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# Standing Committee on Citizenship and Immigration

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**Chair**

**The Honourable Andrew Telegdi**

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## Standing Committee on Citizenship and Immigration

Wednesday, April 13, 2005

• (1400)

[English]

**The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)):** We're going to reconvene.

I have just a few ground rules. Each presentation will be for five minutes. I will indicate when you're getting close to the time. That will be followed by an exchange of five minutes for questions from the members and the answers.

As you know, we're having hearings on citizenship, looking to a new citizenship act. We're also having hearings on the recognition of international credentials. The third issue we're hearing witnesses on across the country is family reunification.

Welcome.

We're going to start off with Ms. Odynsky.

**Mrs. Olya Odynsky (As an Individual):** Thank you.

I have been actively involved in the citizenship process for the past eight years. I regret that the efforts to revise the Citizenship Act through Bills C-63, C-16, and C-18 did not come to fruition, and I am disappointed that the current government has not tabled a new bill to date. Nonetheless, I am grateful for the opportunity to appear before this committee to address the section of the Citizenship Act dealing with the revocation of citizenship.

Revocation of citizenship is one of the most severe punishments that a state may impose upon a citizen. It is particularly harsh when invoked against an individual who has been naturalized and a citizen of Canada for over 50 years, and who has contributed to our society.

When does an immigrant finally become a permanent citizen? Are we creating two classes of citizens: those born here like me, and those who immigrated here like my parents? Are all immigrants, even those who think they are citizens by virtue of naturalization and their desire to become Canadians, actually not 100% Canadian?

I believe that once citizenship is granted to an individual, it should become permanently crystallized. The government has an opportunity to screen individuals upon their application and during the immigration and naturalization process. Once a person is granted citizenship, it should be irrevocable.

Subsection 10(1) of the current act deals with obtaining citizenship by fraud and misrepresentation. I believe this subsection needs greater clarification. We have a situation in Canada where many of our immigrants came to Canada in the post-World War II era, 1945 to 1955. The immigration documents of this era were destroyed by

the government and no longer exist. We also have a modern-day situation where we must protect our borders from terrorists and other undesirables. We must not confuse these two situations.

As you know, it is this section of the Citizenship Act that is currently used by the government in its quest to rid Canada of alleged war criminals. I support ridding Canada of war criminals, no matter when or where the crimes were committed, and irrespective of the ethnicity, race, or creed of the alleged war criminal. However, I believe this should be done through the criminal courts, where the burden of proof is the "beyond a reasonable doubt" standard and not the "balance of probability" standard.

To illustrate this point, please note that the Government of Canada announced in January of 1995 that it would not proceed with the revocation of citizenship of any person unless there was evidence of some personal criminality. Yet cases commenced in which the government admitted there was no evidence of personal participation in war crimes and crimes against humanity and yet proceeded to initiate hearings aimed at the revocation of citizenship of many persons whom I call Canadians by choice. These are men who came to Canada to build a better life for themselves and their families and who have done just that for over half a century.

Wasył Odynsky, who was never charged with war crimes but was nevertheless, on a balance of probabilities, found to have misrepresented himself over half a century ago without a shred of documentary evidence, today might still have his citizenship revoked and be deported from Canada. Odynsky has been totally exonerated of collaborating with the Germans and of committing any acts of persecution against anybody, anywhere, and at any time. Yet, after eight years of litigation, his case remains unresolved. The financial cost to him, the loss of his life savings and home, and the loss to his family—and, I might add, to his community—have been overwhelming.

During the commission of inquiry on war criminals in Canada, the Deschênes commission, the late John Sopinka argued that:

It is, in my submission, cruel and inhumane to uproot an individual from his family and whatever life he has built in 35 or more years as a productive Canadian, on the suspicion that he might have been a war criminal. It is precisely because of the evidentiary advantage in deportation and denaturalization proceedings that I would submit to the commission that it should reject such proceedings as a means of bringing war criminals to justice. No punishment should be inflicted unless his or her guilt is fairly established by a criminal standard of justice. We must be vigilant to ensure we do not live in a society where we allow one individual or group to point a finger at someone else and suddenly that becomes enough evidence for revocation proceedings.

I wonder whether five years from now there will be investigations of the Polish people who left Poland during the Solidarnosc movement. What about the members of the Tamil community who fled Sri Lanka's political upheaval? What if someone points a finger at some of those individuals and claims that they are actually war criminals? What about the hundreds of refugee claimants coming into Canada each year who have no identity documents, or have false ones?

Issues of war criminality belong in the Canadian criminal courts. Using the Citizenship Act now in a case by lowering the standard to an administrative tribunal versus a fair trial at a higher standard in a criminal court is a perversion of Canadian justice. I believe that the current act, which was written before the introduction of the Canadian Charter of Rights and Freedoms, should be revised to include the values and guidelines of the charter, particularly in the area of citizenship. Under the charter, all citizens are equal under the law. This means we must all have the same rights.

I am pleased to hear that there are members of Parliament and the courts who agree that the process of revocation of citizenship must be taken out of the hands of the politicians, since it appears likely that the investigation into the supposed presence of Nazi war criminals in Canada, and the investigations and hearings that have resulted, have been motivated less by a concern for bringing the guilty to justice—assuming any such persons ever were in Canada—than by a desire to appear to be doing something about a problem that I humbly submit is minor, perhaps non-existent.

I repeat that no one has yet been able to demonstrate in a Canadian criminal court of law that any of the Canadians said to have been Nazi war criminals or collaborators were anything of the kind. Yet that has not prevented these cases from going forward, perverting our judicial system, in effect, by making the accused prove his innocence instead of being considered innocent until found guilty in a court of law, and pitting the citizen, alone, against all of the resources of the state.

For people like Odynsky, whom a Canadian Federal Court judge, Justice Andrew MacKay, found had been a solid, contributing citizen of Canada for over 50 years, there must be the option of judicial discretion. I strongly recommend that this be included in the new act.

It has been my intention today to put a human face on the results of the revocation of someone's citizenship. To conclude, let me place into evidence an opinion editorial I wrote in January 1998 in the *Globe and Mail*, titled "Canada Plans to Deport My Father Without a Fair Trial" and an editorial published in the same newspaper the following week. Both will, I trust, further inform you about the undermining of the very principles of our judicial system that has been taking place over the past decade and of the destructive impact this has on individual Canadians, their families, and communities, and about the divisiveness this unfair process has engendered, and about how a simple remedy is available: no revocation of any Canadian citizen's citizenship once citizenship has been granted.

Canada should not become a haven for war criminals, we all agree. But Canada's citizens by choice should also not become forever hostage to the prejudices of the places and pasts they left to come here, or to the disinformation spread by others, whether out of ignorance or malice. Once anyone becomes a Canadian following

their application, screening, and naturalization, they should have the same privileges and responsibilities of Canadian citizenship—

• (1405)

**The Chair:** Ms. Odynsky, can you bring this to a conclusion?

**Mrs. Olya Odynsky:** Yes.

As well, they should have the right to face anyone who might accuse them of past wrongdoings in a Canadian criminal court of law and nowhere else. Canadian citizenship should not be so easily undone without just cause.

Thank you.

**The Chair:** Thank you very much. And we'll take your brief so we'll have that on file.

The next one is a real challenge for us when we look at her name. It has a lot of consonants. I'm going to try, and if I get it wrong, you correct me and then—

**Ms. Alexandra Chyczij (Ukrainian Canadian Congress):** Why don't I introduce myself? That will save everyone.

Good afternoon. My name is Alexandra Chyczij, and I am here today representing the Ukrainian Canadian Congress.

In preparing for today's appearance I was reminded of the "good news/bad news" jokes. The good news, I hope, is that your committee is hearing a consistent message from Canadians across Canada. The bad news is that in your second week of hearings it's probably going to be a challenge to be fresh and interesting to you. Nonetheless, I will launch into my presentation.

As many of you know, the Ukrainian Canadian Congress represents over one million Ukrainian Canadians living in Canada. The congress has monitored and made submissions regarding previous bills seeking to amend the current citizenship legislation. As you undoubtedly know—and are painfully aware—these attempts proved unsuccessful. We congratulate this standing committee for undertaking such an important task.

It is our submission that in the almost three decades since the introduction of the current legislation the social and demographic makeup of Canadian society has changed so substantially that this legislation no longer serves the interests of Canada or its citizens.

The legislation is particularly problematic with respect to provisions dealing with revocation of citizenship. As you have heard many times over, by virtue of the provision that makes the citizenship of naturalized Canadians revocable for an indefinite period of time, the act creates two tiers of citizens: those who were born here and those who were not. Because of Canada's rapidly changing demographics, today almost six million Canadians—or 20% of our population—who were born outside of Canada are disproportionately affected by this discriminatory legislation.

To give true meaning to the words contained in section 6 of the current Citizenship Act, any new legislation should truly ensure that all Canadians, “whether born in Canada or not, have the same rights, powers and privileges, along with the same obligations, duties and liabilities” of citizenship. It is essential that any new legislation eliminate the current administrative process. In order to preserve the integrity of Canadian citizenship, the broad administrative, non-judicial and generally unappealable process for loss of citizenship must be changed.

New legislation should incorporate the following elements.

First, there must be some finality to the granting of citizenship. This can be accomplished either through a permanent grant of citizenship or, if this committee sees fit to do so, the imposition of a short limitation period. It is essential to provide naturalized Canadians with security of tenure, which will encourage the appropriate development of a civil society where citizens are encouraged to respect the rule of law because they see it being applied in their day-to-day lives. There is precedent for such a proposition in the citizenship legislation of other democratic nations.

Second, it is essential that the legislation allow anyone subject to it to provide full answer and defence. The Ukrainian Canadian Congress believes that after a reasonable period of time, naturalized Canadians should not be subjected to the possibility that their citizenship can be challenged by a minister or bureaucrat. The current process forces them to preserve forever the necessary evidence to be able to prove many decades later, even when they are elderly, infirm, and possibly not competent, when witnesses who can attest to the facts are gone, when the government may have destroyed the relevant documentation, that they properly acquired their citizenship.

By seeking to revoke citizenship after the passage of a significant period of time, it is not possible to guarantee that an individual will be able to give full answer and defence to any allegations of misrepresentation or wrongdoing. This is a fundamental tenet of procedural fairness.

The current legislation has given rise to cases where revocation proceedings seek to address events that took place over 60 years ago in circumstances where documents were in fact destroyed by the government and witnesses had died or their memories were seriously compromised. After the passage of a prolonged period of time, it is, in our submission, cruel and inhuman to uproot an individual from his family and whatever life he has built in Canada as a productive Canadian.

• (1410)

Next, any prosecution under the act should happen in Canadian courts. Instead of the current process, allegations of misrepresentation or wrongdoing should be determined before a Canadian court in accordance with Canadian law and standards of justice. In that way, Canada ensures there is a just and fair determination of guilt or innocence and that the punishment meted out is done in accordance with our principles of justice.

Most importantly, this legislation should incorporate long-accepted rules of evidence. Canadians should be able to examine and challenge the reliability and probity of the evidence thought to

be used against them. The Ukrainian Canadian Congress, in particular, decries any legislation that seeks to introduce arbitrariness, because, as many of you know, Ukrainian Canadians, many of whom were Canadian citizens, were subjected to arbitrary arrest, detention, and confiscation of personal property during Canada's first internment operations of 1914 to 1920.

We should also eliminate the distinction between permanent residents and naturalized Canadians. It is incongruous that those who are still seeking permanent resident status have more rights than permanent Canadian citizens.

I will wrap up my comments. I understand that members of the committee may have questions with respect to the charter, which I would be prepared to deal with during the question period.

**The Chair:** Thank you very much.

Our next presenter is going to be Mr. Letra, for the Undocumented Worker's Committee.

**Mr. Tony Letra (Chair, Undocumented Worker's Committee):** Thank you.

Mr. Chairman, and other members of this committee, it is an honour for the Undocumented Worker's Committee to address this House of Commons standing committee.

Our group fully supports the pilot project presented in our submissions. Today we would like to address several points and concerns about present and future policy issues.

First, our country's ultimate goal ought to be the training of our youth and unemployed to meet our trade, skilled and general labour needs. Past neglect of this necessity has created the current undocumented worker situation. This could be avoided if you focused on investing creatively in our high schools, colleges, and quality trade schools and centres. Today we have to fix the immediate undocumented worker problem, but our future should focus on our youth and the unemployed.

Second, it is clear that many employment sectors have serious labour shortages. We believe that a flexible immigration policy that considers the existing regional and local labour requirements of the day will help reduce the number of undocumented workers attracted to our country and the temptation of business to hire them.

Third, our government should take a strong position in enforcing the law against consultants and legal practitioners who abuse the immigration, refugee, and worker visa systems. Many undocumented workers, visitors, and employers are put in compromising situations, while fraudulent legal advisers make absurd amounts of money. False applications would be dramatically reduced if you had a system that worked and strong punitive measures against those who abused the system. Some sort of internal audit to assess the validity of applications, and external audits by the RCMP, will go a long way to discourage the abuse of a good working system.

Fourth, visa officers are not human resources experts. They do a great job and ensure that quality people enter our country for the right reasons. However, employers should choose who they want to contract and employ. Direct involvement of employers can create a better system of accountability and security to ensure that the right workers enter our country.

Mr. Chairman, our country prides itself in respecting human dignity. We want a system that focuses on our country's immigration and economic needs, without compromising our national security or our unique Canadian culture.

Fifth, we should consider a secure, low-cost temporary work visa program sponsored by employers and family members, with proof of a valid job offer. This system could help to identify quality people by allowing them to prove themselves while they are here on temporary worker visas. If they demonstrate they are quality people, then they can apply to stay, based on the existing rules of the day, which should reflect a modified point system factoring in family business and real, general, and semi-skilled labour needs.

Last, our committee and many other organizations and employers are concerned about several things.

First, why is the creation of worker visa policy such a secret? There is huge frustration on the streets today, because we have been told that our government has been working on this issue from before 1993, and we still haven't heard of any solution or program.

• (1415)

Second, the continued deportation and pursuit of undocumented workers by border services officers while tolerating employers who hire them and legal advisers who take advantage of them must stop. Our government has said they are working on a solution. We strongly ask that a moratorium on such deportations be officially announced immediately.

Third, it is unconscionable for our government to take millions of dollars in humanitarian and compassionate application fees from desperate long-term undocumented workers, when these applicants do not receive either an interview or a fair review of their files.

Mr. Chairman and committee members, thank you for your patience, wisdom, and efforts in tackling these serious issues, and for the privilege of addressing this body.

Thank you again.

• (1420)

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

Now we're going to go to questions from the committee members. Mr. Mark is going to start off. He has sponsored a number of private member's bills—one to bring recognition to the Chinese head tax, another having to do with interments.

Mr. Mark.

**Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC):** Thank you, Mr. Chair, and welcome to our witnesses.

The message we're hearing across the country is consistent, as is the testimony we heard this morning on the issue of revocation.

Everyone understands that you can't have two classes of citizenship in this country. No country can afford to do that. Most people have said they need to take the courts away from the politics. As long as they're intertwined, politics will always win out in the end, for reasons good or bad.

The first question I have deals with revocation. If citizenship is permanent and has rights, should we throw revocation out altogether? There has been an argument that it should stay in the act but be very narrowly defined.

The second question is, should citizenship be separated from immigration, departmentally?

**Ms. Alexandra Chyczij:** With respect to whether the revocation process should be thrown out, I believe there are sufficient laws to deal with many of the cases currently initiated by the minister, and that these cases can be dealt with in the Canadian courts in accordance with our rules of evidence.

As to the administrative separation of the two departments, I haven't given this much thought. But if the revocation process is abandoned, then administrative separation could naturally follow.

**Mrs. Olya Odynsky:** I believe we currently have laws sufficient to deal with terrorism or war criminal issues. So I would say that the revocation provision should come right out of the Citizenship Act.

With regard to your second question, I think citizenship could be separated from the immigration.

Thank you.

**Mr. Inky Mark:** There is always a concern about fraud in the application process, whether it happened three years ago or twenty. We have to decide how to deal with people who commit fraud.

Another common and current concern has to do with crimes against humanity, war criminals, and terrorists. If we deal with them in criminal court, does that mean we keep it in-country and deal with them in our court system?

**Mrs. Olya Odynsky:** That's exactly the conclusion the Deschênes commission came to, that if they were going to deal with war criminals the issue should be dealt with in Canada.

The other piece is that today we grant citizenship after a three-year period, and there's a period prior to that of where you are reviewing the immigrant through the application process. Perhaps that needs to be extended to four years. Maybe it needs to be taken to five years. But at some point the investigation has to be of an adequate amount of time for the government to do its job and for the bureaucrats to do what they need to do.

Once they have made a determination, though, they should be confident of their determination, and if they're not, then they shouldn't grant the citizenship. But at some point you need to know that today is the day you've become a Canadian and today is the day you don't have to look over your shoulder anymore.

I just think it puts the onus on the government to do a thorough investigation, and we should feel confident that we can do that.

• (1425)

**Mr. Inky Mark:** So you're saying that it's wiser to put the limitation on prior to granting citizenship rather than after receiving citizenship?

**Mrs. Olya Odynsky:** I would think that makes more sense, because if you grant someone citizenship....

Quite honestly, Mr. Mark, I was of the opinion that perhaps we should have a statute of limitations. You know, you get your citizenship, and should there be compelling evidence against you that comes up, let's say, two years, three years, five years...cut it off at five years. But that doesn't seem to be sensible. Why should we be digging for compelling evidence five years later? That means we didn't do a good job up front. If we do the job up front properly, equitably, then it's closed, and the citizen gets on with their life and hopefully becomes a productive Canadian.

**Ms. Alexandra Chyczij:** I'd like to add to that.

I understand the concern of the committee to deal with queue jumpers or someone who makes a misrepresentation that facilitates their entry into the country. The current legislation already has penalties for that, which are monetary at the moment. Those can be beefed up to deal with those cases of...I'm going to call them innocent or less serious misrepresentation. Those misrepresentations that deal with criminal issues should be prosecuted, but under our Criminal Code.

**The Chair:** Thank you very much.

Ms. Beaumier.

**Ms. Colleen Beaumier (Brampton West, Lib.):** Actually, I think we're pretty well onside—I'm certainly onside—with your position on all of this.

To the undocumented workers, your group is an ad hoc group. You're self-funding. I'm not really sure where you're coming from. Are we talking about undocumented workers who are undercutting skilled labour workers here and taking their jobs? Or are we talking about skilled workers here who are being exploited by builders and such? What is the angle?

**Mr. Tony Letra:** Madam Beaumier, I think I can direct this question to my partners.

To start with, I could pretty well say that we don't like anybody to be exploited. We perceive that there is such a large number of individuals who have come to Canada and continue to produce to help keep the economy rolling. After ten years or seven years...as a matter of fact, this morning, to be more precise, I got a call from a family that has been working in Canada for seven years, and without a fair hearing, they're out. Pardon me, maybe they did wrong because they overstayed, but there is a very common saying, that "two mistakes don't make a right". What is Canada doing now? Why don't they appreciate their contribution to the community? You know, financial.... There are so many people in this particular circumstance.

I am not here to point the finger at anybody, but I believe that our government is at fault. They have always been delaying a possible solution. In 1993, if I recall correctly, the Minister of Immigration at that time, Mr. Marchi, said they would be dealing with these kinds of matters, and we are still.... The past Minister of Immigration said something would be done to help...logically, be fair, be humanitarian with these individuals. What happened? We're still without a solution.

**Mr. Manuel Alexander (Undocumented Worker's Committee):** We do see that in the Portuguese-speaking community a lot. That is one of the main reasons we felt, together with the Ukrainians and the Polish, that this kind of abuse should not be allowed in this

country, especially when our country, Canada, has been known all over the world as one of the safest countries. By exposing those problems to the government....I think the government really should reconsider before they send people away, before they deport people who have been over here for many years.

• (1430)

**Ms. Colleen Beaumier:** I'm totally, completely onside with you. I think tomorrow isn't soon enough to issue an amnesty for people who would qualify as skilled workers—and not just in the construction business, but in our transport business, and mechanics. I mean, we're always giving points for doctors, lawyers, engineers, and Indian chiefs, but we're not really considering what we really need in this country. The language requirements sometimes are quite prohibitive, because people who learn to be wallers or framers aren't necessarily learning the language at the same time.

So I certainly don't have any argument with you on that. In fact, I'm totally in tune.

I've not had any of these individuals come to me with deportation orders in hand. Is this happening regularly?

**Mr. Tony Letra:** Yesterday another family called me and said, "Mr. Letra, why does my neighbour have to leave the country?" I think this must be stopped, Madam Beaumier.

These individuals are an asset to the economy of Canada. I am not in favour of individuals staying here who have been engaged in drugs and doing nothing, or they have been in trouble with the law. But if I have been working for seven years, ten years....

I was a separate school trustee for two terms. I've helped so many individuals. You cannot imagine how much stress this creates, not in the parents but in the kids. Some parents say, "I don't put my kid in school because they can deport me". We are doing a wrong service to these innocent individuals. The children, they're young. It's a childhood right to be fed and to be educated. In Canada we preach good news. We give money overseas. Good, if we can afford it, but let's take care of our house.

These ad hoc committees—and it is not just Portuguese—are composed of Ukrainians, Polish people, and Indians.

As a matter of fact, I failed to introduce the president of the Polish Alliance and other individuals, the members of the committee. They forgive me.

Our mandate, our role, is for this committee to bring this message. They are asking, please, please, for a quick solution. The government can do that. We are not asking impossible things. Canada needs working people, orderly people. Canada needs them, but we are saying, after working for ten years with.... One told me recently, "I have \$150,000 in the bank and I would like to invest in a house. How can I buy a house? Tomorrow they will kick me out and that would create more problems."

**Mr. Manuel Alexander:** Madam Beaumier, I could add a little bit to that.

Last Sunday there was a program on the radio where people could dedicate a song. This is in Portuguese, and I'm sure it touched a lot of Portuguese people and other Canadians, or other people who speak the language and appreciate.... It was the crying of that young man who went back, who was deported to Portugal. He was not involved with anything. He has been away for a few years, and he left behind his wife and two kids. Is this a humanitarian thing that Canada is doing? We must stop.

It's with the contribution of the present government that we must keep doing good for our community, for every community inside this country, which is a mosaic of multiculturalism. That's what this country is about.

Last week I had a Chinese fellow.... I'm an electrician, self-employed. It's so tempting sometimes to hire people who are illegal. He came to me and said, "Can you please hire me? You pay me \$5 or \$6 an hour. I don't get paid for two weeks. Can you please hire me?" I said, "How can you survive on that?" "Well, I'm not legal yet and I cannot, but I would like to gain Canadian experience."

This is the reality on the streets. This is a very big point that must be addressed. The sooner we address that, the better our country is, the sooner the government gets more taxes, and everyone will stay happy, or will be happy contributing to the country they live in.

• (1435)

**Ms. Theresa Rodrigues (Member, Undocumented Worker's Committee):** To answer your direct question, yes, it's a daily event; yes, it's across the country; and yes, it's across ethnicities.

**Ms. Colleen Beaumier:** And the solution seems so simple. Maybe it's too simple. Maybe that's why we can't get our hands around it.

**Ms. Theresa Rodrigues:** That is exactly it.

**Mr. Tony Letra:** Madam Beaumier, again, one thing that breaks my heart is when an individual pays \$10,000 or \$15,000 and their situation is still unresolved. I face these individuals. I don't know how much our government can do, but they should create some kind of regulation. You cannot exploit these individuals. They are forced.... Afterwards, they fail even to represent them when the year comes, if the year comes, because they don't have a chance....

First of all, the government, you people, should know these realities. If I am illegal and I go to one of these consultants and they say, "Why don't you claim refugee status?".... If I want to come, and I know better...yes, claim refugee status. You know quite well that if I claim refugee status, it's a passport to leave the country, because countries like Portugal, Brazil, France, and Germany don't have grounds for real.... Why does this happen?

**Ms. Colleen Beaumier:** I think all of us on the committee understand your position and where you're coming from, because many of us go above and beyond the call of duty in fighting for these individuals. But we can only help one case at a time. There definitely needs to be legislation. We agree with you.

**The Chair:** Thank you very much.

Next we have Mrs. Grewal.

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

Thank you all for your time and your presentations.

What is your opinion on dual citizenship? Are you in favour of it or not?

My other question is regarding the protection of Canadian citizens from torture when they're abroad, like the Maher Arar and Kazemi cases. What should be done to protect these Canadian citizens?

**Ms. Olya Odynsky:** On dual citizenship, I'm personally not opposed to it. I think there may be reasons why people may wish to have dual citizenship, depending on their family situation. I don't think it makes Canadian citizenship any less worthwhile.

I'm sorry, what was your second question?

**Mrs. Nina Grewal:** The second question was about protection of Canadian citizens when they are abroad.

**Ms. Olya Odynsky:** I think that is vital. I expect as a Canadian that my embassy abroad is there for me. The comfort and understanding that it's there at my back to protect me is very important. I think most Canadians feel that way.

**Mr. Tony Letra:** It's not my expertise, but I have an opinion on this. We are in the era of globalization, so I believe that on being Canadian and Portuguese, the actual mentality is very receptive to this kind of duality. As Olya has said, it makes sense. Because I am Portuguese-born, that doesn't mean I cannot be a good Canadian. I am proud of being a Canadian, and I try to defend the interests of this country as well. So I think there is nothing wrong with it. It's just a positive, a plus-plus, in my view.

**Mr. Manuel Alexander:** Dual citizenship has its advantages, especially if you have travel to Portugal. You need to have a Portuguese passport in order to document your accounting or do some other transactions. Having the Canadian...there is no problem with that either. A lot of people have that, and I don't find them less Canadian or less Portuguese than anybody else.

Thank you.

• (1440)

**Ms. Alexandra Chyczij:** I think Mr. Arar's case is symptomatic of the whole mindset behind revocation. There is an element of, "Let's export this problem". Rather than bringing him home and dealing with any allegations against him, the tendency was to betray him and send him off to a third country. So I think we need to deal with our problems, whatever they may be, at home.

**The Chair:** Thank you very much, Mrs. Grewal.

Mr. Temelkovski.

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

Thanks for your input.

I would like to ask Tony about the number of undocumented workers. Do you have any idea?

**Mr. Tony Letra:** Are you talking about locally or nationally?

**Mr. Lui Temelkovski:** Give us both.

**Mr. Tony Letra:** I'll give you both, to be more complete.



There are no numbers, but I believe the government has the tools to get them. Fifty years ago there were no computers, or very few, and they knew, they could trace if you were legal or illegal. It's inconceivable that at this point Canada cannot trace how many people are illegal. There are no concrete statistics about the legal number. So I believe the government should work and put this new technology in order.

**Mr. Lui Temelkovski:** So is that the regional answer or the national one?

**Voices:** Oh, oh!

**Mr. Tony Letra:** It's both. I give you both. It's national and regional, in answer your question, to be more precise. A good guess estimates that there are 10,000 illegal individuals around the GTA, give or take. Nationally, they say from 150,000 to 200,000.

**Mr. Lui Temelkovski:** When we're saying "illegal", are we talking about people who have overstayed their work permits here? Who are we talking about?

**Mr. Tony Letra:** The people who overstayed. They can be called illegals or illegal immigrants or whatever. Most of the time that's why they came.

**Mr. Lui Temelkovski:** You mentioned earlier that these people contribute by paying their fair share of taxes and so on.

**Mr. Tony Letra:** And they don't benefit, that's the worst of it. But yes, they do pay taxes.

**Mr. Lui Temelkovski:** If they are illegal, how are they doing so?

**Mr. Tony Letra:** You know, when people are up against the wall, they are very creative. They look at your social insurance number, and they believe they can fake one, so they do. And after, they go to an employer. The employer says, "I can hire this individual for, let's say, \$10, and if I get one from here who is legal, I'll have to pay \$20". So the employer says, "Why shouldn't I bet on this one? This problem needs to be rectified, sir.

**Mr. Lui Temelkovski:** Would you say that once they assume my social insurance number, they also assume somebody else's health card number to use?

**Mr. Tony Letra:** I work in a hospital, and it's not unusual that an individual shows up there with a broken leg and sometimes exhibits a health card number from—

**Mr. Lui Temelkovski:** Somebody else.

• (1445)

**Mr. Tony Letra:** Sometimes the doctor will say, "Tony, can you investigate that?" When I see a young chap, 17 years of age, and he gives the name of a relative or acquaintance who sometimes may be 36 or 37 years of age, I say, "Look, are you trying to fool me?"

**Mr. Lui Temelkovski:** I have two more questions. Would they be working at half the hourly rate or three-quarters of the hourly rate...?

**Mr. Tony Letra:** Look, this Chinese chap may say he'll work for you for \$5 or \$6. Some of them are more assertive, and they'll say, "No, if I do a bricklayer's job or a job where you have to pay me \$25 or \$30, that's what you have to pay". But some of them are not as assertive. It's more, "I'm illegal, and I'll do everything you ask me to do". Sometimes these people are in a tremendous crunch.

**Mr. Lui Temelkovski:** Here's my last question, and I'd like to finish with it. These are the people who take Colleen's social insurance number and my health card number. Are you asking that we have some kind of amnesty for them and have them live here?

**Mr. Tony Letra:** No. I would never ask for amnesty for them. It never works.

**Ms. Theresa Rodrigues:** Amnesty will not work. You have to take it on a case-by-case basis because of this, so that you actually analyze and scrutinize the person's entitlement to be here on a work permit.

**Mr. Lui Temelkovski:** You are looking for a work permit.

**Ms. Theresa Rodrigues:** We need something to show that he has credentials in order to work; to show that he has a valid job; to show that he has maybe a family he needs to support; to show that he has actually done satisfactory work and has lived as a proper individual, a proper Canadian, even though he's not one.

**Mr. Lui Temelkovski:** To show that he's been contributing.

**Ms. Theresa Rodrigues:** He needs to show that he has been contributing, and then, after that, we may grant him immigration status, if he's entitled to it.

Amnesty will just create a bigger problem for you than what you have at this moment.

**Mr. Manuel Alexander:** Mr. Temelkovski, if I can just intervene for one minute, we've held quite a few meetings since August, and of course we hit the centres in Toronto. In Brampton, unfortunately, we haven't held one. We tried to, but the time was so short we could not.

We've been holding those meetings, and every time we have a meeting, always, there are 500 to 600 people. It's unbelievable how many people there are. Our chair, Mr. Letra, has mentioned 10,000 in the GTA. We are almost positive that there would be way more than 10,000.

**Mr. Tony Letra:** That's a conservative number.

**Mr. Manuel Alexander:** You've got Portuguese, Brazilian....

**Mr. Lui Temelkovski:** Thank you.

**The Chair:** Mr. Mark.

**Mr. Inky Mark:** Thank you, Mr. Chairman.

There's no doubt that the existence of undocumented workers is a phenomenon that this country wants to hide. We watch American TV, and we see lots of Mexican workers come across the border. As I said to one of the witnesses earlier, there are approximately 10 million undocumented in America. So if we take even 10% of that number, we're looking at a minimum of one million in this country. But I've always believed that we've probably had at least a couple hundred thousand.

This committee talked about it around five years ago, but that's about it. It didn't go much further than that. The problem is that if we don't know exact numbers, we always have to create a window of opportunity to give people that chance to come forward. We just can't do it specifically for one group of workers, because there are going to be a lot of members of families who are undocumented as well.

I've always thought amnesty—and maybe that's not quite the right word, but there has to be a word similar to it and a process established. So I guess my question to you is, what process would you establish that would be a broad-based one so that people would have the....

**Mr. Tony Letra:** That really encompasses everything? I think Theresa touched on that.

**Ms. Theresa Rodrigues:** If I may just interject here, on page 2 of our Undocumented Worker's Coalition proposal, we actually describe something similar, a pilot project:

- i. Immigration Canada will announce a three-month period during which undocumented workers who are eligible (as described below) may enter the pilot project.
- ii. To be eligible for participation in the pilot project a person must:
  - a. have worked in the construction industry in the GTA for at least one year,
  - b. have been in Canada for at least two years,
  - c. at the time of entry into the project be currently working in construction in the GTA
  - d. not otherwise ineligible to make an application for landed immigrant status under secs. 34 to 40.

So we actually do give you a way to take on—

**Mr. Manuel Alexander:** I would also say we should set up a limited time to give people the opportunity to go and register, inside their community centres. I wouldn't mind taking the initiative in Brampton, taking on a Portuguese community centre.

We give Canadian citizenship classes there. We can also register people there. It's Portuguese, Italian, Korean, Ukrainian, Polish, whatever. We have a room in there. Everyone knows me. All we have to do is just announce it a few times in the paper. People, if they are illegal, come on those days and register. We give a period of a month and we will be there, and we'll accept.... We can also have supervision by the federal government.

• (1450)

**Mr. Tony Letra:** We do not trust amnesty to be the best solution. If you go for amnesty, you have to open your arms to everybody. We as a group don't want the people who come only to take advantage of the social system, who produce nothing for the well-being of the country.

The thing must be done with fairness, with justice. But I don't want to see a good worker treated the same as a law-breaker. That's not fair. The producers, the orderly people, should be able to get a fair hearing. There should be a mechanism for allowing them to stay.

**Mr. Inky Mark:** I appreciate your proposal. Perhaps we need to take the first step, to do it on a small scale. I'm sure there are plenty of Canadians who believe in amnesty and plenty who don't. Many don't believe in broad amnesty across the country.

**Mr. Tony Letra:** There is no perfect solution, no perfect system. If you find one that's better than the other, do it. Act, don't wait another 10 years, because this creates too much instability. There are kids who can't go to school, who will be disadvantaged. That's not fair. Yet Canada says we are an equal country for everybody. The people have a right to distrust this kind of statement. When my child cannot go to the same school as yours, or at least attend school, what happens?

I asked some of them how long they'd been in the country. They come to me because people told them I might be able to place the kids in school. Some of them had been here for five years. Why didn't the kids attend school? The parents were scared that the cops might come and take the kids away and they would be found out.

I told them no, the board of education, Metro Separate School Board, which I have proudly served for two terms, is very receptive to these individuals. I put hundreds of kids in school. Even a bishop asked me to help him out with the kids, and I was able to do it.

**Mr. Inky Mark:** You took a huge step by coming here, and we appreciate it. This story needs to be told. You need to put pressure on your politicians to make sure the changes happen.

**Mr. Tony Letra:** We have had meetings of 600 people, 300 people. We invite members of Parliament. Of course not all can go. Some of them at least have the courtesy to say, "I'm very sorry, I cannot go." Others say nothing. They don't care, if it is not election time.

**The Chair:** Thank you very much.

Let me just say, if you could get rid of all undocumented workers tomorrow it would really hurt the economy, and I think we recognize that. One of the problems we have, of course, is we don't know the number of illegals in this country. I think you mentioned that in the U.S. there are ten million, but I think it's much higher than that. They get something like two million a year, and their economy very much depends on it. It's something they're trying to regulate now because of security concerns.

This committee has raised this as one of the issues in our work plan, because we recognize we have that problem and we somehow have to come to grips with it. I agree with you that undocumented workers expose themselves to blackmail, exploitation, lack of safety, what have you. So it's something we will be very much working on.

I'm going to switch over to citizenship, because every Canadian not born in this country has a stake in this, and I dare say all Canadians have a stake in it because it relates to citizenship.

What is so very compelling about your presentation, Ms. Odynsky, is we see a personal face. I think it's important for us on the committee to realize what essentially happened was they accused your father of being a war criminal, of being a collaborator on the one hand—and that is what all the headlines were—whereas the story the way I understand it is that he was conscripted by the Germans. He escaped with a number of other people, he was captured, he was forced to be a perimeter guard, and he was told that if he escaped again, they would hunt him down and kill him, and if they didn't get him, they were going to get his family.

Those are the facts of the case as I understand them from having read the transcript. What we did in terms of the court, and this is how our act works—the decision was not made on the basis of “Were you involved in war crimes, crimes against humanity? Were you a collaborator?” That issue was adjudicated. As a matter of fact, the courts came out and said that didn't exist; there was no evidence. If you read the judgment, you would think it was exoneration. The case rested on the simple question, “When you came into this country 50 years ago and you saw a visa officer, did you or did you not tell the truth on a question that might or might not have been asked...and the question was your involvement in the war?”

This is done on a balance of probabilities, with no appeal rights, which is a total abuse of the judicial process. It wreaks havoc on the life of the person involved.

I wonder, Ms. Odynsky, if you could tell the committee what this has cost your father, and what this has cost your family personally. From what I understand, there's been a horrendous cost.

• (1455)

**Ms. Olya Odynsky:** It's a huge cost emotionally. My father has just come through a triple bypass. He's never had any heart ailments in his life. As I recall, it was far more difficult to listen to the press screaming that he was a Nazi war criminal than when my father told me he had cancer. That is a physiological thing. What the courts are doing is not normal and is much harder to accept.

From a cost perspective, my parents have forfeited their house. I look after them. The legal bills for his case are in excess of \$1 million, which will take a lifetime and more and more to pay. And for what, when you really look at the big picture?

There are a couple of things that really bother me. We're fighting about things that happened 60 years ago for which there is no evidence. That's the key point. In the case of Odynsky, there was no charge of any criminality, so there never should have been a case. When we went to court, it was to say, “This man has not been charged with any criminal action, and you're not saying he did anything wrong other than being with the Germans”, whatever that means to a young boy who's 17 years old when the Germans came through. My mother was a slave labourer. She was 16 years old when the Germans took her away. She could also be a collaborator, if you wanted to use that terminology.

It also affects the generation of Ukrainian Canadians who do not want to be painted as Nazi collaborators. That's not what they were. The Ukrainians were one nation that did not have a government during the Second World War. The borders moved. Today, we deal with young, bright lawyers who are 30 years old, who have been to Cancun, but who have never been to war-torn Europe. What was it like to live in a DP camp for three years?

I had no idea my parents were in a DP camp for three years. I always thought it was three months in Germany after the war. They waited three years for a country to take them. During that three-year period there was an opportunity—and no doubt there were many checks made. My father's recollection of his procedure is that they went to a medical officer who said, “Raise your arm”. If you did not have a Nazi blood tattoo, there was probably no reason to ask further questions as to your history.

He has his recollection of events, which are corroborated by many people within much of the European émigré community. Many people would not come forward to assist and testify on his behalf, to talk about how they emigrated, because they were afraid. For us today in Canada to know that in 1998, when this court case was going on, someone who had been in Canada for 50 years was afraid to come forward I think is a terrible state of affairs. I think it also sends out a very bad message to other immigrants, very similar to the situation of the gentleman speaking here today. We have people who are afraid. They will not come forward because of the repercussions. So there isn't a trust factor. I think it is a very sorry state of affairs.

For my family to have gone through this.... I've championed this cause for my father. Obviously, his English is not that great. He came here not only as someone who lost his youth but as someone who lost his future. These people came here without language, but they came with skills, which they then put to use. But they didn't get an education in Canada. They had to work hard, and that's what they did. And they don't regret that. It gave the opportunities for people like myself. That's why I've championed the cause for that particular generation, not just for my father but for all of those immigrants who have this horrible stain upon them as potentially hiding Nazi war criminals.

• (1500)

The Deschênes commission investigated the huge allegations that there were 2,000 or 4,000 here. At one time I think the newspaper said there were 6,000 Nazi war criminals in Canada. We know the Deschênes commission investigated 800 cases; of those, more than 600 cases were closed immediately; and of the remaining 200, there were four criminal prosecutions.

So at the end of the day, what are we really looking at? It doesn't mean we shouldn't be vigilant or that we should close our eyes to things, but we need to look at things in a realistic light.

We spent millions of dollars on the Deschênes commission, which told us certain things. Yet we decided in 1995 to revisit the process and made a statement that we would only proceed in criminal cases. We ended up in court thinking it was going to be thrown out because it was not a criminal case, only to find out that one ends up on a balance of probabilities. Your life is never stable again, because we do not know, to this day, what the government may choose to do.

Monsieur Coderre decided he was going to revoke citizenship. It did not come to that. Also, Judy Sgro recently decided she was going to revoke my father's citizenship. Thank God it didn't come to that. Do we just wait? Every year there's a new minister. Do we go through this forever? What does it do to the fabric of Canada? What does it do to a young generation of people growing up in this country with an immigrant background?

I think it's a very serious question.

**The Chair:** I think I faced that question back in May 2000, when I had to put through the new legislation as parliamentary secretary. I said I couldn't do something like that, if it would render me a second-class Canadian.

Mr. Temelkovski.

•(1505)

**Mr. Lui Temelkovski:** I'm interested in finding out a little bit more about your thoughts and opinions on the next generation. Where would that have put you and your brothers and sisters, if your father was exported—or the next step?

**Ms. Olya Odynsky:** I'm first generation, Canadian-born. When you talk about deporting someone who's been here, at this point, for almost 55 or 60 years, it's a terrible stigma on a personal level. It's a terrible stigma on a community level for the Ukrainian Canadian community. It's a terrible stigma for other communities—

**Mr. Lui Temelkovski:** For every community.

**Ms. Olya Odynsky:** For every community that's an immigrant community.

We talk about assimilation. This gets into the whole multicultural thing and what kind of a Canada we want; it's a big picture. We want to live here in a free society, in a comfortable society, where we're not looking over our shoulders, and where we can be confident that Canada accepts us for who we are.

I think it's very important that we don't fight old turf wars. The things that happened during World War II were horrible; many, many people suffered, including Ukrainians, and including everybody. I don't think that any one hurt should be bigger than anybody else's hurt. It's like a family: you have children; you love them all equally; and you treat them equally. We need to recognize the past and to deal with the past if there are things that are bad, but I don't think we should be bringing turf wars into Canada. I think that's very, very important.

I was absolutely stunned when I saw a front headline on the *National Post* two weeks ago, talking about Mr. Zuroff coming across Canada, asking for a bounty to be put on the heads of Nazi war criminals. It absolutely chills my blood that we could have that kind of language on the front page of the *National Post* in Canada today.

If there is compelling evidence that someone is a war criminal, go get him. You have my full support; go to criminal court and lay out the evidence. Go for it. But to do through a back door what you can't do properly through the front door is evil.

**Mr. Lui Temelkovski:** But it's the generational stuff that I'm interested in.

**Ms. Olya Odynsky:** On what the impact is?

**Mr. Lui Temelkovski:** Not the impact, but we've heard discussions from some people to ask, where does it stop?

**The Chair:** You're actually referring to Bill C-63, where they were going to extend it to the kids.

**Mr. Lui Temelkovski:** Yes.

**Ms. Olya Odynsky:** Not only that, but there was a comment made on a talk show or in a newspaper article saying not only deport those Nazi war criminals, but also go get their children and deport them.

Well, first of all, I'm not the daughter of a Nazi war criminal; I'm the daughter of someone who is in the horrible situation of being misrepresented to have been what he wasn't. The judge clearly talks about what Odynsky was and what Odynsky wasn't. Thank God for

that decision, because it totally exonerated his name. However, it does not resolve the situation. So it's very much a huge stigma for my family, for my generation, for my friends, and for everybody who is involved in any way. It's very painful.

**Mr. Lui Temelkovski:** For Canadians born here.

**Ms. Olya Odynsky:** Absolutely.

And what is it like for my children? I think that probably sitting my children down and telling them what was coming in *The Toronto Star* tomorrow...because we received an anonymous phone call saying "Your father will be published in all the newspapers tomorrow", etc. It started on CBC at 6 a.m. They came to my parent's house with Shaw cable television. They videoed my mother and they played it every hour on the hour, saying "At this address lives a Nazi war criminal", and they gave their address on public television.

Therefore, knowing this and sitting down with two funky teenagers and saying, "Hey girls...." How do you explain it to them? How can this be rational in Canada today? It's not. And how do they explain it to their friends, who actually all rallied around and were wonderful? It's a heartbreaking dilemma.

**Mr. Lui Temelkovski:** Thank you.

**Ms. Alexandra Chyczij:** I think we also have to remember that Canada and perhaps the United States are unique in the world in never having experienced armed conflict on our territories. Only those people who emigrate from war-torn countries can begin to understand the complexity of a war. And for anyone looking at the history of the Second World War certainly, it would take a logistical chess master to understand where the fronts moved, who was advancing when, who was in charge this year, who was in charge that year, and this was coupled with an academic environment that was very left-leaning and not open to an open discussion of what happened during the war. The crowning problem, of course, is the selectivity of this government's own process. It's not dealing with all war criminals. It chooses, for political reasons, to deal with only one tiny period and one tiny region of that war.

•(1510)

**The Chair:** Thank you very much.

Anyone else?

I would like to thank you for coming forward and making your presentations. We're going to be producing reports on what took place in our cross-country tour and your testimony will be a part of that report. We'll make sure we send you all copies. So let me thank you once more for taking the time. We appreciate your input.

Thank you.

**Mr. Tony Letra:** Thank you.

**The Chair:** We'll suspend for 20 minutes.

•(1512)

(Pause)

•(1534)

**The Chair:** Okay, we're back to our hearings. The first presenter is going to be Mr. Duvalko.

**Mr. Eugen Duvalko (Board Member, Canadian Ukrainian Immigrant Aid Society):** Good afternoon.

**The Chair:** You have five minutes. If you see me making noises, it means you want to wrap it up.

**Mr. Eugen Duvalko:** I'd like to thank the committee for allowing me to be present here as a witness.

The issue is family reunification. Although there are probably items and additions we would like to discuss on the subject of credentials and citizenship, we'll stay focused on family reunification, because that seems to be the hot button in our office currently.

The Canadian Ukrainian Immigrant Aid Society, for which I have the pleasure of being a board member, is a non-profit community agency very much interested in the promotion of Canada as a destination for immigration. We have been working in the community for over 30 years. Not only do we provide settlement services and language instruction, but we have a counsellor on board and we provide direct immigration representation. We've been doing this for over 30 years and can safely say that we have seen the arrival of 12,000 new Canadians.

Most of our attention is focused, as our name implies, on immigrants from Ukraine, Poland, Russia, and Yugoslavia—most of eastern Europe—although we do have some U.S. citizens we help move north.

Let me describe our clients. We mostly deal with economic immigrants—self-employed, skilled workers. We help them through the points system and through the various embassies and consulates to emigrate to Canada. And we help with their settlement, as I said.

Then they return to us with the question of sponsoring their parents. You have to understand the clients. Our client typically comes from a culture in which you look after your parents. In fact, the Ukrainian government—Ukraine is where most of our clients come from—has instituted a process for leaving Ukraine in which the emigrant has to establish that his parents are not abandoned, that the parents will have a place to stay and will have some sort of support; they're not being abandoned by their children.

This is the culture our clients come from. This implies that these children are concerned about the welfare of their parents and do support them from abroad.

There comes a time when these emigrants to Canada decide to bring the parents over. These parents, or grandparents of the younger children, should also be seen in the context of economic migrants. Demographically, most of these parents are 45 years old, 50 years old. They are old enough to have adult children who are now in Canada. They are still of working age.

Although I think our immigration legislation views them as saddling society, they actually are sponsored to come to Canada because they have an economic benefit for these adult migrants we work with. They at least provide child care to the young children in Canada, thus freeing the stay-at-home parent to pursue a career, or at least a job, in Canada, making their emigration to Canada more economically viable. In many of these cases, both parents—these are the 45-year-olds, 50-year-olds, 60-year-olds—are working as well. So we have a net gain of four workers in Canada, probably supporting themselves and taking care of their children.

Against that background, we are greatly dismayed by the decision of the department, it seems, to reprioritize or deprioritize the sponsorship of parents, because that greatly impacts on the settlement ability of our economic migrants.

So to keep it to one point, the Canadian Ukrainian Immigrant Aid Society strongly recommends that this current deprioritization of the sponsorship of parents and grandparents be postponed, and that resources be applied to process, at a fast rate, those applications that are in the backlog and any new applications of parents.

● (1535)

Should the government want to deprioritize the parental class, then let them be up front about it and state within the application process that this is a low priority and that you will not see your parents in Canada until five, six, or ten years from now. I think that's a more honest, upright approach to our economic migrants, and they can make a fair decision of what to expect once they get here.

Thank you very much for your time. I'll be happy to answer further questions.

**The Chair:** Thank you very much. The next person we have is from Community Alliance for Social Justice, Joy Sioson.

● (1540)

**Ms. Joy Sioson (Community Alliance for Social Justice):** First of all, I would like to thank the standing committee for giving us this opportunity.

We have a briefing note that is being photocopied right now.

Our main purpose is to bring to your attention the situation and key issues of Filipino women and their families under the live-in caregiver program, particularly the issues of family reunification, and to request your support and action on these key issues.

Here is a brief background of the Community Alliance for Social Justice. It is an alliance of some 20 Filipino Canadian organizations and 80 individuals. It is a non-partisan, political action and advocacy group that addresses social justice issues in the community and promotes social justice in the Filipino community through education and training, social planning and research, grassroots outreach and participation. It seeks to form alliances and work with other ethno-cultural and aboriginal communities for a stronger and more effective advocacy on issues of common interest.

Also, I am here representing the Philippine Women Centre of Ontario, which was conceptualized in 2000 by a group of Filipino Canadian women who shared a common interest of advancement and empowerment of Filipino Canadian women, culture, and community. It is also a member organization of the Community Alliance for Social Justice and the National Alliance of Philippine Women in Canada.

These are some details on the Filipino community in Canada. Filipinos are relative newcomers to Canada, first entering in the 1960s as landed immigrants. The community numbers over a quarter of a million, becoming the fourth largest visible minority group in Canada towards the end of 2004. Filipino numbers continue to grow at a steady rate and are concentrated in the major urban centres of Toronto, Vancouver, Winnipeg, and Montreal. Due to the political and economic crisis in the country of origin, and Canada's need for immigrants to sustain its economic growth, the Philippines consistently rank in the top five sources of immigrants to Canada.

The community continued to grow, especially in the 1980s, when Filipino women began entering as domestic workers under the foreign domestic movement, the predecessor of the live-in caregiver program. And between 1998 and 2003, 92.6% of the domestic workers arriving in Canada were from the Philippines. We are among the most highly educated and highly skilled of all immigrant groups in Canada, yet our incomes are lower than that of other immigrant groups and those born in Canada. There is also an extreme degree of occupational segregation: for women, in domestic work and child care; for men, in cleaning and janitorial services.

There are major impacts of the LCP on family issues and reunification. The temporary status of these women working as domestic workers for many years puts them on the margins of society. Permanent residency status of a domestic worker is tied to that of her family. There is also forced separation from their families, onerous immigration fees, and arbitrary deportation of domestic workers.

On the issue of family reunification, family reunification and the problem of youth settlement and integration have become serious concerns in the Filipino community. Most of these concerns can be directly attributed to the live-in caregiver program. The mandatory live-in requirement, temporary status, and employer-specific requirement have cost long delays, and sometimes even failure, in successful family reunification. It now takes a minimum of five to eight years for women under the live-in caregiver program to be able to sponsor their families, resulting in family breakups and other family related problems because of long separation. Family estrangement intensifies due to the financial burden imposed on these families upon their arrival in Canada, and children of Filipino domestic workers, including those born in Canada, are also unfairly discriminated against.

There are also several issues faced by the children of Filipino domestic workers: the permanent separation of Canadian-born children from their mothers, who are arbitrarily deported from Canada; denial of access to benefits, such as medical care, housing, welfare, and subsidized child care because their mothers have lost their immigration status in Canada; systemic racism experienced by Filipino youth in the school system and other Canadian institutions, resulting in high dropout rates for Filipino youth; child apprehension by Canadian authorities; children going back to the Philippines because of lack of access or denial of access to subsidized child care; single mothers and teen pregnancies; cheap labour for Filipino youth, who end up working in low-paying service or factory work jobs to help augment the financial situation of their families; sexual and emotional abuse of children by their step-parent or their mother's new common-law partner.

● (1545)

Our recommendations on family reunification to the standing committee are as follows. There should be permanent residency for those coming into the live-in caregiver program. The LCP should be removed from the temporary workers movement program of CIC and should be part of the skilled workers program, under which they are given immediate permanent residency status so that they can bring their families with them when they come to Canada. We also recommend the removal of the \$975 head tax; the non-deportation of women and their Canadian-born children; the promotion of full access to settlement integration services, such as housing and health; extensions for those who are unable to meet their 24 months within 36 months, as long as they are gainfully employed under the live-in caregiver program; the signing of the UN convention on the protection of rights and welfare of all migrant workers and members of their families.

Thank you.

**The Chair:** Thank you very much. Next we have Tanya Chute Molina.

**Ms. Tanya Chute Molina (Coordinator, Refugee and Migration Program, Canadian Ecumenical Justice Initiatives (KAIROS)):** Thank you again for the opportunity to address the standing committee on the topic of family reunification. I'd like to introduce my co-presenter, Connie Sorio. We are speaking on behalf of KAIROS, which is the social justice organization of 11 Canadian churches and church agencies. With us today is Jan Drews, the Lutheran representative on our refugee and migration working group.

Our comments today draw upon the experience of Canadian churches in private sponsorship of refugees, settlement assistance for refugee claimants, and service provision to migrant workers. Our presentation will address issues pertaining to these three groups of newcomers.

First of all, KAIROS believes that family reunification is in the best interest not only of newcomers but of Canadian society as a whole. Canada needs people, and newcomers need their families in order to be successful and contribute to Canada. With regard to privately sponsored refugees, the private sponsorship program is currently under strain because of long delays in processing applications. These delays have a serious impact on family reunification because for many refugees this program is the only way they can bring family members into Canada from overseas. Refugees find themselves separated from siblings and other significant family members by IRPA regulations and are restricted in their ability to sponsor. With nowhere else to turn, they come to the churches, requesting private sponsorship for loved ones overseas.

The program is not well designed to receive this influx of requests, so this situation does a disservice to the family, the private sponsors, and the overseas post. We would recommend, therefore, that the assisted relative class, or an updated version thereof, be reinstated; that new resources be allocated to overseas posts to allow them to adequately process both family class and private sponsorship applications; that government work more proactively with sponsorship agreement holders in recognition of their enormous voluntary contribution in supplying 30% of Canada's total resettlement response; and finally, that private and government sponsorship streams remain distinct programs.

With regard to refugees recognized within Canada by the Immigration and Refugee Board, this group also experiences painfully long delays in family reunification. In half of all cases, refugees have to wait more than 13 months for family members to be processed. Meanwhile, these family members wait in difficult and often dangerous circumstances. Refugee-serving organizations have identified a number of reasons for the delays, including processing fees. Refugees must pay \$550 for each adult included on the permanent resident application and \$150 for every child. This represents a serious hardship for refugees who are just starting out in Canada, and many incur large debts, which hamper their ability to make a new start.

We recommend that spouses and children of people recognized as refugees in Canada be brought to Canada immediately to be processed here and that the processing fees associated with permanent residents applications be waived for refugee families. We also recommend that families who can demonstrate the economic advantages of having parents or grandparents with them be exempt from low-income cut-off restrictions when making family class applications. My colleague Connie will address concerns regarding migrants.

• (1550)

**Ms. Connie Sorio (Canadian Ecumenical Justice Initiatives (Kairos)):** Migrant workers with only temporary status in Canada have no opportunity at all to be reunited with their family members abroad. Under the seasonal agricultural program, Mexican and Caribbean labourers spend up to eight months a year in Canada. Some workers come year after year, up to 20 years, spending more than half their lifetime thousands of miles away from their families. For months at a time, whole communities in Mexico are emptied of their male residents, leaving only women and children behind.

Under the live-in caregiver program, Filipino caregivers and women from other countries leave their children behind to come to Canada and care for Canadian children. Foreign domestic workers are required to complete two years of live-in employment over a three-year period before they can apply for permanent resident status. Caregivers in Canada have to wait from five to seven years to be reunited with their families, with serious consequences for family ties and the ability of the reunited family members to adapt once they finally arrive in Canada.

Our recommendation is that the immigration points system be revised to generally reflect Canadian labour needs, including needs for caregivers, agricultural workers, and others whose skills are not currently recognized.

We recommend that the above mentioned workers be granted equal access to permanent residence, to the social services accorded to permanent residents, and to family reunification, in recognition of their human dignity and their significant contribution to Canadian society.

We recommend that the provincial nominee programs be enhanced to further improve access for skilled labour, in a manner that allows workers to gain permanent status and pursue family reunification.

We further recommend that a nominee program be established in Ontario, which is currently the only province without such a program.

Finally, we recommend that Canada sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

In conclusion, KAIROS urges the Canadian government to take seriously its commitment to the principle of family reunification, established in the Immigration and Refugee Protection Act. We note that Canada is a signatory to key international human rights agreements that recognize the right of the family unit to be protected by the state. The Convention on the Rights of the Child specifically states:

...applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by State Parties in a positive, humane and expeditious manner.

We trust that the recommendations set forth in this brief contribute to efforts to strengthen Canada's practical commitment to family reunification.

Thank you.

**The Chair:** Thank you very much.

Mr. Chyczij.

**Mr. Ron Chyczij (Ukrainian Canadian Professional and Business Association of Toronto):** Thank you, Mr. Chair.

I also appreciate the opportunity to address this standing committee on matters of family reunification. My name is Ron Chyczij, and I represent the Ukrainian Canadian Professional and Business Association of Toronto.

We've prepared a six-page report. I don't know if you have it in front of you, but in the interest of time I will skip through this rather quickly.

We've tried to take a very practical and businesslike approach to the issues of family reunification. The first thing we point out on page 1 is that strong families help stabilize communities, and once families are reunited, immigrants are likely to feel more settled in Canada. Yet immigrants experience inordinately long waiting periods for the processing of applications for family reunification. This has several ramifications for them, often very personal and tragic. However, there is one significant point that's often overlooked, and that's the economic consequences of these delays for Canada.

Faced with supporting dependants outside Canada, immigrants are sending hundreds of thousands of dollars to those dependants in their countries of origin. This has a negative impact on the Canadian economy, as the delays decrease the immigrants' buying power. These moneys can and should be funnelled into Canadian commerce. Families who can pool their resources begin spending their disposable income on Canadian goods and services. There is therefore sufficient reason to maintain a dual perspective on this. It's not only what's good for the immigrants; it's also what's good for Canada.

We make five recommendations. The first one is on waiting periods. The standing committee has probably heard enough on it, but I do point out that Citizenship and Immigration Canada have set certain standards they have failed to meet. In 2002, they said they were going to try to meet their commitment to adopt a six-month processing standard for family class applications for spouses, partners, and dependent children. They have failed to do this consistently. As an example, it takes 20 months in Buffalo to process spousal applications.

In addition, as my good friend Eugen Duvalco said, it appears that the government is deliberately eliminating the long-standing program for sponsorship of parents and grandparents. In Mississauga, our neighbouring riding, we are advised there is a 22-month backlog. Based on a set quota of doing only 5,500 applicants per year, and with a backlog of over 100,000 applications, it will take almost 20 years to clear the current backlog of applications for parental sponsorships. It is cruel to consider that many if not most applicants will either be dead or too elderly to come to Canada. In essence, for these applications, unifications delayed are unifications denied.

Our first recommendation is that the CIC be given additional resources dedicated to the elimination of unreasonable waiting periods and backlogs pertaining to applications for family reunification. Further, the waiting period for sponsorship of parents, grandparents, and other qualifying family members should be reduced to a 12-month processing standard or less, as a matter of policy.

Our second point concerns adult children and student work permits. One of the other consequences of undue delays in the processing of applications is that older children are more or less forced to stay behind in their country of origin to complete their formal educations. Those seeking professional and other senior designations eventually become ineligible for family reunification because of age restrictions or their change in marital status.

Faced with these circumstances, they are often denied access to Canada. Many of these graduated students are qualified in fields where there is currently a skill shortage in Canada. Those who are lucky enough to eventually come to Canada must retrain in federal-provincial education or accreditation programs, instead of immediately seeking gainful employment in their professions or trades.

Swift reunification of such adult children would mean that these individuals could complete their degrees in Canada. Study in Canada would allow them to integrate into Canadian society and receive Canadian degrees. With Canadian accreditation at the outset, they

can immediately and readily become productive taxpaying members of Canadian society.

Another scenario involving adult children of immigrants is the situation where they have qualified for study permits in this country as international students, although they are ineligible for family reunification. These international students engaged in post-secondary studies in Canada are currently restricted from performing off-campus employment. This not only restricts their eventual integration into Canada in the professions of their choice, but it also creates undue financial hardship for them and their immigrant parents.

So our second recommendation is to amend legislation and regulations to qualify adult children, older than 22 and/or married who possess accreditations that recognize the Canadian skill shortage, for family sponsorship eligibility.

• (1555)

Our other recommendation in this regard is that the CIC initiate cooperation with provincial jurisdictions to create programs allowing international students eligible for family reunification to work off campus during study permits and for a limited time after the expiration of the study permit.

Our third topic is extended family matters, and I will do a précis here. What we're seeing here is that the family class is restricted to, basically, the nuclear family. We're saying there's an extended family out there that includes uncles, aunts, cousins, nephews, nieces, in-laws, and the like. With our demographics today in Canada, baby boomers are the largest segment of our population and the most affluent generation in Canada. Not only do many long-time citizens and permanent residents have the means to support such sponsorship, but they are likely to select the most motivated and suitable candidates for sponsorship, since this is a voluntary choice backed by personal finances. In other words, we're saying let's open up a new category of family class sponsorship.

Creating a new immigration class of extended family eligible for sponsorship can alleviate a certain situation. The situation is this: unfortunately, to the embarrassment of their Canadian hosts, many visitors choose to overstay short-term visas or go underground when their visas expire. This creates an unfortunate situation for all involved, including the Canadian government, which has to deal with an increasing underground economy. The irony is that these individuals, by going underground, have proven their ability to be self-supportive and easily integrate in Canadian society. Therefore, we see no good reason to exclude members of an extended family from the family class sponsorship program.

Our third recommendation is to amend legislation and regulations to extend the family class sponsorship program to members of extended family. We do allow that there might be different sponsorship criteria involved.



Our fourth recommendation refers to undocumented workers. You've probably heard about this in the last session. The Ontario government plus Citizenship and Immigration Canada are fully aware that thousands of undocumented workers supply much needed skills to further economic growth. Nevertheless, the current landed immigrant process based on a point system is heavily weighted in favour of managerial and professional skills rather than the technical skills offered by skilled workers. In 2002 almost 60% of such approved immigrants fell into the professional and managerial category, while only 20% were skilled labour. These categories are actively solicited by Canadian overseas entities despite the issues associated with the accreditation of foreign-trained professionals.

At a time when Canada requires thousands of tradespeople, the landed immigration program concentrates on importing professionals, who will not easily be able to utilize their skills. Despite these obvious flaws, the situation continues today. At no point has any level of government sufficiently advocated for a skill-based education and the advancement of trade. The only concession is in the construction industry, which has the CREWS pilot project, which recruited 500 individuals as temporary skilled workers. Neither this project nor any other has been combined with any long-term restructuring of apprenticeship programs or educational initiatives.

Back to my report, our fourth recommendation is that a new program should be devised by CIC to grant landed immigrant status to undocumented workers without the necessity to return to their country of origin. Undocumented workers should be allowed to use their successful work experience to gain such status provided they have been employed for over three years and meet industry standards for proficiency, combined with humanitarian considerations.

Our last point is the family business job offer. I basically lifted this from one of your earlier reports. We still think it's a good idea. We really are disgusted with the fact that it has been removed.

The family business job offer program was an administrative program that allowed family businesses to bring a family member to Canada to work in the business in a position of trust. The job offer was treated as if it had been validated by Human Resources Development Canada and was awarded 10 points. The government eliminated the program on the grounds that it was resource intensive and the adaptability criteria of the proposed selection process gave points both for the offer of employment, without the requirement of trust, and a family relationship in Canada.

• (1600)

**The Chair:** Can you wrap it up? You've been running over.

**Mr. Ron Chyczij:** Our recommendation is that the family business job offer program be reinstated immediately and formally included in the regulations.

**The Chair:** Thank you very much.

**Mr. Ron Chyczij:** You're welcome.

**The Chair:** Next we have Mr. Padda.

**Mr. Shan Padda (Lawyer, Human Rights Action Committee):** Thank you, Honourable Chair, members of the committee, ladies and gentlemen. Good afternoon.

Thank you for this opportunity and for accommodating the Human Rights Action Committee to allow us to make this presentation today.

My name is Shan Padda. I'm a legal adviser to the Human Rights Action Committee. It's my privilege to make this submission on their behalf.

I have Mr. Sanjiv Dhewan sitting with me. He is the president of our organization. He'll introduce the Human Rights Action Committee briefly.

**Mr. Sanjiv Dhewan (President, Human Rights Action Committee):** Thank you, Mr. Chair.

Human Rights Action Committee is basically an organization of refugees who have no status. We have been campaigning for the last nine months on various issues relating to immigration matters—regulations, family reunification, appeals, visas.

Today, Mr. Padda, who is our national legal adviser, will make the presentation on family reunification. Thank you.

**Mr. Shan Padda:** First I'd like to congratulate the Honourable Minister of Citizenship and Immigration, Joe Volpe, for making an important contribution to family reunification by allowing the non-status spouses of Canadians to remain in Canada while their applications for family sponsorship are being processed in Canada.

But there's a need to stop deportations and removal orders specifically of those whose applications of sponsorship are under consideration for processing.

We encourage the honourable members of this committee to make a strong recommendation to the government that changes be made in the interests of family reunification. First, we need to cut the wait time for families of refugees who are accepted in principle and are waiting for years to be reunited in Canada with their spouses and children. Some family members of refugees have to wait for years overseas for their cases to be processed. The delays cause great hardships for the families, and in some cases have led to the complete breakdown of families.

We spoke to the Canadian Council for Refugees about the recommendation that the spouses and children of these people be recognized as refugees in Canada and be brought immediately to Canada to be processed here. Furthermore, provision should be made that minor children accepted as refugees be united with their families, as they are vulnerable and need family support.

Second, we need to recognize non-status people in Canada who are here for years and contributing to the Canadian society in different ways. There are more than 100,000 people who need to be reunited with their families. We note the statement of the honourable minister before the standing committee that he intends to recognize this productive and important segment of Canadian society. We welcome his comments, but we believe this must be done in a comprehensive, transparent, and inclusive way.

Furthermore, any regulation program should be non-discriminatory and non-discretionary. It must not be based on length of residence in Canada. Non-status migrants with minor criminal records in Canada are now faced with unnecessary difficulties.

People with young children must be given priority so that children can be reunited with their parents in Canada. In the near future, the Human Rights Action Committee intends to make another submission on principles of regulation to the standing committee.

We also strongly endorse the United Nations Human Rights Commission for Refugees' recommendations that every immigrant has a fundamental right to family reunification, and that there should be no barriers on any grounds.

Other immediate problems for family reunification are related to family sponsorship. There has been a push for the government to achieve goals of 60% immigration for economic reasons and 40% for non-economic or family reasons, which includes refugees. This quota system is hurting family reunification.

There have been long delays for family class sponsorships. For parents, the minimum waiting period for family class from Southeast Asia is 36 to 48 months, which is unacceptable and is causing a lot of stress and depression in families. Let's not forget that immigrants bring their education, training, and skills, which they have earned due to the sacrifices of their parents. In those countries, parents who are old are looked after by their children as part of the culture, values, and traditions. The financial threshold that is required for family class sponsorship is a cause of concern and is a barrier for family unity.

Individuals on social assistance are prevented from sponsoring their family members altogether. This is a breach of human rights as envisioned in the United Nations guidelines for family reunification.

• (1605)

Inadmissibility on medical grounds is another concern. It's important, for emotional and physical reasons, as accepted by medical experts, for a person to be with his or her family during sickness, especially at old age. Denying reunification on medical grounds when it's most needed is against accepted human values.

The refusal of sponsored spouses on flimsy grounds should be stopped. We have seen cases be refused by visa officers on the grounds that a woman is a few years older than a man and is not compatible.

There should be a reason for TRPs for family unions, which are an important time in their lives, such as marriages, funerals, sickness, and other family events, so that families can be reunited for these events. There should be a clear, transparent process for TRPs with minimum subjective discretion by visa officers.

Last but not least, I urge all the honourable members of the standing committee to strongly recommend that the Government of Canada put a moratorium on all deportation, as the honourable minister has already indicated to this committee, regarding the recognition of non-status people living in Canada.

Thank you very much.

**The Chair:** Thank you.

Next we have Ms. Haniff-Cleofas.

• (1610)

**Ms. Rafia Haniff-Cleofas (Co-Chair, Ethno-Racial People with Disabilities Coalition of Ontario):** Thank you.

My name is Ms. Rafia Haniff-Cleofas, and with me is Ayshia Musleh. I am the co-chair of ERPDCO, the Ethno-Racial People with Disabilities Coalition of Ontario, and Ayshia is one of our board members.

ERPDCO is a provincial non-profit community organization that bridges the gap between disability, ethnicity, and gender communities. It's a consumer-controlled organization that works within an anti-racist framework, based on a conviction that all people with disabilities want to be respected, to live with dignity, and to enjoy full participation in their communities. ERPDCO is dedicated to promoting the voice of and advocating for the interests of ethno-racial people with disabilities at all levels of society. Our members are made up of immigrants, refugees, and Canadians with disabilities.

Our work on immigration has been reflected already. In February 2005, ERPDCO was one of the intervenors in an appeal case before the Federal Court of Canada, the Hilewitz and De Jong case. Both the Hilewitz and De Jong families were denied admission to Canada by Citizenship and Immigration Canada because one child in each of those families had intellectual disabilities and were seen together as maybe posing excessive demands on Canadian social services.

The Immigration and Refugee Protection Act says that it's very important for families to be reunited; it supports the self-sufficiency and social and economic well-being of refugees by facilitating reunification with their family members. In subsection 38(1), this same act also says that "A foreign national is inadmissible on health grounds if their health condition...might reasonably be expected to cause excessive demands on health or social services".

In summary, it means that the government's objective is to reunite families in Canada, but if a family member has a person with a disability, then they are not allowed to be reunited with their family. The act allows authorities to refuse immigrant status to anyone who might place an excessive burden on health and social services. What message does this convey to people with disabilities?

The implication that a disability implies ill health and an excessive burden on the health system is incorrect. It is important to emphasize that not only are prospective immigrants devalued and their dignity offended by the negative stereotyping underpinning the excessive demands provision, but also that Canadians with disabilities are given the message that people like them are not welcome in Canada. Canadians with disabilities see themselves identified by impairment and branded as a burden, with no value attached to their role in society.

This adverse impact experienced by prospective immigrants with disabilities also undermines the value placed on Canada as a diverse nation. This implies to all Canadians that people with disabilities need to be screened as inferior and second class members of society. This seemingly reinforces a class system based on ability.

It is important that people with disabilities be with their families. Not only do they need their families' support, but they also want to give their love, emotional support, and strength to their families, yet they are being denied this inherent right by the IRPA.

Once it has been determined that an independent immigrant will make a significant contribution to Canadian society, it is contrary to Canadian human rights and Canada's humanitarian tradition to exclude the entire family because one member has a disability. The health condition of a family member should not override the legislative objective of family reunification and the importance of the family unit. The balance should favour upholding and respecting the family unit by valuing all members of a family.

We feel that the IRPA discriminates against people with disabilities.

• (1615)

I'll try to be very brief here because we have a 10-page report. I'll just highlight the points.

ERPDCO supports the following interpretation of excessive demand. First, it is based on a medical model of disability that is rooted in prejudice and stereotypes about people with disabilities that reinforces their historical marginalization and exclusion exploitation. Second, it's premised on unfair and artificial comparisons that adversely impact people with disabilities. Third, it has an adverse impact on imposing additional burdens on persons with disabilities and their families that are not imposed on families with non-disabled dependants who are seeking to emigrate to Canada. Fourth, it fails to take into account non-medical factors, including the positive contribution and individual characteristics of persons with disabilities, and the family and community supports available to them. Fifth, it fails to adhere to the social model of disability and accommodate the individual circumstances of people with disabilities.

Our report goes into detail on those points. I will skip those points because of time. But one of the things I would like to mention is that in many situations a minister's permit may be used as a compromise to land a person with a disability. This discretionary status confirmed by the minister's permit perpetuates the paternalistic and charitable approach to disability that sees persons with disabilities as objects of pity who cannot live or work in Canada without being a burden. Persons with disabilities and their families are disempowered and further marginalized by such discretionary and temporary status. The suggestion that a minister's permit is an adequate compromise or might even constitute a form of accommodation belies any semblance to equality and strikes at the very heart of the dignity of persons with disabilities and their families.

I'd now like to move to our four recommendations. First, the Immigration and Refugee Protection Act must be reviewed, in accordance with the charter of values and international human rights principles, to ensure that vulnerable groups are not excluded. People with disabilities have the same rights as those of other members of our community in which they live.

Second, the health condition of a family member should not override the legislative objective of family reunification and the importance of the family unit. The balance should favour upholding and respecting the family unit by valuing all members of a family.

Third, ERPDCO supports the view that the definition of disability should reflect the social model of disability that views disability as a result of social barriers to participation, as opposed to the medical

model that views disability largely as a medical condition that needs to be cured.

Our final recommendation is that Canadian immigration must look at the prospective immigrant with a disability as a whole person. It is important that their skills, abilities, and experience are recognized and the positive contributions they will make to Canadian society be taken into consideration.

Thank you very much.

**The Chair:** Thank you very much.

We will go to five-minute questions and answers. We have a lot of groups, so I'm going to be tough on that time.

Mr. Mark.

**Mr. Inky Mark:** Thank you, Mr. Chairman. I want to thank our witnesses for coming today.

Your message on family coming to this country is very strong. The message is very loud. It's rather ironic that Canadians value the family. You hear that time and time again. If you go into an election you hear that again—talk about family values. I don't know a Canadian who could live without their family, yet we expect newcomers to do that. It's so ironic the way this country operates.

The statement was made that Canada needs people. We all know that, and it's so true that people need their families at the same time. There's no excuse for not allowing families to come to this country. There are four out of five here who came, and their families came with them or before them.

• (1620)

**The Chair:** The first one was advocating for the people who were let in.

**Mr. Inky Mark:** There we go.

I agree that the definition of family needs to be expanded. I made that argument and amendment during the Bill C-11 legislative hearings, and it was not accepted. It was the same thing on the family business sponsorship. There was a purpose for it, and there was no reason to take it out, but the government of the day did not listen, so that's where we're at.

It's very sad. We've heard the numbers before—120,000 family sponsorships in the queue. It would take 10 years before they would even be looked at.

The other issue I want to bring up is the ratio of 60-40. Perhaps we need to go 50-50. You know yourself that with more newcomers coming to this country—and I'm sure they all want their families to join them—it just puts extra pressure on the whole system to operate.

One question would be, do you think the number should be changed? The other thing is, on the issue of sponsorship, should we be looking at the use of surety bonds to allow people to come in? As you know, money is one of the arguments for keeping people out, whether it's health care costs, pensions, or whatever else. I'll leave it at that.

**Mr. Sanjiv Dhewan:** I think I would like to respond to Mr. Mark's comment.

We really appreciate the way you are feeling about the issue of family reunification. But when we talk about the number, whether it is the 60-40 or 50-50 or even 30-70, you see, the families, the relations—the wives, the children, especially the parents—they are not numbers. They cannot be done on the basis that we have to have 50% or 60% or 30%. We need to be with our parents, and the parents should be here, so there should be no percentage. This issue should not be in any percentages.

**Mr. Inky Mark:** But that's the reality, that 60% is allocated for skilled labour and the remaining 40% is split between family reunification and refugee protection, so you've got a window of probably 20%.

**Mr. Shan Padda:** But when we talk about skilled labour, the people who come as skilled workers have families, and then the families fall behind because they come under a quota system, where 50% wait another four years. They come with the training. They come with the skills, and the parents and the family have contributed for them to come here. Why do we put them behind?

**Mr. Inky Mark:** I agree with you wholeheartedly, but how do we get around those numbers?

**The Chair:** Mr. Mark is asking if we should switch the ratio. Is 60-40 the wrong ratio? The 60% represents economic migrants, and that includes the family members of those migrants, the immediate family; and the 40% is for family members and refugees. So the question is, should we make it 50-50? We could even make it 40-60, if you follow.

**Mr. Sanjiv Dhewan:** Well, I think the most important issue is not 50-50 or 40-60. The real issue is that we should hasten our process. We should develop things in such a way that all the families should be reunited, rather than deciding whether it should be on 50-50 or 40-60. We have to enhance the process so that everybody is reunited with the family as soon as possible.

**Mr. Inky Mark:** Maybe Ron could address this.

**Mr. Ron Chyczij:** I agree that the present situation isn't satisfactory. You either increase the percentages or you increase the numbers coming in—either way.

Just piggybacking on your earlier comments, it's a sin not to allow the family in. It really is. I don't know how we in good conscience can live with ourselves. We know that this is a country of immigrants, and we know what the family meant to get us established here. To take that away from somebody in today's environment—I don't think it's any easier—is something we need to address.

I would fully endorse a 50-50 split, if that's what it takes, or let's just increase the bottom numbers. Let's take it over 250,000 a year. I don't know what our target is, around 225,000 to 250,000. Either way, we've got room.

**The Chair:** You could make the comment that you want it up to 1% of the population, instead of 225,000, and give preference to families within that framework.

**Mr. Ron Chyczij:** I wonder if I could make a comment on the extended family members and changing the definition or creating a new category. I offer myself as an example. I probably have 20 cousins, and they each have at least two kids, so I have about 40 nieces and nephews. They're not a part of my nuclear family. I'm a

baby boomer. I can afford to sponsor somebody. I'm not sure the surety bond is the one that I would like to pay, but I am willing to guarantee a family member. I think there should be some penalty.

I don't want to close the door on bringing over family members to those who are less fortunate than me; they may be more in need. I do recommend some kind of control on it. Perhaps we want to allow people in from that category on a three-year temporary basis, renewable after three years provided they can show some self-sufficiency or have met some criteria.

It might discourage some of the elderly in our community, let's say the ones who are older than us—our mothers, our fathers, those in their sixties and seventies—from extending their guarantees to an extended family member, and they're probably the most anxious to do it.

• (1625)

**The Chair:** Thank you very much.

Okay, one quick one.

**Mr. Eugen Duvalko:** I have a response to deal with some of the numbers. I would re-state, again, that our recommendation is to deal with the backlog now, partly because of fairness in customer service. The sponsors who applied and sent their applications starting several years ago must have been, in all fairness, expecting a speedy review and deserve to have their applications looked at quickly. In the future, if they want a low priority for parents, fine, as long as the economic migrant people understand what's waiting for them.

There is this mantra that the economic migrant is something Canada needs. Based on our settlement work, it's that you will become successful in Canada if you have somebody waiting for you here. Just because you have some skills or a lot of the skills that are selected by the point system—the current one or the previous one—that does not mean you'll be settling right away. You will make it if you have either extended family, an employer waiting for you, or previous experience in Canada. These are the factors that more immediately speak to successful immigration.

With family reunification it means there's a sponsor in Canada waiting for you here.

**The Chair:** Thank you.

Mr. Temelkovski.

**Mr. Lui Temelkovski:** Thank you very much, Mr. Chair, and thank you all for making a presentation today.

I'd like to ask KAIROS a question.

In your recommendation 3.1 on page 4, you recommend that the system reflect Canadian labour needs. Labour needs in Canada change. As you remember, in 2001 we had the crash of the IT business. So what happens to these people? Very specific labour needs change in Canada.

**Ms. Connie Sorio:** We recognize that, but at the same time there are labour needs that Canada needs that have been there for decades. Let's talk, for example, about the agricultural workers we import from Mexico and the Caribbean who have been coming here to Canada for years and years—20 years at the most—and yet they're not—

**Mr. Lui Temelkovski:** Those are easier for us to solve, much easier. We need help with the tough questions. These are the tough questions. What do we do with the labour needs of a particular sector for which there is no longer a need? Do we let everybody stay here and then take the next cycle?

**Ms. Connie Sorio:** No, people are flexible, and if they are trained to do information technology and yet the demand for that has decreased, people can retrain and do some other jobs. I don't think people can be just so one-sided or narrow-minded that even if there is no demand for that particular job, they would stick on that. We are flexible so that we change and we respond to the demand.

On the other hand, what we are arguing is that those who are here and who have been here—like the agricultural workers, the live-in caregivers, whom Canada has been importing for years—be recognized and their skills be given points so that they can come here as immigrants and not as temporary workers.

**Mr. Lui Temelkovski:** Okay, thank you.

Mr. Padda, you made some recommendations to us. The number one recommendation was to cut waiting times for refugees and everybody else. We understand there is a problem. What's an acceptable time?

• (1630)

**Mr. Shan Padda:** I believe the Canadian Council for Refugees has made a recommendation, and we fully endorse it, that once refugees are accepted in principle, their families should be brought immediately. They could be processed while they're here because they've already waited during the process when the case was being heard. Once they're accepted in principle, they are being processed while they are in Canada. Why can't we bring their families and let them be processed while they're here, and families can be reunited? That could bring the number down to a couple of months rather than a number of years.

**Mr. Lui Temelkovski:** And when they are refused?

**Mr. Shan Padda:** Then they go back, and the process is by the law. They should go with the process, right?

The question basically is that once they are accepted, their families should not be waiting for years overseas while being processed.

**Mr. Sanjiv Dhewan:** Especially in the context of those who are refused, I think we must have a mechanism in the sense that people should not linger around here for 10 years or 15 years and the cases not finally decided. We should have a mechanism that the cases be done expeditiously, so that if somebody is not a real refugee, if he is to be returned, he should be returned as soon as possible, not that he stay here and work here for 10 years, and after 10 years you just tell him, "Okay, thank you very much. Go back."

**Mr. Lui Temelkovski:** Just to follow up on that question of 60-40, whatever that number is, you mentioned that all families should be reunited. We agree with that. I mean, it's a nice thing to have your family. But we have six million Canadians who were born outside of Canada, so if we divide that by three members per family, that's two million people—two million people, who have another four million family members. Obviously, we can't bring everybody—four million people—just like that. It creates logistical problems. It creates fiscal problems, because every time somebody comes.... Maybe you can

also answer or engage in the discussion of how much do resettlement programs cost per person? I'm not sure myself.

**Mr. Shan Padda:** When we look at the waiting list, and you have more than one million people in skilled categories waiting, and when you're picking up those ones, as we have said, if you pick up the families first who have the skills and who can contribute, they could be prioritized in terms of length of time. The definition of family class should be expanded to include more professionals, who could be supported by their own families, who are already here. Extended family members are the best source of resettlement here in Canada.

**Ms. Tanya Chute Molina:** I'm wondering if I can add to that.

On the question of resources, in the case of the private sponsorship program, there are people here in Canada who are willing to put forward those resources, and yet we're still seeing that there's a backlog with those applications. So I would think that a logical step would be to recognize that there is a great willingness on the part of Canadians to support refugees to come to join their families in Canada, and that the resources are there on the part of Canadians, as an additional contribution to the system.

I think KAIROS would also support some serious thought about changing the 60-40 split, or increasing the overall numbers, as was said before. I think part of that is recognizing that people who come in through family sponsorship or the refugee system also contribute to the Canadian economy. So in a way, the split between economic and humanitarian is a bit of a false dichotomy.

**Mr. Sanjiv Dhewan:** I think I can add to that.

There is one fundamental issue. When we say that some percentage of them will be coming here, or there are millions who should come, we have to fundamentally redefine who should come or who should not. It's not that you just choose a few percentages.

The second thing is that except for the refugees, responsibility for the other people in the family class who come is taken by the sponsors. For the parents, I think it's about ten years. So I don't think they're an undue burden on Canadian society, but yes, it gives you a bigger opportunity. If a million people come here, it gives you a big opportunity to start bigger economic activities. So that issue should not only be dealt with by the immigration considerations; rather, plans should be made about how the Canadian economy can boost with those million people, because that will increase demand for things and that can increase many things.

• (1635)

**Mr. Lui Temelkovski:** But we do have agreements with the provinces that state for every immigrant who comes here, whether they're sponsored or not sponsored, we have to pay the bill. We have to pay for ESL, for health care, for occupational language classes, and so on. So there is a cost—

**Mr. Sanjiv Dhewan:** Yes, I realize—

**Mr. Lui Temelkovski:** —related to this.

To recommend that there's no cost because somebody is privately sponsored is somewhat shaded.

**Mr. Sanjiv Dhewan:** I think as far as health is concerned, if somebody is sponsored.... There could be some changes in the rules that the sponsor has to get private health insurance for his family members. This could be a simple way, a solution. We have to find those solutions.

**Ms. Joy Sioson:** With regard to the conversation on the settlement fee, I wanted to point out that each immigrant pays \$975 as a right-of-landing fee, or what we call the “head tax”, to come into Canada. Why can't we use this \$975 for their settlement, if the question is settlement fees?

**Mr. Lui Temelkovski:** It's not a head tax.

**Ms. Joy Sioson:** But it is a right-of-landing fee that each immigrant pays when they land in Canada. If we're talking about settlement fees, we do pay \$975 for each member of the family.

**Mr. Lui Temelkovski:** Those are administrative processing fees. They are not a head tax.

**Ms. Joy Sioson:** It's on top of the administration fee. A lot of our women who come under the live-in caregiver program spend more than \$2,000 for each family member. That's why a lot of our women are having a hard time bringing their families here, because they can't afford to pay \$2,000 from the meagre income they're getting here in Canada as a domestic worker.

I think that should be looked at by the standing committee also.

**Mr. Lui Temelkovski:** It can be. But I think it's a misnomer to call it a head tax. That's going back to the big problems we had in the past.

**The Chair:** Yes, actually, and I would just caution about it, because often the head tax comes up. It's not a head tax.

The head tax refers to one of our darkest periods in Canadian history. That's when we had the Chinese head tax and other things, like the Asian exclusion act. When you call an administrative fee a head tax, it kind of trivializes the suffering the people went through.

That's not to say that it's not open to debate, but it would be like calling the Holocaust a “fight down the street”, which it clearly was not. It was something very special that happened.

I just put that out there because people tend to make that comparison.

Thank you very much.

Ms. Grewal.

**Mrs. Nina Grewal:** Thank you, Mr. Chair, and thank you, ladies and gentlemen, for your time and your presentations. We have certainly learned a lot from your expertise.

This question goes to each one of you. Could each one of you tell us in a nutshell, just in a few lines because of time constraints, what the flaws or drawbacks in our current Citizenship and Immigration Act are so that we can make our system more efficient for our newcomers?

My next question is a very small question. As you know, reunification is very near and dear to all the members' hearts. Family reunification cases used to take 24 months. Now they take about 58 months, double the time.

Why is it taking more time now? Do we need an overhaul of our system, or do we need more trained staff in our embassies?

Could you please tell us?

**Mr. Sanjiv Dhewan:** I'll respond to your second question first. It's very simple, and it's the easiest, in the sense that we need more staff everywhere so that things can be processed as soon as possible. We could enhance the processing. That's true.

The first question you asked was on what improvements are required in the Immigration and Refugee Protection Act. Well, I think the 2002 refugee protection act brought many changes.

First—it's not related to family reunification, but since you asked the question in the general context of the act, I'm answering in a general context—before the new act was passed there were two panel judges or commissioners in the IRB. Then it was changed to one, and it was suggested we would have a refugee appeal division, which had been passed by Parliament—and a few months back a motion was passed by the standing committee. I think the first and most important thing is that the refugee appeal division should be implemented as soon as possible, at the earliest.

Thank you.

• (1640)

**Mr. Eugen Duvalko:** Let me respond to your question. I think the biggest headache I have right now with the IRPA involves the accountability of the department. Somewhere within the regulations there's not enough.... An example of this is this quiet change in policy regarding reprioritization of parental and grandparental sponsorship. We're going to put it down the road and then somehow deal with the fallout later—without, of course, surprising the public and the sponsoring children and the adults.

So it's becoming a black box. At the same time, the department has become more automated. They can probably cite you numerous examples of quick, automated decision-making. Some sponsorships go through, but not all. Maybe two-thirds of the applications will be automated, but it doesn't seem to be that there's anybody handling quickly enough the cases that do not fit into the automated profile. They have lost that human touch.

The IRPA was designed somehow to remove much of the discretionary decision-making processes the previous act had, to try to make them more universal, understandable, and open, but there is no mechanism for what to do when things gum up. There we have to reintroduce some sort of openness to the department for petitioners, community, and accountability.

Thank you.

**Ms. Tanya Chute Molina:** I would reiterate the concerns about the non-implementation of the refugee appeal division. That's something our organization has been actively campaigning on.

In terms of what we said today, I'd also like to question the move to expand temporary worker programs. I think all such programs place workers in a very vulnerable position, where their status is dependent upon their employment, and they become vulnerable to all sorts of abuses in that situation. Generally, we favour looking at the situation of temporary workers both with regard to family reunification and also with regard to respecting their rights.

**Mr. Eugen Duvalko:** Let me add more specifically, as far as the efficiencies and staffing of consulates are concerned, the new IRPA legislation and the regulations say you have to apply in your home country, which then limits you to the efficiency or lack of efficiency of the consulate or embassy serving your area. We have a discrepancy, with some visa posts processing cases in three months as opposed to three years. Limiting where you can send your application, then, leads us to an inefficient use of resources.

**Ms. Rafia Haniff-Cleofas:** We feel there have been some significant changes with the new IRPA in terms of disability. That's been great; the actual word "disability" has been removed, and that's a step in the right direction. But the IRPA still has the excessive demands provisions, which really hinder the reunification of people with disabilities with their families. It's so difficult for people to be united when one of your family members has a disability.

As a matter of fact, I was denied admission to Canada on those grounds about twenty years ago. It was only after an appeal and an appeal process..... And no one took into consideration the positive contributions of that individual to society. I'm here in Canada, I'm working, I have a very good job, I'm educated, and I'm paying taxes; yet I was denied that opportunity.

• (1645)

**The Chair:** Thank you.

**Ms. Connie Sorio:** I would like to echo the sentiments earlier about the need for efficient and well-trained staff processing the applications in the different countries.

Also I would like to add, respecting access to trades and professions, that we have a lot of newly arrived immigrants who are highly educated, skilled, and so on, and yet when they are assessed through the universities they are only being categorized as having finished thirteen years of formal education, and therefore are not able to practise their professions here in Canada. It's such a waste of talents and skills. As we look at the point system, people who apply for landed immigrant status from their countries of origin are given points according to their educational attainment, and yet when they come here they are not able to practise their profession and use their skills.

I think that should be recognized and changed as well.

**The Chair:** Thank you very much.

We saved the best for last.

**Ms. Colleen Beaumier:** My questioning basically is going to go to my constituent there. I have a lot of dealings with immigrants and their problems. I bleed with them and I cry with them, and we sometimes resort to my offering them refuge if we can't fix their problems, so I'm very much aware of the situation, and I have a great deal of empathy with those who are waiting to be reunited.

However, one of the ways people get lost in the cracks, and it's a situation that really bothers me, occurs when you've been here for 10, 13, 15, 16—sometimes more—years, and you've come in and claimed refugee status and you've been refused. Then there's an appeal, which may come up three or four years later; you're refused again. Then you go through this process and that process. There's a tremendous amount of exploitation, and at the end of everything you still have nothing. Your family is growing old waiting for you, and

you're torn between, on the one hand, going home to a situation that will be far worse when you get there than it was when you left, and on the other hand hanging on and missing your family totally until they're all grown up and married and can afford to get here and sponsor you.

Shan, many of these are people who are failed refugee claimants. If the government were to implement a process by which you would have to claim refugee status upon entry into Canada—and we all know there are the "yes" ones, the "no" ones, and the "shady" ones, and at least the "yes" ones can be put back on the plane and sent home before anyone really misses them—would that in part reduce the problem of people being here for years and years, not only taking advantage of the system, but having the system take advantage of them as well? In your opinion, would it be legally feasible, under the charter, for Canada to do this, and then to refuse refugee claims filed after they'd been here and their visitor visa was up and it was the eleventh hour?

**Mr. Shan Padda:** Thank you very much, Colleen.

I think that's a real problem we're facing. There need to be more timelines in terms of claiming refugee status when you come here. Claiming refugee status after six months, three months, when all other legal options are exhausted—that should not be allowed. It should not be the last priority. That should be the first priority, if you are a real refugee claimant. That's one.

Second, I believe once you're in the process, and you have made it into the system in terms of, let's say, an H and C application, and it takes two to three years to make a decision on your H and C application, when nothing is done—no communication is made to you—and you keep contributing to society and paying taxes, you are expecting things to happen.

At the same time, on the other side, you are starting a removal and deportation process. Those things should have timeframes as one. When those people are there for a certain amount of time—let's say, for example, two years or three years—they already have some training, adaptability, and skills Canada needs. If they qualify under those ones, there should be a timeframe to achieve them.

For example, if you are importing truck drivers or carpenters, and somebody is here for three years doing his carpentry, why would you deport him and bring somebody from outside as a carpenter? Those things should be adjusted within a timeframe, and if they have acquired the skills we need, and they have adapted, they should be accepted on a priority basis.

• (1650)

**Ms. Colleen Beaumier:** Okay, but what do you think the legality...where would we stand constitutionally if we made it clear at every port of entry that if you're claiming refugee status, you claim it here and now, or you will not be given an opportunity to claim it later? What would the constitutionality...? Where would we stand legally on that, in your opinion?

**Mr. Shan Padda:** That's more a constitutional equality issue, but there must be a timeframe before which you should be able to claim it. It should not be unlimited time, and then when all other sources are exhausted, you claim it. It should be a timeframe, I agree with you. It is not the same day, because we can't expect people who come as refugees to be ready and claim it at the same time, but there must be a timeframe period between six months and a year before they can do something.

**Mr. Sanjiv Dhewan:** Colleen, I would like to add to this something very important. The question you have raised is a very fundamental and serious question. I will give you some information and you will be more shocked than me. You are well aware of Mr. Khalra. He was a human rights activist, and he was brutally murdered. Two days back his wife applied for a visa for Canada, which was refused at the Indian embassy. Today I requested from the Honourable Andrew Telegdi an hour's time when we are in Montreal to explain all the issues in detail on the question you are raising on the whole immigration and refugee vote system.

There needs to be a complete analysis and overhaul of the way it works. The real refugee cannot enter through the embassy system. When you say that we have to decide everything right away at the airport and do it in a few days, it's impossible because people can't come through the legal channels. So they come through illegal channels, and when they come through illegal channels they are in a very precarious and vulnerable situation. You can't decide about them in a few days because they cannot really present or represent themselves.

**Ms. Colleen Beaumier:** That may be, but there are definite yeses and we also know there are definite noes. It's the in-between people you would have to put a timeframe on after you allowed them in. We all know there are definite noes.

**Mr. Sanjiv Dhewan:** We need to streamline the system. In the last two years a lot of improvement has taken place. Previously it would sometimes take one and a half or two years for an IRB hearing, but now you get one in six months. It is streamlined, and it should be further streamlined. A fair trial should take place. Efficiency is also important. Justice is also important. There should be some flexibility in certain situations, and if there is a case where the facts are crystal clear, it should be done right away.

**Ms. Colleen Beaumier:** Thank you.

**The Chair:** Thank you very much.

I want to thank you all for your input. When I was listening to the challenges of dealing with the whole issue of people with disabilities, I couldn't help but think that yesterday was the 25th anniversary of the beginning of Terry Fox's run. I don't think anybody would look at Terry Fox as disabled.

One of our most renowned physicists, Stephen Hawking...yes, he's got some problems, but he's also making one big contribution.

One thing we didn't talk about was looking at some kind of input on the citizenship oath. It's up for review. Do you feel it's good to swear allegiance to Her Majesty, Queen Elizabeth II, her heirs and successors, or what kind of oath would you like to have? We're also looking for a preamble that would somehow capture the spirit of our Charter of Rights and Freedoms.

Feel free to send us further briefs on the topics that we might not have discussed. We really look forward to it.

I'm going to suspend now for a few minutes until we start with our next batch of witnesses.

• (1655)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1708)

**The Chair:** We'll start.

Do we have anybody here from Access Alliance Multicultural Community Health Centre? No? Okay.

We're going to go to the professional consultants. Mr. Chaudhary.

**Mr. Max Chaudhary (Canadian Association of Professional Immigration Consultants):** One initial point we'd like to make is with respect to a certain section of the immigration and refugee protection regulations, paragraph 117(9)(d). This is the clause that excludes members of the family class who were not declared and assessed by an immigration officer in the context of a previous application.

Clearly, we'll concede that there is a role for this, because the obvious role of the section is to prevent the maladministration of the law. It's meant to prevent the entry of people who fail to disclose medical or criminal inadmissibility. However, the main concern we have is that people who make honest mistakes are caught under this section, often with very deleterious consequences consisting of the unreasonable, lengthy separation of families. And it's very difficult to address.

This issue has been litigated at the Federal Court. The response of the Federal Court has been to submit what's called a section 25, or a humanitarian and compassionate application. That's a neat but terse legal answer, because practically speaking, the success rate of such applications is very, very low.

Similarly, the other difficulty is that there's no recourse at the immigration appeal division of the Immigration and Refugee Board, because they simply do not have jurisdiction under the Immigration and Refugee Protection Act.

The remedy we'd like to propose in such circumstances is not to have a sweeping, all-encompassing bar to such applicants who are not examined, but rather to have recourse to another section within the Immigration and Refugee Protection Act, that is, section 127. That's the section dealing with people who misrepresent a material fact and are prevented from entering Canada for two years. We think a two-year penalty is sufficient punishment for such people who fail to declare a dependant who is not sponsored. That would have the advantage of not bureaucratically overextending the reach of the Immigration and Refugee Board appeal divisions. I believe the Canadian Bar Association had the proposal to simply add what's basically humanitarian and compassionate jurisdiction to the board and have the board deal with this issue. I think because the IRB is the biggest tribunal in Canada, it's already overburdened, and the proposal we have would obviate the need for the board to address this and would, I think, send a very strong signal to people who engage in this failure to declare dependants.



That's one of the main points. The other one, which I think you might have heard today already, deals with the slowness and the processing of parents under the family class. As you might have heard today, they're taking in excess, right now, of four years, and perhaps even longer if trends continue. That's clearly, by Federal Court definitions, unreasonable. It's the subject of a delay that can be applied to at the Federal Court for mandamus. It's a waste of judicial economy. It's improper to effectively compel applicants who want to make their applications go faster by applying to the Federal Court, to force the Federal Court to make a decision to order the department to process the case. The effect of this is to have bureaucratic control of the legislation.

• (1710)

The legislation, for example, under section 3 of the Immigration and Refugee Protection Act is to encourage the reunification of families. This is effectively being blocked through bureaucratic delay. If it's an issue of funding, then something has to be done, because there are approximately 28,000 parental sponsorship applications currently in the queue.

In the alternative, there could be something of a compromise. If the role or if the decision is to effectively or legally bar parents from the family class, the alternative would be to encourage, via changes in the law, the ability for parents to come as long-term visitors to Canada. This would not be onerous for the health system, as I think may be the implicit concern with having parents come under the family class, because the Immigration and Refugee Protection Act can be changed to impose the requirement of making parents who come as visitors have their own health insurance for the duration of their stay in Canada. There would no longer be a concern about the impact of parents visiting or landing in Canada on the basis of medical or social service costs in Canada.

I think the department has to be honest if they're really going to eliminate the program and not bureaucratically delay it. That's our submission, subject to any questions.

**The Chair:** Thank you. We'll go to questions after we hear all the presenters.

The next one we have is Mr. Chris Pullenayegem.

• (1715)

**Mr. Chris Pullenayegem (Refugee Policy Analyst, Citizens for Public Justice):** Mr. Chair, members of the committee, thank you for hearing our presentation today.

We are here to specifically address the issue of delays in family reunification of refugees who have been granted Canada's protection. My colleague and I will share the presentation today.

**Mr. Greg deGroot-Maggetti (Socio-Economic Concerns Coordinator, Citizens for Public Justice):** Citizens for Public Justice has sponsored citizen participation and public policy debate and proposed policy options reflecting our core values of justice, compassion, equity, and human dignity for over 40 years.

Since 1990 we have addressed refugee issues, particularly with regard to people who have been granted protection by Canada and await permanent residence, or landed status as it's commonly referred to. Typically protected persons have to wait much longer than the 8- to 12-month average length of time they've already

waited for their IRB hearing. The second wait for resident status often stretches into years, what's come to be known as refugee limbo.

Over the last decade, Citizens for Public Justice has played an important role in achieving positive change in several major policy areas pertaining to refugees in limbo. I'll name a few: helping to remove the \$975 right-of-landing fee for refugees; introducing an alternate mechanism to recognize refugee claimants who do not possess a valid identity document; and, most recently, granting protected person access to student loans.

Today we propose two recommendations aimed at addressing the long delays in family reunification for protected persons. The first is that permanent resident status be granted to protected persons at the same time as they are recognized as protected persons by the Immigration and Refugee Board. The second recommendation is that the standing committee commission a thorough study to investigate the causes and effects of delays in reuniting families, to identify bottlenecks, and gather facts and shared knowledge around family reunification, with a view to formulating policy alternatives that would reduce those delays.

I'll hand it over to my colleague Chris Pullenayegem to flesh out those recommendations.

**Mr. Chris Pullenayegem:** Thanks, Greg.

Delays in family reunification cost everyone: the individual, the family, society, and the state. In particular, we need to mention the costs to government. In a study done by the Public Justice Resource Centre, we estimated this cost at about \$350 million per year. A summary copy of the study is attached to our recent submission.

The long delays in family reunification clearly show that the system is not working as it should.

In the remaining time we'll explain why our recommendation is a sensible and realistic policy alternative and something that can be immediately implemented without costs to anyone. In fact, we see it as a win-win, cost-saving solution for all concerned.

Granting permanent resident status simultaneously with protected persons status will result in two outcomes. First, it will enable the protected person to enjoy all the rights and privileges of any other permanent resident in Canada immediately upon being declared as someone warranting Canada's protection. Secondly, it will qualify the protected person, under present regulations, to sponsor family members immediately; they are currently unable to do this until they are granted PR status. All of the reasons and rationale for granting automatic landing are comprehensively covered and explained in our policy paper, which is attached to our written submission.

There are sound reasons for making this policy change. Firstly, even without PR status, once these persons are granted protection they will have the right to remain in Canada and will not be sent back to their home country. Canada is neither more secure nor economically better off keeping such individuals in limbo. Secondly, the IRPA provides direct authority to the minister to revoke PR status and to remove permanent residents from Canada, should information come to light indicating they misrepresented themselves during refugee determination or on their application for PR status.

Concurrently with the implementation of these policies, CPJ proposes that the standing committee commission a study examining the entire issue of family reunification of protected persons. The need for a study is immediate, given the serious impacts of the delays. A balanced and objective study needs to take into consideration current realities and the opinions and interests of all stakeholders. It should recognize the multifaceted nature of the issue and, specifically, the numerous recommendations that refugee advocates around Canada have put forward. CPJ will be pleased to assist in any way the pursuance of this outcome.

Thank you for your attention. We look forward to your questions.

**The Acting Chair (Mr. Lui Temelkovski):** Thank you very much, Mr. Pullenayegem.

We'll go on to Cynthia Pay.

• (1720)

**Ms. Cynthia Pay (Member, National Executive, Chinese Canadian National Council):** Thank you.

I'm not Victor Wong, but I'm from the Chinese Canadian National Council. I'll try to keep my comments brief.

Just to tell you a bit about CCNC, we're a national human rights and anti-racism group with 27 chapters across the country. We've presented before this committee a number of times previously. I think you heard from some of our youth members this morning on the topic of citizenship. We'll also be presenting tomorrow on the topic of foreign accreditation. I don't know how we got three slots, but thank you very much.

Judging by the other speakers I've heard, I think there's strong consensus and agreement around the table that there's a huge problem around the delays, especially regarding parental sponsorship. I'm not going to belabour this, but we agree with many of the other speakers that this delay is very unacceptable and causing huge hardship to many Canadians.

One thing we would like to comment on around the delay is that we also see that the systemic delay is worse in certain areas of the world, especially in Asia. We understand that the processing of parental sponsorships takes up to ten times longer in certain visa posts in Asia, such as Beijing and Hong Kong, in comparison with other cities. The fact that systemic delays are creating further delays against Asian families has a certain resonance for our community in particular, because of the history, as I think Mr. Telegdi mentioned, of the Chinese exclusion act and head tax. These long delays, affecting us in particular, are seen as a serious problem by our community.

In addition, on the whole problem of the reduction of quotas for sponsoring parents and things like that, we agree with the previous speakers.

We also would like to submit that the definition of family class is overly restrictive. It doesn't reflect the way in which many communities and cultures view the concept of family. We don't see it as only limited to the western nuclear model family. In fact, to us the family includes other relatives, including aunts, uncles. Another major problem is the restriction of sponsorship of never-married

children over the age of 22. Again, we see that as a problem with the current sponsorship program.

Another thing I would like to comment on is that in my other life, in my day job, I work as a lawyer with a community legal clinic here in Toronto, called Parkdale Community Legal Services. One of the other major problems we see is the length of the sponsorship period for families. We were really pleased when sponsorship was reduced for the rest of Canada to three years for spouses, but we feel that the ten-year sponsorship for other relatives is far too long. I'll give you one example of how that affects people.

At my clinic, we occasionally see elderly clients come in who are sponsored by their children. We would submit that in the vast majority of all cases of sponsorship, these relationships work out well, and the families are happy. In a minority of cases, though, there is abuse. We have seen cases of elder abuse where vulnerable elderly immigrants, who may not be familiar with the Canadian justice system or who may not be fluent in English, are trapped in the very vulnerable situation where they may or may not have access to social assistance or other benefits because of the ten-year sponsorship program.

Again, I know there is a concern about the financial burden of sponsored immigrants, but I think in the very small minority of cases where there may be abuse, we have to provide some kind of protection for those people.

In a related subject matter, we'd also like to submit that the bar to sponsorship for people who are on social assistance is blatantly discriminatory, and would probably fail under the charter. I wouldn't be surprised if some litigation in that area came up in the future.

In closing, we also would like to suggest that the \$975 right of landing fee creates another discriminatory barrier to reunification of families, and obviously, as I'm sure you've heard, especially regarding women or immigrants coming from developing countries.

• (1725)

We have a number of recommendations in our submission. These include allocating increased resources to the busy visa posts, especially in Asia where the demand for sponsorship and other types of immigration is high; expanding the definition of family class to include, for example, never-married adult children; reducing the length of sponsorship to three years, to match spousal sponsorships; and abolishing the right-of-landing fee.

Thank you for the opportunity to present today.

**The Acting Chair (Mr. Lui Temelkovski):** Thank you.

Now we're going to hear from Axelle.

**Ms. Axelle Janczur (Executive Director, Access Alliance Multicultural Community Health Center):** Thank you for giving us an opportunity to speak to the standing committee. My name is Axelle Janczur. I'm the executive director of Access Alliance Multicultural Community Health Center, and my colleague is the member of the board of directors.

Access Alliance is a community-based organization that has worked for over 15 years to provide services in Toronto to immigrants and refugees. We're part of a larger network of organizations in Toronto, the province, and even nationally. We support many of the recommendations made in briefs and submissions to the standing committee.

We use three strategies to achieve the objectives of the organization: direct services to individuals and groups within communities, educational work, and systemic change work. If we're able to influence systemic changes, we have the capacity to influence the lives of many more individuals than our resources allow us to serve directly.

We also have some recommendations in our brief. We want to provide some information to influence your knowledge and understanding of this issue. Our perspective is that the separation that immigrants and refugees experience from family members affects their health. It's very important that this be part of the lens used when the standing committee is looking at making recommendations for change.

We think your decision-making needs to be informed by a renewed understanding of the definition of family. You need to understand the role of family in providing social support to newcomers, who may lose much of this family support when they come to Canada. If on top of that they are separated for a long time, it adds to the negative effects on their health. This is what we see on a day-to-day basis. All people who are separated from their families experience negative impacts, and this is very important for everybody to keep in mind.

**Ms. Farah Mawani (Member, Board of Directors, Access Alliance Multicultural Community Health Center):** Thanks for the opportunity to speak to you today.

To continue from Axelle's presentation, I want to emphasize the context in which family reunification takes place or is delayed.

The process of migration and resettlement results in many losses and challenges that affect the ability of immigrants and refugees to achieve an optimal level of health. First and foremost is the loss of a sense of home and belonging, including the loss of family and community. These losses are felt more profoundly when immigrants and refugees experience trauma in their migration process along with barriers to successful settlement and integration in Canada. Separation from family members in the context of the many losses experienced in the migration process can have a tremendous impact on the health and therefore successful resettlement and integration of immigrants and refugees.

Based on our experience as an organization promoting the health of immigrants and refugees in Toronto for over 15 years, there are a number of factors related to family reunification policy, including restrictions within the policy itself—issues in the process by which it is carried out, as well as its consequences—that affect the physical and mental health of immigrants and refugees.

One piece that has been mentioned a couple of times is the fact that the Immigration and Refugee Protection Act is exclusionary in its definition of who can act as a sponsor for family members as well as of who qualifies as a family member. We emphasize that this

definition of family should be broadened to reflect extended family, beyond just the nuclear family.

As I previously mentioned, loss of family relationships and the support they provide has a profound impact on physical and mental health. Separation from children, parents, brothers, sisters, extended family, and community results in tremendous stress, anxiety, and isolation that often leads to depression. It also threatens family cohesiveness, and although family members are often relieved to be reunited after prolonged separations, relationships are challenging to re-establish after long periods apart. This has consequences for all family members involved.

Immigrants and refugees consistently report social isolation, stress, and mental and physical health problems and attribute them to the absence of close relationships.

Again we emphasize that you recognize the significance of family relationships and the positive impact of the social support they provide on the mental health and well-being of immigrants and refugees. All of the more specific recommendations contained in our submission are within that context. I will end there.

• (1730)

**The Acting Chair (Mr. Lui Temelkovski):** I guess you stopped because of the music you can hear in the background. I just ordered a full orchestra.

Thank you very much.

We will start with Mr. Mark. We'll have questions, comments, and answers within five minutes, please—as many as we can.

**Mr. Inky Mark:** Thank you, Mr. Chairman.

Welcome to our guests. Thank you for your presentation, and on behalf of all of us, thank you for the hard work and the good work you do with the immigration and refugee communities in Toronto.

It's been brought up a number of times that culturally we look at immigrants from the wrong perspective. I think we don't understand that the western concept of family and identity is not the same as that of somebody from Africa or South America, which leads me to believe we probably need cross-cultural training, at the worst, for our staff people working in immigration. Maybe we need to look at the faces of our immigration department, too; I wonder if they reflect the multicultural mosaic of this country. Maybe we need to get there too, as well as changing the system.

I know the declaration has created a lot of problems for people applying, because of non-disclosure. Often I wonder whether, under the circumstance when they're filling the forms out, they understand the language, understand intent, and whether anyone has even given them guidance in terms of the impacts or the costs down the road. People, as you know, in those circumstances write down almost anything just to get past the door and into the country. Perhaps you could address that.

The long-term visitor's visa is actually an interesting idea. I think it's workable; I think it makes sense. With parents, it might even be extended to two years instead of the one year, because that's what we're having a problem with now: that people come and overstay, then don't know what to do, then a lot of times go underground. That's why we end up with the underground economy on the family side as well.

All we can do is listen and continue to make the changes. Perhaps you could respond to this business of disclosure and to whether the problems of non-disclosure are problems of process. As you know, even going back 50 years, Anglo-Saxon immigration agents anglicized all our names when we came to this country. Maybe we still have similar problems, but in other areas, such as disclosure.

**Ms. Camilla Jones (Canadian Association of Professional Immigration Consultants):** I think there's always going to be some person who, for whatever reason suits them, chooses to lie. But I think among immigrants applying, when they first come it's a problem of misinformation. I think they get information from crazy sources. They listen to an agent who says: "If you don't declare your children, your application is going to get processed a lot faster. Instead of waiting six years, maybe we're going to get you here in four, because it's just you now to look at." It's very hard on them. I think they do it because, first, they don't really understand what it means not to disclose, and second, because of bad information.

I think that's something that is all our responsibility. I myself as the consultant, our friends in the legal community, the immigration department, and all the people involved in communities and working with refugees have to tell the people immigrating from overseas what this means, because they just don't understand. A lot of them know that someone did this in the past, before IRPA came in, and their family member was allowed to come. They were counselled never to do it again by an immigration officer, or it wasn't addressed, and they were allowed to come.

I think they really just don't have proper information, and it's everyone's responsibility to get it to them.

To have a permanent punishment whereby you can never bring your child or your children is too harsh. This is Canada. If somebody submits fraudulent documents, we tell them "misrepresentation", "two years", "no chance to apply". Well, is submitting a fraudulent document any worse than not declaring a child or not declaring your spouse? I think we as professionals have to respond to this and make sure the clients know. I also think we have to understand why they did this—why.

• (1735)

**Mr. Inky Mark:** Cynthia.

**Ms. Cynthia Pay:** I just want to add to that. We need a bit more flexibility; I think we agree on that. Just with respect to the Chinese Canadian community, we mention a couple of examples in our brief.

One issue that's huge for people living in China is the impact of the "one child only" policy. We know how devastating it is if people have two children who are declared. There are, as my friend said, very serious reasons why people may or may not disclose information. We have to have some flexibility and provide assistance to accommodate that, when maybe there is no case of fraud, but

other reasons, which conflict in their immigration application, why the information wasn't disclosed.

**Mr. Inky Mark:** Should they be read a statement—like when you get a speeding ticket the policeman's supposed to read you your rights?

**Ms. Camilla Jones:** Maybe I could clarify a little bit here. If an applicant applies as an economic skilled worker today he could be single—no wife, children, or anything. By the time his documents are processed he may have a wife and child, and doesn't understand what it means to come forward. So I think we need to have notices everywhere in every book, and we all have to share this responsibility to go out to the immigrant community and tell them. Tell them in the visa office, tell them in the package, and tell them again. But in the meantime we can't punish these people forever. That's why we're asking you to give strong consideration to misrepresentation.

Two years from the date.... If it goes back to the appeal division it's still going to be two years. On an H and C submission, I doubt the visa officers are going to overturn that. The federal court and the judge.... It's true they were asked a simple question: "Do you have a spouse? Do you have a child? Yes or no."

**The Acting Chair (Mr. Lui Temelkovski):** Thank you.

Andrew.

**Hon. Andrew Telegdi:** Thank you very much, Mr. Chair.

Welcome. On not declaring a child, I heard of a case where a child was the result of a rape, and the woman in question had the child looked after by somebody else when they came to Canada. That person died, so they wanted to bring the child to Canada. So there was a lot of stigma attached to it, and it was a non-declaration.

One of the things we had inquired about—and this relates to the 60-40 split—was whether 225,000 was the right number, or should we be looking at 300,000. We have had input in Ottawa from a settlement organization. They told us that somebody who comes in under the economic class but doesn't find a job that recognizes their credentials, and makes \$30,000 a year, is very unhappy because they aren't doing the job they thought they would be doing. Then you have another person who comes from the family class and makes \$20,000, but since they're in the family class they're happy.

On the point of the question, is 60-40 the right number, should we be going 50-50? Is 225,000 the right number, or should we be going to 300,000? Are we better off trying to focus on a particular demographic group, given the demographics in this country? I'll just throw those out to you.

•(1740)

**Ms. Camilla Jones:** It's very interesting that you brought this up, because I was involved in a policy committee debate last night over the Internet. We were coming up with a paper to put forward to you. So now I'm going to give you an idea. We think we need two types of economic skilled workers. We need the professional economic skilled worker, and we need the bricklayer, the semi-skilled trade worker. So we need to adjust the points. The bricklayer, the semi-skilled trade worker, is going to be very happy because he's probably going to make more in Canada than he's making in Portugal, South America, or whatever. And we desperately need these people.

Also, in terms of the professional group, yes, we need them, but we have to be straightforward with them when they come, and give them more information about occupation, professional bodies, and what they have to do. I personally think seven is high for an IELTS score, but seven is not going to let them work as an engineer. You have to be straightforward with doctors about what they're going to have to go through. Tell them in advance personally.

Have another class for the semi-skilled workers we need so desperately. I mean, we're looking at the situation of undocumented workers because of our labour market concerns, and I agree with that. But we have major skills shortages that are going to be a crisis situation. And it's not just professors and engineers who are in demand; it's construction workers, teachers, day care workers, nurses' aides, nurses, and every occupation. So why don't we take a look at what we can do to facilitate that? The semi-skilled professional workers from Europe, or wherever, have learned their trade through apprenticeship, but they're not going to meet the points in terms of education. Take a look at it.

**The Acting Chair (Mr. Lui Temelkovski):** Chris.

**Mr. Chris Pullenayegem:** Thank you. About the 60-40 split, the problem is that it excludes one or the other. The excuse we hear from the department is that processing delays take so long because the 40% is maxed out, and they can't take any more for DSO. They have to put the batch to the next year.

What about having a distinct number for skilled workers, another number for family class, and maybe break the family class in two? One would be for families of citizens and permanent residents here, and one would be for families of refugees. One of the things that's happening in Canada is not keeping to their international obligation to reunite the families of refugees. That's a humanitarian issue, and has nothing to do with skilled work and people coming for the best interests of Canada. So maybe they should look at just numbers, and not percentages. One doesn't take away from the other.

**The Acting Chair (Mr. Lui Temelkovski):** Cynthia, you wanted to add something?

**Ms. Cynthia Pay:** I'd like to add just briefly that we also recommended the reinstatement of the family business job offer program as another way to bring families back together. I think it was a valuable resource, especially for small businesses established by new Canadians.

**The Acting Chair (Mr. Lui Temelkovski):** Mr. Chaudhary.

**Mr. Max Chaudhary:** Just with respect to the question of the sheer numbers, I think for many years the stated goal was 1% of the population or about 300,000. There's a strong policy consideration in

favour of that, primarily because, obviously, I think it's well known that the population currently doesn't support itself, demographically speaking.

I mean, families in many developed societies aren't reproducing themselves, for whatever reason. The aged population in Canada, as in many developed countries, is getting disproportionately high, and that's going to impose a very large burden on the social insurance system. That's why the sheer numbers should be higher.

**The Acting Chair (Mr. Lui Temelkovski):** Madam Grewal.

**Mrs. Nina Grewal:** Thank you, Mr. Chairman

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

My question is about the point system. When people come here on the point system, the points are recognized when they apply in their homeland. Once they come here, nobody recognizes their degrees, and they have to do all sorts of lesser jobs, and that's a brain drain. On one hand we're looking for skilled workers; and on the other hand, when we have skilled workers, they're doing lesser jobs. So what needs to be done there?

**Ms. Camilla Jones:** This is not my field of expertise, but we have to find a way of recognizing professional credentials. Do we have a universal, global assessment of credentials for engineers, for doctors, whatever? How does a newcomer convince an employer that the computer he or she used overseas is the same computer the employer is using here, so the newcomer really does have experience, despite what the employer may think at first? It's a mindset.

I think, as an employer myself, I don't look at whether they have Canadian experience or not—I guess because I'm in this business. I look at whether I like them, whether they can do the job, and whether they will fit in with my office. I think we have to tell employers, listen, quit complaining about skill shortages and carrying on about this when we have all these people already here, driving taxis or whatever; give them a chance. And let's see what we can do about being a little more relaxed with the recognition of credentials. Give people time to get their credentials in. Maybe we should work it like nurses do. You work as a graduate nurse until you become recognized here or whatever.

But I think it's a really difficult issue, and I think the department and Human Resources Development Canada should be commended for the work they've taken on today. It's a tough one.

•(1745)

**Ms. Axelle Janczur:** I'd just like to speak to this a little bit, the whole issue of access to professions and trades.

There has been a significant amount of work done in Canada addressing some of these issues, and I think we need to build on that. A couple of remarks have been made today that maybe it's attitude change, behavioural change, mindset. Yes, that's all well and good, but that's going to take a long time, or it may be never. We need to look at concrete policy things. From policy flows money.

There are some examples in Ontario of programs that have been funded by the provincial government that are bridging programs that look at what the gaps are between the experience and skills of foreign-trained individuals and the requirements here.

Let's not talk about restricting or reducing standards, because that's very much of a hot button for the general public here. We have to talk about retaining and maintaining standards, because every licensing college will tell you that they're about protecting public safety.

What programs need to be in place to help foreign-trained individuals bridge that gap? There are lots of examples. In Ontario, there are programs for dietitians, physicians, social workers, nurses. Those are the programs to study to see what is the policy framework that has created resources to support them.

The other thing is that in Ontario, they talk a lot about accreditation being arm's length from government. But all these accrediting bodies' licences are based on legislation, so in fact it's not arm's length. The government could intervene and say that colleges have to have appeal systems. That is one huge gap that exists. There are some colleges, for example, the engineers, that have done a lot of work to develop appeal systems. Just like what we're talking about in family reunification, that there's an outmoded definition of "family", well, in some of the colleges there is not an up-to-date or appropriate basis for assessment of foreign credentials.

I'll give you just one example, then I'll be quiet. For me this was a very meaningful example. A Vietnamese engineer does not learn about permafrost. In a review of his credentials, aside from the fact that the college might have no understanding of the schools he comes from, he might be assessed on certain types of engineering knowledge from his technical and academic background, whereas he knows other things. There has to be a way for the college to be able to understand the different pieces of knowledge and experience that he brings and be able to assess based on that. Because when you're using more of a Canadian assessment framework for people from different places, there are going to be deficits.

There are a number of ways that we have to approach this systemically, and it is a huge issue, absolutely.

**The Acting Chair (Mr. Lui Temelkovski):** If I can have the last word, I'll give each one of you a word.

What would you change if there were one thing you'd like to see changed?

Cynthia, half a minute.

**Ms. Cynthia Pay:** This isn't a legislative change, it's a resource change—no systemic barriers through bureaucratic delay or lack of resources. Let's put it on the table. We see it as discrimination that there are not many resources devoted to Asian visa posts. This

problem has been going on for years. It has to stop. It is discrimination.

That's what I would like to see changed.

• (1750)

**The Acting Chair (Mr. Lui Temelkovski):** Max.

**Mr. Max Chaudhary:** I think I'd adopt those same comments, because that's what's stonewalling the processing and the intention of the Immigration and Refugee Protection Act.

**The Acting Chair (Mr. Lui Temelkovski):** Camilla.

**Ms. Camilla Jones:** I agree. To me, that's the biggest issue with our department right now.

**The Acting Chair (Mr. Lui Temelkovski):** Farah.

**Ms. Farah Mawani:** Yes, I would support that and just emphasize that the delays need to be reduced in recognition that they have a detrimental impact on the health of individuals and families.

**The Acting Chair (Mr. Lui Temelkovski):** We're on a roll. You get an extra one, if you like.

**Ms. Axelle Janczur:** Again, all of our comments, many of which are anecdotal, really need to form part of the lens that you look through as you're deliberating on the recommendations. It's very important, especially in light of the demographic and socio-economic changes that we know are coming in Canada.

**Mr. Chris Pullenayegem:** Something I'd like to see, because we've done a lot of work in this area, is that refugees who have been accepted by the IRB are able to get on with their lives, not having to wait eight to ten years until they're landed. By that time their families have broken up, there are mental illness problems, all kinds of issues. They have been checked once; they're checked again. Medicals and security keep being done.

That's what I would like to see changed: people who Canada has covenanted to protect being able to get on with their lives, getting permanent residence as soon as they are seen by the IRB. Produce the person's status and let them get on with it.

There are thousands of people around Canada in limbo.

**The Acting Chair (Mr. Lui Temelkovski):** Greg.

**Mr. Greg deGroot-Maggetti:** Amen.

**The Acting Chair (Mr. Lui Temelkovski):** Okay, I'd like to thank you all for coming out and taking so much of your time to give us all this input. As you know, we're continuing here tomorrow, and in Kitchener-Waterloo, the chair's hometown, on Friday.

As for now, we have a group of about a dozen Norwegian parliamentarians who are here to look at our system. They think we're doing a good job, although we're still looking for some answers.

So thank you very much. You will get our report once we get it done, should we not go to an election.

I will pause the meeting briefly.

- (1753) \_\_\_\_\_ (Pause) \_\_\_\_\_
- (1756)

**The Chair:** There's a lot said about Christopher Columbus having discovered North America, and of course we know better. Our first nations are our first people, but the first explorers to land on Canada's shores, around the 11th century, were the Vikings. So I guess the immigration officers at the time must have been the first nations.

We really welcome you here today.

There are four of us. Lui Temelkovski is a member of the Liberal Party, as I myself am. Then we have Vice-Chair Inky Mark, who is a member of the Conservative Party, and so is Ms. Grewal. We normally have a member of the Bloc Québécois with us, as well as a member of the NDP, but because of the excitement around elections, there's a great deal of activity going on in Ottawa.

I did those introductions, but I want to give you a chance to introduce your delegation.

**Mr. Per Sandberg (Deputy Chairman, Norwegian Parliamentary Committee on Local Government):** Thank you, Mr. Chairman. We appreciate very much that you are receiving us so that we can have some of your valuable time.

We were at a museum yesterday. We were a little bit proud of that because they repeat the history that it was very important immigration to Canada. "Without the Europeans, maybe there wouldn't be any Canada," the guide said. So we are very proud today.

I am the acting chairman. My name is Per Sandberg, and I represent the liberal party. But we are also known to be very restrictive in immigration policy.

I will introduce the committee, starting with Heikki Holmas.

**Mr. Heikki Holmas (The Socialist Left Party, Norwegian Parliamentary Committee on Local Government):** My name is Heikki Holmas. I represent the Socialist Left Party, which is the Nordic red-green party.

**Ms. Kari Lise Holmberg (The Conservative Party, Norwegian Parliamentary Committee on Local Government):** My name is Kari Lise Holmberg. I represent the Conservative Party.

**Ms. Signe Oye (The Labour Party, Norwegian Parliamentary Committee on Local Government):** My name is Signe Oye, and I am representing the Labour Party.

**Mr. Sigvald Oppeboen Hansen (The Labour Party, Norwegian Parliamentary Committee on Local Government):** My name is Sigvald Oppeboen Hansen. I am also a representative of the Labour Party.

**Mr. Reidar Sandal (The Labour Party, Norwegian Parliamentary Committee on Local Government):** My name is Reidar Sandal. I am also a representative of the Labour Party or the social democratic party in Norway.

**Mr. Hans Kristian Hogsnes (The Conservative Party, Norwegian Parliamentary Committee on Local Government):** My name is Hans Kristian Hogsnes and I'm also a representative of the Conservative Party.

**Mr. Ivar Ostberg (The Labour Party, Norwegian Parliamentary Committee on Local Government):** My name is Ivar Ostberg and I am a representative from the Christian Democratic Party.

**Ms. Anita Apelthun Saele (The Christian Democratic Party, Norwegian Parliamentary Committee on Local Government):** I am Anita Apelthun Saele from the Christian Democratic Party.

**Mr. Torbjorn Andersen (Second Deputy Chairman, The Progress Party, Norwegian Parliamentary Committee on Local Government):** My name is Torbjorn Andersen from the Progress Party.

**Ms. Ingrid Sand (Committee Secretary, Norwegian Parliamentary Committee on Local Government):** I am Ingrid Sand. I am the committee secretary.

**Ms. Barbro Bakken (Director General, Norwegian Ministry of Local Government and Regional Development, Norwegian Parliamentary Committee on Local Government):** I am from the Ministry of Local Government and Regional Development, Department of Integration and Diversity. My name is Barbro Bakken.

- (1800)

**Ms. Jannicke Jaeger (Minister Counsellor, Ottawa, Toronto and Montreal, Norwegian Parliamentary Committee on Local Government):** I am Jannicke Jaeger. I am minister counsellor at the embassy in Ottawa.

**His Excellency Ingvard Havnen (Ambassador, Ottawa and Toronto, Norwegian Parliamentary Committee on Local Government):** I am Ingvard Havnen, Norwegian ambassador to Canada.

**The Chair:** You've got more parties than we have.

**Mr. Per Sandberg:** We can accommodate six parties.

**The Chair:** We used to have more but then the Progressive Conservatives and the Canadian Alliance Party united and they got rid of the progressive.

To give you an idea on what the makeup of Canada is and this committee, right now everybody here, from our side, was not born in Canada. Lui is the first person from a Macedonian background to be elected to Parliament. Nina Grewal came here in the early 1990s. She and her husband are the first couple elected as members of Parliament in Canada. Inky Mark, the vice-chair, came from China as a young boy, and there were some bad policies in place at the time. And myself, I'm a refugee from Hungary, class of 1957. We have twelve people on the committee, and out of twelve, six were not born in this country.

I started off there because obviously Canada is, except for our first nations, made up of immigrants. It's a question of time as to when they arrived in our country. Quite frankly, immigration is our lifeblood. It always has been and it's going to be in the next century, I'm sure. If you look at our demographics, any growth in the workforce that's going to come is going to come through immigration. In some ways we're a model because we get all the people from around the world who might be fighting in the particular areas they come from—be it Bosnia-Herzegovina, a troubled spot—and when they come to Canada, they might not love each other right away, but they get along. Eventually they become good friends. I know one of my good friends is from Romania. Romania and Hungary were not happy campers for many centuries, but over here that disappears.

We have a history of injustices to various groups that the country is not proud of, but it ultimately resulted in the Charter of Rights and Freedoms that was enacted on April 17, 1982. Pierre Trudeau was the Prime Minister at the time. It's a redress for us for past injustices and also it gives us guidance into the future, so when we do our laws, we make sure they comply with the Charter of Rights and Freedoms.

Our committee right now is studying three issues. One is the Citizenship Act, because the Citizenship Act that we have predates the Charter of Rights and Freedoms. The other one is international credentials recognition. And the other big issue we have is family reunification. You can appreciate, when you have a lot of immigrants, they would like to have their parents here. It has all sorts of implications and we have to try to work through that.

I'll leave that there, except I'll introduce to you our able researcher, Ben Dolin. He really does a lot of the work for the committee. Ultimately he does the reports. We'll tell him to change this or change that, but he really does carry much of the workload on it.

**Mr. Per Sandberg:** Thank you very much.

I can see that we are working with the same issues. In the Norwegian Parliament, we are now working with the same cases, both with citizenship and with the integration of people new to Norway.

It's always a pleasure to meet fellow parliamentarians, and we appreciate this opportunity to discuss these common challenges concerning the immigration policy in our two countries.

Besides the immigration policy, the tasks of the committee include topics having to do with employment, the economy, work environment, regional policies, housing, construction, regional development, and minority and family issues. In Canada, regional policies concerning indigenous people are also on the agenda. But the focus is general immigration policy.

The committee is working with a report from the government, of which the development of diversity policies is a key element. The report considers integration policy, on the one hand, and a policy concerning diversity and participation, on the other hand.

With regard to the Norwegian integration policy, a number of measures are being pursued to give immigrants and refugees opportunities to be employed and included in the society. Introduction programs, language training, and settlements are central

elements in this Norwegian strategy. However, no diversity element is being focused upon by the Norwegian government.

We are aware of the fact that your country has a fundamentally positive attitude concerning immigration, and we agree that it is very important to include immigrants in the society in a positive way.

In addition to your welcoming attitude, you are focusing on the importance of the basic values of Canadian society. While demands are made of you, you are also placing expectations on your new immigrants. To us this combination seems interesting, because in Norway there has been far too little focus of what society should expect in return from the immigrants and refugees.

I would also like to add that our committee is now dealing with a bill concerning a new law on citizenship. One of the main questions is whether dual citizenship should be allowed. Your authorities seem surprised by this concern of ours.

You don't have as many parties as we do. We have six political parties represented on our committee. The chairman couldn't join us because she had a knee operation. She is from the Centre Party. When it comes to immigration politics, I think five of the parties have more or less the same attitudes. The party that I belong to has always fought for a more restrictive policy than the others. I suppose there are various views on this topic in your committee, which should be interesting to learn about.

● (1805)

Even though Canada and Norway have a quite different history, when it comes to immigration our committee thinks you might give us important inspiration with regard to finding good solutions concerning the diversity policy in Norway.

Thank you.

**The Chair:** Thank you very much.

Let me just say this on the diversity of opinions in our committee. We actually come to a pretty good consensus. The problems we have are more with the government and the minister than among ourselves, because so many of the problems have such obvious solutions, and we seem to come to a pretty good consensus on them.

I guess we're going to adjourn and go to a reception, unless...

● (1810)

**Mr. Per Sandberg:** I don't know, Mr. Chairman, but maybe there are some questions. It shouldn't surprise me if there were.

Heikki.

**Mr. Heikki Holmas:** Thanks a lot, Mr. Chairman.

I would just like to emphasize that even though our chair here says that we are pretty much the same, it's him against the rest of us in a way. That's not really true. I'd say that my party, at least, the Socialist Left Party, has always been for a more liberal immigration policy and refugee policy.



I am struck by the differences in the way we perceive immigration. It's quite interesting. As Per Sandberg said, we come here and hear a bit about what you expect from people, but in Norway we've just taken away an economic immigrant's right to be Norwegian. It takes seven years before economic immigrants can achieve citizenship. You don't get permanent residency from day one; you might get it after three years.

That also goes for family reunifications. We have some cases where a person's wife who has come over to Norway, for instance, has to go back—it's heartbreaking—because the husband doesn't have permanent residency during the first three years.

We are treating a bill on citizenship now that has in a way overturned a big commission that recommended dual citizenship for Norway. I'd like to ask you what analysis you've had and what debates you've been going through that have led to you, to Canada, now today having dual citizenship, instead of being very strict so that you can only have one. What are your best arguments for such a solution?

**The Chair:** In some cases you never lose your citizenship, because some countries say that if you were born there, you're always a citizen of that country. As a matter of fact, if you happen to go back to those countries at a certain age, they might conscript you.

I think it's just the fact that we're from all over. I think the attitude Canada has taken is to go more for the international norm and strengthen the United Nations more and more. I think that's the direction we're heading in.

It's interesting that you mentioned it, because we had some questions today on what the implication of having dual citizenship is. What's the implication if you go back to China, for instance, or Iran, where you have a dual citizenship? We actually have a problem right now. A person was killed who was a Canadian citizen and also was an Iranian citizen. She went back to Iran on an Iranian passport because they won't recognize the Canadian one.

What are the implications? Split loyalties, but I think that's the way the world is going. More and more countries are opening up for dual citizenship. We don't have any great problems with that.

Are there any other committee members who want to respond?

Inky.

**Mr. Inky Mark:** As you know, Canada's future is dependent on immigration, so our target is something like 1%. Perhaps 300,000, down the road, is a realistic target.

What is the principle of your immigration policy in Norway?

**Mr. Per Sandberg:** It is first of all the loyalty, when people come into the army. The second one is it's very difficult to be responsible for children born in Norway with two citizenships. We have a lot of problems with that, when children are born in Norway and are taken out of Norway and into other countries. Those are the two main issues to take away the dual citizenship.

• (1815)

**Mr. Inky Mark:** No, but you don't depend on immigration as we do in this country.

**Mr. Per Sandberg:** We have a big discussion about that in Norway also—in all of Europe—because the future will give us the same challenges as Canada; we see that. Unemployment in Norway is not so high now, but we know we will need a lot of workforce in the future. There is a lot of unemployment in the rest of Europe; in some parts of Germany and Poland, there is 17% to 18% unemployment, so we think we can get a lot of workforce from these countries.

**Mr. Inky Mark:** So you're basically saying you can be a lot more selective in terms of who you want and who you don't want?

**Mr. Per Sandberg:** In one way we are selective in special workforce. We have a quota each year—I think it is 5,000 now—but we don't fill this out; last year it was 10,000, and I think it was only 7,000 or 8,000 who got in under these rules. It's mostly workforce inside health care and other areas where we will have problems in the future.

**Mr. Inky Mark:** Thank you.

**Mr. Per Sandberg:** But of course we've seen, from the basic population in Canada and also in Norway, that it will be almost the same, I think. Last year in Norway it was approximately 40,000 immigrants to Norway, totally, from economic immigrants, refugees, appealed citizenship—everything.

**The Chair:** It's a fair number.

**Mr. Lui Temelkovski:** How are you doing with European Union citizenship? That might be posing the largest problem for you, with people moving. Is it going to be affecting your citizenship? Are you looking at protecting it? That's where you have some difficulties, I guess—some different opinions.

**Mr. Per Sandberg:** No. Last year there were ten new members of EU, and we don't have a problem with this, because then you can travel freely over the borders. Then it's not a problem.

Heikki, you wanted to say something?

**Mr. Heikki Holmas:** Yes, I want to emphasize one thing people both outside and inside Europe mostly don't know. It's that Norway, even though not a member of the European Union, has free movement of labour between us and the rest of the Schengen countries, which consist mainly of most of the European Union countries—apart from Great Britain, really.

So there is a free amount of movement here. As I said, we've just taken away the right to learn Norwegian for people coming from the European Union to work. That's really the largest group; they get a temporary work permit for up to five years, and that's really the largest immigration that comes on a temporary level.

Apart from that, the main immigration to Norway striving to get a permanent residency are those on family reunification. There were about 12,000 people last year. Then we had 5,000 or 6,000 refugees, together with their families, and then we had also the 5,000 in that quota he talked about, coming as specialist workforce.

We're looking at the system you have here to attract specialists, because you have highly educated people who come from all over the world. We have a slightly more bureaucratic system, I dare say, than you have, and it makes it difficult for people to actually enter. They have to find work in advance, before they can apply, and then the application process is fairly long. These are the difficulties, but it doesn't count for the European Union countries; they can just come and look for work for six months.

**Mr. Lui Temelkovski:** We have many professionals driving cabs, as you've probably heard, so we have the opposite problem.

**Mr. Per Sandberg:** A small part of that problem we have in Norway also. We are working on this problem now to see how we can get—what would you call it—the human capital out of the immigrants in the right way.

**Ms. Anita Apeltun Saele:** Now you have the experience to know that there are different parties here, and I have to correct my colleague when he says we take away the right to learn Norwegian. Of course, anybody can learn Norwegian who wants to. It's the right to have an education for free that is reduced.

I only want to say that.

Of course, in Europe, as the EU grows larger, Norway is a high-cost country, and we have Poland and those lands that are low-cost countries, and that makes some problems, of course, when they move over our borders. They move back and forth all the time.

• (1820)

**The Chair:** Your challenge is economic. It is the integration with the EU. One of the interesting things about Canada is we have no majority in this country. Everybody is a minority, and we are very cognizant of it. That's why we are very careful about minority rights, because if we step on the rights of one group one day, somebody might step on ours the next day. So we tolerate, and it's part of our life. We have separatism discussed openly and referendums and whatever. It makes us particularly good negotiators, because we're always negotiating with one section of the country or the other.

**Mr. Per Sandberg:** About integration in the EU, maybe it will be a part of the campaign, because we have elections on September 12 this year. I am told there will be a discussion about it, but we will wait and see. Still the Norwegian population is 50-50 about membership or not. The majority of the political parties in Norway say that there's no point in getting a new election about membership if we say no for the third time. Most parties want to wait to get this election.

Is it right to say—you were talking about this earlier today—that you have a very hard focus in immigration on work? You have a hard focus on work, work, work. That is the big difference between Norway and Canada. We haven't had this hard focus, except for my party, that people should help themselves very fast. Is that the real focus you have? We know you don't give the big support in the same way we do in the start. For refugees you give support for eight

months, I think, and for family reunions they have to support themselves, or the family members have to support them.

**The Chair:** They do, but then they'll get access to things like health care, which can be very pricey. They charge them a right-of-landing fee—not the refugees; we took the charge off the refugees for that. We used to charge them as well. They pay for some of their settlement costs.

With our emphasis on economic migrants, 60% of the people who come into Canada are in the economic class. We are having big debates because when we're looking at economic class, basically we're looking for professionals, but we have a shortage of skilled trades and people are waking up to that. Somebody suggested just before the last session that economic class should be for professionals and skilled trades, and there is a big debate as to whether it is the right division, because if the economic migrants are not as successful, they are not as happy as the family class people who come here.

**Mr. Lui Temelkovski:** Mr. Chair, because of the largeness of Canada, people have different reasons for coming to different parts of Canada. For people coming to Toronto, they come to work, because their primary reason is economic. People going to Vancouver, British Columbia, go more for the lifestyle. And for people going to Quebec, their primary reason is culture. So we have a diverse country in terms of why people go to different areas of the country. So it's not only economics, but there are also other factors involved there.

• (1825)

**The Chair:** But if you don't find a job in Vancouver, you quickly come to Ontario.

**Mr. Inky Mark:** I should say, Mr. Chairman, that whoever has landed legally in this country is entitled to all of the social support systems we have in place: health care, and a roof over your head. I mean, those are all the costs that we, as Canadians, are expected to exercise, and we do. In a way we don't see it as a cost, because the payback is greater than the temporary cost.

**The Chair:** The clerk tells me that he's got everything set up next door.

**Mr. Per Sandberg:** Before we go, I think I'll take the opportunity to say some words.

**The Chair:** Okay.

**Mr. Per Sandberg:** On behalf of the committee, as I say, we are really grateful. We know that you've already had a hard working day. We really appreciate very much that we could get this opportunity to discuss this with you. It looks like we have the same challenges, but we have different ways of attacking it. So maybe you should come to Norway next time, and see what we do in this area.

**His Excellency Ingvard Havnen:** Welcome, for the next hearing.

**Mr. Per Sandberg:** Anyway, if you're planning to go to Norway, here you have a good opportunity to learn about Norway, if you have time for it. So a little gift from our committee.

**The Chair:** Thank you very much.

**Some hon. members:** Hear, hear!

**Mr. Per Sandberg:** Thank you very much.

**The Chair:** We'll make sure that we send a copy of our report to everybody who attended, because it might prove to be very interesting.

We might be joining you in the EU at some point.

**Some hon. members:** Oh, oh!

**The Chair:** If I can take Hungarian citizenship now....

**Mr. Per Sandberg:** You would probably go before us, I think.

**The Chair:** The meeting is adjourned.

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