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—
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Mr. Norman Doyle

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• (0900)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): Our meeting will now come to order.

I want to welcome all of you here today. I welcome the Canadian Council for Refugees and thank them for having taken time out of their busy schedules to be with us today to talk about refugee issues. I welcome the three members: Francisco Rico-Martinez, co-chair of the working group on inland protection; Janet Dench, executive director; and Debra Simpson. Welcome to our committee today.

Generally, the format is that you have ten minutes or so to make your presentation to the committee. Then we will go into questions and discussion and what have you, starting at the left and going right around the table.

I will turn the meeting over to you for your presentation.

Good morning.

Ms. Janet Dench (Executive Director, Canadian Council for Refugees): Good morning, and thank you very much.

We're going to be making the presentation with all three of us taking part.

I will begin by introducing you to the Canadian Council for Refugees, which is an umbrella organization of approximately 170 organizations across Canada committed to the rights of refugees and immigrants.

Our mandate calls on us to work for the protection of refugees in Canada and around the world and for the settlement in Canada of refugees and immigrants.

[Translation]

In 28 years of existence, the CCR has established itself as the leading advocate for refugees in Canada.

We are pleased to have this opportunity to speak with you about some of our concerns relating to Canadian refugee policies and programs, as you begin your study of refugee issues.

[English]

According to the U.S. Committee for Refugees and Immigrants *World Refugee Survey 2006*, there are 7.89 million refugees who have been warehoused for five years or more, refugees who have no durable solution. It also reports 21 million internally displaced persons. Yet Canada is now offering asylum and a new home to fewer refugees than in the past.

In 2005 the number of refugee claims made in Canada was under 20,000 for the first time since sometime in the mid-1980s. This compares with an average of 34,700 over the previous five years. This low 2005 number was largely the result of the designation of the U.S. as a safe third country, closing the door to most refugees at the U.S.-Canada border. At the same time, in 2005 the numbers resettled were stagnant. In fact, privately sponsored refugees came in under the bottom end of the range.

We have a broad range of concerns relating to refugees, and there's no time here to go into all of them. Other issues one could talk about relate to government-assisted refugees, interdiction measures, settlement issues for refugees, and the impact of negative public opinion and misconceptions about refugees.

We do want to note, without going into detail here, our concern about processing fees that refugees recognized in Canada must pay for permanent residence—that's \$550 per adult. These create significant hardships.

We also want to underline the concern over the continuing detention of children, including some who are seeking asylum in Canada. This raises a more general issue that relates to Canada Border Services Agency, and we have questions about how this committee deals with the split between CIC and CBSA and the confusion that entails, including, with respect, parliamentary committee oversight.

Finally, as a general introductory comment, we would like to encourage members of the committee to attend our full consultation in Montreal in November. This would be a great opportunity for you to learn more about all these issues and many more. The theme of our fall consultation is youth, and perhaps some of you might be able to sponsor a refugee youth from your riding to attend the consultation.

I'll pass over to Debra to talk about private sponsorship.

• (0905)

Ms. Debra Simpson (Member, Canadian Council for Refugees): The private sponsorship of refugees program is one of the issues you've identified as of interest to you, and also of high priority. It's also of high priority to the CCR.

Following are some reasons why you should care about the private sponsorship of refugees program. It's the only program of its kind in the world that allows citizens to make their own contribution on top of what the government does to the resettlement of refugees in need of protection and a permanent home. Sponsor contributions include financial support roughly equivalent to \$79 million annually. The cost to the government to resettle these refugees is minimal.

Largely because of private sponsorship efforts, the people of Canada were awarded the Nansen Medal in 1986. It was the first time the UN High Commissioner for Refugees had awarded this medal to an entire nation.

Communities right across Canada, large and small, can participate in welcoming refugees through private sponsorship. This allows communities to get to know refugees face-to-face and build a commitment to upholding Canada's humanitarian traditions as well as facilitating successful integration and reducing xenophobia.

The private sponsorship of refugees program complements the government resettlement program, which largely relies on referrals by the UNHCR, and allows Canada to respond to refugees in need who would otherwise fall through the cracks.

In the last ten years, 29,000 refugees were able to find a permanent home in Canada as a result of this program. If the government permits, sponsors can do even more in the next ten years.

If it's so great, what's the problem? There is a lack of clear government support for private sponsorship as shown by the low targets, roughly 3,000 to 4,000 per year, significantly below the willingness of sponsors to be involved.

We're also concerned that actual arrivals are at the bottom end of the range. In fact, in 2005 we didn't even meet the bottom end of the range. As a result, there is an accumulated backlog—roughly 14,000 as of September 1, 2006—and there are long delays. For visa office processing alone, 50% of cases take more than 22 months. One in five cases takes more than 34 months. And we are concerned about the perception of the program and the sponsorships we submit from CIC and visa posts overseas.

Our recommendations include increasing the targets significantly for privately sponsored refugees in the 2007 annual immigration plan and increasing the resources for processing privately sponsored refugees to ensure that these targets are met and that the backlog is eliminated. We also recommend that the committee study private sponsorship refusal rates in order to better understand the reasons for refusals.

I will now turn to Francisco.

Mr. Francisco Rico-Martinez (Co-Chair, Working Group on Inland Protection, Canadian Council for Refugees): Good morning. I am going to talk about refugee determination in Canada.

First, to talk about the positives, the fundamentals of Canada's refugee system are sound. Refugee determination is inherently difficult. Beware of those who advise you to throw out the current system in favour of some other supposedly more efficient system. Look at other countries that make amendments to the refugee system

as often as they change their socks, supposedly fixing the refugee system, but in reality making it tougher for refugees.

Positive aspects of the refugee determination system include: most claimants get an oral hearing on their merits before the decision-maker; independent quasi-judicial tribunal with expertise in refugee determination; excellent research and documentation services decision-makers can rely on. What we need are some changes to the refugee system to build on it, not dismantle it. The refugee determination system in Canada has a strong foundation.

Now the negatives. Since the current refugee determination system came into effect in 1989, refugees' advocates have consistently drawn attention to two major flaws: the lack of a bill, and the appointment system to the Immigration and Refugee Board. Since then, a third has been added: safe third country agreement. We won't get into this here. We'll refer you to the CCR report on the first years of the safe third country agreement. The name of the report is *Closing the Front Door on Refugees: Report on Safe Third Country Agreement* It was published August 4, 2005.

The U.S.-Canada safe third country agreement called for a first review of the agreement and implementation no later than 12 months from the date of entering into force. The 12 months were up in December 2005. Nine months later, the reviews have still not been made public.

We take this opportunity to remind you that in December 2002 this committee adopted a report outlining a number of concerns with respect to the safe third country agreement and making a series of recommendations. The last recommendation reads:

The Committee recommends that when the Department performs a full review of the Agreement one year after its implementation, it should report its findings to this Committee. The Department's report to the Committee should include the following information....

There follows a long list of information requested by the committee. This has not been done.

With regard to the Refugee Appeal Division, the act passed by Parliament in 2001 includes a right of appeal. The implementation of the act without the right of appeal subverts the will of Parliament and undermines the democratic process. Members of Parliament agreed to the reduction of decision-makers in each case from two to one, because refugee claimants were still going to get an appeal process. Since 2002, refugee claimants are heard by a single decision-maker, with no right of appeal on the merits.

Inevitably, mistakes are made. Any human decision-making process is subject to error. This is even more the case with refugee determination, a very difficult process involving things happening in different countries, when information is often limited and testimony is usually heard through an interpreter. Yet the consequences of a wrong decision are huge. It may be a matter of life and death. As has been said, since the abolition of the death penalty, refugee determination is the one place where Canada's decision-makers are making life-and-death decisions. And yet there is no meaningful review of a negative decision. The only possible review is a judicial review, which is a narrow legal review, and most importantly, only by leave.

• (0910)

Only one in ten applications for leave to the Federal Court is granted. That means that nine out of ten claimants who ask for even this limited review are denied. There are no other reviews. Other recourses that may be available for refugee claimants are H and C, or humanitarian and compassionate applications, and the pre-removal risk assessment applications. These do not review the initial IRB decision. On the contrary, they regularly use the negative IRB decision against the person who is using these recourses.

On December 14, 2004, the Standing Committee on Citizenship and Immigration unanimously adopted the following motion:

Whereas:

the Refugee Appeal Division is included in the Immigration and Refugee Protection Act;

Parliament has passed the Immigration and Refugee Protection Act and can therefore expect that it be implemented;

the House of Commons and parliamentarians have a right to expect that the Government of Canada will honour its commitments;

...or advise the committee as to an alternative proposal without delay.

The recommendations about this: Ask the government to account for the non-implementation of the committee's earlier motion regarding the Refugee Appeal Division. Support the private member's bill calling for the immediate implementation of the Refugee Appeal Division.

The next topic is the Immigration and Refugee Board appointments. Appointments to the IRB have been a longstanding problem. There have been improvements with the introduction of a merit-based selection process. However, the process still depends on the government in power actually making the necessary appointments in a non-political manner. This has not been happening, and the IRB is facing a crisis now, a deep crisis, due to the failure of the government to reappoint qualified members and to appoint sufficient new members.

• (0915)

Ms. Debra Simpson: I would like to address family reunification. It's important to recognize that the process does not finish for refugees once they are granted refugee status. They still need to get permanent residence and in many cases reunite with family members from whom they have been separated. It's scandalous that Canada allows family reunification for refugees to drag on for years in many cases. A few examples: one out of five cases in Islamabad takes

more than 39 months, one out of five cases in Colombo takes more than 35 months, and in Nairobi it takes more than 30 months.

The long delays, of course, are very costly for the refugees, for their family members, and for Canadian society at large. As long as refugees are separated from their spouse and their children, they cannot settle down. Families that are reunited after a long separation are more fragile. Children who wait two to three years in a vulnerable situation before arriving in Canada are more likely to have health problems and to be behind in their schooling.

A particular and inexcusable problem is that there is no mechanism for children recognized as refugees to be reunited with their parents and/or their siblings. This is clearly in violation of Canada's obligation to facilitate reunification of children with their parents.

Recommendation: that family members of refugees be authorized to travel immediately to Canada to finalize processing of their permanent resident applications in Canada, and that the regulations be changed to allow refugee children to include parents and siblings on their application for permanent residence.

There are also many other concerns relating to family reunification that also affect some immigrants. We particularly highlight the devastating impact of the so-called excluded family member rule, regulation 117.(9)(d). This creates permanent separation of families, including of children from their parents.

[*Translation*]

Ms. Janet Dench: Many members of this committee met on May 9 with the Lives on Hold delegation that came to draw attention to the very difficult situation of nationals of countries to which Canada does not deport because of a situation of generalized risks, generally called moratorium countries.

Nationals of these countries who are not recognized as refugees are protected against deportation by the moratorium, but there is no sure mechanism by which they can become permanent residents and get on with their lives, even if they have been in Canada for over 10 years.

The Minister reminded the delegation that they can always apply for humanitarian and compassionate consideration.

Over the summer, a number of people found out in a painful way that humanitarian and compassionate grounds do not offer them a solution. A whole series of negative decisions have been received by moratorium country nationals, that is by people who have been in Canada for over four years, and some six, seven or even thirteen years.

Among those refused was a Congolese family. Their father was among the delegation that met with Members of Parliament on May 9. This is a family that speaks French and English, the parents and the oldest daughter are all working, the younger children are doing well in school, there is no criminality and all are in good health. They come from a moratorium country and have been in Canada for five years.

What more can one need to be accepted? Yet, their application was rejected. The impact of this rejection is devastating for the family. Their children remaining in Congo have no way to come to join them in Canada and the children in Canada will have to give up dreams of post-secondary education. The parents must resign themselves to continuing in minimum wage jobs, even though they have a professional background.

● (0920)

[English]

Some of these negative decisions have been analyzed by the Lives on Hold Coalition. Our report, "Lives on Hold – The Limits of H & C", showed that H and C decision-making is extremely inconsistent. Similar cases get different answers. This inconsistency is inherent to H and C because it is a discretionary process in which individual officers reach their own conclusions about whether humanitarian intervention is required or not.

There are many people in Canada without status, and the CCR urges parliamentarians to work on solutions for regularization. In the meantime, an urgent solution should be brought to the situation of moratorium nationals in limbo. Their case is particularly compelling, given the acknowledged situation of risk in their home country, which means that they cannot be removed. Everyone stands to gain by letting them get on with their lives.

We have two recommendations, then, in terms of policy. The first is to adopt a regulatory class providing permanent residence to all persons from countries to which Canada does not remove and who have been in Canada for three or more years. Secondly, in terms of process, we encourage you to invite the Lives on Hold Coalition to one of your meetings to learn more about their situation.

And there we conclude our presentation. Thank you very much.

The Chair: Thank you very much.

Could you talk a little bit more about family reunification and why it's taking so long, up to three or four years, to have families reunited? I'm personally working on a case—just completed, as a matter of fact—in which it has taken three years to bring a family from Nairobi back to St. John's. I'm really not sure why it has taken so long. What, in your opinion, is the main reason for the great delay in family reunification?

Ms. Janet Dench: One of the things to note is that the timelines vary enormously among visa offices. In some offices, it often happens within a matter of months, which is, of course, the way it should be, in our view. The disparity among these offices is in itself troubling, because people should not be treated differently depending on where their family members are.

It also points to a problem that exists in visa offices. It seems that some visa officers are simply overwhelmed by the number of files they have to process and it takes them a long time to get to the files that need to be dealt with.

We have talked at some length to the immigration department about the various barriers that exist in the process. Some are things that are beyond the control of the family members of the refugees here in Canada, such as requirements for documents that prove the family relationship. This sometimes leads to immigration officers

making a request for DNA testing. It's a process that in itself lengthens the delays because it takes quite a lot of time. Sometimes the refugees have to wait until they can get the money together, because it's very expensive, not to speak of the actual processing time.

A number of efforts have been made by the immigration department to speed it up. But when we see that the delays remain so long despite their attention to this issue, it then brings us back to this question: Why don't we take the bull by the horns, recognize this is unacceptable, let the family members come to Canada, and do the processing in Canada? It would probably be cheaper for us.

● (0925)

The Chair: Would having people process the visas, and DNA testing, and what have you, mostly be a human resource problem at their end?

Ms. Janet Dench: It seems to partly be the problem. They also speak about the difficulties of communication.

Obviously, refugee family members by definition are often in very difficult situations. They may be in countries that are torn apart by war. In some cases, we're also dealing with separated children. The parents are in Canada and the child is left behind to stay with a relative or neighbour. Even for these cases, which we would think most Canadians would find absolutely compelling in the highest order, it can go on for months or over a year in many cases.

If there are consistently a variety of different barriers to it being speeded up, why not simply say these people should immediately travel to Canada and sort out the paperwork here?

The Chair: Mr. Rico-Martinez.

Mr. Francisco Rico-Martinez: It is also the lack of understanding of the process by the family members who are overseas and the people here. There is no really clear publication or explanation. Most of the time, the explanation they receive is in the hands of the NGOs or the community centres try to explain the process that they have in front of them. Overseas, sometimes there is a lack of understanding of what the DNA process means.

We have a case where a mother here is sending money and everything back home to Eritrea. The person taking care of the two small children decided it was too expensive to bring the two children to the lab. They brought two other children who were of similar ages because they didn't have a clue as to the whole implication of DNA testing. We now have a problem where the children have been denied entry to Canada because the DNA doesn't match the mother. We have to convince Immigration Canada that basically something stupid happened. They ask us how we can dare tell them that someone doesn't understand DNA testing.

It's part of the reality we deal with. It's the lack of understanding of a process that is so complex and demanding. It demands too many things of people. They basically get lost in the whole process, and that complicates it even more. It's a situation of a lack of resources.

The Chair: Thank you.

We will now go to our questioners.

I'll start with Andrew, for seven minutes.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Thank you very much, Mr. Chair.

Since the Conservatives took the first round of questions, I guess Mr. Komarnicki will give a pass on the first round.

An hon. member: [*Inaudible—Editor*].

Hon. Andrew Telegdi: Well, we do that. I used to do that as chair to make sure everybody got a round. Then at the end, when it came to me, I took the question.

I'm glad you raised the issue of wasting time and resources and the problems there. If you look at the department, we waste an incredible amount of resources, time, and manpower on incredibly stupid things, I think, one of them being the DNA. It's very costly and it serves as a barrier to people getting here, particularly from Africa. People are in incredible danger, sitting there waiting in a war zone, if you will. Nobody around this table would disagree that the refugee camps in the Sudan or Darfur are anything but very dangerous, where women—and children, I might add—cannot go outside to gather wood without the risk of being raped.

Another place where we waste our time is with the type of case that's in the press right now, the case of Mr. Joe Taylor. We as a committee met with Mr. Taylor, the son of a Canadian serviceman and his war bride. We're spending an incredible amount of resources fighting this case in the courts. Mr. Taylor won in the courts, a Federal Court judge ruled parts of the Citizenship Act unconstitutional, and yet the government appealed the decision at 4:30 on a Friday afternoon.

It's an incredible waste of resources. The government has to pay part of the costs incurred by Mr. Taylor, yet somehow the bureaucracy feels that they have unlimited resources to waste on stupid court battles like this. And the cases go on. There's also the case of the lost Canadians.

So it really is bothersome. Having sat around this table since 1998, I know that you really don't have a problem with members of this committee. This committee comes to an agreement. The problem we have is with assistant deputy ministers in the department and the directors of various departments. Somehow we have to make sure they do the kind of priority work that needs to be done.

You mentioned RAD. The committee went through it, and we all agreed, but we have had no movement on it. The reality is that if we had RAD, we probably could speed up the processing of the cases, and fewer cases would go to Federal Court. We could have a much more efficient system. We had that in front of this committee.

I mean, one could just go on and on here. Take the third country agreement; you're right, we didn't get that report because resources are being used to fight Mr. Joe Taylor's case and other such outrageous cases. I have had some sleepless nights over the third country agreement. The committee has always been very consistent in terms of where we saw that going.

To go back to the issues you raised, I can speak from personal experience here. This is the 50th anniversary of the Hungarian revolution. I've been through the refugee system. I went through it when the refugee system was at its best. There was political leadership from the top. Canada was probably at its finest hour.

Some of the changes made had an impact on Mr. Rahim Jaffer, who came as a refugee from Uganda.

When we want to, we can do very well. Look at what we did with the Kosovars. With an incredible herculean effort, Canadians opened up their hearts and opened up their arms. We received a lot of people from Kosovo. We can do it. But we have to get away from some of these things that waste resources, that waste people power, and that don't make sense. It doesn't make any sense to have some kid sitting in a refugee camp for a couple of years, missing out on development, missing out on becoming acclimatized to this country, missing out on going to school, just for the sake of some bureaucratic testing.

You mentioned one question about...and I'm going to raise this. As a member of Parliament, I have made recommendations for appointments. Believe it or not, on many occasions I nominated people from other political parties because I knew they were very interested in service.

● (0930)

That brings me to the Immigration and Refugee Board. My understanding is that no reappointments are happening. They're being cleaned out wholesale.

I know this committee talked about having competency-based.... We had the Auditor General's report, where we talked about the need to make sure there is a length of service and a length of continuity.

If you're slow in filling up the vacancies and are putting in new members, you really are going to harm the system. The committee was spectacularly unanimous, when I was in the chair, that we should not have appointments based on political considerations and that we wanted to make sure to fall in line with the Auditor General's report.

I want your commentary on that. I think this can really muck up the works for the refugee board, and you're saying there is a crisis developing. I'd like to have you make some comments on that.

Mr. Francisco Rico-Martinez: I think you're right, in terms of the situation we are facing now.

We are under a lot of stress—the NGO sector, the civil society—because people are talking about the refugee process getting longer and longer. I think partially the government is responsible for that, because there haven't been reappointments, or very few. I don't remember that there have been reappointments. Worse is that there haven't even been new members appointed to the IRB. The number of members of the IRB has reduced almost to 50% of the full capacity, which means few members processing cases, which implies that the refugee process is getting longer and longer.

Our concern is that some sectors of society that don't understand this particular situation are going to use this, the long process, against the Immigration and Refugee Board. In that case, we are going to be facing a political crisis asking to re-examine the refugee determination system because the process is too long. It would be possible to solve this if we started appointing members to the IRB in a normal way, or the way it has been done in the past.

I know we have some issues with IRB members, and don't take me wrong, we are very aware of that situation. We have been saying that the political appointees to the IRB are not the way to go. But on the other hand, the system is failing us.

● (0935)

The Chair: Thank you. The seven minutes are up.

We'll go to Madame Faille.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Thank you, Mr. Chairman.

I would like to thank the Canadian Council for Refugees for appearing once again before our committee. I've had the opportunity to hear testimony from CCR representatives several times since being elected to office. I'm starting to think that no one is listening or stressing the need to welcome refugees. I've known many refugees over the years and I can honestly say that they have a strong desire to integrate into society in Quebec and throughout the rest of Canada.

Recently, the department has been sending us data on the number of persons waiting for a decision. What I find especially disheartening is that the number of people with applications on hold at certain offices, whether in Nairobi, Damas or Islamabad, has been growing over the years.

In the case of Islamabad, it is distressing to see that Afghan nationals applying for refugee status are being turned down on the grounds they do not qualify. My office has been looking into such cases for some time now. Canada could do considerably more to welcome these nationals, in view of the war currently raging in their homeland. These applicants are sponsored by groups or agencies and, as Ms. Simpson noted earlier, these groups are receiving financial support. Therefore, the cost of bringing these people to Canada would be lower.

I'd also like to talk about family reunification, still in relation to the same offices, namely those in Nairobi, Islamabad, Colombo and the Ivory Coast, which in recent years has been added to the list. What saddens me is that the committee had an opportunity to meet with these persons last May, in particular with a woman awaiting reunification with her children. Her eldest child died over the summer. Her remaining children are now here in Canada.

Like yourself, Mr. Chairman, we did everything we could to alert the local authorities. The process of reuniting this mother with her children took six years. The mother, who worked as a security guard, had witnessed the kidnapping of a child for the purposes of removing some vital organs. Initially, she believed the kidnapping was the work of a rebel group, but then discovered that it was part of an organized network. She suffered the consequences, namely the loss of one of her young sons.

A refugee's life is not always easy. When persons apply and have the support of their community, we must make the process as uncomplicated for them as we possibly can.

Previous governments as well as the one currently in power have promised to review the refugee determination system. Witnesses have repeatedly told the committee that the system was working, but needed to be improved on several levels. The CCR will have more to

say about the decision-making process. However, regarding the appointment of IRB members, we will soon be facing a staff shortage, which will impact the quality of the decisions made.

Can the CCR tell us how long it takes for a member to get completely up to speed? I'd also like to hear its views on exclusions in so far as rejected applications are concerned. One good example is the outright rejection of an application of a person who is a police officer.

I'll have additional questions later, but for now, I'd like someone to explain to me how the decision-making process works and why people mistakenly believe that the current system has a safety net.

● (0940)

[*English*]

The Chair: Okay.

We have two minutes. We'll move along to Bill.

Does any member of the committee wish to respond?

[*Translation*]

Ms. Janet Dench: I would just point out that the problems arising in Canada because of the lack of an appeal mechanism also exist abroad. Many applications sponsored by the private sector are denied, and in some cases, we find that negative decisions are not well founded.

Errors can occur when a person appears before the IRB in Canada for a hearing. Mistakes can happen and that's why we are lobbying for an appeal mechanism. A hearing in Canada lasts a minimum of two hours and the applicant is assisted by counsel or a lawyer. Some board members are highly trained and have access to a database and to documentation.

Abroad, however, visa officers do not have access to this documentation and do not have the same level of training. As a rule, refugees are not represented by counsel. More than likely they do not understand the definition of refugee and often, interviews last a mere 30 minutes. Obviously, it's impossible to claim to have made a sound decision after a half-hour interview, especially when interpretation services are required.

Owing to the lack of an appeal mechanism and to the relative laxness of the rulings, there is cause to be greatly concerned about the decision-making process abroad. During our meeting, we discussed the decisions made in Damas, particularly those involving Iraqi applicants. We're all aware of the situation in Iraq. We also know that the approval rate in this case is very low. Our visa officers reject the applications of persons who seem to have very good reasons for fleeing Iraq. This situation is very worrisome.

[*English*]

The Chair: Thank you.

Bill, please.

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

I want to thank you folks for being here again. The work that the CCR does across Canada and with all your member organizations is so important to so many people. Thank you for all of that.

I'm hopefully going to give you a chance to say a few things in my seven minutes. I'm wondering, first, Debra, if you might say something about the private sponsorship program. It's a hugely important program, and as you said, it has been unique in the world. I think it has been a model for the world and something the world has envied. The government often tells us now that they see it being used as a back door for family sponsorship. How do you folks respond to that comment, and how do you see the program being used? Who's in that backlog of 14,000 cases?

• (0945)

Ms. Debra Simpson: Thank you for raising that question, because when I referred to the concern about the perception of the program by visa officers and CIC, CIC has indicated that they are concerned that this is what we're doing, using this program to bring family members in through the back door.

The reality is that we have an obligation, as sponsorship agreement holders and sponsoring groups working with the sponsorship agreement holders, to assess each case that we put in. We must make an assessment about whether or not we believe these people fit the definition of refugee. It's only after that that we will submit a case for sponsorship.

It is true that people have family members overseas. It's also true that they are refugees, and we will only use this program for that. We believe strongly that this is a protection program only and not a way to bring in family members.

It is unfortunate that there isn't a more broadly defined definition of "family" in the other programs to facilitate family reunification for some families. For example, if you have a family member who is over the age of 22, a child who is over the age of 22, you are unable to use the family class sponsorship program to bring that person in. That is not to say, however, that we are using that program in that way. We are using the program to bring in refugees.

As Canada, we have been doing this program for what, 27 years? Many people have come here through this program as refugees. These people are here now in Canada and are aware of their family members overseas who are in similar situations as they were. That is how we are hearing the stories they have.

Mr. Bill Siksay: Debra, we've also heard that some of the groups that come together for a private sponsorship are getting frustrated with the delay and are dropping out of the program because of that. These people are ready to receive someone, and if it takes years and years and years, they look for some other way of serving the community.

Is that a problem you're noticing?

Ms. Debra Simpson: Absolutely.

Has anyone here been a member of a sponsoring group? Has anyone waited for over three years for a family to arrive?

People get very excited about this program. They respond because they know that someone's in need, and then they wait. Very often, as a sponsorship agreement holder, I am not able to explain to the sponsoring group why this is taking so long. So people move on. It's true. We have seen a decline in interest in the program primarily

related to the fact that it has taken so long for people to arrive, and there's no good explanation.

Mr. Bill Siksay: Janet, one of the things you mentioned when we were discussing family reunification was that there are great humanitarian and compassionate reasons for speeding up that process and bringing family members here when someone's been determined to be a refugee. But you also said it was cheaper. I wonder if you could expand on what you meant by that.

Ms. Janet Dench: Well, the operation of visa offices overseas is very expensive. You have to pay for the Canadian officials who are living overseas, as well as for the operation, locally, of the visa offices. If we do things in Canada, obviously, we don't have those extra expenses. So we imagine that if you could simply transfer the overseas processing of the dependants to Canada, so that the vast bulk of that processing is done here, that should cost less than if it's done in the visa offices.

Mr. Bill Siksay: Is it also cheaper in terms of the demands on Canadian health care and education systems for people who are more quickly reunited with families? Don't the costs of health care and those kinds of things go up when the separation has been longer?

Ms. Janet Dench: Yes. I don't think we have specific studies to rely upon, but logically, and from what we observe anecdotally, it is very costly when there are these long family separations. Some of that is because family members are living in desperately unhealthy circumstances. We have people—children and spouses—who don't have access to proper health care. They arrive, and their health situation is much worse. If it had been dealt with early on, with the health care in Canada, the problems could have been averted.

You also deal with problems in schooling. Kids who have no schooling, or limited schooling, who arrive after several years, are behind, obviously, and that is going to cost Canadian society.

You also have the cost of the fragility of the family, because it's very difficult for families to come together after a very long separation. In particular, one thing we hear again and again from family members is that there is a lack of trust. When a child is told at the age of eight that no, you can't go be with your parents, or you can't be reunited with your dad, no matter how much we say that it's not the dad's fault, that the dad is doing everything possible to get the Canadian government to bring him or her here, the child feels abandoned by his or her father. And that relationship is difficult.

It is for spouses, too. We have many people who come to our member organizations in tears saying.... In one story I heard of, a man asked the counsellor to phone his wife and explain, because his wife did not believe him when he said he really was doing everything to bring her here.

How do you bring those relationships back together again? Well, families come, and many of them do manage to get on, but there are also stresses, and they take their toll, too.

• (0950)

The Chair: Mr. Rico-Martinez.

Mr. Francisco Rico-Martinez: The other thing we can mention is having reliable international organizations do the different processing outside Canada. The UNHCR is everywhere in the countries that produce refugees, but we don't trust the UNHCR, in terms of the immigration procedure, to process the applications for refugees. We have to do the work selecting refugees that the UNHCR does in different areas most of the time. We have to do it again and again and again, and that takes time and resources that we don't need to use.

The last quotation I received was that it costs \$250,000 for Citizenship and Immigration Canada to create a position overseas to process refugees. That's a very expensive process when you have other resources overseas you can use to help process the applications.

The Chair: Thank you.

Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Mr. Chair.

I certainly appreciate hearing from the council. I would like to take part in your Montreal event in November. I think that would be very informative, and it would certainly assist us.

Thank you for your presentation identifying some of the areas of significant concern. Obviously we will need to make progress in some of those areas.

Mr. Telegdi raised the issue of the IRB appointments. We've taken some steps in that direction. Of course I might remind Mr. Telegdi that it's a process we've inherited. We've done something about it. Our hope obviously is to significantly cut some of that time for the appointments. On a first-time basis, there have been advertisements placed in various national and regional newspapers. We've received applications, and hopefully we can get those positions filled with competent and qualified people. As you fill those positions, it will certainly impact on what you've indicated.

I appreciate your comments on the issue of how claims are processed through the system. You indicated that a judicial review is perhaps expensive; it is a fairly long process, and a very narrow one. As you indicated, only one in ten go forward, so it leaves a number behind.

A question I'd like to pose to you is how we compare in terms of a refugee claim going through all the processes when you look at the big picture. What percentage don't make it through the system?

Secondly, you mentioned the pre-assessment risk removal. There is a humanitarian and compassionate grounds application, the judicial review, and of course we have the decision made in the first place by the reviewer of facts. Is that whole system something we should be looking at in terms of how the components work when it relates to refugees?

How does the system we have compare to other countries? We obviously have the humanitarian and compassionate grounds application that can be made by someone who is refused. We have the other pre-removal risk assessment process, the judicial review.

Do other countries build all of that into the system? How do we compare? Is there improvement we can make in some of those areas?

Then again, I would like to pose a question to Ms. Simpson in terms of the private sponsorship. No doubt there are issues about processing time and cost; that's an obvious one that would need to be dealt with. Is there anything else that could be done relative to those who might potentially be private sponsors? Is there more that can be done to create an interest in this area? It does make some sense to have those who are already interested and are prepared to put some infrastructure and dollars behind that become involved, and to mobilize that public empathy. Perhaps you can address that as well.

• (0955)

Ms. Janet Dench: I'd like to pick up on the question of appointments to the IRB. We're very worried about the lack of reappointments of existing members. There have been some, but the general rule seems to be that there aren't reappointments.

That is a concern from a couple of points of view. One is that a system is political if people are barred from consideration because they were appointed by the previous government, and that is certainly the perception out there. The impact of that is that you are losing a lot of highly qualified board members, people who would be able to mentor and take the system forward.

If you lose a large number of qualified people and you replace them with new people, the new ones may be excellent but they will take at least six months to properly get up to speed, so there is a lot of wastage, and if they don't have the experienced members to mentor them, it may take them longer. So we're concerned at the Conservative government's apparent position that they are reluctant to reappoint existing qualified and competent members.

In terms of your general point about the refugee system, I think it is fair to say from our perspective that the Canadian refugee system, as Francisco mentioned, has a lot to be said for it, particularly if you look at other countries around the world. Many have extremely complicated systems where you go through various different steps. One of the great benefits of the Canadian system is that we have invested in a very competent first-level decision process. Rather than wasting time making a first decision that has to be overturned most of the time on the appeal, we have a first-level refugee determination that, generally speaking, is good. There will be mistakes, but they're no doubt the minority by far. However, sometimes errors are made, and that's why there needs to be an appeal process in the system.

We're not asking for there to be fundamental rethinking of the system—you mentioned the various parts. We sat down with the department, and we're happy to sit down with anybody to discuss how things might be adjusted here and there, and we have certainly many suggestions that we can make about how the whole thing could be made to work better. But the fundamentals of the system, in our view, are actually very sound.

The Chair: One minute, Mr. Rico-Martinez.

Mr. Francisco Rico-Martinez: What I want to say is that we have to change the emphasis that we put on some parts of the system. We now have an emphasis on judicial review. If we remove that emphasis and put it in the appeal division, for instance, we can do an exchange, because the appeal division will be on merit and that will be more fair than the judicial review we have right now.

We can change the focus of what we are doing now; we have the instruments in the law.

Mr. Ed Komarnicki: I hear your point, but we can't change the fact that anyone has a right to a judicial review at any point under the administration of law, so you can't take it away.

Mr. Francisco Rico-Martínez: That's why I said the emphasis for us, in terms of the refugee determination system. If you provide a stay of removal at the appeal division and you then go to the judicial review, the number of cases that are going to the judicial review will be fewer. The time people spend on judicial review could be reduced as well and the stay of removal could be discussed in terms of the judicial review because you will have an appeal decision before that happens. If you change the emphasis of the system, that is going to work better than what we have right now.

The Chair: We've taken seven and a half minutes, but I detect that Ms. Simpson wishes to make a comment.

Ms. Debra Simpson: I would like to suggest that MPs work with sponsorship agreement holders and sponsoring communities to understand what the problems are in the system and to increase awareness of the program within their communities. If we could work together, I think we could increase interest in the program again, but it means addressing some of the processing problems too.

• (1000)

The Chair: Thank you.

That draws our seven-minute rounds to a close. We will now go to five minutes and I'll begin with Mr. Wilson.

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair.

And thank you to all three of you for coming and giving us your presentations today.

I'm relatively new to this committee, but what seems to be a common theme with all presenters is the increasing backlog that we're witnessing in all aspects of immigration, be it skilled workers, be it families, or be it refugees.

I draw your attention—as I'm sure you are well aware and as you mentioned earlier—to the lack of reappointment or new appointments of members of the IRB. I'm looking at this wondering how this situation could possibly get any worse, yet as the days pass and as this new government stays in office longer, the problems just seem to compound.

It's been nine months now, and they are 34 members short, and as projections have it here, if nothing is done between now and March, it could be up to 64 members, or close to 50% of the board, not being reappointed.

I know some of the Conservatives have had some experience in business and been on boards of directors, and if they'd ever worked in a company where the board of directors wasn't reappointed like this, I think there'd be a shareholder revolt. And I think Canadians are about to revolt on this government, definitely those people like yourselves who are involved in this situation.

I'm trying to get a handle on the problems that are going to be exacerbated because of the lack of these reappointments or lack of

appointments. Obviously the backlog is just going to increase and get worse. The inconsistency in how the files are being reviewed has to increase.

As you mentioned earlier, the loss of high-quality, experienced members is going to be a huge detriment. Just like in any organization, the people who have been there over time act as mentors to the new people, but if we go through this system and people aren't reappointed or new people aren't filled, we're going to lose the capacity and the experience that's been built up over time through those members.

And, as has been pointed out previously, the lack of francophone appointments just has to naturally lead to an increase in injustices to that part of our society. We've also heard testimony from the Auditor General, who has recommended that—as you said—a non-political, merit-based appointment process be followed. This is the process that's in place right now and it's the process the department is supposed to be following.

I'm just wondering what your thoughts are as to why this new Conservative minority government is dragging their feet on this appointment. We've had the minister here and we've talked about budgets, and we've increased the budget by close to 40%, so it's not due to a lack of money.

I'm wondering if there is a hidden agenda here on the Conservative side, in that their failure to appoint members to the IRB is actually a devious plan to clog up the system and to deny admittance of refugees. I want to know what your thoughts are.

The Chair: That's an awful lot for only a minute and a half left to respond, but go right ahead.

Ms. Janet Dench: We've been following this for some time, since the IRB came into existence in 1988. Our observation is that there have been problems with the appointments throughout that period, whatever the colour of the government in place, and there are various ways in which the system is politicized.

We have made progress, because there is now a selection process that is independent, that is non-partisan, that interviews and tests potential candidates so at the end of the process you end up with people who are found by the process to be competent. Those candidates are then transferred to the government of the day to make the appointments or to not make the appointments, and to do the reappointments or not.

That process then remains a process that is in the hands of the government, and it is, as we see, subject to various considerations. There is not only the actual rationale that is used by the government to appoint or not to appoint, but there's also the perception that exists.

The perception out there, both among the advocacy community and from what we hear within the Immigration and Refugee Board... The rumours fly fast and furious and there are many different interpretations that are laid on it, on what is going on. But because the process is political in the way that it is, those perceptions will persist.

• (1005)

The Chair: Thank you.

For five minutes, Mr. Jaffer.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): I have to apologize for that previously paid political announcement by the Liberal Party. The partisanship the member shows on this committee never ceases to amaze me. It seems to me—

Mr. Blair Wilson: That's the first time I've heard a Conservative apologize—

Mr. Rahim Jaffer: You can let me speak now, Mr. Wilson.

I find that this committee generally works quite well together, and I can't understand the particular member, who's been here for not very long, complaining about the system being in disarray. I have been here since 1997, and all I've seen is that wait times continuously improve, in the sense of getting longer. I never understood why that was happening. We tried to look for solutions, even when Mr. Telegdi was the chair, and this committee worked quite well to make those suggestions, yet it seemed that the problem got worse and worse.

I have one particular question that maybe you can answer, Janet. You addressed it. There was something that you said concerning certain visa offices taking upwards of three years, or whatever it might be, to process. You mentioned that there are some out there that take a few months maybe, or a lot less time. I wonder if you have some information as to where those cases are—which offices are taking longer and which offices are not.

I had a concern in opposition that it seemed to me that in certain visa offices we don't have the proper resources attributed to the numbers of applications coming in, and when we switch from certain areas where there have not been as many applications, we're still maintaining the same resources. I don't know if you have that information. You did mention that some were taking less time.

Ms. Janet Dench: Sure. The information actually is available quite conveniently on the website of Citizenship and Immigration Canada. They have processing times by different categories.

If we look at dependants of refugees, the family members of refugees in Canada, we gave you some of the statistics for the very long processing times. If we look for some of the visa posts where things do move along quite quickly, 50% of cases in Kuala Lumpur were done in three months—in fact, 80% of cases were done within three months. In Seoul 50% were done within two months; in Berlin, four months; in Vienna, five months. There are posts where things do, in many cases, work quite well, and of course we would feel a lot differently if that were the case across the board.

It's very difficult for refugees. It's difficult for organizations that are working with refugees to see that some people are arriving in a few months and for other people it's taking a very long time. Certainly in some of the regions, notably Africa, where it's taking a very long time, people also wonder why that is and they make allegations that may be misplaced, but they feel there is a prejudice against African refugees.

Mr. Rahim Jaffer: Is it also because there are higher numbers of applications coming from those particular areas, as opposed to the ones you mentioned that only have three to five months wait time?

Ms. Janet Dench: Probably that is the case. If you look at the visa posts where you have the largest numbers of refugees coming from

that region, they tend to be slower. They also tend to be places that are in a part of the world where things are more difficult, of course, because refugees don't come from countries with peaceful situations.

We would expect a country like Canada, with its traditions and resources, not to say, well, you're a refugee from this country, and this is a difficult situation so you'll have to wait two years. Surely we can do better than that.

Mr. Rahim Jaffer: Right.

Do I still have a little time?

The Chair: You have one minute left.

Mr. Rahim Jaffer: When it comes to these appointments, clearly, we want the best people to do the job. I'm involved a bit with the appointments process—reviewing certain applications and making recommendations to the Prime Minister. One of the things we're trying to do is remove the process from being strictly political appointments. We're trying our best to reach out to the rest of Canadians, people who may be positive appointments who have never had the opportunity to sit on these boards, and recruit the best possible people for these jobs.

I know there is a case to be made that experience can help in the process—people who have been around to advise those who are new—but if you look at the case of what's happened in the recent election, we have a brand-new front bench of cabinet ministers, brand-new MPs, and we are doing a pretty good job, given the fact we've only been here for nine months. Despite what my honourable colleague thinks, renewal is not a bad thing.

What I am trying to say to you is that we don't want to let this delay carry on any longer. We hope to have these filled within the next few weeks to months, for sure by the end of the year. If we can find good people for the job, as long as they're going to do a stellar job in the best interests of refugees and future immigrants, isn't that necessarily what we should be aspiring to, in your opinion?

• (1010)

The Chair: Okay. A brief response, please. Then I'll go to Madame Faillie.

Mr. Francisco Rico-Martinez: The new appointments also imply more time, because the people have to be trained and employed, and they are going to be coached at the IRB refugee hearings, and so on.

What we are trying to say is a balanced approach, in terms of reappointment with experience and new appointments, is the best way to go. If you remove the political implications—you know what I mean—that will be the best way. But we have to do it faster, because we are in a crisis now.

The Chair: Thank you.

Madame Bourgeois.

[Translation]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Thank you, Mr. Chairman.

Good day, ladies and gentlemen.

On reading your submission, I found it disappointing to see that with a bit of goodwill, some of the problems identified could be resolved fairly quickly. You pointed to the problem associated with the appointment of board members and the question of lost time. This problem significantly impacts the lives of refugees who come to Canada as well as humanitarian considerations.

It's unfortunate that political considerations are invoked and all kinds of scare tactics used and that refugees are not welcomed with more open arms. As long as politics come into play, humanitarian considerations will take a back seat and these problems will persist.

Agencies like yours could be involved in the decisions that governments and MPs are called upon to make, because we're not always totally aware of what's happening in the trenches. That's why we must look to partners such as yourself to suggest ways of expediting the process in order to help refugees or those seeking refugee status.

You've identified a problem that I feel is fairly significant, namely the shortage of francophone board members. The government has indicated that it wants to accept more francophone immigrants. What are the consequences of not having enough francophone board members in Canada? Could you run down the list of consequences for me, in so far as Quebec and the other provinces are concerned?

Ms. Janet Dench: The shortage of francophone members is a problem outside Quebec because obviously, there are many of them in Montreal.

Ms. Diane Bourgeois: There are enough of them in Quebec?

Ms. Janet Dench: Yes, there are enough in Quebec. When an application for refugee status is filed elsewhere in Canada, applicants who speak French are entitled under the federal Official Languages Act to have a hearing in their first official language.

The shortage of francophone members means longer wait times for hearings. In certain cases, videoconferencing is the approach used. This is far from an ideal method for someone who is testifying about the difficult times in his life.

Occasionally, interpretation services are used. It's truly unacceptable in a bilingual country like Canada that a hearing is conducted in English and the applicant must rely on interpretation services.

•(1015)

Ms. Diane Bourgeois: Are there other problems that could be attributed to the shortage of francophone board members? Interpretation was mentioned, but language isn't the only issue. What about perception?

You seem to agree with me, Mr. Rico-Martinez.

[English]

Mr. Francisco Rico-Martinez: This is not only for French-speaking people. We have an issue of a cultural understanding or cultural sensitivity. When you speak more than one language, when you have a second language, you also understand the body—the way people present themselves and the cultural interpretation of things—and you tend not to be so rigid in the way you analyze a case, if you know what I mean. That way, when we have people who speak two languages decide a case, I think it implies the decision is going to be at least with respect and understanding.

The Chair: Okay. In the interests of getting everyone in who wishes to have a question—we only have about 15 minutes left now, and I have four people who wish to have a question—if you can tighten it up a little bit, I would appreciate it. Or we can go overtime, maybe for five minutes or so.

Nina, please.

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

Thank you to all the witnesses for your time and your presentations.

In the Canadian Council for Refugees' view, are there any other important issues this committee should be studying involving refugees—if there are, could you please tell us—that are definitely significant?

Mr. Francisco Rico-Martinez: Yes. One that is very close to my heart is that of the non-status people. We don't even know the numbers we have of people without status in Canada. There are people working here who are not committing crimes and don't have security problems or whatever. I think we have to focus on the possibility of materializing a program to regularize their life in Canada, because there are a lot of children involved, and there is poverty. We are basically forcing people into poverty for lack of immigration status.

If you can do something about the non-status people in Canada taking a more comprehensive approach—without prejudice, without seeing them as jumping the queue, without seeing them as abusing the system, but seeing this as a survival move of different people that is created by poverty, lack of democracy, or whatever—that would be wonderful.

The Chair: Ms. Simpson.

Ms. Debra Simpson: You're talking about other problems in addition to the full plate we have given you. I would like to suggest it would be good to look at why security background checks take so long. Another one would be what the impact is of the social assistance bar on family reunification.

The Chair: Thank you.

Ms. Janet Dench: I would like to underline the whole issue of public opinion and public perceptions. The refugee name is so often dragged in in inappropriate contexts. The government and parliamentarians can play an important role in making sure that when we talk about refugees we understand what we're talking about and don't associate refugees with abusers, with terrorists, with all of the other kinds of associations that are often out there. This is something we deal with on a daily basis that is really devastating for refugees in their personal lives, but also in terms of how policy is developed.

The Chair: Good. Thank you.

Okay, Nina?

Bill, please.

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

The Chair: That tightened it up a good bit. That was three minutes there.

Mr. Bill Siksay: Chair, I wonder if the CCR has responded to the news story this morning about Steve Ellis, an IRB member in Toronto who has been filmed trying to trade sex for a positive IRB decision. I understand he's now been suspended, but given the details that have emerged about this particular case—and they're very graphic and very direct—suspension seems like an inadequate response.

Maybe the parliamentary secretary can fill us in more on the government's response to this particular case today later on. It seems like an outright, obvious case where someone should be fired summarily. I'm wondering whether the CCR has had a chance to look at this and has had any response to it yet.

• (1020)

Ms. Janet Dench: We haven't looked at that particular case, and we don't generally get involved in these. It's not the first time an IRB member has been accused of improper conduct. Of course it is a concern, but we would rely upon the IRB to have the proper processes in place and to make sure it is dealt with according to procedure, and in the firmest way if there is any wrongdoing.

But also, to come back to the question of appointments, what we would like to see is an appointment process that ensures that the highest quality of people are being appointed, who are there with the right motives, who are there not because they're looking for a well-paid job and opportunities to make even more money, but because they believe in public service and in ensuring that refugees receive protection in Canada.

Mr. Bill Siksay: Thank you, Janet.

I hope the government is also looking into other decisions made by Mr. Ellis, in case there's been this kind of interference in the process.

Earlier, when you were discussing the “lives on hold” situation in the moratoria countries, you mentioned the situation of people whose lives are on hold here in Canada and alluded to job problems and problems with the school system. I also understand that health care is an issue for those folks. I wonder if you can just expand on the specific problems people face in those three areas, or any other areas, that make life difficult for them here in Canada while they're on the moratoria lists for removals.

Ms. Janet Dench: Yes, in terms of work, you have access to a work permit renewable maybe every year or every six months. You have a social insurance number that begins with a nine. Employers, therefore, will know you don't have permanent status in Canada, and that means they are unlikely to be hired for any highly qualified job or sent off for training or invested in by an employer. Most people in this circumstance are forced to rely on minimum-wage jobs. In terms of improving themselves or getting an education, primary and secondary education is fine, but after you get past that, you are treated as a foreign student, and therefore you have to pay fees as a foreign student, and of course most families are unable to do that.

With respect to health, people from moratorium countries have access to the interim federal health program, which covers only emergency health care services. This will do for most things, but if

you have something more important or more chronic, then it is a problem. Obviously, the name interim federal is meant for a short period of time, but when you have people relying on that program for years, then they are in difficult situations.

The Chair: Okay.

Mr. Francisco Rico-Martinez: On family reunification, if the person here is waiting for peace in a moratorium country and the family is not here, they will not be able to bring their family until they are accepted as landed immigrants, and that could take 10, 15 years sometimes.

The Chair: Good. Thank you, sir.

Barry, and then over to Mr. Dhaliwal.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Thank you.

Thank you for being here today. I'm new to this committee and this Parliament, and I'm still learning many things about this issue, but it strikes me that what I've learned, both on the immigration and on the refugee side, is that it's not a partisan issue and it's not really an ideological issue. There seem to be logistical issues or administrative and bureaucratic challenges in terms of how the process should work.

One of the points you made was that it would certainly be less expensive to bring people into Canada for family reunification and to process the cases here rather than processing them overseas.

When some people apply for visitors visas, it appears they are being denied them because there's a concern if they arrive here and then decide they don't want to leave, it's very difficult to deal with that situation. People who would have been granted visas in the past are not being granted visitors visas today because they can claim charter rights once they arrive in Canada.

Would this be the same situation for family reunification? If your suggestion, which was that it would be less expensive and simpler to bring those cases into Canada and process them here, as opposed to wherever they are taking place, would that be a legitimate concern that once those people come into Canada to be processed, regardless of the outcome of that process, the decision has been made because they're already in the country and would be unlikely to leave? From the point of view of a government having a prudent process, would that or should that be a concern?

• (1025)

Ms. Janet Dench: You began by mentioning it seemed a lot of problems were logistical, and I would suggest it's a question of priorities. Our top priority is making sure refugees are treated right. We hear—and you were referring to that—the legitimate concern for the integrity of the system, which is the favoured phrase. We don't dismiss that as a concern, but we ask what our priorities are. Are we more concerned about the 99 family members, children, who are going to end up in Canada and deserve to be with their parents, or about the one who after further examination may be found not to be who he or she claims to be?

For us, the first priority has to be making sure children are with their parents. If we look at the statistics, you'll find the vast majority of people who put in for their family members, those family members end up coming, because after they've been through the process, it turns out that, yes, they are the family members of the refugee in Canada.

Why are we going to put all of them on hold if the vast majority of them are people who deserve to be in Canada? There are always going to be difficult cases. That's what the government has to deal with. But where are our priorities?

The Chair: In the interest of time, I have to cut you off and go to Mr. Dhaliwal.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair.

Thank you, CCR, for coming out and giving a presentation.

I'm here filling in today. I'm going to try to be very non-partisan. I hope you are also very non-partisan. I was reading your press release stating that the Conservative minority government appointment failures hurt refugees. Mr. Wilson made a comment. It's perceived as very non-partisan.

It is a very interesting topic: private sponsorship efforts. Have you had contact with the VietPhi refugee advocacy group that dealt with this kind of situation as well? What is their experience? Do you think it will serve the bona fide refugees in Canada?

Ms. Debra Simpson: Can you clarify whose group you're talking about?

Mr. Sukh Dhaliwal: It dealt with the Vietnamese people. It's called the VietPhi refugee advocacy group.

The Chair: It is the Vietnamese stateless people....

Mr. Sukh Dhaliwal: They were the stateless people who were in the other country. In fact, I was there to see them, along with the member on the opposite side.

The Chair: Do you have any comment on how they were dealt with in the whole scheme of things?

Ms. Janet Dench: We have worked with them and have been sensitive to their issues, but we haven't really followed the more recent developments in order to be able to comment on that.

Mr. Sukh Dhaliwal: It's not necessarily that. I'm coming from what their experience was. Right now we are starting to see that people are trying to take advantage of this private sponsorship effort. When I looked at the people who came in under that program, the only other people who were in a stateless situations for many years.... In fact, there was good work done by that particular advocacy group. This is where I was coming from.

Anyway, you don't have any comments.

The other question I have is this. You are saying that the family members who are left over there should be given the opportunity to come right away. The previous Liberal government had a policy whereby the parents and grandparents who were left there and sponsored by the sponsors here should be given the visas right away to come here and visit them. In fact, when I look at this—and I'm sure all the members in this room will agree—we as members spend

75% of the time on immigration matters, and we are acting like an immigration agency to help the people. That policy is not adopted yet either by the CCIA. How would you say that the policy that you are bringing in will also be adopted?

• (1030)

The Chair: Thank you, Mr. Dhaliwal.

Mr. Francisco Rico-Martinez: We have serious problems with the issue of visitors visas for relatives who have applications pending in that particular post, not only for mothers, fathers, grandparents, but for children or spouses. They assume that because there is an application, the visitor visa is going to be used for people to come and stay in Canada, which is true. But they don't seem to have a concept of a humanitarian program that would imply that the person can come here and wait.

We have a huge rate of rejection for family members who try to come to visit Canada for a while because of poverty. Most of the refugees we are talking about don't have resources back home, so they don't meet the criteria of having property—do you know what I mean—credit cards, and whatever. They are refused on the basis of poverty because they don't have a way to prove the link with society. On the other hand, it would be wonderful if we could have a humanitarian visa to come to Canada for family reasons or for other kinds of reasons, to wait for the process here.

The Chair: We'll have a final comment from....

Ms. Debra Simpson: In reference to your first point, I wanted to emphasize that regarding the private sponsorship program, the target is between 3,000 and 4,000 people a year. The government program is 7,500. That's roughly 10,000 spots in Canada a year.

We would love to be able to respond to these situations you're referring to, but we're limited. We are working together with the Canadian government on the situation of the Karen refugees who have been long-stayers in Thailand.

The Chair: Thank you.

It's 10:30, but we'll go five minutes over time to allow Madam Folco the opportunity to have a few words this morning.

Ms. Raymonde Folco (Laval—Les Îles, Lib.): How kind and generous. Thank you, Mr. Chair.

[*Translation*]

First of all, I apologize for being late. But I'm here now, as usual.

Ms. Dench, I'd just like to correct something you said earlier. In your view, many board members speak French. I would say that that was true in the past. Unfortunately, we are now experiencing a shortage of French-speaking members.

In your submission, you state that 64 vacancies must be filled. My question is for the members opposite. Does the government really intend to fill these vacancies as quickly as possible?

When a company is short 64 employees, that means that the wealth of experience acquired over the years disappears all at once, or over the course of a few weeks. As a former board member, I know all about this. That's certainly the case in Montreal, and is likely to be also true in Toronto. Therefore, I urge you to lobby the Conservative government even harder to fill the vacancies as soon as possible. This shortage has led to longer wait times. Furthermore, after being appointed by the government, board members must undergo formal training and need time to gain some experience.

I would chastize the government for dismissing as many people as it did at the same time. A number of dismissals were warranted, but the government should have phased in its action so that replacements could gradually have been found to staff IRB offices in Montreal, Toronto, Vancouver and elsewhere.

I totally agree with you on the subject of videoconferencing. As a former linguist, I know that people who don't speak a language very well have considerable difficulty understanding and responding by way of telephone, videos and so forth. I believe you're well placed to make that observation.

I'm simply emphasizing your long-standing position. It's critically important to remind the current government that videoconferences are not a solution for persons who have experienced traumatic events, who may not necessarily speak English or French particularly well and who, despite the presence of an interpreter, finds themselves speaking to a machine.

• (1035)

[*English*]

The Chair: Thank you.

Do we have any final comments with respect to what Madam Folco said?

[*Translation*]

Ms. Janet Dench: I'd like to suggest to the committee that it hear from IRB representatives and ask them about the repercussions of

the shortage of appointments. Obviously, they could talk about how the IRB has been affected by this situation.

[*English*]

The Chair: The final comment goes to Ms. Simpson.

Ms. Debra Simpson: I would like to suggest that as you continue with your hearings, I'm sure you are aware there's an NGO and government committee on which there are some elected sponsorship agreement-holder representatives. They sit with representatives from the department, and I would encourage you to invite them to come to speak to you as well.

The Chair: Thank you very much for coming here today. It was really interesting. You've given our committee a great deal to digest, and hopefully we'll be able to help you out in some way. And thank you for the very good work that you're doing.

What are the start dates for the Montreal conference that you mentioned?

Ms. Janet Dench: It's the 23rd to the 25th. There will be copies of the flyer coming to the MPs in their mail, and I also have some copies here.

The Chair: Could you also send it to the clerk? Thank you.

We will adjourn for a couple of moments to give the witnesses time to move off.

Bill.

Mr. Bill Siksay: Mr. Chair, before you do that, I wonder if the parliamentary secretary did want to respond to the question of Mr. Ellis and the breaking news story this morning. I did ask if he wanted to do that, and I wonder if he might want to do that now.

The Chair: Maybe we'll wait for a moment or two until our witnesses go, and then we'll get into that and into the motions as well.

We'll suspend for five minutes.

[*Proceedings continue in camera*]

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