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—
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The Honourable Andrew Telegdi

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•(0840)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): Good morning.

I would like to call this meeting to order.

It's great being in Calgary, the home city of a member, Diane Ablonczy. I welcome the delegations. As you know, we're dealing with citizenship, family reunification, and international credentials, and we're very pleased to be here.

The way we operate the session is that you each have five minutes to make presentations, after which we go into questions and answers. Try to keep it to five minutes or less so we can get through everybody.

Mr. Parvez, could you please start with your presentation?

Dr. Masood Parvez (President, Pakistan Canada Association of Calgary): Good morning, ladies and gentlemen.

To be very honest, I'm new in this field. I'm a university professor and I've never attended these kinds of meetings. This is my first chance to present myself and my community.

I represent the Pakistan Canada Association. I'm president at the moment and I took this as a sort of challenge. I had a meeting with Pakistani community members and I put forward the points that were given to me to discuss. I will summarize the responses resulting from the discussion with the community members.

Yes, the rights and responsibilities of citizenship should be defined and the newcomers or the new citizens should be made aware of these. Most of the people don't even know what their rights are when they become citizens.

Last week for the first time I read the Citizenship Act myself.

Should there be limits placed on the ways citizenship can be obtained by birth? Yes. Children born to parents living in Canada as landed immigrants or working under a visa should be automatically granted Canadian citizenship, and there should not be any question about this.

What should be the criteria for granting citizenship to newcomers? There are several categories of people. Newcomers or landed immigrants should complete their three years of residence, as is the case right now, before they can apply for citizenship. Work permit visa holders may be required to complete x number of years before they are given landed immigrant status and treated likewise; x can be

defined as anything from one to three years, depending on the circumstances.

Refugee claimants who have stayed in Canada for three years or longer should be allowed permanent residence, leading eventually to citizenship.

All newcomers intending to acquire Canadian citizenship must have no criminal conviction and not be involved in anti-state activities during their stay in Canada. Within Canada we should be concerned about their activities. There must be proof of such activities, and whether citizenship is denied a person should not be based on mere suspicion.

The appropriate reasons to remove citizenship and the process: in order to remove citizenship, a thorough process, fair to all, should be applied, not to those who are born...or who have acquired citizenship. We should not treat our citizens in a two-tiered system. Landed immigrants and those who acquired citizenship should not be treated like second-class citizens. They should have equal rights to those of people who were born in Canada.

Criminal activities should be dealt with within the jurisdiction of Canadian laws and punished as such. Somebody who commits a crime here should be punished accordingly. Involvement of an individual in anti-state activities or someone's obtaining citizenship through false statements should be valid reasons for removing citizenship.

The text of a new citizenship oath: I do not see any problem with this in my community. As the law goes and as Parliament decides, we're happy with it.

The last one was, what sort of citizenship engagement strategy does Canada need to make sure its citizenship is recognized and celebrated? It is fine as it is. We take the oath and we abide by the laws of the land.

Thank you for giving me an opportunity to express our views on this.

The Chair: Thank you very much. Certainly, Professor, you've done well. You've kept within your timeframe, which doesn't happen too often.

Mr. Sydoruk.

Mr. Borys Sydoruk (Director, Ukrainian Canadian Civil Liberties Association Calgary Office): Good morning.

I am also not a professional presenter. I'm a pharmacist by profession, so please forgive me for.... I'll treat you as patients and teach you about your medications.

Good morning, ladies and gentlemen. It's my pleasure to appear before you on behalf of the Ukrainian Canadian Civil Liberties Association. Our association has been in existence since 1984, when it was known as the Civil Liberties Committee.

At that time, we were actively involved as participants in the Commission of Inquiry on War Criminals in Canada, headed by Mr. Justice Jules Deschênes. Our organization's mandate is to champion human rights issues. To that end, we are very interested in the Citizenship Act, because we believe it violates a basic principle—that being equality of all people. I believe that's a part of our charter as Canadians.

Canada, in 1987, passed legislation that gives Canadian courts jurisdiction over war crimes and crimes against humanity committed anywhere in the world. It covers crimes in the past, the present, and the future.

After the jury in the Imre Finta case found that the prosecution did not have enough evidence to support its case, and the Supreme Court of Canada upheld the verdict on the appeal, the federal government abandoned criminal trials. The government considered that the quality of evidence required for conviction in a criminal case could not be met in the cases tendered to it.

The federal government then commenced denaturalization and deportation proceedings without a criminal trial in the cases of central and east Europeans accused of crimes against humanity and war crimes. The process is applied to people accused of working with Nazi Germany. It is not, to date, applied to people who committed crimes on behalf of Soviet Russia or any other Communist regimes.

As an aside, I would like to mention that the fifth annual report of the current war crimes program states that:

In 1985, the government established the Deschênes Commission of Inquiry on War Criminals which produced three lists of suspects containing 883 names. The principal recommendation of Mr. Justice Deschênes was that the RCMP and the Department of Justice be mandated to carry out investigations of these suspects.

That's from their program. This is clearly incorrect, since the Deschênes commission recommended that 622 of those 883 cases be closed immediately. This also perpetuates the initial 400% exaggeration of the number of alleged war criminals living in Canada that led to the creation of the Deschênes commission. This is a serious error in a government report.

A Canadian-born citizen must be proven guilty in a criminal court in Canada. A citizen by choice, an immigrant, does not have the protection of the standards of evidence afforded a Canadian born in Canada, but is condemned on the basis of allegations that are not proven in a criminal court. This process creates two classes of citizens—those by birth and those by choice.

The process of denaturalization and deportation within the Citizenship Act raises two fundamental issues: are all Canadians equal, or are Canadians born outside of Canada inferior in rights to Canadians born in Canada? Secondly, are Canadian citizens by

choice from central and eastern Europe inferior in rights to other Canadians born outside of Canada?

The Ukrainian Canadian Civil Liberties Association believes that all Canadian citizens, whether they are Canadians by choice or by birth, have the same rights and obligations. Canadian citizenship should be irrevocable. All persons residing in Canada should be subject to the same laws, applied equally and without prejudice with respect to racial, ethnic or religious origins, or heritage. To that end, we call upon the Government of Canada to make amendments to the current Citizenship Act, and we call upon the Minister of Citizenship and Immigration, the Honourable Joseph Volpe, to table a bill in the House of Commons that reflects the equality of which I spoke.

Thank you.

• (0845)

The Chair: Thank you very much, Mr. Sydoruk.

Might I say that one of the things that we found out in our hearings, both in Ottawa and elsewhere, is that we have a real shortage of pharmacists in Canada.

Anyway, starting off this morning is Ms. Ablonczy. As I mentioned, she is representing Calgary in the House of Commons.

Ms. Ablonczy.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Yes. I have some of my bosses here. I have to behave myself. But we do appreciate your interventions today, and my first question is for Dr. Parvez.

Your Pakistan Canada Association has a number of business and professional people, and one of the concerns this committee has—and it's been one of the causes I've been pursuing—is the recognition of international credentials and experience.

I wonder if you could tell the committee whether you and members of your association have had difficulties in having credentials recognized.

• (0850)

The Chair: The topic is the citizenship issue.

Mrs. Diane Ablonczy: Is that all I can talk about?

The Chair: Pretty well, because then we go on to different panels, which will have different issues.

Mrs. Diane Ablonczy: You mean I can't talk about my pet topic?

The Chair: Well, you can, but it will be coming up later with a different panel.

Mrs. Diane Ablonczy: If you don't rule it out of order, I would like to pursue this line of questioning.

The Chair: The only problem is that we've split up the panels, if you look at it, as we have....

Mrs. Diane Ablonczy: We won't have Dr. Parvez here.

Hon. David Anderson (Victoria, Lib.): Could I suggest, Mr. Chairman, that if any one of the members of the committee wishes to question, they may? Of course, they also have the right of not questioning, so if we have a panel later, Diane may decide not to question because she's already asked a question. Therefore, it would not be repetitive because we'd all be here and we'd hear the answer.

The reason I say that is that all of us pick up different messages from witnesses, different things of interest, and I wouldn't want to be too confining if it turned out later that for some reason, maybe because of a shortage of time, Diane did not have a chance to question, or I did not have a chance to question.

It seems to me that we should be given a fair bit of latitude at this point.

The Chair: The only issue we have is that witnesses indicated which issues they wanted to address.

I guess you don't have your afternoon sheet there with you, but....

Mrs. Diane Ablonczy: I have it here.

The Chair: It's then that we'll be dealing with the issue of international credentials. I would say on the first round we should deal with the issues the witnesses came expecting to talk about, because they could have elected to address each of the topics, if they'd so desired.

Mrs. Diane Ablonczy: Of course, I do defer to the chair, as always. However, I do point out that Dr. Parvez would have some very special expertise in this area of credentials. Of course, I can talk to him any time, but the rest of the committee doesn't have that ability.

However, if you wish, I can certainly redirect my question to the issue of citizenship.

The Chair: That would be good.

And by the way, the panel can send information to us on the other topics we're on tour about. Otherwise, we're not going to deal with the citizenship issue anyplace else.

Mrs. Diane Ablonczy: Okay. Let me continue then.

Dr. Parvez, I will withdraw the brilliant question I was just about to ask you, and ask you the following. There have been a number of concerns raised to members of Parliament about the length of time it takes to receive citizenship. Some of the delays have been of real concern.

I wonder if you and the people you are acquainted with, your organization, have any concerns about the process of receiving citizenship.

Dr. Masood Parvez: Yes, there has been a lot of concern about the length of time people are spending here to acquire citizenship, especially those who are under refugee status. For landed immigrants, they complete their three years, then they apply for citizenship and everything is fine. But when it comes to some other people applying for permanent residence and staying here legally, on legal grounds, being given permission to stay here permanently and then eventually become citizens, I have known some cases where it has taken nine or ten years. People have spent their lives—that's a big chunk of their lives—waiting for their cases to be heard.

I think there should be a much faster process. Either give them an honourable stay in the country or decide on their fate. I mean, there was a man here last year who passed away after living here in Canada for ten years. He was waiting for his permanent resident status to be given to him, and he was here as a refugee. His family requested that his body be sent to Pakistan, and we did send his body back to Pakistan. He was here for ten years. He came here when he was 52; he passed away when he was 62. His wife and kids had not seen his face for ten years, and they were really desperate to have his body back...with their respect.

There are many examples like this.

I think they should cut it short as much as possible. If there is a case against some person, it should be dealt with very promptly and be denied or accepted in the minimum possible time, instead of wasting any time or a big chunk of his life.

Thank you.

● (0855)

Mrs. Diane Ablonczy: That's good information for the committee.

With respect to this whole matter of so-called war crimes, I've always been puzzled about the vigour with which the government is pursuing cases like Odynsky and Oberlander, who have been found by the courts not to have been war criminals, particularly when the government recognizes that the number of war criminals in Canada increased from 75 last year to 125 this year. There doesn't seem to be a vigorous pursuit of those individuals. Of course, stripping someone of identity—citizenship—behind closed doors is completely repugnant to the democratic process.

My question for you is this. We all know what's happening; we all know the problems. Do you see any justification, post-9/11, for this kind of summary treatment of people, not in the situation of Mr. Oberlander or Mr. Odynsky or any of those ancient cases, but in cases where people may be found after the fact to be war criminals of more recent vintage? Do you see any justification for a summary stripping of citizenship behind closed doors?

Mr. Borys Sydoruk: Our position is to maintain the charter. If in this example you're using they are Canadian citizens already, then the charter must be maintained. They should be tried in Canada under Canadian criminal law. That is very important. As you know, the rules for evidence are much stricter than in civil proceedings, for example, where they allow hearsay information.

If the example is of someone accused of a war crime who is now a Canadian citizen, they should be afforded the rights of a Canadian citizen according to the charter—and that's very important, "according to the charter", so that they don't become a second-class Canadian citizen—and be tried in Canada. You don't get rid of garbage.... These people are not garbage; they're Canadian citizens. If they're guilty, if they're accused and there's evidence, nail them as a Canadian citizen no different from anybody else who's born in Canada. Canadians by choice have to be afforded that right, as are Canadians who are born here.

Mrs. Diane Ablonczy: Thank you.

Thank you, Mr. Chairman—I think.

The Chair: Thank you very much.

Monsieur Clavet.

[*Translation*]

Mr. Roger Clavet (Louis-Hébert, BQ): Thank you, Mr. Chairman.

I'll start with a question for Mr. Parvez. I'd also like to congratulate him on the work he is doing with Calgary's Pakistani community.

You stated that criminal activity by immigrants should be dealt with under Criminal Code provisions. Given the present situation, do you think it's possible to deal with these criminal activities solely under the Criminal Code? In other words, do you feel it's possible for the Citizenship Act's provisions to apply only after charges against certain groups have been substantiated? Are any exceptions possible? For example, mention was made earlier of war crimes. Do you think we shouldn't restrict ourselves solely to acting within the context of the Criminal Code?

• (0900)

[*English*]

Dr. Masood Parvez: The viewpoint of our community is that when somebody is living in Canada he has to be dealt with within Canadian laws, and that if there's a crime committed outside Canada, then the crime should be dealt with by the government where it was committed. This is simply the position of our association, of our community members. When living in Canada, they should be treated equally with all other Canadians. Canadian laws should be applied, and the person committing the crime should pay for it—whatever is decided by the courts in Canada.

[*Translation*]

Mr. Roger Clavet: Thank you.

I have another question, this time for Mr. Sydoruk.

You stated in your presentation that in the opinion of the Ukrainian Canadian Civil Liberties Association, Canadian citizenship should be irrevocable. Are there any exceptions to this rule?

[*English*]

Mr. Borys Sydoruk: It becomes a very judgmental issue at that time. I'm going to use the war crime story we've had in Canada for the past 15 or 20 years.

When Justice Jules Deschênes said we should try people in Canada who are Canadian citizens as Canadians, under Canadian criminal law, the first case was with Mr. Finta, and enough evidence was not found. Then we said, we have to go after these people—and that's my take on it—so let's change the rules; let's not treat these people as Canadians. So we have second-class citizenship right there.

As you heard in my presentation, we now have denaturalization deportation, which is basically a civil proceeding rather than a criminal proceeding, where the rules of evidence are very different. They're much more lax than criminal law.

Here we're talking about a very serious thing. If you're accusing someone of a crime against humanity or as a war criminal, then they should be treated at the appropriate level of law.

So my question to Canadians would be, accept denaturalization and deportation of people who are just accused, with no proof... As Ms. Ablonczy said, they're at least giving two examples of Oberlander and Odynsky, who were not found to be Nazis, and they were stripped of their citizenship because they thought they might have lied coming into Canada.

If citizenship is treated like a commodity, then, yes, we can do that, but I think citizenship is a sacred thing. And at what point do we strip people? I really don't know. My gut feeling is that no one should be stripped. If Mr. X or Mrs. Y committed a war crime, then nail them by their toenails, in Canada under Canadian criminal law, and make sure they truly are guilty.

I'm thinking, as you are aware, of the Orange Revolution in Ukraine this past winter. I have family in Ukraine, and law there was treated as a political matter, not as a judicial matter. If someone wanted to be found guilty, they could be found guilty. Would you send someone back, let's say, to the Ukraine, in a post-Soviet environment prior to December 26, where we've sent you out of Canada, we've stripped your citizenship away, and now, for political reasons, you're going to be prosecuted there unjustly?

I think if you've passed the test of time and you have applied, citizenship should not be treated in a two-tier manner. The charter must be maintained and citizenship is not taken away. If you're guilty, you're guilty in Canadian courts and under criminal law, of course, in a crime of this manner.

Thank you.

• (0905)

[*Translation*]

Mr. Roger Clavet: Thank you.

Mr. Borys Sydoruk: You're welcome.

[*English*]

The Chair: Thank you very much.

Mr. Siksay.

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

Thank you both for your presentations this morning.

I have two questions. I wanted to just comment at the beginning. We've struggled on this committee a number of times about people who are Canadian citizens and people who become Canadian citizens, and we're dealing with the whole question of lost Canadians, people who have lost their Canadian citizenship due to an anomaly in the Citizenship Act that we're hoping to see corrected. The question with them was while they were Canadians who lost their citizenship through no fault of their own at some point, and who might want to come back to Canada, do we put the usual requirements before them, or do we just accept them back as Canadians, recognizing the error that was made? Some people were concerned about security issues there. What if they're criminals? I think some of us came to the conclusion that if they were a criminal, then they were our criminal because they were Canadians and should be seen as Canadians in our minds.

I think your comments this morning reflect on that as well, that once somebody becomes a Canadian citizen, if they are shown to be a criminal, then they're our criminal and we need to take responsibility as a society for that as well. It's not without its difficulties, but I think that's what it comes down to.

Professor Parvez, you mentioned that people should be prosecuted for proof of anti-state activities in Canada. Did you mean that narrowly, to mean only if they had committed those activities in Canada, or that they shouldn't be prosecuted for those kinds of activities that happened outside of Canada?

Dr. Masood Parvez: If somebody living in Canada has intentions against the Canadian state, then we should take appropriate action, not just throw them out of the country and strip them of their citizenship. Even insulting our country is not acceptable. We have criminal laws here to take care of these infractions.

We should have punishment according to the crime. That's what I meant by that.

Mr. Bill Siksay: I think I know, but I'm not sure, so maybe I'll ask both of you if dual citizenship is possible with Pakistan and with Ukraine. How does that affect people's understanding of their Canadian citizenship, in your experience? Does it cause divided loyalties? It wasn't something that used to be possible, and now it is possible. How do people in your community see that possibility?

Dr. Masood Parvez: There is no conflict whatsoever with people having dual nationalities when they come to Canada from Pakistan. I have lived in the western world for more than half of my life. I have been here since 1977, and I'm a proud Canadian citizen. This is my homeland and I'll sacrifice my life for this country.

Pakistan is a country where I was born and raised, and I have my heart there as well. I respect Pakistan, but when it comes to choosing which country I side with, of course, this is the country where my family, my kids, my next generation are going to be raised, and our heart and soul is with Canada.

Mr. Borys Sydoruk: My understanding is that Ukraine does not allow dual citizenship.

Mr. Bill Siksay: I'm wondering, given that the world is shrinking and it is easier to travel back and forth, do you see any change in the attitude of people towards citizenship, or dual citizenship, in a particular country, given the shrinking planet we have?

For instance, when Hong Kong was having its difficulties, we heard in Vancouver of people having a back-up plan if things didn't go well in Hong Kong. I think some people, but not myself, raised the question of their commitment to Canada in that circumstance. It was as if they were hedging their bets.

Do you have any experience or see any of that kind of thing happening, for instance, in the Pakistani-Canadian community?

Dr. Masood Parvez: In the Pakistani-Canadian community, most of the people who have moved to Canada have come for economic reasons, to a country where life is respected and individuals are respected. For these law-abiding...or in these circumstances, the first reference for them is to live in Canada. At a certain stage in their life, if they find it has become difficult because they cannot find a job or cannot adjust, they do go back to Pakistan, but the number is very nominal or small.

Mr. Bill Siksay: Mr. Sydoruk, you said that citizenship should be irrevocable. I think I agree with you on that. There is a provision that if someone has committed fraud in the process of obtaining their citizenship, it can be revoked in that circumstance. Would you support that? Would you support a time limit on that possibility? What's your response to that?

• (0910)

Mr. Borys Sydoruk: This will be a personal opinion, because my background is not in law and I can't say I've studied it.

My question about time limits for revoking citizenship because of fraud—if it's truly proven—is what is the time limit? Looking at people who came post-World War II, you have immigration officials with memories of 60 years ago, saying they did this or they did that. So the whole question of memory comes in. I don't have an answer for that; I really don't know.

I'm a Calgarian, or was born in Calgary. I remember when the tallest buildings in Calgary were the Palliser Hotel and the Hudson's Bay building.

Let's say I came to Canada and intentionally lied. If the rules or the law said they didn't like pharmacists, to use a silly example, I intentionally said I wasn't a pharmacist. At what point in time can my citizenship be revoked: 10, 20, 50 years, or near death, when I'm 85 perhaps? I can't tell you; I really can't. If being a pharmacist were a crime and if I were a Canadian, I think my charter rights should be upheld; I should be charged as a pharmacist, be treated as a pharmacist, and be imprisoned as a pharmacist in Canada, not sent someplace else.

The Chair: Thank you very much.

Mr. Anderson, go ahead, please.

Hon. David Anderson: Thank you, Mr. Chairman.

I am a little concerned by how far the logic of your arguments would take us. For example, if it's a question of a Canadian citizen is a Canadian citizen is a Canadian citizen, it seems to me there's no reason for any time limit for knowledge of material misrepresentation at the time of application. Once you have it, that should be it.

Now, I don't know whether you're arguing that or not. I think some of our witnesses have been on both sides on this. It seems to me that if that is the case, that's the logical case. But to say that somehow or other, well, 15 years after, then it becomes simply a question of validity of proof, as you mentioned just a moment ago, of how good the memory of a visa officer might be some years later. So I would just like clarification on that as the first question. Where does this start? Is it a question of principle or is it a question of just practicality of evidence?

The second question, which is related to it, is if you had to be convicted of a crime before citizenship could be revoked on the grounds of misrepresentation of fact in the application, should we then, at the time of considering the person for coming into Canada, also insist that there could be no reference to potential membership in any organization unless it was proven in a court somewhere—in other words, it would be off the table completely? That would be the second question.

The third question is this. A lot has been said about the two categories of citizenship. This is a personal opinion based on many state practices around the world. The citizenship of people born in Germany, Britain, France, and the United States can be taken away.

Let me give you an example. If we had a case of someone who had dual citizenship because of their parents' citizenship, and who went to fight in, say, the former Yugoslavia in the Balkans, and they fought against Canadian troops who were there on a peacekeeping mission and we felt somehow that was entirely reprehensible behaviour, I think we should have the right to say we would lift the person's citizenship because they had clearly, by their actions, indicated that they supported the country of their parents' origin and not Canada. So in terms of discussion, would you agree that would be a legitimate position for a state to take?

It goes to your comments, Mr. Parvez, with respect to you feeling yourself a Canadian and you feeling that Pakistan, of course, is a country dear to you and important to you, which you feel as a Canadian. There are other people who come from Pakistan who may feel quite differently; it's the reverse. So this is the question I put to you. It could also be the case for a person who is Canadian born. Again, it would be very unusual, but I could see circumstances when the Canadian Parliament—those of us who are here, plus our colleagues—might decide that even Canadian-born citizens should have their citizenship taken away because of actions they've taken subsequently that would indicate a lack of loyalty to Canada.

Those are the three questions I put to you. You can puzzle with them as best you can.

● (0915)

Mr. Borys Sydoruk: If I may answer first, on the last part, the example of going to the former Yugoslavia, if they have dual citizenship, I think they should be tried as a Canadian citizen.

I'm not familiar with the laws dealing with traitors. If you have a Canadian citizen fighting against Canadian troops, then that would be an act of a traitor, I would assume—again, not having a law background—and I think that individual should be treated in Canadian criminal law, and perhaps after serving time, the decision could be made at that point. But I think that person should be tried in Canada and not just gotten rid of. If they were disloyal, and it was an act of being a traitor, then I think they should be treated as a Canadian who was a traitor. Removing a person's passport is not punishment enough. They should, again...Canadian criminal law.

To go back to the two-tier, if Canadians by choice, immigrants, can be easily denaturalized and deported on hearsay information that would not stand up in criminal court, with the rules of evidence, based on the balance of probability, that's a pretty big thing to take away from a person. We've seen this in very recent years in the cases of Oberlander and Odynsky, who were found not to be Nazi war criminals, but still the proceedings continued. So this becomes a very political issue, not an issue of justice. Those are two very clear instances of Canadian citizens being treated as second-class citizens that could not be applied to a Canadian-born citizen—if my logic makes sense.

Dr. Masood Parvez: My response to your third point is the same as my colleague's, that once we have given citizenship and the

person commits a crime against the laws of the land, they should be held responsible and treated accordingly.

The other point for citizens not born here.... I can give you my example. My kids do not know much about Pakistan, and if their kids are born here, they will have less interaction with the Pakistanis. If at any time they are stripped of their Canadian citizenship—assuming they have dual nationality because of myself and my children—where would they be sent? Would they be sent to Pakistan? They would not survive in Pakistan. They would not be able to do anything. They are as much Canadian as any other Canadian is.

Holding dual nationality should not be a reason for another country taking care of this person. That is not going to be very fair. If a person commits a crime in Canada, he should be treated accordingly, with Canadian laws.

We should not have a two-tier system because of dual nationality or because of not being born in Canada. These points should be raised at the time the person is given permission to come into Canada. Exhaust all the possibilities. Exhaust all the resources to verify that the person has no criminal record, has no criminal activities, before that. Check with all the possible ways at hand and available. Once you've admitted them to the country and given them citizenship, it should be a privilege, it should be an honour, and it should be respected.

● (0920)

The Chair: Thank you very much.

Just one issue around this comes to mind. Bobby Fischer, who used to be the best chess player in the world, went and played in the former Yugoslavia when there was a ban on U.S. citizens travelling there. Recently, in the past year, he was arrested in Japan because there was a warrant out for him, and the Americans tried to get him extradited back to the United States to face the charges. While in jail, Mr. Fischer, through a special act of the Parliament of Iceland, got Icelandic citizenship, because I guess he played in the world championship there. So now he's an Icelandic citizen. That's how that was handled. The United States was trying to get him back to the United States to face criminal charges, but since he got citizenship in Iceland, Japan sent him there.

Madam Grewal

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

Thank you, gentlemen, for your time and your presentations.

Could you both please tell us in a nutshell what the drawbacks are in our present Citizenship Act so that we can make it more effective and efficient for all of us?

Mr. Sydoruk, you asked in your presentation, "Are all Canadians equal or are Canadians born outside of Canada inferior in rights to Canadians born in Canada?" Can you please explain this to us, or could you justify this in your opinion?

Dr. Masood Parvez: To be very honest, please accept my apologies for not answering your first question because I just read the Citizenship Act for the first time last week. The way things have been going on.... Before September 11 was a different story. Now things have changed, and we are hearing that there are a lot of concerns amongst the Pakistani community about the way things are being treated. There are several Pakistani Canadians who have been held in Canada without any charges against them. They are not being treated very well, and the community is concerned about these things.

I think we should treat the criminals accordingly, as I said earlier. Everything should be in the public knowledge. Nobody should be just taken from the street, and none of his or her relatives should be kept in the dark as to what's going on there. They should not be deported to other countries without any reasonable actions taken in the country. We have Canadian laws. Why don't we use those Canadian laws?

That's my position on this issue.

Mr. Borys Sydoruk: You asked for examples. I'll reiterate the examples of Mr. Oberlander and Mr. Odynsky. Here you have two gentlemen who were not tried under Canadian criminal law because the Canadian government decided it would be too tough because of the evidence requirements in criminal court. They were tried in immigration court, on the grounds that they must have lied to come into Canada. The whole issue of memory—the immigration officials who did the interviewing—came into play. Did these individuals lie? Did they not?

They were both found not to be Nazi war criminals. They were not found to be Nazis, yet they are treated as second-class citizens. Their citizenship has been revoked, or attempted to be revoked, and they live in limbo. If those are not two great examples of second-class citizens.... We treat people differently if they're born outside of Canada versus those born in Canada. They are not afforded the same rights under the charter; they're guilty until proven innocent. And those two families...their lives are destroyed. They're totally in disarray, personally paying hundreds of thousands of dollars in legal fees, which would bankrupt most families.

Those are my two examples of second-class Canadians.

The Chair: Thank you.

Mr. Temelkovski.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Thank you very much, Mr. Chair.

Thank you for appearing before us this morning.

I'd like to go back to the citizenship requirements of three years and the type of information one must have to obtain citizenship, such as answering questions like, what is the longest river in Canada, what is the tallest mountain, and what are the levels of government?

I want to know specifically, from both of you, a comment on whether Canadian-born Canadians should also go through these types of questions, because it might give us a little bit more wealth, number one. Second, in terms of languages, what is your opinion?

● (0925)

Dr. Masood Parvez: Knowing the geography and the history of the country you are living in is always beneficial. Kids who are born in Canada go through the local system of schools, and they have a fair knowledge. There's no harm in somebody coming here and being expected to learn about our rail system, our geography, and history. We should expect them to know who was the first Prime Minister of Canada, what kind of geography we have. This is the kind of information one should know about. We live in this modern world of information technology, and all these things we really should be aware of. There's no doubt about it. The expectation is not beyond the reach of ordinary people who want to become Canadians.

As for whether we expect the same kind of knowledge from the people who were born in Canada, they go through the school system and they learn these things.

About languages, yes, a knowledge of the second language is always beneficial. If I want to work in Canada anywhere, all I need is a SIN number. I go and apply for a job and I get a job. But if I want to work in Quebec, I should be aware of and I should be fluent in French. Otherwise, I limit myself to the areas where English is spoken. If somebody is French speaking, they'll have a hard time finding a job in English-speaking Canada. We should give emphasis to both languages, yes; they're both official languages. If somebody is knowledgeable in one language and fluent in one language, I think it should be equally acceptable. Now the choice is limited to where the person can live.

Mr. Borys Sydoruk: I enjoyed your question about Canadian-born Canadians and whether they should pass a quiz on Canada. We would assume that a person who has gone through certain grades of education in Canada would have a basic understanding, but sometimes I find it humorous when I meet Canadians who don't. But that's an aside. If they're born in Canada, we would assume they know enough about Canada, and I respect that. Canadians by choice should be expected to know something about Canada.

On the language issue, we have two official languages and both should be respected. If someone chooses to become a Canadian, they should do their utmost to know both, if not just one. As my colleague here, Dr. Parvez, says, the reality will be that wherever they settle will determine how they can function in society.

Mr. Lui Temelkovski: We have Canadians who were born outside Canada to Canadian parents. For example, if I move to the Ukraine and I have children who are born there, they would be natural Canadians. They would go to school in the Ukraine. What kind of Canadian citizenship information would they have? You see, it's not that simple.

Mr. Borys Sydoruk: I almost think we're splitting hairs a bit on that one. You have people living in Canada their whole lives not speaking either official language. Does that make them less of a Canadian? My personal feeling is it does not.

Mr. Lui Temelkovski: Thank you.

The Chair: Thank you very much.

Dr. Masood Parvez, we're having a talk about credentials this afternoon, and we have some room. We'd love to have you if you could make it at 3:30 p.m. We're talking about recognition of international credentials. Given where you come from, your background, I'm sure you have a lot of people who are making the point that they're engineers and are driving cabs.

I think you'd be a really good addition to this. Ms. Ablonczy and the rest of the committee would very much appreciate it if you could do that.

• (0930)

Dr. Masood Parvez: Sure.

The Chair: I want to thank you very much for your presentations.

I'll make a comment. It's funny, when you come from a troubled part of the world and get citizenship, it becomes very emotional. It's part of your identity. The sort of realization I've come to—and I came here as a refugee—is you can take the refugee out of the refugee camp, but you never take the refugee out of the person. This applies to anybody who came through that kind of tough situation.

If you look at the x million Canadians we have in this country, many of them came from pretty bad places. Many were DPs after the Second World War. The more conflict you have had, the more personally you feel about your citizenship. I know that with what happened in the breakup of India you had people deported from one part of India to another, or to Pakistan, and when they come here they feel very attached to their citizenship and want to be treated as Canadians.

Thank you very much.

Dr. Masood Parvez: Thank you.

The Chair: We'll take a break until we get the next group in here.

• (0931)

(Pause)

• (0939)

The Chair: I call the session to order. This is our second panel.

I'll ask Mr. Nallainayagam to start. We'll have five-minute presentations, and then we'll go to questions.

Thank you.

• (0940)

Mr. V. Nallainayagam (As an Individual): First of all, thank you very much for the opportunity to present here this morning. I really appreciate it.

I'm a Sri Lankan. I came from Sri Lanka, and I had to leave my country not for economic reasons but for political reasons, because I had to face violence in my country, so I consider Canadian citizenship a very important part of my life. I cherish this citizenship. When I look at some of the issues, I would like to look at both the legal issues and the social—what happens after citizenship is granted.

We've had a chance to look at the bill. When you apply for citizenship or apply to come to this country, there's a provision that if you make a false declaration, you can be subject to deportation or your citizenship can be stripped from you. There is a provision, and I'm fully aware of it. However, what is disconcerting is the process

that would be adopted in order to deny somebody citizenship after it's been granted. That is where the issue is, that the full force of the charter must apply. The process of disclosure, the person having the ability to present evidence....

Knowing the reasons for denial of citizenship is something that is very serious. I think the act should not take away the Charter of Rights, the fundamental principles of the charter, and the person who is being denied or is being accused of some terrorist activities or doing something wrong must be given the privilege of the charter. That is where the legal system has not.... What changes we bring about must reflect that the people as Canadians must be given the full protection of the charter.

I was looking at some of the interesting language of the law. This is an earlier bill. One says here that for a person to be denied citizenship or to have it removed or stripped, a person must have demonstrated a flagrant and serious disregard for the principles underlying a free and democratic society. Forty per cent of Canadians can be stripped of citizenship on this basis because they don't vote; there is a flagrant disregard for the fundamental principles of this country, you see? In a democracy you have to vote. That's your responsibility and a serious disregard.... Are we going to send 40% of Canadians out of this country because they do not vote? I think the language must be quite specific and very clear as to why the person is being denied citizenship. I would recommend that when you're drafting the legislation, the language used not be ambiguous and confusing, but very clear.

That is my issue, that we do not take away citizenship—I cherish that—unless it's proved very clearly that I've done something wrong and unless I'm given the chance to argue or present my own case.

The second issue for me is, after we grant citizenship, how do we deal with our citizens? How do we engage them? How do we have more active citizenship in our society? How do we give them a chance to participate in our society?

I think Canada is a multicultural society. We see this country as a model for the rest of the world. We have brought in people from different parts of the world and they have given us their society.

But I do not think Canada has done enough to promote integration and acceptance of immigrants and visible minorities within the mainstream of society, especially in the power structure of society. New immigrants who come from some of these countries feel a sense of alienation from society because they don't see themselves as being part of the power structure of the society.

I think this is where, in order to promote active citizenship and get visible minorities integrated into society, we have to do a lot more, not only providing language assistance or providing them with job opportunities, but also promoting their representation at different levels of government in different parts of the country. This is where Canada I think has to do a lot more in terms of promoting civic engagement and active citizenship, because we must show that we are a multicultural country, not only in theory but in practice as well, and that we believe citizens who come here should become part of the power structure and will contribute to society.

The Chair: Thank you very much.

Next we have Mr. Ilnycky.

Mr. Michael Ilnycky (President, Ukrainian Canadian Congress, Calgary Branch): Ladies and gentlemen, my name is Michael Ilnycky and I'm the president of the Calgary branch of the Ukrainian Canadian Congress.

Thank you for allowing me the time to make this presentation to your committee.

This committee in its report, *Updating Canada's Citizenship Laws: Issues To Be Addressed*, is already aware of the inequities of the current Citizenship Act as it creates two classes of individuals, namely, under subsection 10(2), first-class citizens who are born in Canada and second-class citizens who have obtained their citizenship after immigrating to Canada and essentially becoming naturalized.

It is our position that subsection 10(2) exists as an escape clause for the government when it learns that a naturalized individual obtained their citizenship under false pretences. Rather than taking a true leadership role as a highly civilized and democratic country and dealing with the underlying circumstances of the misrepresentation, say terrorism or war crimes, under present legislation the government takes the easy way out by beginning denaturalization proceedings after only investigating the alleged misrepresentation.

Furthermore, that misrepresentation only has to be proven on a balance of probabilities, meaning that it is possible, but not definitive, that the individual was not truthful when being screened by immigration officials. Therefore, if one is being accused of misrepresenting facts, is denaturalization, deportation, a fair punishment? If one is being accused of war crimes or terrorism, then is the balance of probabilities the appropriate judicial standard to be applied?

The Ukrainian Canadian Congress believes that revocation of citizenship is not an appropriate remedy for misrepresentation that occurred over 50 years ago either. Principles of fundamental justice referenced in section 7 of the Charter of Rights and Freedoms require that the punishment be proportionate to the crime and to the moral blameworthiness of the accused.

Stripping someone of their citizenship is not a punishment that is proportionate to the allegation of ordinary fraud. The judicial standard of balance of probability is inappropriate for allegations of criminal activity. The Canadian Bar Association, in a brief to this committee, submitted that "Revocation and annulment of citizenship are among the most serious penalties that any state may invoke against its citizens."

What the government should be doing is investigating the underlying reasons for the misrepresentation and begin proceedings—criminal or otherwise—against the naturalized individual, just like it would against a person born in Canada. To do anything else creates a two-tier system of justice and violates section 6 of the Citizenship Act, namely that "A citizen, whether or not born in Canada, is entitled to all rights, powers and privileges".

It would also violate section 15 of the Charter of Rights and Freedoms, namely that "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination".

In the present world situation and under present legislation, Canada could very well be deporting someone with a terrorist background back to a country that does not condemn such activity, allowing that person to continue with their behaviour. Is this the example of international leadership the Government of Canada wants to convey?

Furthermore, denaturalization and deportation proceedings are a political process. The Minister of Citizenship and Immigration has the power to strip any naturalized Canadian citizen of their citizenship and deport them from Canada regardless of their contribution to our country, for no other reason than an apparent misrepresentation.

The Calgary branch of the Ukrainian Canadian Congress makes the following recommendations.

Number one, the Government of Canada should immediately seize all pending cases where revocation is being considered until at least such a time as the Minister of Citizenship and Immigration has an opportunity to review the report of this committee and make the necessary amendments to the act under review.

Number two, in cases where the underlying accusation of misrepresentation is an allegation of a war crime, crimes against humanity, or terrorism, the Government of Canada should prosecute such individuals before Canadian courts of criminal jurisdiction in accordance with Canadian criminal law, such as Canada's Crimes Against Humanity and War Crimes Act, and using Canadian standards of evidence and criminal proceedings.

Number three, the Citizenship Act should be amended to reaffirm that all Canadians are equal and introduce the following amendments: one, a limitation period of five years from the date of acquisition of citizenship for all types of denaturalization and deportation proceedings; two, a higher standard of proof in denaturalization and deportation proceedings, namely that beyond a reasonable doubt be used instead of balance of probabilities; three, due process before the courts—for example, revocation of citizenship should be decided by Canadian courts rather than the government; four, discretion over sentencing should be given to the presiding judge; and five, full appeal rights.

● (0945)

The Citizenship Act requires that all applicants have an adequate knowledge of Canada and the responsibilities and privileges of citizenship. Given that the Government of Canada imposes such a requirement on all successful applicants, it is imperative that the government itself reciprocate and acknowledge the same responsibility and grant those same privileges to all citizens.

The Citizenship Act must be amended to ensure the equal treatment of all Canadians. The Calgary branch of the Ukrainian Canadian Congress calls upon the Minister of Citizenship and Immigration to respect the work of this committee by implementing these recommendations.

At citizenship ceremonies we welcome new Canadians and tell them that they now enjoy all the privileges of being Canadian. How will they react when they realize that their rights are very different from those who are born in Canada?

Thank you very much.

● (0950)

The Chair: Thank you very much.

Madam Woo-Paw.

Ms. Teresa Woo-Paw (Chair, Ethno-Cultural Council of Calgary): Thank you.

Good morning, members of the House of Commons Standing Committee on Citizenship and Immigration. I'm Teresa Woo-Paw, chair of the Ethno-Cultural Council of Calgary. The council and the committee share a very strong belief, and that is the belief in having people's voices heard.

The Ethno-Cultural Council, ECC, is a non-profit organization with a mandate to facilitate the collective voice of visible minority communities in Calgary and to influence socioeconomic and political change through collaborative action.

So on behalf of the ECC, I'd like to commend you, first, on your commitment to consultation. We appreciate the opportunity to present public reactions and proposed changes to policy that we have gathered through a series of council-led collaborative initiatives that explore the topics and the discussions this morning.

These initiatives include a research-based issue paper, compiled by the council. We organized a committee forum last week, attended by 45 people, to gather their thoughts and concerns on the subject, and aggregate responses from major institutions, community agencies, and academics.

Also, we have with us Dr. Lloyd Wong, professor of sociology from the University of Calgary. He will also comment on some of the issues in our paper. So it will be presented under public concerns in our recommendations.

The concerns we have gathered from our community members are: the bias arising from the distinctions between citizenship acquired by birth versus that acquired through naturalization. The distinction of two classes of citizenship with two separate sets of rules constitutes a basis of discrimination. Section 17 of Bill C-18 states that former immigrant citizenship can be revoked by a federal

court on the grounds of national security, violation of human or international rights, or organized crime.

Not only is the individual not allowed to see the evidence against them, but the ruling itself cannot be appealed or be subject to judicial review, thereby denying them the due process of the law. This goes completely against the norms and values of a free and democratic society, which champions fair treatment and does not subject persons born in Canada to this kind of process. We believe these regulations contravene our Charter of Rights and Freedoms, especially section 15 of the charter on the equality rights.

Proposed recommendation. The bill should be consistent and in compliance with the Canadian Charter of Rights and Freedoms. We recommend the removal of the discriminatory practices in which two classes of citizenship exist, with two separate sets of rules for those citizens born in Canada and for those citizens born outside of Canada. These distinctions between Canadians who obtain citizenship through birth and those who obtain it through naturalization must be eliminated.

Public concern: one concern is the increase in deportation and removal orders issued to new citizens, especially visible minorities. They often cite Canada's national security concerns, as grounds for deportation raise a suspicion on the underlying causes. I'm not going to go into the details.

Our recommendations are: checks should be levied on the power of the minister with respect to revocation of citizenship; legal procedures, such as appeals, are needed to regulate the minister's power. These ensure transparency and accountability in any decision. It minimizes pitfalls like partiality or false allegations, which can institute the loss of citizenship and the statelessness of citizens.

Attention should be directed to the increases in deportation and removal orders. Proper deliberation processes like tribunals and public scrutiny are requisite to minimizing the incidents of undue or unlawful removal of citizens. The deportation and removal embedded within the Citizenship Act should not be misused as a shortcut tool for addressing Canada's national security problems.

Public concern: citizenship judges would be replaced by public sector workers acting under the delegated authority of the minister, which in essence would become an increasingly politicized and bureaucratic process. This is cause for great concern because citizenship judges are governed by more rules of the process of law, which in effect would be applied to the citizenship process. Furthermore, a reduction in accountability would also exist.

● (0955)

Recommendations: Citizenship should remain in the independent and neutral hands of citizenship judges and not the minister, given that the latter has no citizenship or appeal process.

I would also like to take this opportunity to share with you some of the responses we have gathered on some of the specific questions you have laid out in your discussion. The 50 participants in the community forum expressed support for the idea of including a preamble setting out the rights and responsibilities of citizenship, such as the responsibility to participate in elections. This preamble would provide consistency and clarity on the rights and responsibilities of citizens. Some of the participants felt that it was up to the judge of the day to tell them what their rights and responsibilities are, so having a preamble would provide greater consistency. However, you have provided us with an opportunity to start this dialogue in Calgary, and members of the community feel that we need to have further discussions.

It was no to the question on placing limits on the way citizenship can be obtained, the criteria for granting citizenship to newcomers, and the text of the new citizenship oath. I think Dr. Lloyd Wong will have some views on those matters.

And lastly, the members of the community forum believe that more emphasis on active citizenship is important. There should be incentives for specific engagements like voting, community involvement, and volunteerism—from informal to formal, civic and political participation. They firmly believe active citizenship facilitates empowerment and integration and that it alleviates the isolation of newcomers.

Thank you very much.

The Chair: Thank you very much.

Dr. Wong, if you want to keep your comments fairly brief, we have to get to the committee to ask questions and have responses.

Mr. Lloyd Wong (Ethno-Cultural Council of Calgary): I will be very brief. My points just supplement some of the points Teresa Woo-Paw has made, but some are slightly different, and maybe I'll just go straight to the questions you've asked in the framework you've provided.

The first question is, should there be limits placed on the way citizenship can be obtained by birth? My feeling is no, there should not be any limits. What is particularly of concern—and there has been some media hype about pre-1997 Hong Kong babies and people coming to Canada and giving birth. I think that's a precarious road to take, particularly for refugees who may in fact give birth to children in Canada. If there are any limitations to birthright, then you're going to end up with children who are stateless in a world where a particular country may not accept them. I have other points, but I won't get into them.

The second question you asked is, what should be the criteria for granting citizenship to newcomers? One of the concerns here...and I know the recent citizenship legislation, which died in the House with the calling of the election, called for a more physical presence in Canada, that is, feet on soil. I'd like to argue that the present arrangements are okay. We don't need to increase physical presence in Canada. It's really the quality of attachment to Canada that's important. As you know, a federal court judge, Jean-Eudes Dubé, wrote in a ruling that residency in Canada for the purposes of citizenship does not imply full-time physical presence. I think that's important in a transnational world, where you have business people

who don't spend a whole lot of time in Canada but do spend some quality time in Canada. You have foreign students who are children of immigrants who study abroad. This would jeopardize their citizenship applications in that they can't have that physical presence. So the present regulations there I think are sufficient

Somewhat related to this is the issue of dual and multiple citizenship and the issues of loyalty. The Honourable David Anderson talked about loyalty a few minutes ago with respect to another presentation. I would really hate to see Canada go down the road of limiting dual and multiple citizenship. I know in a post-9/11 era there's a tendency to think of that as a desirable thing, but I'd like to point to some research done in the United States by the Carnegie Endowment for International Peace. Some of their research is pointing to the fact that dual nationalities in fact help immigrants incorporate into the country they're living in. So it sort of eases them into their new country.

The final point relates to physical presence, and this view is not the view of the ethnocultural council of Canada, but I'm of the firm belief that swearing allegiance to the Queen in the oath is outdated. I think the Queen should in fact be eliminated from the oath. As you know, this is a problem anyway for many Canadian citizens. Many Québécois and first nations people would have problems swearing allegiance to the Queen, and I think many new immigrants would as well. This comes back to the point I made about physical presence. It is kind of an irony or a paradox that you're swearing allegiance to someone who actually doesn't have a foot on soil in Canada either.

I will end it on that.

• (1000)

The Chair: Thank you very much.

Now we're going to go to the panel.

I'll just remind the panel that a number of the presenters were talking about Bill C-18, which died at the time of the last election, and reference was made to the disregard of Canadian values, which was section 21 of the old act. I remember Diane Ablonczy being quite upset about that. She wanted clarity—and I agree with her—the same as she has about the whole issue of revocation.

Now, we're going to have a real challenge among us because I only have 15 minutes. So if you can, be quick, with quick questions and quick answers, so we can get everyone in, maybe, and then that would be really good for the chair—and you.

Diane.

Mrs. Diane Ablonczy: Thank you, Mr. Chairman.

Thank you, each of you, for your presentations today. They make excellent points and are good input for the committee.

I want to start with Mr. Nallainayagam. I'm still working on that name, but give me points for trying, right?

You made an excellent point about integrating newcomers into the mainstream. That's particularly interesting because some of us have been talking about the fact that it is those things you have in common that allow you to move forward together. It is a very important point you make.

What I think would be helpful for the committee is if you shared some of the strategies you think would be most helpful in leading to this integration.

Mr. V. Nallainayagam: Integration should take place at different social levels as well as economically and politically. Economic integration can be facilitated—and we'll talk about it this afternoon—by recognizing the experience and the qualifications of immigrants who come to this country, which will help them to join the labour market and be productive citizens. I will reserve my comments about that for the afternoon.

Social integration, again, is where immigrants are given the opportunity to.... Of course, if there is a language barrier, help from the government, financial support or any program, to give them the ability to integrate into society using the different integration programs....

Political integration is very important for me; that's where I find we have failed. The Government of Canada already has so many bodies...the government has the CBC, various commissions. According to a recent study, only 1.7% of the boards of Canadian public agencies are visible minorities, although visible minorities now represent 15% of the population. I'm not saying we should have a quota; no, I'm not interested in that. We cannot. What we need is for there to be a conscious effort made to promote visible minorities to take part in different aspects of political life, not only in political parties but in the power structure.

Now, when appointments are made to various organizations, whether it's at the provincial level or the municipal level, I don't think people make a conscious effort to say, do we have enough representation from...? I must admit, it's a deliberate attempt on their part to keep visible minorities out.

I had a personal experience recently. I was co-chairing a conference, and my co-chair was from the mainstream. She's a white person. She immediately talked about her friend: she should be doing this and that, chairing the various sessions. I had to remind her, you have to reflect the diversity; let us bring more people from different visible minorities to chair the different sessions to show we are more integrated.

I think we need to have people—I would personally say a diversity officer at some level—to ensure that Canada promotes diversity at different levels, like an official languages commissioner. I would like to see a diversity commissioner established in order to monitor the progress made by different government agencies in promoting the integration of new Canadians.

•(1005)

The Chair: Thank you.

Mrs. Diane Ablonczy: Do I have one more?

The Chair: No.

Mrs. Diane Ablonczy: Okay. I had questions for others, but I'll leave those to my colleagues.

Thank you.

The Chair: Monsieur Clavet.

[*Translation*]

Mr. Roger Clavet: Thank you very much, Mr. Chairman.

A comment made earlier by Mr. Nallainayagam to the effect that 40 per cent of Canadians do not vote brings to mind a question of a philosophical nature. On a somewhat lighter note, one could question the legitimacy of Members of Parliament who are elected by 60 per cent of Canadians. Does this make us legitimate representatives? I'm not asking you to answer the question. Should we be earning only 60 per cent of our salaries? Applying this type of logic doesn't really get us anywhere.

You did state, however, that Canada wasn't doing enough to accept immigrants. I have a problem with the word "accept". Not only must we accept immigrants, we must embrace them, and understand that they represent the country's future. If Canada is capable of spending millions of dollars to save the country from the nasty separatists, then surely it can find millions of dollars for immigrants who want to contribute to their new homeland. I'd appreciate some feedback from you on my philosophical musings.

[*English*]

Mr. V. Nallainayagam: I caught only half of what you said. Still, I would say that I fully agree with you that when new Canadians come to this country they expect to be productive, highly integrated, and full participants in the political, social, and economic process. If the government could do much more in terms of providing financial assistance, spending more money to integrate them, it would be much better for the country and for them. It's a quality-of-life issue. When new immigrants come to this country, how much they enjoy the quality of life other Canadians enjoy is an important issue.

Thank you.

Ms. Teresa Woo-Paw: I would like to provide a slightly different but a complementary perspective. I think perhaps our strategies around integration should look at integration as a two-way street. Yes, I think we need to look at strategies to assist the new immigrants to participate and to integrate into society.

I'd like to also take this opportunity to say that the ability to communicate in one of the two official languages is very important. You see that people are isolated and insular when they don't have the confidence and the ability to communicate with their neighbours, the teachers of their children, and their community.

Second, what I really want to say is that I think we need to look at facilitating integration by looking at everybody. I think we all have a responsibility. We all have a role to play to make sure Canada is a socially inclusive society. We need to look at how we include or do not include people currently. Do we really expect that everyone has the opportunity and the ability to participate, from volunteering in their children's school in their community to participating in dialogue and discussions on policies and procedures that affect their lives, whether it's at the civic, provincial, or federal level?

What I'm saying is that our institutions have to take a look at their current practices. Are they responding to the changing demographics? Do their current practices truly attract and retain people who are different? I think they need to look at how they communicate information to people, how they communicate their values, beliefs, and desires to people.

Right now, a lot of newcomers think our institutions do not want their participation, because they have never seen them, they don't hear from them, and they don't feel the processes address their special needs. When our institutions do that, it doesn't only benefit newcomers. It will benefit people with disabilities; it will benefit our aboriginal people; it will benefit people who are aging, as well as our young people.

I think when we really take a good look at how we involve and include people, it will benefit Canada.

•(1010)

The Chair: Thank you.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

It's ironic that we have four such great presentations and less time than we seem to normally have. There are things in everybody's presentations I'd like to follow up on, but unfortunately I won't be able to do that.

Mr. Ilnycky, I thought your comment about deportation often allowing that behaviour to continue was a very interesting one and I think a very helpful one. The considerations around how we engage our citizens and how, once people become citizens, we make sure they're full participants is also very important.

I wanted to ask Dr. Wong if he might.... He said he had some other points to raise around the question of not limiting citizenship obtained by birth. You raised the point about refugees who have children here and the possibility that those children could become stateless. Perhaps you could flesh that out a bit further, given that you mentioned you had other points.

The other question I have for Dr. Wong is on the whole question of quality of attachment. How would you define quality? What is quality time in Canada in terms of citizenship?

Mr. Lloyd Wong: With regard to your first question, the other issue surrounding birthright is the opposite side of the coin—not so much the opposite side of the coin, but the issue of Canadians giving birth to children outside of Canada. Related to that issue is how long will the Canadian government permit the transmission of citizenship to future generations. That's the other side of the issue.

Again, the Honourable Andrew Telegdi mentioned the previous act. They wanted to in fact limit transmission to a certain generation. I think that's an important issue that has to be looked at hand in hand with the birthright issue, because it's now the children of Canadians giving birth outside of Canada. Related to that is the whole issue of pre-Hong Kong 1997—alleged hordes of Chinese women from Hong Kong were coming here and giving birth. I think that needs to be verified with some solid research because that's the kind of thing that hit the *Calgary Herald* a few weeks ago. It's an alarmist perspective.

In regard to quality of citizenship, I think the quality of citizenship should be looked at in terms of how you spend your time in Canada. Ownership of a home, having a Canadian bank account, paying Canadian taxes—that's very much a quality-of-citizenship issue, as you're contributing to the economy of Canada—and having family members in Canada I think are some examples of quality. As you know, in child rearing there's always the issue of quantity time over quality time. A lot of people opt for the quality time. I think that's the critical issue. You can have feet on soil in Canada and still be totally isolated and not civically engaged.

Mr. Bill Siksay: I wonder if you count the Queen's time in Canada as quality time.

The Chair: Thank you very much. That's a point well made.

Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair.

I have a question in terms of the length of time it takes people to become Canadian citizens and whether you think three years is adequate, or should it be longer or not?

Mr. Michael Ilnycky: I think the test for that should be whether or not the government has the adequate resources to do the necessary background checks for that. If three years suffices, then so be it. That's why we're recommending that there be a period of five years after citizenship is granted in order to do further checks should that become necessary.

•(1015)

Ms. Teresa Woo-Paw: We believe the term of three years is adequate. I think one of the issues in terms of access to Canadian citizenship is actually the economic ability. Many of the members expressed the concern that they cannot afford to become a Canadian citizen right now.

Mr. Lui Temelkovski: Do you have a different view?

Mr. V. Nallainayagam: No, I fully agree with the three years.

Mr. Lui Temelkovski: In terms of processing the citizenship applications, we hear that it takes too long in some parts of the country to process after they apply for Canadian citizenship.

Mr. V. Nallainayagam: Not only that, but I came to know of a real case yesterday. For some of the people who came from Sudan as refugees and who were given refugee status—they have been accepted under the refugee convention—it has taken 12 years and they still have not received their permanent resident status.

Mr. Lui Temelkovski: How long?

Mr. V. Nallainayagam: It has taken 12 years. The lady is here. It's been 12 years, after being accepted as conventional refugees, that they are still in limbo in terms of Canadian citizenship. They cannot work and they cannot send children to school because they don't have their landed immigrant status. To me that is very unsatisfactory.

Mr. Lui Temelkovski: My understanding on the children's education is that, under law, the schools cannot refuse education to anybody who's in Canada.

Ms. Teresa Woo-Paw: Her children are in school.

Mr. V. Nallainayagam: But they cannot avail themselves of medical facilities. Even employment or to be able to take a bank loan to buy a house—all that is being denied to these people. To be in limbo for 12 years I think is very unsatisfactory, after having been accepted as convention refugees.

Mr. Lui Temelkovski: I'm questioning something else: the length of time it takes somebody to become a citizen. Once you apply for Canadian citizenship, we hear it takes a year, it takes three years, it takes all kinds of time. What is your thinking on that or your experience with that?

Mr. V. Nallainayagam: I think it may depend on the background check on some of the people. I think you have countries they come from where there are reports of police investigations. The differences may be due to some of the institutional factors. Overall I would have thought, and personally my experience is, that things are not overly delayed.

Mr. Lui Temelkovski: Thank you.

The Chair: That takes up our time for this panel. I would like to thank everybody very much for your input. Once we have our report we'll make sure we send it to you. We'll take a couple of minutes' break and then we'll reconvene.

Thank you.

• (1018)

(Pause)

• (1027)

The Acting Chair (Mrs. Diane Ablonczy): We welcome our new witnesses to this section of the morning's hearing. We have Mr. Souraya from the Muslim Council of Calgary, Mr. Bray from the Calgary Catholic Immigration Society, and Ms. Pask from the Calgary Immigrant Women's Association. Welcome.

Perhaps we'll start, then, with Mr. Souraya, if you would give us your presentation, please.

Mr. Abdul W.M. Souraya (Lawyer, Muslim Council of Calgary): Good morning, honourable chairperson and honourable members of the committee. Welcome to Calgary.

We're delighted to be here on behalf of the Muslim Council of Calgary, the elected body of the great majority of Muslims in Calgary, and we're very proud to be here.

I'm going to speak about something very specific. I regret that I didn't have the opportunity to provide the committee with a brief on this particular matter. It was given to me rather late in the day, and I'll do my best to go through it as quickly as possible.

There are a lot of issues I'd like to talk about, but this is one that's been coming up quite recently with respect to family class, particularly with respect to spousal sponsorship and people from Muslim countries. I think it behooves us all, when we talk about immigration matters and input to committees like this, to have specific organizations bring up specific issues that affect their communities.

The particular issue I'm talking about today is the assessment of a marriage relationship between a Muslim man and a Muslim woman. As of late there have been a lot of refusals that have gone through the visa posts based upon an officer's assessment resulting from what he

or she thinks fulfills the requirements of a Muslim marriage. Basically, the refusals have gone something like this: you haven't had a celebration, you haven't had a party, and you haven't lived together, so we're not going to pay too much attention to the consensual, bilateral contract entered into between a woman and a man before an imam that is duly registered in the registry system of the particular country...that the marriage licence is in fact a valid licence between two individuals.

I can't understand it. I assist people in doing this in my personal capacity and of course as a director of the Muslim Council. A lot of parents, Madam Chairperson, are incensed by the.... I don't want to use the word "indignity", but it almost seems like a process in which they're trying to understand what it is officers are looking for in determining whether or not the marriage is for real.

I don't want to presume on behalf of officers, but it appears that officers have looked at local customs and have come to the conclusion that a local-custom wedding celebration is a condition precedent to the validity of the marriage. That's not the case. I've spoken to imams and other scholars who are versed in sharia law, and as long as you have a marriage contract between the two individuals, that's sufficient for at least a prima facie marriage relationship. You don't need the wedding celebration. You have a formal ceremony to actually enter into the contract, but you don't need the wedding celebration.

I don't know exactly what officers are getting at when they say you haven't lived together. If they're looking for some indication of consummation, I find that offensive. We have other relationships in the act, and I'm talking about the elusive "conjugal" relationship, which applies to same-gender couples now, where an individual can bring his partner from another part of the world as long as they prove they've had some relationship together—they have some indication of joint assets and/or there are other indicia—and as long as it's lasted for a year.

But I'm not concerned about that. What concerns me is we represent Canadian citizens of Muslim background, and we all know that after the tragic events of 9/11 the Muslim community around the world—and in Canada as much as anywhere else—is quite concerned about the new concern for security measures, which are necessary.

But at the same time, I think we have to maintain a fairness. The recommendation we have is that we would like officers at these visa posts, when they come to assessing these relationships, to give these people the benefit of the doubt that the marriage contract itself is valid. Then, of course, getting into the good faith of the marriage, based upon other questions, is a separate process.

• (1030)

But they should at least recognize that the marriage contract is valid and that you don't need that celebration or that cohabitation—formal living together—for a period of time.

Issues of honour are very important, and if an individual is.... Let's look at it very quickly from a convenience point of view. If a young lady enters into a contract with a fellow, for example, bringing him over from Lebanon, and the marriage is not consummated but the marriage itself has failed after he arrives here, if in fact it was one of convenience, that young lady's reputation and the young man's are very damaged within the community.

If officers take into consideration that there is a risk being taken once a young lady or a young man of Muslim background enters into this contract, the risk that's being taken should be sufficient to at least give them the benefit of the doubt that the marriage contract is valid.

Thank you.

The Acting Chair (Mrs. Diane Ablonczy): Thank you very much.

Mr. Bray.

Mr. Rob Bray (Calgary Catholic Immigration Society): Good morning, and welcome to Calgary.

I work for Calgary Catholic Immigration Society, which is the largest immigrant-serving agency in Calgary and one of the largest in the country. I myself—here and in Regina and in Winnipeg—have been working with immigrant settlement services for about 20 years.

Since it's very topical, and because of where I work, I'd like to begin with a quote from the Pope—peace be upon him. In 1992 he wrote a document called *Refugees: A Challenge to Solidarity* and he said:

Progress in the capacity to live together within the universal human family is closely linked to the growth of a mentality of hospitality...since the family is the fundamental unit of every society, the reunification of refugee families must be promoted.

The Calgary Catholic Immigration Society is in fact a non-denominational organization and not part of the Catholic Church, but we do honour our founding volunteers, and on our logo appears the quote from the Bible, Matthew 25:35, "I was a stranger and you welcomed me".

• (1035)

The Acting Chair (Mrs. Diane Ablonczy): Mr. Bray, I'm so sorry for interrupting you. You're speaking just a little too fast for our interpreters.

Mr. Rob Bray: Sorry. I'm a little nervous. I'll try to slow down.

The Acting Chair (Mrs. Diane Ablonczy): Okay, great. Thanks.

Mr. Rob Bray: If you look in the Bible right before that verse, you find Matthew 25, verses 32 to 34:

All the nations will be assembled before him. And he will separate them one from another, as a shepherd separates the sheep from the goats. He will place the sheep on his right and the goats on his left. Then the king will say to those on his right, "Come, you who are blessed by my Father. Inherit the kingdom...."

He doesn't say what happens to the goats and there's no mention of processing times and security certificates, but I do take this to be immigration's role. I also take it as a warning. God can maybe separate the sheep from the goats; I'm not so sure that human beings can do that very well. In fact, when we try, it always seems to go awry and ends in cruelty and absurdity. I think cruelty and absurdity

is a pretty good description of how we do family reunification in terms of immigration in this country.

One little chuckle I get every year is when CIC announces that it met its target of a little under 250,000 immigrants. You'd think they were recruiting, doing publicity, finding people. In fact, they're not. What they're announcing is they were able to keep immigration down to below 250,000. The only way you can do that is with quotas, and in the face of quotas, talking about tinkering with the system is maybe a little bit pointless.

I can give you a lot of examples of some of the cruel absurdities. For example, two siblings cannot pool their salaries to make the income qualification to sponsor a parent, whereas a husband and wife can. Right now, we're not letting very many grandmothers come to Canada on a visitor's visa to visit their grandchildren because we're scared that they might file a refugee claim. There is the current CIC obsession with child refugee claimants and child refugees. We're forcing them into the gentle joys of the foster care system because we're terrified that parents might be using their children as some sort of wedge to get in the back door. That's cruel and stupid too. Parents love their children. They're not so cynical, as CIC officers sometimes are, to put the children into that kind of situation just to save themselves.

I'll give you a little bit of an example. The system is desperately underresourced, so between the time you apply as a refugee and are accepted out of the camp, it can take a year or two or three or four. Life in the camps is very hard—children die. Parents get so desperate that they will pay families to take their child and give them the name of the old dead child to bring them to Canada. I know here in Calgary of at least five kids who are living in foster care right now who have families in the camps. Those children feel terrible. It's called survivors' guilt. There was a movie about that once called *Sophie's Choice*. I think we need to think about what kind of role we're asking our immigration officers to play.

Anyway, the CCR has given you a very good presentation, and I'd also like to draw your attention to the brief from John Peters in Winnipeg. I fully endorse both. There are very good suggestions there.

I'd like to give a slightly different take on things. I was talking to my sister-in-law the other day. She's a farmer in Saskatchewan. Farming being what it is with beef cattle bans and wheat prices, she makes most of her money with her husband as a carpenter. Actually, we don't have much in common, but she did ask me about the point system one time, and I explained it to her. Her comment was "That's insane. We need more people banging nails. We don't need more engineers." Well, if she can get it, I don't know why the government can't.

I want to make a point. Usually, when we try to sell immigration to the public, we talk about the economic benefit to Canada, and sometimes we talk about the demographic benefit a little bit. I think the most important thing immigrants bring us are their children. It's a major contribution to this country.

For example, just recently I was working with an Afghani family, a mother and father and eight kids—I'm very close to being done. The father has about a grade three education. The mom's never been in school. People look at them and say, that guy's never going to be able to get a job that can support his family. He's going directly to welfare and this is a cost to Canada. I look at that family, and, first of all, he probably will end up supporting that family—it's amazing what can happen—but I see those eight kids and I see four university-educated professionals; I see four entrepreneurs. You know they're going to make inventions and real estate development and start companies and be entrepreneurs and they're going to end up giving a really large amount of money to charity in the future. This is a major contribution to Canada.

The final thing I really want to talk about is that in my agency we originate about 70% of the private sponsorship applications in Calgary and we work very closely with the other agreement holders. The private sponsorship system is a major success story. We get criticism for it, because they're nominal sponsorships. The fact is, family members are really sponsoring refugee family members from camps. We're just putting our good name on it and promising to pay the bill if things go wrong.

• (1040)

I think this is a very effective thing. We could triple the number of private sponsorships without doing anything but processing the applications that are already on stream. That would give us about 10,000 as opposed to the 3,000 private sponsorships a year. That's less than 5% of the total immigration to Canada. I don't see that this should be any kind of a problem at all, and it would relieve much cruelty.

But in the face of a 3,000 cap and a 60-40 split on economic immigrants versus family class and with the extinguishment of the assisted relative class, talking about tinkering with various little features of the system is rather pointless.

Thank you.

The Acting Chair (Mrs. Diane Ablonczy): That was right from the heart. Thank you.

Ms. Pask.

Ms. Diane Pask (Past Member, Board of Directors, Calgary Immigrant Women's Association): Good morning.

Thank you, by the way, to the committee. We're very pleased to see you here in Calgary...having gone to other places in the past on this kind of event.

I'd like to express regrets on behalf of the president of the Calgary Immigrant Women's Association. She has a new baby. This has meant her attendance today was dependent upon the wishes of the baby, and I'm afraid the baby won, which is the usual way. I have with me the vice-president of CIWA, Ms. Loretta Melnychuk, who I'd like to introduce to the committee.

I've been trying to think of a way to encapsulate in one sentence what is going on in the immigration world and what we, CIWA, have concerns about. The way I look at it is that with respect to the values expressed in, for example, the objectives section of the current act, the values expressed therein are wonderful, but there is a tremendous gap between those values and the actual operation of the program on a day-to-day basis. It is that gap, that dichotomy, that is resulting in I think a buildup of real cynicism about immigration. My concern as a law professor is that this results in cynicism about the democratic process and about our government. I'm concerned about this, and I assume all of you would be as well.

The specific practical aspects of how this is happening that are of concern to the members of the board of CIWA and to our clients really flow from the delays in the system. I'm going to start by just dealing with family reunification issues, and I'm going to be very brief because I know you have heard these before. I just want to highlight them from the standpoint of CIWA.

To begin with, there's a problem with the limitation on the numbers for the non-economic class, as it is called, meaning family members. As you know, as you've heard, there's a 60-40 split: 60% economic and 40% non-economic. The delays in bringing in spouses, children, parents, and grandparents result in a great deal of stress on families. CIWA members have talked about this, and we feel this is one of the inhibiting factors that is of concern in the integration of immigrants and refugees into Canadian society. It's obviously much harder to become fully a part of a society when most of your time is spent in anxiety and fear and concern about family members in dangerous parts of the world. We also have concerns about the isolation of immigrant and refugee women.

I probably should just say that CIWA, the Calgary Immigrant Women's Association, is concerned for women and their children, for women immigrants and refugees and through them their families. Our programs are primarily set up for women, and their families come in as the women are involved.

We have noticed that women who lack family based child care—and primarily this means grandmothers—are more isolated than those who have this. We provide child care in our programs, but there is never enough child care. We are always short of child care. We are short of funding to provide for child care, yet it's an essential element of our programs.

When we talk about isolation, we mean the lack of capacity to undertake language training and to take advantage of employment opportunities and employment counselling services. We believe this lack impacts on the current employment capacity of women immigrants. These are women who may be professionally trained or who may not; it affects them all.

• (1045)

Increasingly we are told that there are delays in obtaining visitor permits for visiting grandparents. We hear this from CIWA clients who are mothers of infants. It is a direct issue happening every day.

I'm a grandmother. I see my granddaughter twice a week all day. It's not just something I do as a way of being helpful to my daughter, but it is a joy and a blessing and a treasure. The point I'm making here is we don't see this as a cultural issue. We see this as a human issue.

The Acting Chair (Mrs. Diane Ablonczy): Thank you.

Very good comments from all of you. Thank you.

For those who are watching, I just want to point out that right now in this section of our hearings we are talking about family reunification. You might have figured that out, but I want to point it out.

First question, Ms. Grewal.

Mr. Bill Siksay: On a point of order, please, could we make sure the witnesses again know about the interpretation devices? I'm going to raise this consistently so that we don't have that moment of confusion.

The Acting Chair (Mrs. Diane Ablonczy): I'll just be the flight attendant here. You have the earphones and the receiver; you plug the earphones into the receiver, find a channel that lets you hear something, and then the top and bottom ones are for the volume. Channel one is for translation.

Ms. Grewal.

Mrs. Nina Grewal: Thank you, Madam Chair.

Thank you all for your time and presentations.

I hear that there are too many drawbacks in the immigration system. What, in your opinion, can all of us do to make our system more efficient and effective?

Mr. Rob Bray: There are a lot of things, and there are things that don't make sense in isolation but would work together. For example, there are not enough immigration officers, by a long stretch. It takes years and years to process things because there simply aren't enough people to process them. However, you can add as many officers as you like, but as long as you're functioning under a quota, it doesn't make a damn bit of difference. Pardon my unparliamentary language.

On one end of it, if the system was sufficiently resourced and, on the other end of it, if we reinstated the assisted relative class and got rid of the completely arbitrary and unjustifiable 60-40 split, which makes no sense to me, and looked at those things all at the same time, I think we would do better.

There is a lot of tinkering with the specific rules and practices around how you can do it, but again, as I said, under the face of quotas, it doesn't make a whole lot of sense.

The Acting Chair (Mrs. Diane Ablonczy): Thank you.

Ms. Pask.

Ms. Diane Pask: I think everybody is in complete agreement about this. There is a lack of process resources. It's a problem. It's not just process resources in Canada, although of course this is a major issue, but it's process resources in other parts of the world. The 60-40 split has no justification. As far as I can tell, it's simply a number.

• (1050)

Mr. Abdul W.M. Souraya: I want to briefly add to the question with my particular comments, because that's a large question, Madam Grewal.

I think we have to remember that we're dealing with people when it comes to immigration. I hear this right across the board, whether you're Muslim, Jewish, Eskimo, or Lebanese—immigration to Canada has become a very tense process. I really think we have to bring dignity back to the process. We're dealing with people. I don't care what anybody says. To me, the best definition I've ever heard of a Canadian is an immigrant with seniority. That's the definition that I think should be in the immigration act.

It is so ironic to see someone who comes from the Middle East or otherwise sitting in a position of power, ordering people around like livestock to get into line to deal with their matters. People find it offensive, and I find it disgusting and obscene. I think we have to educate our officers and all those others who are mandated with power to be a little nicer, and to go back to the old days when immigration was growing the country with excitement and with promise, as opposed to, "Who are you? What do you want? What can you do for us? If nothing, get the hell out."

I'm sorry. Thank you.

The Acting Chair (Mrs. Diane Ablonczy): I see that you have strong feelings about this.

Mr. Abdul W.M. Souraya: I don't know what gave you that idea, Madam Ablonczy!

The Acting Chair (Mrs. Diane Ablonczy): Thank you.

Those were good comments.

Mr. Clavet.

[Translation]

Mr. Roger Clavet: Thank you, Madam Chair.

I have a question somewhat along the same lines as what Mr. Souraya was discussing, namely the size of the Muslim community in Calgary and in Alberta in general. Do you have any figures for us on the size of this community, that is on the overall Muslim population in Alberta?

[English]

Mr. Abdul W.M. Souraya: Monsieur Clavet, that's a good question. I've got various estimates, with some as low as—

Mr. Roger Clavet: A ballpark figure.

Mr. Abdul W.M. Souraya: They're as low as 40,000 and as high as 80,000 in Calgary, for those of Muslim origin.

[Translation]

Mr. Roger Clavet: Obviously, growth has stalled since September 11, 2001. Have you observed a difference in the number of applications that have been approved since that date?

You talked about education. Do you feel that an effort needs to be made in that area, not only with respect to marriage, but also in terms of choosing a mate and the criteria too easily identified with the Muslim community? Do you feel that more needs to be done to stop ostracizing the Muslim community? We have to stop imagining that there are Al-Quaïda networks operating across the country and consider those who want to come to Canada. Do you think an effort needs to be made to make officers at all levels more aware of the situation?

[English]

Mr. Abdul W.M. Souraya: Those are a lot of questions.

I would never presume to be able to assess specifically whether there's been a reduction in the acceptance of Muslim applications to Canada, post-9/11, but I can tell you, Monsieur Clavet, that the Muslim community in Calgary, and I think around the world, post-9/11, quite understandably and quite naturally feels a little more tense that they're being profiled and being looked at more carefully. Muslim men, whether they apply to come as visitors or otherwise, are treated differently around the world; I'm not just talking about Canadian ports of entry, but around the world.

So there is this insecurity, this paranoia, that exists because of 9/11. A lot of new features of IRPA were born from the womb of 9/11. We heard yesterday of American plans to make it a condition that all Canadians travel with passports. Security has become the new buzzword of the 21st century, and Muslims feel it's coming down hardest upon them.

[Translation]

Mr. Roger Clavet: Mr. Bray, I'd like you to give us an example of a Afghan family headed by a woman without a husband. You've seen more than one divided family and a few success stories. You've seen many things that we don't always see.

In your estimation, does this come down to a simple mathematical equation, namely 60 per cent in terms of economic considerations and 40 per cent in terms of family reunification? Do you think that by changing this equation, we will also succeed in changing attitudes?

•(1055)

[English]

Mr. Rob Bray: Most Canadians who aren't very well informed about immigration tend to think there's a lot more family class immigration than there really is. They tend to think that brothers can sponsors brothers and sisters, but in fact they cannot. I think most Canadians, if asked, would be quite supportive of the idea of parents rejoining children and of brothers and sisters helping each other out. I don't think that's a hard sell.

We're going to be talking this afternoon about skills and credentials, but in the case of that particular success story, I think I want to put it this way. What Canada really needs is enthusiasm; it needs a sense of progress and survivors and strivers, and I think you're going to find those in refugee camps, frankly. They are a real good place to look for those kinds of attitudes. Frankly, the vast majority of immigrants in this country are very successful, and the second generation is particularly successful. I think we always have to keep in mind that we're not talking about one single event when

we bring an immigrant family in, but we're talking about their children and their children's children and the impact they have on the country.

The Acting Chair (Mrs. Diane Ablonczy): Thank you.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Madam Chair, and thank you to all the presenters. The presentations were very, very helpful and eloquent.

Mr. Souraya, your presentation was very interesting to me, especially at this time when we have this great debate in Canada about the definition of marriage, as some people characterize it. It strikes me that for a long time we've all assumed that we understood what marriage meant in Canada, when in fact for many years there have been very different understandings of marriage present in our country. I didn't know about the particular situation you described this morning, and I can appreciate how that represents a real difficulty for people, so I appreciate your raising that with us and agree that it is something we need to address.

It seems to me that there are many other understandings of marriage that in my experience are different from our understanding. The one you described is one of them. The fact that a family would make that decision for an arranged marriage is very far removed from my personal experience, but it's one that's common in Canada now. So I appreciate your raising that and hope that we as a society can get our act together on that and appreciate the different understandings that exist within our country on that issue. As a gay man, I'm particularly happy that our community is providing an opportunity to have that kind of discussion, and I hope we can see it more broadly than we have as a society.

The question I want to ask folks has to do with the 60-40 split that we've talked about and the economic and family class immigration. It seems to me that a number of times at this committee we've heard people describing the relative success and happiness of new immigrants. I'm hearing more from people that family class immigrants tend to be happier and more successful when they come to Canada. We've heard the great frustrations around foreign credentials and with the almost hypocritical stance, where we give people points and then don't let them work in their field when they get to Canada, and about the frustration that causes. We've heard from some settlement and immigration organizations about the anger now coming from those folks, to the point where settlement workers are having to take precautions for their own personal safety in their interview rooms, and things like that.

So I'm just wondering if you folks could comment on the relative happiness of the classes of immigrants we have and on where we're being more successful in terms of the happiness of people when they get to Canada, and on the kind of anger or frustration you're facing and how you're dealing with that situation.

Mr. Rob Bray: I have counselled directly and personally between 3,000 and 4,000 immigrants. I can tell you this: I know of almost no indicators of success in Canada. Certainly, speaking English at time of arrival is not in any way correlated with how well you do, in my experience. Educational levels are, by and large, not terribly well correlated with how well you do. The only indicator I know that seems to help is having a family with you—being married and having children. The other indicator is having family present in Canada. Those, it seems to me, clearly predict higher levels of success.

In terms of happiness and frustration, there's not much we can do. There is quite a bit of anger and frustration. I'd say it's greater around family reunification than credentials, but it's there in both cases. And in both cases, immigrants are dealing with systems that are quite crazy. They are subject to these, and there really isn't much we can do except commiserate—and come to talk to standing committees and hopefully change things a little bit.

• (1100)

The Acting Chair (Mrs. Diane Ablonczy): Thank you.

Ms. Pask.

Ms. Diane Pask: What women clients of CIWA talk to us most about is the isolation, and that is the lack of family members around them, having a baby in a strange country without their husband's mother, or their own mother, with them. To us, these are the things that seem to make the difference in integration.

I have to say, though, that we have not carried out a survey. The kind of survey that would be necessary would be beyond the resources of an entity like CIWA, but I think maybe that's something the standing committee might want to consider, because it's a fundamental question.

Thank you.

The Acting Chair (Mrs. Diane Ablonczy): Thank you.

Mr. Bill Siksay: Do I have time for a further quick comment?

The Acting Chair (Mrs. Diane Ablonczy): You have a whole 15 seconds.

Mr. Bill Siksay: Well, I can use that.

I just wanted to say that expanding the definition of the family class is something that I feel very strongly about. I had a private member's bill to that effect that didn't make it through the House. So I think it is a hard sell—even in the House of Commons, to have members of Parliament appreciate the importance of that and how we might successfully accomplish it. So it is a task that I think is important and that remains to be done, even in Parliament.

The Acting Chair (Mrs. Diane Ablonczy): That was an excellent commercial, Mr. Siksay.

Mr. Bill Siksay: I think I've taken lessons from you, Madam Chair!

The Acting Chair (Mrs. Diane Ablonczy): Mr. Anderson.

Hon. David Anderson: Thank you very much.

I'd also like to thank the witnesses for their presentations, which are very helpful to us.

If I could perhaps just look through the other end of the telescope for a moment or two.... To set the stage, let me say that this province has a reputation for being a very optimistic province. There are many immigrants who have been very successful in Alberta. Fort McMurray is a town that has grown enormously with its immigrant populations. I was reading an article about immigrants from Venezuela turning up at Fort McMurray in open-toed shoes as they got off the plane, and freezing before they got to the terminal.

In other words, it's a province with lots of experience in successfully integrating immigrants into the society. If I could use the other end of the telescope and ask, what are the lessons and successes of yours that you would say could maybe be applied elsewhere in the country in terms of either particular family reunification issues or other things?

Again, it's a very wealthy province. Immigration is a jurisdiction that is just as much provincial as federal. Labour is almost exclusively a provincial jurisdiction, and many of the things we talk about in terms of employment and training are entirely out of the federal jurisdiction.

So here is the province that has the best opportunity of maximizing provincial programs and has the best attitude perhaps in terms of optimism. I wonder whether you could perhaps reflect on where you see the successes of Alberta that could be an object lesson for my province of British Columbia, or others across the country.

Mr. Rob Bray: I would actually draw your attention to Manitoba as being far and away the home of the best practices in this business. The reason is that the provincial government there has a strong, positive attitude towards immigration. Here in Alberta, immigration does not really make it onto the provincial government's horizon very much. We do quite well because we're a very rich province, but I don't think there's a deliberate public intent here to do much around immigration.

For example, the Province of Alberta puts almost no money into ESL; the ESL services here are strictly federally funded. And we have a terrible waiting list problem here in Calgary. On the other hand, the Government of Alberta does put a lot of money into employment and training programs, much more than any other jurisdiction. That has been quite successful, particularly in Fort McMurray. I think we probably do a better job of getting people employed more quickly than those elsewhere in the country, but I'm not so sure that's the result of deliberate policy as much as it is of our economy here.

I'm not so sure about what we could share, except that the feds and the province do work together quite closely, which is not the case elsewhere in the country.

•(1105)

Ms. Diane Pask: One of the things we should remember when we're talking about what works is that CIWA has developed a number of really unusual programs for getting women into employment opportunities, getting them out of the house, and dealing with the problems we've been talking about already. One of these programs, called Pebbles in the Sand, has been receiving international awards. When you ask questions about which countries around the world have programs that we should look at, I want to say that you should be looking at some of the really innovative programs that have been developed by the executive director of CIWA.

Ms. Loretta Melnychuk (Director, Vice-President, Calgary Immigrant Women's Association): Yet we have trouble getting funding for programs like Pebbles in the Sand. So I can't speak to the level of government funding; I'm not as versed in that as my colleague, Zemeta.

I can say that the programs we have are easily transportable and expandable, and that if we were given extra funds we could create more opportunity. I link together what you said about opportunity and Alberta with the questions about happiness, because it is opportunity and the things to look forward to that create happiness and a family unit that can bond together. Being able to bring your family unit here and have your support system and being able to provide support to them are what make a solid base or foundation for Canadian citizenship. These create an environment where there won't be the alienation that I see with some of my personal friends, given some of their experiences with immigration. They are starting to feel alienated from Canadian society rather than integrated.

The Acting Chair (Mrs. Diane Ablonczy): Thank you, Mr. Anderson. Your time is nearly up, so I guess you don't have any more questions.

We'll go on to Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Madam Chair. It's nice to see you in the chair as well.

Thank you for your presentation. A lot of discussion and comments have been made in terms of the numbers, the 60-40, the numbers of refugees who can come in. Three thousand are coming into Calgary. We could accept 10,000 and deal with them adequately. Also, if we expand the definition of family class, it will allow more people to come into Canada. Yet our capacity right now or our timeline for dealing with applicants is not satisfactory. How do we deal with it? Give us some concrete ideas.

The Acting Chair (Mrs. Diane Ablonczy): Mr. Bray.

Mr. Rob Bray: Right now, with the right of landing fee and the non-refundable application fee, CIC is actually taking in more money than it spends on services. Generally, immigration is self-financing. If you increase the numbers you're also going to increase your take, and you can afford to do it better.

Secondly—and I want to make a little point here—there are not 3,000 privately sponsored refugees coming into Calgary. There are 3,000 privately sponsored refugees coming into Canada. The visa post in Nairobi can have 750 private sponsorships go through in a year. They get 1,500 applications a month. The cost of adding a few officers to process those in a somewhat more humane way is pretty

trivial, I think, in the scale of government funding. As I said, it is probably self-financing, given the current fees being imposed.

Thank you.

The Acting Chair (Mrs. Diane Ablonczy): Ms. Pask.

Ms. Diane Pask: One of the things we really haven't talked about yet has been the whole humanitarian and compassionate grounds consideration review. Where this comes into play is primarily in a situation where parents are being deported or children are being deported, generally speaking, because of some criminal matter that has occurred.

I think this is a serious family integration issue. How we can talk about integrating people to Canada when we remove parts of the family is beyond me. It's a serious matter. It doesn't seem to most observers that there's much in the way of humanitarianism or compassion being brought to bear in those decisions. I think that's because of the lack of resources, the lack of time to deal with these things. The way you try to deal with things fast—you do more with less—is you do it by bringing in boilerplates; you tick off your reasons. That's what happens. The reasons don't really reflect what actually occurred or is going to occur in the future.

I agree with the last speaker about the impact that not a whole lot more officers would make. This is really true, and the humanitarian and compassionate grounds review process is one of the places where that could make a big difference.

•(1110)

Mr. Lui Temelkovski: Perhaps I may continue. I did mention that expanding the definition of family class will increase the number of people. Is there any idea that you would like to put forward in terms of how many people we should receive on an annual basis, as opposed to the current numbers?

Ms. Diane Pask: As opposed to the current quarter of a million?

Mr. Lui Temelkovski: Yes.

Ms. Diane Pask: That gets us into the whole question I think of absorptive capacity in our cities. I'm not sure there's a satisfactory answer to that. I personally don't think the research so far really helps us come to grips with that. It all comes down to the point that was mentioned before, and that has to do with job opportunities. If you don't have job opportunities, nothing else is going to matter.

Mr. Rob Bray: I think the point we're trying to make, and I know other witnesses before this committee across the country have been making, is to not necessarily increase the overall numbers, but to shift the proportion between those who are coming as independent, skilled workers and those who are coming under family class and refugees, which is 60-40. Maybe if we did 50-50, adjusted the balance a bit more towards the family class, we could have some good effects.

However, I do think the Liberal Party position of 1% a year is a really good position, and I certainly think Canada could do it without much trouble. Here in Calgary we get 10,000 direct landings a year, and we probably get another 10,000 landings from people who landed in Toronto or Montreal or Regina and who come here just like everybody else in the country is coming here. I suspect we're getting between 15,000 and 20,000 new immigrants into Calgary every year, and I don't think we're suffering from it. I think we're doing quite nicely, thank you.

The Acting Chair (Mrs. Diane Ablonczy): All right. That could be an area of fruitful debate, but we'll move on to our official photographer, Mr. Telegdi.

Hon. Andrew Telegdi: Thank you very much, Madam Chair.

When we were in Regina yesterday, the provincial minister of immigration, Pat Atkinson, suggested we might look at extending the family class. One of our goals is trying to spread the benefits of immigration around the country. The point she made is that if you have just a couple of people, a family, show up some place where there is no other group of that ethnic origin, it becomes very difficult for them to stay there. Therefore, her suggestion was that we be more creative in the way of looking at extending the family class, which I tend to agree with. I would like to have your feedback on that.

Mr. Rob Bray: Yes.

The Acting Chair (Mrs. Diane Ablonczy): We've reduced Mr. Bray to brevity.

Mr. Souraya.

Mr. Abdul W.M. Souraya: I echo the comments of both Mr. Bray and Ms. Pask, that the family class category has to be looked at more seriously. I repeat the comments earlier. I think we really have to change our attitudes towards immigration. Immigration is a positive, welcoming thing, as opposed to something that is necessary and something that we'd rather not increase. I really think we can do with more immigration, as Mr. Bray pointed out. It's not going to hurt us. We need more immigrants, and in the family class I think we need to expand that.

Hon. Andrew Telegdi: One of the things everybody says is that immigration has been the lifeblood of Canada, and actually will continue to be the lifeblood of Canada. Given the kinds of populations we're looking for, we have to be a lot more creative and welcoming because we're in competition with a number of countries that do things better than we do.

•(1115)

Mr. Abdul W.M. Souraya: I'm hopeful, because I think as the people who make decisions, as that composition changes over time, policies will change over time. I think immigration will naturally flow into North America and particularly Canada. So I'm quite hopeful.

Hon. Andrew Telegdi: Thank you.

Mr. Rob Bray: There aren't any other countries doing better than us. I think Canada is being looked to by the rest of the world as the leader in good practices in immigration. We keep getting called to go over to Europe, in my sector, and start teaching them how to handle these things better.

I'd like to make one other point: 17% of Canadians were not born in Canada. No other country in the world even comes close to that.

Hon. Andrew Telegdi: Australia is a bit higher.

Mr. Rob Bray: More than 17%? The Americans are at 10%.

Hon. Andrew Telegdi: They're being held up to us as being much quicker in terms of processing and everything else. It's something we don't want to be second or third at. We want to be first at it.

Mr. Rob Bray: They also have internment camps.

Hon. Andrew Telegdi: I don't disagree with you, on my dislike for that, but they have some parts in the system that work better than ours.

Thank you.

The Acting Chair (Mrs. Diane Ablonczy): Thank you, all of you, for an excellent session and for your presentations.

We'll take a two- or three-minute break now and go on to the next session after that.

•(1116)

_____ (Pause) _____

•(1121)

The Chair: We're going to start the next session.

We're going to start with Dr. Geetha Ramesh, please, for five minutes, and then we'll go through everybody and get to the question and answer portion.

Dr. Ramesh.

Ms. Geetha Ramesh (As an Individual): Good morning, everyone. I should say good afternoon by now.

I am going to briefly touch on family reunification. I am here representing the minority council as well as the India Canada Association of Calgary.

I'd like to start by saying that Canada's immigration policy is based on the philosophy that people who immigrate to Canada will establish themselves easily if they are supported by their families. It's a great principle, and we all love it and we would like to go by it.

However, there are a few issues that have come out of this entire family reunification.... There is a statistic out there that tells us the number of months it takes to process the percentage of cases varies between 11 to 16 months for 50% of the cases, or between 23 to 29 months for 50% of the cases. But we do know that there is a lot of overlap in this, and I have personal experience where this has been for more than four years.

I would like to briefly touch on the reason for these delays. First and foremost, the reason that comes up is the shortage of visa officers in these countries. The number of visa officers are very few, but there are huge backlogs.

The second important thing that comes back to us, at least in our community talks that we have had, is that everyone who has to have a family visa has to undergo a medical test, and by the time they have done the medical test and the review takes place, the one year is all gone and they have to re-do the entire thing, and this may be done more than a couple of times.

The third thing is establishing family relationships. This is where I would like to bring about the definition of what a family is. Even though it's clear, I still think it's not really transparent in some cases.

The fourth thing I would like to bring up is the DNA testing. I know it's a very valid way of establishing family relationships. I understand it more since I am a scientist myself, but there are a lot of unnecessary and confused requirements by the CIC that are not understood by the lay public.

The next thing I'd like to talk about are the security checks, which we all know we have to undergo. Again the harassment that sometimes happens in the security checks is sometimes heart-breaking.

And lastly, what is really touching most of us is the communication from the CIC officials. When a person tries to talk to a CIC official, he or she is trying to understand what her applicant has to do or where the entire process is. The response is very often very scanty or sometimes it does not answer the question at all. Having said this, I'd really like to give you one example of when I did talk to one of the officers online. I've had a terrible response from a couple of them. But I had one officer in Vegreville, to whom I would really like to show my appreciation, who was extremely wonderful, who had such a great way of answering every single question to me. I'd really like to encourage that really experienced people are put on sensitive cases, because that would be one of the reasons for a further delay.

What impact does this have on family life? The impact of prolonged separation could be.... There are refugees who have come here whose families are in countries where there's actually a risk of life. The family members of those who are in a situation of being at risk of life will not be able to lead a happy life here, knowing that either their kids or spouse are in countries at risk. These are the cases that we really need to expedite.

The second thing is the emotional distress a family undergoes knowing it is their own kith and kin or very close family, even if you want to talk about a closer family or a nuclear family. We are trying to sponsor someone who's really close and dear to our hearts. The emotional distress one goes through cannot be explained, unless one really goes through these things.

Third is the loss of trust. Say there is a wife here who is trying to sponsor a husband, and there's a lot of attitude and delays that go on. The spouse or husband is not going to understand that these are the kinds of delays that are happening. There are many instances where there had to be a divorce just because of this. There had to be a separation because of these delays.

There should be a real understanding of what these issues are when the applicant is trying to talk to us about what we really need. We need to be more transparent and more understanding and focused on these things.

• (1125)

Finally, I'd again like to stress the family relationship after reunification. There are kids who have not seen their parents for five or six years. There are wives and husbands who have not seen their spouses for more than five years. There is a lot of emotional stress

involved, and reunification after six years is an additional stress. It could be really reduced if this whole thing happened in a year.

I would like to briefly touch on a few recommendations we have. One is that we really have a great philosophy and a great objective here in wanting to reunite families, but are we being transparent about the whole process? Are we being objective? Are we being accountable? How can we do this?

We can educate the visa officers who go to the different cultural or ethnic countries. We can tell them what the cultural values are and make them a bit more sensitive about what those countries are.

We can also decrease the unreasonable demands on certain documents, like marriage documents. There are many countries where marriage documents are not officially registered. What do we do in those cases? Wouldn't proof of marriage be sufficient? No, we repeatedly ask them for such documents when they cannot produce them, when the country itself does not have something like them.

Those are some of cases that we really need to look at closely and try to make this whole process much smoother than it is now.

Thank you.

The Chair: Thank you very much.

Next, we're going to Mr. Yu.

Mr. Haiyang Yu (As an Individual): Thank you, Mr. Chairman.

My name is Haiyang Yu. It's my first time making an appearance at this kind of meeting, so I am a little nervous, but I'm glad to have this opportunity to speak of my life and express my concern about the current delay, especially in sponsoring parents.

I have been living and working in Calgary since 1999, and I love Canada for its beauty, its freedom, its fairness, its equality, and its humanity, but I'm a little confused and worried about the current policy for sponsoring parents. I would like to share my concerns here and hope that the committee, when it's making any decisions, can consider people like me in these issues. So it's a personal appearance.

Back in 2001, when I was a student at the University of Calgary, I tried to invite my parents to come over to attend my graduation ceremony. Unfortunately, the visa officer refused to grant them visitor visas because of an immigration tendency. At that time, my parents were still young and they were both doctors at very famous hospitals in China. They had good jobs, had a good living. I didn't see any reason they would give up their jobs and emigrate.

Although I'm not very happy about the decision, I can understand that the visa officer must have been thinking that since my parents have no children in China any more—because my sister is in the U. S.—it was better for them to apply for immigration rather than just to visit. So I can understand the reason behind that decision.

Now I've started working and have a good job and good earnings, and my parents are getting old and are retiring. I think it's time for me to start to repay them by inviting them for family reunification in Canada, the beautiful and peaceful country that I'm dedicating myself to now. I want to show them what a wonderful life I have been living since I left them.

I decided to sponsor them for immigration, which I think should be a common decision in my situation. In any country or in any tradition, I think it is unacceptable for the son or the children to leave their elderly parents to live and die alone, without anybody with them.

However, after I submitted my sponsorship application in 2003, I got nothing; I just waited and waited. Recently I was informed by somebody else that this process has been delayed and it could take up to eight or ten years for my parents to come over.

As a citizen, I'm trying to understand the logic behind this change, this delay in the process of sponsoring parents. I think probably these decisions are based on economic concern. However, immigration policies should also reflect the ethical and emotional needs of its citizens.

The unjustified delay in processing is not a good humanitarian approach. It doesn't recognize immigrants' contributions and respect their needs. For people like me, whose parents have no children accompanying them, we really wish we could share our happy life with our parents here in Canada. Instead of this kind of delay, I would like to see other good proposals to handle this issue.

For example, you can raise the sponsorship bar, or you can tighten the policy for the sponsor to support their parents, or extend the period of time before immigrant parents can apply for social welfare, or even cancel it.

As a son, as their child, I can afford to support my parents, so that's not a big issue to me. But if these delays are inevitable, I understand that it's difficult to make any decisions, so at least I would like to see, in the short term, the restriction in the visitor visa application process softened. In other words, they should never reject a parent's visitor visa application by reason of immigration tendency. In this way, at least some parents could still easily visit their children if they wanted before they pass away in this endless waiting period.

• (1130)

To conclude, we are legal immigrants with faithfulness and loyalty. We have devoted ourselves to this beautiful country. If you welcomed us to become family members, please also welcome our parents to become family members. Please help the children to fulfil their dream. Please help us to end this endless waiting. Please help us to propose another solution to handle this issue.

Thank you very much.

The Chair: Thank you.

Next, from the immigration law section of the Canadian Bar Association, we have Mr. Michael Greene and Mr. Gordon Maynard.

Mr. Maynard will be making the presentation.

• (1135)

Mr. Gordon Maynard (Citizenship and Immigration Law Section, Canadian Bar Association; Maynard & Stojicevic, Canadian Bar Association): Mr. Greene will do the introduction.

The Chair: Oh, it's Mr. Greene. That's what I thought was going to happen, but anyway....

Mr. Michael Greene (Chair (Alberta Branch), Citizenship and Immigration Law Section, Sherritt Greene, Canadian Bar Association, Canadian Bar Association): We're going to tag-team it, actually.

My name is Michael Greene. I'm sitting here with Gordon Maynard. We are representing the Canadian Bar Association.

The Canadian Bar Association is an association of 34,000 lawyers across Canada. We appear on behalf of the citizenship and immigration section of the bar association. There are approximately 750 members across Canada. We develop policy. One of the things the bar association prides itself in—and one of our major objectives—is the promotion of the improvement of law and the administration of justice. It's in this context that we appear before you today.

We have given a written presentation, which you should have. We're not going to read that presentation here, but we hope to elaborate on some points.

Gordon Maynard is a Vancouver lawyer. He is the immediate past national chair of the immigration and citizenship section. He practises law in Vancouver. I am a past national chair of the section as well. I am currently the southern Alberta chair of the CBA's immigration section.

We understand you heard from our colleague Baerbel Langner in Winnipeg, who spoke about some very specific issues. We won't touch on those. They are in the written presentation.

While at one time family reunification was the dominant principle and cornerstone of Canadian immigration policy, in the past 15 years we've seen the gradual erosion of its importance in immigrant selection. Measures such as the elimination of the assisted relative category, the restriction of who qualifies as a dependent, and the introduction of stricter rules for sponsorship qualification all happened in the 1990s.

With the Immigration and Refugee Protection Act, we saw further encroachments into family reunification—specifically from legislation we saw more barriers to sponsorship and family class membership, and we saw exclusions from consideration of family class principles.

More significantly, we saw some major policy changes that happened in the department that aren't reflected in the legislation. They were just policy changes very much, as some would say, by bureaucratic fiat—specifically, the change to the sponsorship of out-of-status spouses in Canada, and, more recently, the effective cessation in the processing of parents and grandparents, and there's a virtual shutdown of that class.

I'm going to talk about the parental and grandparental sponsorship issue first. Mr. Maynard will then talk about some of the legislative encroachments, like paragraph 117(9)(d)—which I don't know if you've heard as much about, but it's very important and very much of concern—and section 64 of the act.

Potential immigrants want to know when they come to this country, are we able to bring our parents to Canada, and can we do it in a timely fashion? Immigrants who've come for at least the last 50 years have come in the belief that they will be able to be reunited with their families in Canada through the family class sponsorship program. Many of them—such as Mr. Yu—are now shocked to discover that the policy has changed with virtually no public discussion, no fanfare, and what used to be a two- to three-year application now threatens to be a 15- or 20-year processing.

It appears, from what we can see, that either the government or the department is deliberately trying to kill the program for sponsoring parents and grandparents—and I'm just going to call it the parental sponsorship program, but I mean to include grandparents when I do that. I say this because in 1994 we took in 41,000 people under this category, parents and grandparents. Two years ago we took in over 20,000. Last year we cut our quota—and that's really what it is, we're using quotas—from 20,000 down to 11,500, and I think we took somewhere around there, 11,000 to 12,000, in 2004. The quota for this year has been cut to 5,500. So 10 years ago we took in 40,000; this year we're going to take in 5,500.

Moreover, we are told that there are at least 110,000 applications in the backlog. At 5,500 a year—you do the math—we're looking at 18 years plus to bring your parents to Canada right now. That's what the department is saying.

Why are they saying that? Well, they're saying that cabinet passed a rule that said we're going to maintain a 60-40 split between economic and non-economic. That's our goal and that's what we're going to do. And because the 40% is being used up by spouses, refugee and humanitarian cases, and dependent children, something's got to give; there's no room for parents, so they have to go. That's why they're saying the number is 5,500.

We don't believe this 60-40 number has ever been part of policy as a rigid, absolute rule or that it was intended to be a rigid, absolute rule. It's been a goal; we'll admit it's been a goal. It hasn't been one that's been achieved, except for the last three years, more or less.

●(1140)

We don't know this, but we'd be surprised to see that cabinet knew, when they said let's have 60-40 as our objective for processing, that they were effectively shutting down the parental sponsorship program, which is what happened.

This policy is not law. It's not a regulation passed by cabinet; it's just policy. We're seeing that it runs counter to paragraph 3(1)(d) of the act. We think there needs to be a public debate of that policy. It's very important that it be a public debate.

We also think the department needs to be transparent. They have not processed a single sponsorship application in Mississauga for almost two years—not a single one. But the website makes you think they're processing them in 20 months. That is not true. If they're not going to process, they need to be forthright about it.

I'll answer questions after our discussion. Mr. Maynard would like to talk about regulation 117(9)(d).

Mr. Gordon Maynard: Thank you.

I'm going to talk about two legislative provisions: regulation 117(9)(d) and section 64. Lawyers talk about regulations; it's what they do. I don't want your eyes to glaze over as we talk about these regulations. I'll give you some examples of how they operate and the problems we see. They do have serious impact on family issues.

First of all, regulation 117(9)(d) is a provision that's entitled exclusion of family class membership. It's a punishment regulation. Who does it punish? It punishes permanent residents and Canadians who came to Canada and did not have their non-accompanying spouses or children examined when they became permanent residents. The punishment is that you can no longer sponsor those spouses or children as members of the family class.

There are a lot of variations of this, but I'll give you an example. A live-in caregiver comes to Canada through the Philippines. She has a child. She doesn't disclose that child when she gets her work permit; the child is perhaps in the care of a sister. The live-in caregiver thought that if she disclosed the child it would somehow affect her application. It wouldn't; it would have no impact on it. But she comes to Canada and does her two years of work. She becomes a permanent resident and may go on to become a Canadian citizen, and then she seeks to sponsor her child to Canada. Regulation 117(9)(d) says you cannot. That child is no longer a member of the family class because the child was not examined when you became a permanent resident.

Similar situations might involve a skilled worker coming to Canada who is divorced and has children, but the children are in the care of his divorced former wife. That skilled worker may tell immigration, "I have an ex-wife and children, but they're not coming with me". So those children are not examined; they can be waived. He comes to Canada. Five years later his former wife dies overseas and he needs to take over care of the children. He seeks to sponsor them. He cannot, as regulation 117(9)(d) says those children are not members of the family class.

There are cases that also include a right deception, people who get their immigration without disclosing the existence of spouses or children; they know those spouses or children would disqualify them from immigration, because of their inadmissibility. The problem with this rule is that it captures everybody; it captures everybody who has non-accompanying dependants who were not examined, and it is unforgiving. It is unforgiving, because when you disqualify them from the family class, there is no right of appeal to the appeal division.

One of the reasons the appeal division was established was to review cases of family class refusals. It was established because it was recognized that Canadians and permanent residents seeking to bring over close family members have a legitimate interest in having refusals reviewed for law and equity to make sure the decision was right. These people caught by 117(9)(d) do not have access to the appeal division. The decision is entirely in the hands of immigration officers; they alone decide whether they will grant humanitarian and compassionate consideration. The problem here is that immigration officers are not well equipped to do that, because on the right hand they're being told, "Don't let them in", and on the left hand they are being told, "Maybe you can use agency discretion".

As for the CBA's recommendation on this, we don't take issue with the fact that people can lose the right of sponsorship for prior non-disclosure of dependants, but every case needs to be looked at carefully. Our position is that non-disclosure should be a reviewable ground of inadmissibility and should be in the threshold of the appeal division, so that the cases can be reviewed in law and equity. That's appropriate given the circumstances of the sponsor being a Canadian citizen or permanent resident, and the fact that you're dealing with legitimate spouses or children.

The second issue I want to deal with is section 64. Section 64 was a very contentious issue in the immigration act at the time that IRPA was coming in. This is the section that states that permanent residents who have serious criminality can be deported without any right of appeal.

When the CBA made its presentations on this section during parliamentary review, we warned against taking away that right of appeal and not providing in the legislation that there has to be a review, by at least somebody, of the equitable circumstances of the individual. The department and the minister were intent that there would be no legislative right of review, but they gave assurances to Parliament and to the parliamentary committee that there would in fact be a careful, full, and fair review of the circumstances of an individual, and that even though the appeal division didn't have jurisdiction, officers would take on that jurisdiction—but they didn't want to write it down in law.

• (1145)

In the past year, we have had a series of federal court cases involving permanent residents who were given removal orders without right of appeal and who never had an opportunity to make submissions or have considerations of their equitable circumstances. Those court decisions have split, but they have recognized that without a provision in the legislation, there is no right to review or no right to equitable circumstances. This prevents examination of their family circumstances in Canada and leads to unfair separation of family members.

The recommendation is that the regulations should be amended to provide that officers must consider equitable circumstances, including family circumstances, for section 64 permanent residents, or that the guidelines be absolutely insistent upon a proper review process.

Thank you very much. I know I was taking extra time.

The Chair: Thank you.

Madam Woo-Paw.

Ms. Teresa Woo-Paw: Thank you.

I'll try my hardest to keep my comments brief, but you already know how the Ethno-Cultural Council derived the presentation it is making before you today.

What I would like to say is that you have entitled these consultations, "An Opportunity For Your Voice To Be Heard", and that the voices of those who are directly impacted by these policies are here today. I hope you have an opportunity to ask questions of people who are here.

With me today are Ms. Kuldeep Jagdev, facilitator of the family reunification table or forum; and Ms. Ayaan Ismail from Somalia, who has lived in Canada for 12 years but is still under refugee status. She has Canadian-born children who have lived in this land for the duration, but the family has no access to universal health care. We also have with us this morning Mr. Abbasi, who has been in the process of landed immigrant status for nine years. He has been separated from his family and his children for almost a decade.

I myself am an immigrant.

I would just like to make a very brief statement that I am now surrounded by a family of over 70 people in Alberta. When we get together, we need name tags. You talked about happiness, and happiness for us Chinese is also that you have visitors after you have died. So my grandparents are very pleased that they have many people visiting their grave in Alberta, Canada.

I am going to keep my comments very short. I will only highlight the recommendations.

As stated by the House of Commons Standing Committee on Citizenship and Immigration, one of the immigration objectives is to support the self-sufficiency and well-being of immigrants and refugees by facilitating reunification with their families in Canada.

Participants at the committee's forum in Calgary have expressed concerns at our government's diminishing support for family class immigrants and family reunification. We see that the percentage of immigrants coming here under the family class has dropped from close to 45% in the early 1980s to only a quarter of the total in 2001.

Just to reiterate the recommendation in our brief, we believe that those granted refugee or protected persons status by the IRB should be granted permanent residence status within 60 days of the receipt of their application for permanent residence, with the IRB's determination of their identity considered valid for this purpose.

Two, increase the transparency, objectivity, and accountability of the evaluation process. For example, establish strict monitoring of Canadian embassies, hire culturally competent evaluators, shorten application waiting times, and remove factors that bias evaluations.

Third, relax the provisions of family sponsorship by reducing the ten-year commitment to two or three years; waiving official language requirements and refugee clearance; giving leniency to sponsors in contingencies like marital dissolutions, sickness, accidents, physical abuse, or in cases where a sponsored member of the family or dependants choose to become independent.

What came from our forum, which has been mentioned several times today—and I am also very pleased to hear that some of the people in the government are listening—is to broaden the definition of family to reflect inclusiveness and tolerance. For example, allow the inclusion of adopted children and members of extended families.

Lastly, minimize the emphasis on proof of marriage requirements by accepting alternative documents or means of evidence of marriage, for example, individual witnesses, informal nuptial writs, and wedding ceremonies.

Sponsorship of a member in the family class by a sponsor on social assistance should be permitted where there is cogent and tangible evidence that the arrival of the family member is highly likely to enable the household to be self-supporting.

Thank you, members of the committee.

• (1150)

The Chair: Thank you very much.

Now we're going to have a challenge ahead of us. We have 25 minutes and we have six members, so if we're going to get them all through, we have to have questions and answers in four minutes each.

Ms. Ablonczy, you have to lead by example.

Mrs. Diane Ablonczy: Thank you, Mr. Chairman, and thank you to each of you for your presentations.

I hope Ms. Woo-Paw that the committee will be able to receive copies of the Ethno-Cultural Council's report because I'm very interested in your recommendations. The studies you did will be very helpful.

With respect to parents and grandparents, I have heard from three independent sources, aside from the excellent and unimpeachable sources in front of us, that these files are not being processed at all, and what you say of course would confirm that.

The question is the following. I understand that in spite of the fact that the files aren't being processed, the application fees are being cashed. Is that correct?

Mr. Michael Greene: Yes, unfortunately it is. This is part of the transparency that needs to be there. People still have the expectation, when they make the application, that something is going to happen. So they are paying the fees, which are very substantial, as you've heard—\$1,525 per person. They're often putting that money down. Let's say you're sponsoring two parents; it's \$3,000 that people are plunking down on the table and it's not going anywhere. They're not getting any interest on it. It's going into the government coffers. If the people die before processing, they'll get some of that money refunded, but yes, the government continues to collect. That's part of the transparency we're saying should be there.

If you're not going to process, tell them. Tell people that it's not a two-year wait; it's not a four-year wait; it's not based any more on what's happened in the past. The projections are now, if they continue to do what they're doing, that it's going to be a 15-year wait, or maybe longer.

Mrs. Diane Ablonczy: Let me ask you the final question, the following, and any of you may have comments on this. There may be a hesitation to accept parents because some people believe that the Canadian taxpayer will have to pick up part of health care costs or other living costs. Can you clarify that for everyone? I think there would be a lot less resistance to these kinds of sponsorships if there was some clarity about the fact that the families themselves really are taking the responsibility.

Mr. Gordon Maynard: If I may make some comments on that, the reality is that if you bring your parents to Canada, they're immigrants. They're entitled to get on provincial medicare programs, etc., so there is going to be a reliance on public support. But what

people are overlooking is that in the last few years there have been substantial changes to qualification of sponsors, for instance. Sponsors have to have a much more significant income now to be eligible to sponsor their parents or grandparents. The low-income cut-off figure has gone up quite a bit over the last few years. It was revised recently. So there are higher-income parents.

The undertakings they give are being enforced. In the province of British Columbia they're being enforced rigorously. If your sponsored family class members go onto social assistance, that money will come out of your pocket. The province will recoup it and will be very thorough in pursuing you, and this is happening a lot.

So I think these are going to alleviate many of the concerns people have that the sponsored family class members are going to be a drain on the system.

• (1155)

The Chair: Thank you very much.

Ms. Teresa Woo-Paw: There is research showing that the health status of new immigrants deteriorates after they come to Canada, but the determinant of health of our own citizens is determined on a lot of things beyond physical health. I think it is very important to take into consideration the issues of social support and security and belongingness. When these people are not healthy, it will cost us anyway.

The Chair: Thank you very much.

Mr. Clavet.

[*Translation*]

Mr. Roger Clavet: Mr. Chairman, my question concerns the fine presentation by the Canadian Bar Association and the comments about parental sponsorship. The Association notes on page 4 of their submission that if the government is to close the parental sponsorship category, then they should be forthright about the decision, because their policy is apparently not transparent.

Having said that, I have a question for Mr. Maiyang Yu. If someone had told you that it would take 10 or 12 years for you to sponsor your parents, both retired doctors living in China, would you have made the decision to immigrate to Canada?

[*English*]

Mr. Haiyang Yu: Thank you for the question.

I think Canada is a good country, an extremely good country to me. I was told this would take eight or ten years. I may not apply for a passport, but I would still be a permanent resident. The reason is I can easily go back to China without applying for a visa now, if I want to go back to China.

[*Translation*]

Mr. Roger Clavet: Assuming that the parental sponsorship category is maintained, do you feel more should be done to take an applicant's culture and heritage into account? I've lived in China and while here in Canada, children often place their parents in seniors' residences, that is not the way of the Chinese, who keep their parents and grandparents close by. Should we be promoting a better understanding of the cultures of all those who choose to make Canada their adopted home?

[English]

Anybody could answer that.

Mr. Haiyang Yu: I think in the Chinese tradition, clearly the children live very close to their parents. They have happiness in life living together. So if I just live alone with my parents in China, it's unacceptable to me. My sister is still in the U.S. There are no children behind who are coming with my parents, so it's not acceptable for the son.

Mr. Michael Greene: This whole discussion, especially when we talk to immigration officials in the policy section, tends to revolve around economic issues. They say parents aren't very valuable immigrants because they don't contribute much to the economy. They're not going to work and they're not going to pay taxes; they're going to be a drain on the social or health services.

My father has laboured for over 50 years as a parish priest. On a very moderate stipend, he supported our family. My mother stayed home and assisted my father. She never earned anything; she didn't pay any taxes. I guess by that standard they haven't made much of an economic contribution to Canada, but I could fill a hockey stadium with people who would say they have made a tremendous contribution to the social and cultural fabric of this country.

I'm tremendously proud to have them in my life and living a seven-iron shot from my house. Having them sit behind me here today, having them come to give me moral support is a wonderful thing to have.

This business of putting our seniors, our parents, in old folks homes is not part of Canadian tradition. It's new. It's in the last 30, 40, or 50 years, no more than that. We have a lot to learn from the cultures that are coming here. Maybe we need to re-evaluate our policy values and to look a little deeper than the purely economic factor. Maybe the Chinese know something when they honour their parents and grandparents and they want to integrate them into their families. They think it's important that they be here too. Maybe those people actually help to enrich the fabric of Canada. This is the kind of policy...it's the debate that needs to go on without the bureaucratic fiat that says we're going to cut off the parental class because they're economically not viable.

• (1200)

The Chair: Thank you.

Ms. Geetha Ramesh: I would like to comment on the Indian perspective to say that we don't bring parents here to put them in any social homes or any old age homes. That's not the reason why we try to bring our parents here. We bring our parents here because we like them to be with us, with our children, with their grandchildren. As it has been proven over and over again, it's a communal thing; it's an emotional thing that builds the fabric of where we live. We probably need to really look at this with new eyes. Maybe the Canadians here really need to understand what the different cultures mean.

The Chair: Thank you.

Parents make an economic contribution too. They consume and they help their family to care and contribute.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

Thank you all for your presentations. They've been very helpful.

Mr. Yu raised the whole question of visitor visas, and that was part of his consideration in ultimately moving to sponsor his family. I have to say that in just the last couple of days we've seen the Minister of Immigration take action against a member of Parliament who, in trying to address the whole frustration around the issuance of visitor visas, took some unusual but creative action in terms of getting personal guarantees from his constituents who were looking for assistance with denied visitor visas. Now the minister has asked for an ethics investigation of that process, when I think some of us would have preferred that he investigate the policies of the department and perhaps be a little more compassionate and understanding in terms of visitor visa applications, rather than taking that action and putting the time on that side of the equation.

I want to ask if Ms. Woo-Paw and perhaps Ms. Ismail and Mr. Abbasi could share their stories with us very briefly, in my time, so we know why it's taken so long, or what their understanding of the delay in their own cases is, since they're here with us today. I don't know if that's possible.

Mr. Mohammed Irfan Abbasi (Ethno-Cultural Council of Calgary): Good afternoon.

I came here in April 1996, and I sponsored my family in May 1999. I deposited the fees, they called them for medical check-ups three times, and it expired after one year.

I'm still here, nine years now in this country, and I work a double job. I have trouble myself: I have high blood pressure and stress; I cannot sleep properly. My family is suffering there. I had a roommate before, and he died because of the same situation. His name was Raja Fafiq.

I've been here nine years now, and I am suffering. When I contact them, they tell me just to wait two months, three months, two months....

How can we live, without my family here? My wife is suffering, and I'm suffering here.

Thank you.

Ms. Ayaan Ismail (Ethno-Cultural Council of Calgary): Thank you for taking the opportunity to hear my voice.

I've been here 12 years. I came to this country in 1993 with refugee status. In 1994, Immigration accepted me as a refugee and to wait for a landed permit. Since that time I've been waiting to get my landed permit. When I ask them the question why they are still holding my landed permit, there is no answer. I can't get it from them.

I find it very difficult to live in Canada. I can't visit my parents. Last year my Mom passed away, and I didn't attend her funeral. I can leave Canada, but I can't come in, and I have children who are Canadian citizens who have nowhere else to go but Canada, and I can't leave my children here or take them back home.

That is my situation. I don't know how long it's going to take me to get a landed permit. I don't know; it will take maybe 20 years to become a Canadian citizen. Still I'm waiting for Immigration, and nobody answers the questions I ask them.

Thank you.

The Chair: Thank you very much.

Mr. Abbasi, you gave a letter to Ms. Ablonczy. She's one of the members of Parliament, and she'll be looking at it. Thank you very much for coming forward.

Mr. Anderson.

Hon. David Anderson: I was certainly most struck by these last comments about the lack of answers you've received, Ms. Ismail, for any of your representations for information. Could you perhaps tell us, have you been in person? Have there been letters? I just find it very hard to understand, without a little more background, how it would be that there would be this nine years without apparently any communication of any substantive use to you.

• (1205)

Ms. Ayaan Ismail: In 1994, when they accepted me under refugee status, they asked me for any kind of certificate, such as a birth certificate or a passport or any Somali identification, and I didn't have it. I just left to run away from the civil war and I didn't think about taking any papers with me. When they asked me, there was a law saying that if you don't have any identification you have to leave Canada to go back to Somalia, or to your original country where you were born, within five years.

I agreed with that; I lived with that. When I finished the five years I applied again for permanent residency, and since then I've been waiting for them. And every time I call them, they say: "Madam, you have to wait. We're still processing your application." And I don't understand. Is that a punishment of my country, or a punishment of my name? I still don't get it now.

Hon. David Anderson: Are there any others who may have come from Somalia with you or at the same time or in the same general period who are in a similar situation with you?

Ms. Ayaan Ismail: There's a lot, maybe 20%. There's a lot, yes.

Hon. David Anderson: Thank you.

I certainly hope your member of Parliament can succeed in inquiries on your behalf, because it is very troubling that you would have no information.

But going back to Mr. Greene's comments—and others have touched on the same subject—may I say that you certainly hit sympathetic ears with me when you talked about the contribution people make to Canada that is non-economic. I think one of the problems we have come up with is that people have made rather bland and extensive assumptions about the economic value of immigration to Canada. It's gone to the point where now unless there is that, people are saying immigration does not have value to Canada, and I really appreciate the fact that you've pointed out that there are many important contributions that are non-economic.

In the new analysis that's now beginning to take place among economists as they re-examine GDP and per capita incomes, they've recognized that financial and economic criteria are totally inadequate for measuring the benefits that might come from immigration, or in fact from any economic activity, and I certainly appreciate the comments you've made.

But I think we have to recognize, and I'll ask you to comment on this, that if we accept that, we have to also start questioning the other side of the equation: the uncritical acceptance that immigration is therefore a great benefit to Canada and other Canadians economically. I'm not altogether sure that's been proven, and I think more emphasis upon the values immigrants bring in a general sense and a less constant reference to the economic might be more helpful for a balanced approach to the debate.

I would ask you whether you want to comment on that philosophical point.

Mr. Michael Greene: Well, that's what it is; I don't really think economics is a science. I've dealt a lot with economists on these issues and have read a lot about them, and there are divided opinions about whether immigration is going to be the economic answer for Canada. They say the only growth that will occur in our economy is through immigration. I tend to think there's a lot of value to that, and I say look at the province of Alberta, where we're desperately short of any kind of skilled trade. We need some kind of help, because it's really interfering with.... Just ask any employer; it's hard to find skilled people.

One of the things that bothers me about the analysis the department uses and our sole focus on economic factors is that they have the longitudinal studies they've done, and their main measures of whether an immigrant is successful or not is how high their income is and how much in taxes they're paying, which I don't think is the way you value people. It's not the way I was brought up to value people. There are people who get high incomes because they're lucky—they inherited money and can build on it; they inherited a job from Daddy, or whatever. It's not the value. We all know people—wonderful people, great people—whose income isn't that great but who make a tremendous contribution.

But those are the longitudinal studies you will see. When you look at the performance reports on the government's website—and I'm sure you're inundated with these statistics that justify their policy selections—that's what they're basing it on. Not that it's an irrelevant factor; I think the selection system they have is better than the one they had, and I laud them for it. I just think it goes deeper than this analysis, and that's what we need to see.

• (1210)

The Chair: Thank you.

Mrs. Grewal.

Mrs. Nina Grewal: Thank you, Mr. Chair, and thank you to all for your presentations and your time.

Before, for family reunification cases, it used to take about 24 months, but now it takes about 58 months. In your opinion, why is it taking more time than before? Do you think we need more trained staff in our offices? Or what's the reason for this backlog?

Mr. Gordon Maynard: In the case of parental sponsorships, it's not a resource problem. Parents' applications are among the easiest to process; it's just a question of birth relationship. The sponsor has already been assessed in Canada.

It's a political decision. That's the reason for the delay there; they've put a cap on it. They've put a cap on it, and they won't process them.

In the case of spouses and children, the department actually does a pretty good job of getting them over in a reasonable period of time. They're trying to hit a target of six months for 80% of the cases. Some missions are exceeding that target; some haven't got there yet. But overall they're not doing badly on spouses and children.

Ms. Teresa Woo-Paw: I've debated whether I should say this for the past hour. I'm going to say that I think in order to really move forward meaningfully, we need to recognize that Canada...when I came as an immigrant and studied as a social worker, I truly believed our immigration policy was based on humanitarian beliefs. But I have learned since that really it is driven by the economic needs of Canada—and that's not wrong for our country, but until we recognize it and face it, we're not going to move forward meaningfully.

We brought the Chinese here because we needed them to build the railroads. We had the head tax and the Chinese Exclusion Act when we didn't want them in Canada any more. Likewise with the continuous journey policy. We repealed that, but when—after the Second World War. And the vote was given to these people after the Second World War when we needed these people to help build Canada again. So I think we need to be honest about that.

And from the community forums I have also learned from people who are new in Canada that it's not only the parents who are not given any priority; their family members with disabilities and low incomes are also at a lower priority. It takes those people so much longer to be processed—and members of the African community also feel, in terms of spousal reunification, that people of European descent could come here a lot more quickly than people from Africa.

I think it is a political position as well as the decision of the bureaucrats, but I think we need to be honest if we want to move forward meaningfully.

The Chair: Thank you very much.

Mr. Temelkovski? No questions? That's great. We really made it through the round. It makes the chair happy, and it makes the members happy because they all get to ask questions.

I have one question I want to pose to you. One of the real scandals we have is that last year we turned down over 150,000 people for visitors visas—and we all get it because we're all members of Parliament. But I had a case where somebody was dying and they wanted the sister and the parents over, and immigration said no.

Anyway, it's an issue that members of Parliament face all the time. One of the things that we came forward with in grappling for a solution is maybe posting a surety or a bond, which is done in the criminal court system all the time. It's done in the Immigration Act when we release some people, so there's a process in place.

What would you think about that? What's happening now is we're turning down 20% of the people, and many of them have real humanitarian considerations—quality of life, just as you mentioned, so you can have your parents here for graduation. What would you think about a bond system of some type similar to what goes on in

the courts? Each and every day, by the way, I might mention, there are people who don't spend time in jail because of the bond system. We get hundreds of thousands of people a year in this situation.

Mr. Maynard.

• (1215)

Mr. Gordon Maynard: The CBA did produce a brief in response to the proposal on bonding and sureties, and certainly there's debate about how good the plan is. One of the concerns we have certainly is the bigger problem of the attitude of officers overseas and their failure to give visas when they should give visas. As you say, in cases of family members coming for funerals, those cases should not be denied. To tell these people we're worried that they're not going to be genuine visitors is just ridiculous. It's an enforcement attitude that needs to change.

We worry that if a bond or a deposit process was put in place it would in fact become the de facto method, that it would prevail over not taking bonds, and certainly this would be likely to happen in some countries more than others. We worry about that. There were penalty provisions in the proposed legislation, such as if an individual was in breach of the bond, if it was forfeited, the person would be forever barred from Canada—and that was just a ridiculous penalty. I mean, there are going to be cases that are really borderline and need to be reviewed. So the penalty provisions were out of hand—and also, denying them the opportunity to make refugee claims. That was just a breach of the charter and a breach of the obligation we have with the convention.

So you've got to take some risks on these things, even with a bond. Some of the provisions do need to be looked at, but apart from that, it's a question of whether this becomes the de facto means of bringing visitors into Canada. And we appreciate that this process is in place in Australia, where there's been some success and failure with it. We're not the first country to consider it.

The Chair: When you talk about economic considerations for immigrants, if you remember when we had the health scare in Toronto, the huge one, SARS, the tourism industry almost went under.

When you turn down 150,000 people, the vast majority of whom would be of genuine economic benefit to the country, if you want to look at it from the economic perspective, we have to do better than turn down 20% of the people.

Mr. Michael Greene: If I could just add, I think what we've seen, and the statistics bear this out, is that it's only fairly recently that there's been a shift to an increase in the rejection rate, in the last couple of years.

With respect to visa officers, we think a culture has descended of people being afraid to make a mistake. They're very much afraid to grant a visa to somebody who might make a refugee claim or might marry a Canadian, God help us, or make a humanitarian application. So they err on the side of caution and they refuse parents all the time. They refuse spouses to come during the processing time. They refuse brothers and sisters because they come from a country where there have been refugee claims before.

We would like to see some emphasis on shifting that culture. Remember that probably the vast majority of these decisions on visas are not made by Canadians. They're made by locally hired staff at these offices who are beholden for their jobs to the Canadian officers, and, God help them, they might lose that great job if they should happen to make a mistake and let somebody come who makes a claim.

I think what we really have to look at is, what are we training our officers overseas for? Why are we being so cautious? How much does it really cost us to take a bit of a risk there? These are all integrated. If we are going to say parents are less of a priority and we are going to take longer to process or take less of them or maybe deny them altogether, then it's a double-whammy when they can't even come for a visit.

The Chair: Thank you very much. You ran out of time.

There's one book I recommend, if anybody can get it. It's *Whence they came: Deportation from Canada, 1900 - 1935* by Barbara Roberts. When you talk about the enforcement mentality, it shows that the enforcement mentality has been there as long as we have had immigration to this country.

Okay, very quickly.

Mr. Haiyang Yu: I want to add two points. The first point is after my parents' visitor application was rejected by a visa officer, they applied to the U.S. for a visitor visa and they were granted it right away. So a visa to the U.S. is no problem.

The second point I want to add is this. You keep saying that having parents come over will bring economic costs. But considering that some parents have made a whole life of earnings, if they decide to immigrate, all their earnings will come to Canada as well. And if they come here in health, which means they are still young, as a son, as their child, I would like to take them travelling to visit other interesting places and go to other cities, so they can be considered consumers.

The Chair: Thank you very much. It was a very good session.

We are going to be heading off for lunch and to visit a refugee house.

● (1220)

Mr. Gordon Maynard: Thank you for the invitation.

The Chair: Well, you can visit us any old time. That's for the committee.

The meeting is adjourned.

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