel about Canada receiving the 500 refugees of Vietnamese background from the Philippines? If you were the Canadian government, how would you prioritize between those refugees and other refugees who are waiting at the borders to come in?

Mr. Hoi Trinh: How would we prioritize it? As I have answered—and I think I speak on behalf of the community here—at the end of the day, we think these people deserve Canadian compassion. The number is manageable, and we are not asking for Canada to make an exception. We are simply asking for Canada to please recognize them as refugees after their 16 years of being in limbo and waiting for Canada to consider their case.

Mr. Maxwell Vo: As well, at this point in time, I'd like to invite Andy up to speak more to this issue. He is representing the mayor's office, and is a senior policy adviser.

Andy.

• (1210)

Mr. Andy Kusi-Appiah (Bob Chiarelli's Senior Policy Advisor, As Individual): Thank you very much.

I'm senior policy adviser for community relations in Mayor Chiarelli's office. I'm here this afternoon to support the Vietnamese Canadians in Ottawa. Vietnamese Canadians in Ottawa add a very interesting dimension to our community, and we are very grateful to have them here. For the last 25 years Vietnamese Canadians have contributed immensely to the social, economic, and cultural lives of Ottawa. I'd like to give a few examples before I go ahead to answer the question.

Mr. Dennis Luk, who is the owner of Mekong Restaurant in Chinatown, came here as a refugee and set up his own business in 1981. Today he employs over 10 people, and this restaurant is patronized by all Canadians in Ottawa. I'll also mention Mr. Hung Ve, a former Vietnamese refugee who has done very well for himself and his community. He has successfully operated a high-tech company called Milky Way Network and has successfully transferred it over to a bigger company. He now chairs another company with three other people. I'll also mention Ms. Hoang, a retired lawyer and a former boat person. She's also a poet and a very instrumental figure in the Vietnamese-Canadian community.

I'm saying all this to show that there is capacity in this community to absorb 500 people if they come here, and the Mayor of Ottawa has asked me to bring this message here. Every year Ottawa receives about 10,000 immigrants; 230 or 500 is not a big number for Ottawa to manage. We have the infrastructure, we have the resources, we have community leaders who will be able to help and assist these people when they come here.

So the short answer to the question is that Ottawa is ready to take 500 stateless Vietnamese people if the Government of Canada agrees to take them.

Thank you.

Ms. Tu-Anh Takacs: If I could add to the answer to your question, Mr. Temelkovski, every year under Canada's quota for refugee resettlement you allow about 30,000. Is that correct? Those

are divided into subcategories for those who are classified as convention refugees, those recognized by the UNHCR as in immediate danger. We're not asking to take away any of those positions. We recognize the need of those people who are in imminent danger. But under your country of asylum class, you do have allotments for approximately 7,500, and we're asking for only 500. We are just asking for recognition that these people fall under the country of asylum class as refugees, so as to allow them to be resettled here.

The Chair: Thank you very much.

We're way over.

Mr. Lui Temelkovski: I have just one last question very quickly. I'd like to see a show of hands to tell us how many in the audience would be sponsors for these people.

The Chair: Okay, so it's unanimous there, for the record. Very good.

We ran over a little bit. I'll point out to Ms. Ablonczy that the name of Ms. Takacs, who just spoke, comes from being married to a Hungarian. And as for Diane Ablonczy, that's where her name comes from. So what the heck, you know. Everybody supported the Hungarian refugees.

Thank you very much for coming. We will obviously be debating this issue, and we'll let you know when that is. So if you leave us the name of a contact person to be notified, we'll give it to the clerk. Also, we'll have the minister in front of us on Thursday, February 24, and we'll probably be televised at the time.

• (1215)

Mrs. Diane Ablonczy: On a point of order, Mr. Chairman, I see a motion before the committee put forward by my colleague Meili Faille, and I think it would be proper for us to have this read into the record at this time.

The Chair: You're giving notice of the motion.

Ms. Meili Faille: I would like to read in the motion.

[*Translation*]

I will read it in French and English. This motion deals with the 2 000 stateless Vietnamese refugees in the Philippines.

WHEREAS, the 2 000 Vietnamese refugees have remained stateless in the Philippines over the last 16 years without being given any status;

WHEREAS, this small number of Vietnamese refugees represents the last group of "boat people" from Vietnam, stranded in limbo since 1989;

WHEREAS, Australia and the U.K. have provided resettlement for some 300 refugees on humanitarian compassionate grounds since the year 2000;

WHEREAS, Norway and the U.S.A. have recently allowed the majority of the remaining 2 000 Vietnamese refugees to resettle in their countries on similar humanitarian grounds;

WHEREAS, some 200 families (approximately 500 individuals) are expected to be left behind without a durable solution after 16 years of displacement and statelessness;

WHEREAS, many of these families have relatives such as parents, siblings, and other relations living in Canada;

WHEREAS, the Vietnamese Community in Canada have found willing and able Canadian sponsors for all of the 200 refugee families;

WHEREAS, Canada accepts some 30 000 refugees annually and already has in place programs that would allow the resettlement of these families;

WHEREAS, these families meet the criteria set under the 'Country of Asylum' class which requires that the applicant:

Be outside his/her country of citizenship;

Has been affected by civil war or armed conflict; or

Has suffered violations of human rights;

Has no possibility, within a reasonable period of time, of having a durable solution; and

Be privately sponsored

The Standing Committee on Citizenship and Immigration requests the following:

1. The Honourable Minister of Citizenship and Immigration to allow the resettlement of these families in Canada under the 'Country of Asylum' class, on humanitarian compassionate grounds, during the 2005-2006 financial year.
2. During this process, these families be required to undergo normal procedures like all other refugees admitted into Canada.
3. The Honourable Minister of Citizenship and Immigration to respond, in writing, to members of this Committee, within a reasonable period of time, the overall result of Canada's efforts in providing a durable solution to this last group of 'boat people' from Vietnam.

[English]

The Chair: Thank you.

Mrs. Diane Ablonczy: Mr. Chairman, I wonder if my colleague would be willing to also read that in Canada's other official language for completeness.

Ms. Meili Faile: In Chinese? Hungarian? Vietnamese?

REGARDING THE REMAINING 2 000 STATELESS VIETNAMESE REFUGEES IN THE PHILIPPINES

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Voices: Hear, hear!

• (1220)

The Chair: Thank you very much.

On Tuesday at one o'clock, there will be a discussion as to when the steering committee wants to put this forth.

We're going to call a little recess. We ran way over, and we have some other witnesses we're going to be hearing from on another issue.

Thank you very much for coming. I'm sure you'll be monitoring what we do as a committee. We'll endeavour to notify you as we make progress on this particular case.

Thank you.

• (1222)

(Pause)

• (1232)

The Chair: Let's resume our hearings in the committee.

First, we're going to hear from you, Ms. Guy.

Ms. Ahdi Guy (Ottawa Community Immigrant Services Organization): Good afternoon, Mr. Chair.

I'm a settlement counsellor from the Ottawa Community Immigrant Services Organization. I have many clients who are convention refugees, non-landed immigrants, and are still dealing with family reunification issues.

I am going to give the microphone to my client, who is one of the individuals I just mentioned. Her name is Nahid Jalali, and since we have just five minutes, I've given her the opportunity to talk.

Ms. Nahid Jalali (As Individual): Respected members, I have found no other recourse but to come to you for you to hear the case of my family and to feel the pain that my family has suffered in the past eight years.

Eight years ago I came to Canada with the hope of starting a new life, a new beginning for myself and my family. For eight years I have struggled without my husband to make a new life in Canada and to become a contributing part of the Canadian society, a society in which I have lived as my own right from the beginning. I am a hard-working person and have made every effort to stand on my feet and support my family in Canada. Canada has accepted my family and me after a long time, but still my husband remains in Iran with no visa. Today, after eight years of struggle, I feel Canada has abandoned me and my family. For eight years my family has been separated.

My family has been torn year after year. We have sought every possible legal means to reunite our family, and after all these years of filling out every paper, doing every test, and meeting every requirement, my husband has finished all phases of the legal procedure. The only remaining item is granting the visa for him to finally be reunited with the family, which misses him so much and needs him. My family has been torn between two countries, and we have made every possible effort to be patient and follow the right path to reunite.

My youngest son has not seen his father for eight years. Because of this separation he has gone through terrible stress, which led to four years of delay in his education. He could not focus on his studies, because the father he loved so much was being kept on the other side of the world. I continue to see and feel this distress in my sons, and I cannot bear it anymore. My oldest son, who lives in the U.S.A., has not seen his father for 19 years. I myself have had to start taking medication for the depression I have developed over these years as a result of this separation. Seeing my family being torn and not being able to see the husband, whom I love so much, is unbearable.

We have followed every rule to fill in his application in accordance with the law. He has filled out the necessary documents, passed every test, exam, and interview. Now we continue to wait helplessly until we have an answer from Citizenship and Immigration Canada. The issue of his visa remains the only outstanding matter. If there is no response within two months, my husband's medical exam will expire—there's a one year limit—and he will have to request another medical exam if he doesn't arrive in Canada on time. He will have to complete the same procedures as he has already done, and then wait and wait until they come back to him.

• (1235)

Dear members of the board, please speed up this final step for my husband's visa. Please, I am begging you to hear my family and to consciously consider the case of my family. Please help us to unite a family that has been separated for eight years, a family that cannot handle this separation much longer. I want you to hear my family compassionately and understand what we have been through.

Please do not keep the father of my sons away from us any longer. Please do not keep my husband away from me anymore. I need my

husband. I miss him greatly and we cannot handle this separation anymore. Please unite us as soon as possible, I am begging you.

• (1240)

The Chair: Thank you.

Mr. Bossin.

Mr. Michael Bossin (Ottawa Carleton, Community Legal Services): Thank you.

My name is Michael Bossin. I'm a lawyer in Ottawa. I also teach immigration law at the University of Ottawa Law School.

I was asked just two days ago by the Canadian Council for Refugees to speak to you, so I've hastily prepared a paper, which I've given to Mr. Farrell. You may not have it before you, but I urge you to read it when you have a chance.

Je regrette que le document soit seulement en anglais, but it was hastily prepared.

• (1245)

I'm here to talk to you about a little provision in the immigration regulations, paragraph 117(9)(d). Paragraph 117(9)(d) states that at the time you apply to come to Canada as a permanent resident, if you have a non-accompanying dependant who is not examined and you are subsequently landed, if at any future time you try to sponsor the dependant who was not examined, it will not be possible because according to provision 117(9)(d) that former non-accompanying dependant is not considered a member of the family class.

This is a regulation that, for many of us, went under the radar when the regulations were put into force, but now it has become a huge obstacle for many families who are trying to be reunited.

I became familiar with this regulation about a year ago. A man came to see me. He had applied to come to Canada as a skilled worker. His visa was issued to him, and about one week before he came to Canada, he decided to get married to his long-term girlfriend. His idea was that he would come to Canada, get settled, and then sponsor his wife. He did not declare this marriage to the visa office, as he should have. When asked why he didn't, he said that he hadn't realized that he had to do so and that he had about a million other things in his head at the time.

In any event, he came here. He was landed. He sponsored his wife. His wife's application was refused. It was refused because of paragraph 117(9)(d). According to that provision, his wife was not considered a member of the family class. My client asked if he could appeal. I told him that he could appeal, but the likelihood of success was very small. The officer was correct in law. According to this provision in the law, his wife was not a member of the family class.

He asked about all the humanitarian aspects. This was a woman he'd known for years, and she was his wife. I told him that unfortunately because of the law he could appeal to the immigration appeal division, but they could not consider humanitarian and compassionate aspects. That's in section 65 of the act.

He said that he knew he'd been wrong, but asked what he could do and when he could sponsor his wife. Because of the way paragraph 117(9)(d) is worded, the answer was never, he could never sponsor his wife. That was a bit of a hard pill to swallow.

As I outlined in my brief paper, it is the permanent and irrevocable aspects of this provision that are most problematic. I think the words that I used in my paper were "most insidious". Discouraging people who do not disclose their family members to the visa office ought to be discouraged. Moreover, imposing a negative consequence on such people who act in this way is understandable, but the question is on whether those consequences, in terms of family sponsorship, have to be permanent.

In trying to answer this question, I considered some of the provisions in the Immigration and Refugee Protection Act. As you probably know, the act also deals with people who misrepresent and do not disclose material facts. People who do that may be found to be inadmissible to Canada. If you read the provision, paragraph 40 (1)(a) of the act, you will see that they are inadmissible for a period of two years. The same applies for those who are sponsored by someone who is inadmissible because of misrepresentation. There is a two-year consequence for those people.

When someone who is being sponsored is inadmissible because of misrepresentation, generally speaking, there is no appeal, but the act specifically says that if it is your spouse or partner or child, you do have a right of appeal. In other words, the act contemplates that in cases of misrepresentation the consequences are not permanent, and if it's your wife, kid, common-law partner or husband, there is an exception. Even if they lied, there is a right of appeal, but because of paragraph 117(9)(d), as I indicated, people who misrepresent in those circumstances are out of luck. They cannot sponsor, they have no appeal, and they may never sponsor.

The permanent aspect of this provision is rare. Under the act, even people who are deported from Canada can come back if they can get the minister's consent. Even those who are inadmissible to Canada because of criminality can eventually overcome that obstacle by getting a pardon or by becoming rehabilitated, but not those who are caught by paragraph 117(9)(d).

To conclude, in the brief paper that I presented to you, I described the case of Mr. Jean-Jacques, whose case was recently reported in the Federal Court. Unbeknownst to Mr. Jean-Jacques, he had a daughter born in Haiti. He wasn't even aware of her existence at the time he applied to come to Canada, and so of course he did not declare her. He learned of this child's existence after he arrived in Canada. He did a DNA test. He is the father. He acknowledged that he is the father. The mother is now dead, as is the grandmother.

He wants to sponsor his daughter, but when he tried to do so, the application of the daughter was refused. Why was it refused? It was because of paragraph 117(9)(d). The visa officer was correct. This little girl is not considered a member of the family class because of this provision. What are Mr. Jean-Jacques' chances of succeeding on appeal? They are next to nil. He is precluded from raising the obvious humanitarian aspects to the immigration appeal division.

To sum up, even though a criminal may eventually be pardoned or rehabilitated and become eligible for sponsorship, a completely innocent child, such as Mr. Jean-Jacques' daughter, cannot. In fact, because of the wording of this provision, the father may never be able to sponsor her.

In light of the act's stated objective "to see that families are reunited in Canada", I submit to you that there is something terribly wrong with this provision.

Thank you.

The Chair: Thank you.

Mr. Youssef Ibrais.

[*Translation*]

Mr. Youssef Ibrais (Member, Coalition contre la déportation des réfugiés palestiniens, As Individual) (Interpretation): Good afternoon, ladies and gentlemen. My name is Youssef Ibrais and I am a Palestinian refugee from Gaza. I have been in Canada for two years and a half. I have four children there, and my wife is still in Gaza. Our situation defies the imagination and is much worse than what you can see on television. Sometimes, when I speak with them on the phone, I can hear missiles exploding. Even when we had a peace agreement in 1984, when I was very young, I was living in this kind of situation near the Israeli security lines.

As recently as two months ago, a missile exploded in my son's school, and two kids were killed. What would I feel like if I were to lose my son when I am here and he is still over there. I have not seen my fourth child yet. I do not really want to deal with this at length, but I felt I had to appear before this committee because this situation is really awful.

I do not know what can happen to my children while they wait for their papers to be able to come over here with me. I do not know whether they will still be alive. If they are maimed when they finally arrive, what I am supposed to do? I have pictures of homes that have been demolished. I would like to circulate them. I also have a municipal certificate showing that these houses have been demolished.

My two older children have to go to the hospital and be treated because they are more aware of what is going on around them, and they are terrified.

For 27 years, I have been persecuted in Gaza. Even now, after leaving Gaza, I still feel I am persecuted because members of my family condemn me for leaving and abandoning them.

I am appearing today to ask you to examine my case. I have been waiting for nine months. God knows what happened with my case file. It might be on a shelf somewhere. God knows. I am asking for your compassion and would like you to bring a solution. I would be grateful to you if you could do something so that my family can come as soon as possible, because I need them to come here and I need them to be able bodied, and not maimed or handicapped when they finally arrive. I speak with them on the phone and it is an agonizing feeling. When it is cold and cats are outdoors, you feel compassion for them. My children and my wife are like cats left in the cold. They need compassion and they need to be taken care of.

There is another issue I would like to deal with. My wife was a refugee in Jordan. She went for a visit in Gaza in 1995. This is the year we were married. She stayed in Gaza, and here passport expired. The Jordanian consulate in Gaza refused to renew her passport. She could not have it renewed in Jordan either.

•(1250)

[English]

The Chair: I'm going to have to ask you to wrap it up. Committee members might have some questions, and we're running out of time.

[Translation]

Mr. Youssef Ibrais (Interpretation): I would like to know what kind of solution could be found for my wife and children.

Thank you for your time.

•(1255)

[English]

The Chair: Thank you very much.

I guess the only person at this table who has had experience sitting as a member of the refugee board is the Honourable Mr. Anderson. But we're not, on this committee, an immigration and refugee board. We don't deal with specific cases as such. We try to deal with policy and look at policy implications. We aren't trained or equipped for individual cases, and we normally don't deal with those cases.

Ms. Colleen Beaumier: I agree with you. However, I am pleased that Michael has brought up the paragraph 117(9)(d), because I think we all, in our offices, have experienced problems like the case he cited in Haiti. Perhaps that's something we should look at, and perhaps we should be looking at the regulations as well in many of these agency cases.

The Chair: Do you want to go now, Ms. Grewal?

Hon. David Anderson (Victoria, Lib.): Excuse me. On a point of order, Mr. Chairman, what is the timeframe that you're working on? I am just not sure, because we're running late and you mentioned your desire for an in camera meeting.

The Chair: Yes, we started at 11:15, so we're 15 minutes behind. We ran over with the last session and we're supposed to be going into an in camera meeting before we lose the people.

Why don't I just give it to Madame Faillie, because she is the one who suggested this delegation come forward, and we can wrap it up fairly quickly and deal with the policy implication that was put forth by Mr. Bossin on that particular section of the act, for information. Would that be—

Ms. Meili Faillie: Two minutes?

•(1300)

The Chair: Okay.

[Translation]

Ms. Meili Faillie: Most members of this committee are aware of the problems we have in our ridings over family reunification. I would also like to emphasize that immigration wait times and procedures abroad are quite long. But there are pressing human rights issues, including those of stateless Palestinians and the situation of some women who came here from Middle East countries like Iran.

I had the opportunity lately to meet people in these communities. The problems that have been described this morning are real. This committee should be sensitive to the family reunification issue. Given the legislative provisions Mr. Bossin brought to our attention, we should suggest amendments to help with the situations these families are in and which are very costly and also take a toll physically.

Our immigration system is complex. I think we owe an explanation about these provisions to people from other countries and to those who are affected. Is this a mistake that was made in the regulations? Was there an oversight when the act was drafted? We are dealing here with a situation real people are in.

Thank you.

[English]

The Chair: Mr. Siksay.

Mr. Bill Siksay: I want to thank folks for coming, Ms. Jalali and Mr. Ibrais in particular. I know how difficult it is to make that kind of presentation before a group of strangers like us, especially given the difficulties you are facing with your families. It is not something of which I am unaware. I worked in the constituency office of a member of Parliament for 18 years. My office right now has a stack of cases. I am sure my constituency assistant is meeting with someone who is telling a story very similar to yours as we speak. The circumstances you describe are very familiar to me, because there are people back home who are in exactly the same situation, feeling the same frustration and that somehow we're letting you down here in Canada. I agree with you 100%.

Immigration work is very complicated, not to excuse it by saying that. All our families are complicated organisms with complicated relationships. Every one of them is different, but at the same time, I think the system is failing many people in a dramatic way. I can certainly let you know that I'm pressing, and I think everybody at this table is pressing, to see a change in that. We've seen increasing problems with response times on cases that come before us. It is something we're pursuing on this side of things. I know none of that addresses the absolute issues you raised with us this morning, and I'm sorry about that, but all I can say is that we are prepared to keep working on it.

The Chair: Thank you, Mr. Siksay.

Thank you very much to the witnesses for coming. We have had a situation before where people were waiting for status because they were under investigation, and they'd been here for a long time. So the committee has heard one of those cases. Mr. Fontana was chair. But thank you for underlining those two particular areas.

We are now going to go into an in camera session.

[Proceedings continue in camera]

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