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# Standing Committee on Citizenship and Immigration

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**Tuesday, January 30, 2007**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Tuesday, January 30, 2007

•(1115)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** We will call our meeting to order.

I want to welcome back members of the committee after our break. Now we are getting back to business, once again.

We have two new members on our committee. One is Omar Alhabra. Is Omar here?

**Mr. Omar Alhabra (Mississauga—Erindale, Lib.):** Yes, I'm right here.

**The Chair:** Hi, Omar. Welcome to the committee.

Raymond Gravel is part of our committee from the Bloc party. I don't believe he's here right now.

I want to welcome our witnesses. We have five judges, I believe, who are here this morning. We want to welcome you. We have two hours. It is a little bit late starting, but we have two hours nonetheless. We welcome you here today to our committee.

I think I'll pass it over to you, Mr. Simard, for an opening statement.

**Mr. Michel Simard (Senior Citizenship Judge, Office of the Senior Citizenship Judge, Citizenship Commission, Department of Citizenship and Immigration):** Thank you, Mr. Chairman.

[Translation]

Mr. Chairman, distinguished members of the committee,

[English]

ladies and gentlemen, I would first like to thank you for inviting me to appear before you today, along with my newly minted and esteemed colleagues.

I am honoured to accompany the judges appearing today, and I am certain that you will agree that they bring valuable experience and assets to our complement of citizenship judges.

This occasion also provides me with a very timely opportunity to discuss the mandate of the Citizenship Commission and the role of our citizenship judges.

[Translation]

The Citizenship Commission is an administrative tribunal within Citizenship and Immigration Canada. The Commission is comprised of all citizenship judges working across Canada. The mandate of citizenship judges is set out in the Citizenship Act and regulations.

[English]

The commission is responsible for the following: deciding whether citizenship applicants meet the requirement of the Citizenship Act and the citizenship regulations for all cases; administering the oath of citizenship and stressing the rights and responsibilities of Canadian citizenship to new citizens; working to maintain the integrity of the citizenship process; and promoting citizenship by working with school boards, service clubs, multicultural groups, and community organizations.

There is no legislative provision in the Citizenship Act for the creation of the so-called Citizenship Commission. Don't try to find it; you will not find it anywhere.

The Citizenship Commission is an administrative body for citizenship judges or for the position of senior citizenship judge. In comparison, the Immigration and Refugee Board, the IRB, is a legislative body as described in the Immigration and Refugee Protection Act, IRPA. The position of chairperson of the board is also described.

As indicated above, the mandate of the commission and the duties of the senior citizenship judge have been assigned by the Minister of Citizenship and Immigration, pursuant to section 26 of the Citizenship Act.

The duties of the senior judge are subject to policy direction and include the following: promoting consistency and providing functional guidance to other citizenship judges on the interpretation and application of the Citizenship Act; facilitating the exchange of information and being a liaison between judges, the CIC, and other government departments on issues of concern to judges and the CIC; managing and responding to complaints regarding citizenship judges, and if necessary, being a liaison with the Privy Council Office and the minister regarding complaint resolution; acting as a spokesperson for the commission and managing the administrative and professional services that the commission provides for citizenship judges; making recommendations and providing advice, upon request, to the minister on issues of concern to the minister or to the citizenship judges; and managing the operation of the senior judge's office and staff.

•(1120)

[Translation]

What role do citizenship judges play? Citizenship judges are appointed by the Governor in Council on the recommendation of the minister to serve either on a full-time or part-time basis, generally for a period of no more than three years.

Because they are appointed by the Governor in Council, judges enjoy the independence needed to carry out their decision-making duties without any external influence.

[English]

The Citizenship Act provides four types of citizenship application. There is a grant of citizenship, according to section 5(1); retentions, under section 8; renunciations, under section 9(1); and resumption, under section 11(1). Most of these applications are decided by a judge on the basis of a file review. However, when a judge finds that more information is required to make a decision, the applicant is invited to attend a hearing before that judge.

[Translation]

To carry out their quasi-judicial responsibilities, citizenship judges need to know the principles of administrative law and natural justice, the Citizenship Act and its regulations, relevant case law as well as certain components of the Immigration and Refugee Protection Act and the Criminal Code.

[English]

Newly appointed citizenship judges follow a comprehensive training program that provides them with the knowledge and skills they require to perform their duties. Remember that any Canadian citizen can be a citizenship judge; it is not a domain that is reserved for lawyers or members of the legal profession. After that program, judges participate in ongoing training activities to further develop their skills.

There are presently 28 judges, including the senior citizenship judge. There 19 full-time judges and nine part-time judges, and a total of nine vacancies. Five are full-time and four are part-time. Currently, there are vacancies in Quebec, Ontario, British Columbia, and the Atlantic region.

Our complement of judges has achieved both gender and ethnicity representation. For example, our current 16 male and 12 female judges represent as many as 13 ethnic communities.

[Translation]

The screening process for citizenship judges plays a critically important role in terms of ensuring that the Commission acquires a full complement of judges. This process is constantly evolving. The objective is to ensure an adequate supply of skilled, qualified candidates in regions in need of judges.

[English]

At an administrative level, the commission works with the minister to fully implement a screening process. This involves adopting new assessment tools that target the skills and abilities outlined in a new competency profile for the position, which was distributed to the members of this committee. The commission also works with the minister's office and the Privy Council to obtain the Prime Minister's approval of the screening process.

The commission also provides extensive classroom training for new citizenship judges. The effectiveness of the training program is evaluated on an ongoing basis, and adjustments are made as required.

The commission would also like to develop what we call a feedback program designed to help determine the professional development needs of the Citizenship Commission. The program would provide individual judges with specific feedback from applicants about the hearings they conduct and the ceremonies at which they preside. The commission will receive an aggregate summary of the feedback, and this information will then be incorporated into the professional development training for judges. Discussing this feedback with a trusted mentor will allow individual judges to consider new ways of approaching their work. The judge will then be able to seek individual training or skills development opportunities at their own discretion as a result of this process.

The implementation of the commission's feedback program on judges' performances was and remains dependent upon the GCMS's capacity, or the departmental capacity, to provide the needed data and ministerial approval of the appropriate level of funding.

Next I will discuss challenges. The definitive mission of the commission remains to balance efficiency and effectiveness to ensure that the citizenship process runs smoothly and works for the benefit of Canada. Our challenge remains to fulfill our mandate and undertake new initiatives required by the department within the context of very limited resources. The annual budget of the Citizenship Commission is approximately \$2.1 million in A-base funding.

• (1125)

[Translation]

Appointments must be made and mandates renewed quickly to ensure that the citizenship acquisition process runs at optimum efficiency across the country.

In spite of the many challenges and two changes in government, citizenship judges have refocused their efforts on improving and applying the provisions of the current Citizenship Act. The citizenship acquisition process has encountered problems and the situation has been made worse by the ever-growing workload.

The Citizenship Commission has always been, and will continue to be, concerned about ensuring that judges have the means to make enlightened, fair and timely decisions that are consistent with the act. This is essential in order for applicants to be treated fairly everywhere in Canada.

Our top priority for 2006-2007 is to acquire a full complement of 37 citizenship judges.

Thank you.

[English]

**The Chair:** I neglected to mention, as well, that we have two people at the table who weren't here before. I want to welcome a new committee clerk, Samy Agha, and a new analyst, Trupati Patel. Mr. Agha will be taking the place of Mr. Farrell in April when Mr. Farrell retires. We'll be very nice to Mr. Farrell until April, and Samy will be taking over from him.

I want to call on Mr. Springate.

**Mr. George Springate (Citizenship Judge, Montreal CIC Office, Citizenship Commission, As an Individual):** Mr. Chairman, allow me to state at the outset that I consider myself to be one of the most fortunate men in this world—I am a Canadian. I say that because my mother and father came to this land—I am the son of immigrants—so I could have a better life.

They taught me two things. First, the most precious thing, prize, or gift they ever gave me was Canadian citizenship, and with citizenship comes responsibility. Canada is a land of opportunities, but not a land of guarantees. In other words, it was up to me to make what I could of what they gave me.

In my teens, I applied to two police forces: the RCMP and the Montreal police force. I was accepted to both. I went to Montreal for one specific reason: I could go to school. In those days there was no such thing as long-distance education, computers, satellites, or what have you, but there were universities.

My police functions at the beginning were the same as anyone's—squad car, beat, morality—but my last seven years helped prepare me for this job. I became the voice of the force. I did recruiting. I protected or defended the force, if you wish, on television and radio. And I met every possible group, be it social, cultural, religious, colour, or what have you.

I also went to school. In my eleven years in the Montreal Police Service I earned three university degrees: a bachelor of arts from Sir George Williams with a major in psychology, and two law degrees from McGill. In other words, sir, I was a police officer full-time and a student full-time. I also played football for McGill in my only leisure hours, and I was captain of the club.

[Translation]

I left the Montreal police force to become a member of the National Assembly. I served as an MNA for 11 years. Four months after being elected, I started playing football for the Montreal Alouettes. We won the Grey Cup that year.

I was still an MNA when I stopped playing for the Alouettes. I went on to be one of the co-creators of a police technology course at John-Abbott College. This three-year course leads to a degree in police technology and to a job as a police officer in the province of Quebec.

I was first elected to office in 1970 and re-elected in 1973 and in 1976. I didn't have an easy time of it in 1976, but I did manage to get re-elected.

• (1130)

[English]

When I left the National Assembly, I continued teaching, but I began doing television work. I was a television talk show host for six years with a half-hour show each day on CBC. I also did the nightly sports on CBC television.

At John Abbott College I continued on as I had as a police officer and as I had as a member of the National Assembly, dealing with the various groups in the community.

I organized a most successful symposium every year at John Abbott dealing with violence in schools, which allowed us to bring the best speakers we could find on that topic to the school. We

brought in 400 high school students from the greater region of Montreal, be it Laval, Hudson, or wherever. What it allowed us to do was teach respect, appreciation of another's culture, and appreciation of another point of view—*audi alteram partem*; in other words, before you make your decision, be sure you hear the other side—and it allowed us to grow.

I was named a member of the Order of Canada in 1989, specifically because of my community work. I began, at the request of Citizenship and Immigration Canada, to do citizenship ceremonies as a member of the Order of Canada, especially on July 1, and on other days.

I was named a citizenship judge for the first time in 1999. On November 6 of last year, I was nominated and named for my sixth mandate as a citizenship judge.

All of that, Mr. Chair, is because my mom and dad came to Canada.

Thank you.

**The Chair:** Thank you, Mr. Springate, very interesting indeed.

Ms. Yung-Fung.

**Ms. Mina Yung-Fung (Citizenship Judge, Mississauga CIC Office, Citizenship Commission, As an Individual):** Thank you.

Good morning, Mr. Chairman, mesdames et messieurs. Thank you very much for inviting me to appear before you today. Indeed, it is an honour for me to appear before such a distinguished panel of public representatives.

A study of the Citizenship and Immigration Canada website reveals that a citizenship judge should have skills in the areas of analytical and conceptual thinking, communication, problem solving, information seeking, and decision making. This individual should also have knowledge of and be willing to undergo further training in the Citizenship Act and regulations.

When you look into my academic achievements and past experiences, you will be most assured that I have met all the above expectations. I graduated from Hong Kong Polytechnic in management studies and was admitted as an associate of the Institute of Chartered Secretaries and Administrators in London, England. I worked as a company secretary of a publicly listed company in Hong Kong, a position equivalent to the chief administrative officer.

In 1987 I immigrated to Canada and in 1990 I was granted Canadian citizenship. It was certainly a unique and memorable moment in my life, and I cherish it even today. Since 1997 I've been teaching English as a second language, that is ESL, and citizenship classes. In 2000 I also got my TESL Ontario certificate to teach ESL. Also, I've been a coordinator for the LINC program, that is language instruction for newcomers to Canada, and also co-chair of the Peel LINC partnership. I also worked for over ten years as a newcomer settlement program worker and helped newcomers to settle and integrate into Canada.

As an ESL and citizenship teacher I was able to help newcomers not only to learn English and about Canada, I helped them adapt to changes in life and to Canadian culture. I enjoyed working with my students because the feedback I received from them was very positive. After the course, students would tell me how much they had learned about Canada and that they were now able to appreciate the country they live in and were able to become Canadian citizens.

The most rewarding part of my teaching was that I could share my experience about voting procedures with my students and the rights and responsibilities of Canadian citizens and that I could also pass on a message to them of what Canadian citizenship means.

Being a citizenship judge is the greatest honour of my life. It is a continuation of my career path, but from a different perspective. I'm privileged to be able to participate in a process of approving applications by reviewing the files and making sure that the requirements of the Citizenship Act and regulations are met, administering the oath of citizenship, and stressing the rights and responsibilities of Canadian citizens while presiding over the citizenship ceremony.

I'm very happy that I can contribute to maintaining the integrity of the citizenship process. To me it is a particular pleasure to be able to promote Canadian citizenship to the entire community, which I have always enjoyed doing when I was a citizenship teacher. Community service is extremely important to me.

I've served on different volunteer boards and committees. To mention a few here: the Credit Valley Hospital's Chinese Community Advisory Committee, the Mississauga Board of Chinese Professionals and Businesses, Carassauga-Mississauga's Festival of Cultures, and the Region of Peel's Cancer Prevention Forum.

These experiences have been very rewarding. I learn a lot and always share my experience with the other board members for the benefit of the community at large. With my excellent time management and decision making skills, I've been able to balance both work and volunteer commitments. I have also demonstrated creativity and flexibility in working with people of diverse cultural and social backgrounds.

• (1135)

My dedication to work and to the community shows that I'm committed to working as part of a team, and that is what I intend to do within the Citizenship Commission as a citizenship judge.

In Mississauga I'm recognized by the community as a dedicated volunteer and a prominent member of the community. Everyone I work with would have no hesitation to recommend me as an outstanding volunteer who can meet any new challenges that come across my path, make a difference in the community, and deliver results.

In short, I can say that I have a good understanding of the principles of natural justice and procedural fairness. I've a good knowledge of the Citizenship Act and the relevant regulations thereof. I'm also willing to learn more and fine-tune my skills on a continuing basis.

I possess extensive experience in interacting with people of diverse backgrounds, different socio-economic and cultural perspec-

tives. As far as people encountering language barriers, I'm experienced in utilizing the services of cultural interpreters for the delivery of equitable services. I assure you, Mr. Chairman, that I will continue to serve the public by maintaining a high standard of cultural sensitivity and by recognizing, understanding, accepting, and respecting diversity in all its respects.

Finally, I would like to assure you that I will work in a professional, ethical, and timely manner. I will ensure that everyone who appears before me is given a fair hearing and will be judged with compassion.

I thank you for your time and attention. *Merci beaucoup.*

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

I'll now call upon Ms. Brum Bozzi.

**Ms. Renata Brum Bozzi (Citizenship Judge, Mississauga CIC Office, Citizenship Commission, As an Individual):** Thank you.

[*Translation*]

Good day, Mr. Chairman, distinguished members of the committee, *mesdames et messieurs.*

[*English*]

Thank you for inviting me to appear before you today. It is an honour to speak to you and to discuss my qualifications for the position of citizenship judge.

As Judge Simard has informed you in his background, a citizenship judge should possess superior communication, analytical, interpersonal, and decision-making skills. He should have cultural sensitivity and good judgment. In addition, a judge should have knowledge of the principles of fairness and natural justice and, of course, of the Citizenship Act and regulations.

Keeping these skills in mind, I will endeavour to explain how my education, professional experience, and life experiences have enabled me to meet the qualifications of a citizenship judge.

I am a daughter of immigrants, and I am not Canadian-born. I came to this country as a child from Azores, Portugal. My parents had virtually no education. They had little money, and they had no knowledge of English. Of all the experiences in my life, this one has forged my character in the most marked way. Because I was the eldest child, it fell upon me to help my parents cope with the adjustments necessary to live in a new country and also to help them become citizens when they felt it was time to commit to their new home.

It is thus an honour for me to preside over a citizenship ceremony, albeit now sitting on the other side of the bench. This experience of being an immigrant has allowed me to identify with applicants who are on the path to citizenship and to understand the struggles of adapting to a new culture and language.

In addition to the immigrant experience, my education in the area of criminology has been invaluable to the performance of my duties as a citizenship judge. This academic background has provided me with a general knowledge of law and procedure, including the principles of fairness and natural justice and the exercise of applying the law, statutes, and jurisprudence to the facts of a case. More recently, my work for David Brown, now Mr. Justice David Brown, judge of the Superior Court of Ontario, provided a good refresher on these principles. This academic and professional experience serves to help me prepare well-reasoned and well-written decisions.

My professional experience includes some time at the Catholic Civil Rights League, where I worked to revitalize the organization. There I learned how to manage time effectively and work efficiently with others on projects all over the country. Aside from refining essential professional skills, my work with the league helped me to gain a profound appreciation of the Charter of Rights and Freedoms and reinforced to me the value of participating in the public forum and of participating in the political process, which is a duty of every Canadian citizen—and I certainly reinforce that at every citizenship ceremony that I perform.

My professional days came to a screeching halt after I married and made quick work of becoming a mother of five. My apparent fertility went beyond biology, though. Working with community schools, I became a temporary adoptive mother to students from all over the world who came from different economic, linguistic, and faith backgrounds. From my family the students learned the English language and the value of this great country, and from them my family, and especially my children, gained a wonderful opportunity to appreciate the richness of different cultural backgrounds. In our own home, my children and I learned how to cope with linguistic barriers and how to be culturally sensitive. These abilities are an essential qualification of a citizenship judge.

Finally, I bring some linguistic abilities to the performance of my duties. These include Portuguese, Spanish, Italian, and French. And thanks to Judge Simard, I will soon gain personalized training in order to refresh and improve my ability to speak French. Speaking both official languages proficiently is important to me because it is another way that I can contribute to the commission; it is useful in the performance of my duties; and it is a way to ensure that French-speaking applicants can be served in that language.

These are the skills and experiences that have formed me. I would like to assure you that I will execute my duties with compassion and fairness.

I want to close by telling you how much I love being a citizenship judge. Every day my door opens and someone extraordinary walks in. Every day I'm reassured that decency and a desire for peace bind humankind more strongly than those things which divide us all, and it is this desire for peace that brings many people to Canada. Every day I'm grateful to be a citizen of this great nation—every day. And I am grateful to be able to play a small role in the very important task of nation-building.

Merci.

• (1140)

**The Chair:** Thank you.

Mr. Gill.

**Mr. Raminder Gill (Citizenship Judge, Toronto (St-Clair) CIC Office, Citizenship Commission, As an Individual):** Mr. Chairman, esteemed members of this committee, it gives me great pleasure this morning to be here with you, and I want to thank you for inviting me to be able to share some views with you in terms of the citizenship process, as well as, perhaps, my qualifications to try to fulfill this great role.

I am, Mr. Chairman, very blessed that about 40 years ago my parents made a decision—I had no part in it, so I will not take the credit—to gather some courage. From a small village in Punjab, India, they wanted to come to Canada. At that time, Mr. Chair and ladies and gentlemen, first of all, we had no money. Secondly, the India reserve bank was going through some problems, and they did not have enough foreign exchange for us to take any money with us, so we basically came with \$9 in our pockets.

Since then, Mr. Chair, the family has worked very hard. Certainly the values that my dad's forefathers instilled in him he tried to instill in us to get the best education possible. In fact, if you want to go back—I don't think any of us can personally go back that far—there was a ship in the history of Canadian immigration called *Komagata Maru*. On that famous ship, or infamous ship, depending on which side of the spectrum you look at, my grandfather, when he was 18 years old, he came to this great land. Unfortunately, that ship was not allowed to dock in British Columbia. In fact, that ship was bombarded by cannons.

He was a very enterprising man of 18 years. Along with three of his friends, they jumped ship in Mexico—this is an untold story. They jumped ship, came back to Mexico, the U.S.A., back to Canada, where they actually worked on the east-west rail connection, along with Chinese friends, along with the Canadians. He was paid 10¢ an hour, whereas so-called Canadians were paid 25¢ an hour.

But I do recollect, just like yesterday—I must have been eight or nine years old—sitting around his cot in the village in Punjab, listening to these great stories of a wonderful land where the land is great and people are respected. One thing he told us, he said, “Rami, get out. Get out, go out, enjoy the world, travel, but before you do, try to learn the language.” So I was very happy that in the winter of 1968 my parents decided to come to Canada, and just like any typical immigrant, first generation—we all go through different stories. I'm sure each one of the members here, either directly or indirectly, either themselves or through their families, has great stories of settlement in Canada.

In fact, the other day, I think it was Friday, when I was holding a court of citizenship, the clerk said to the new candidates, the people receiving citizenship, “Here is a true example in Judge Gill of an immigrant coming in, first generation, settling in, and working hard to perhaps dream, dream big, and enjoy some of the fruits of labour.”

In fact, I was very, very blessed, Mr. Chair and ladies and gentlemen, that I was given an opportunity by the constituents of Bramalea—Gore—Malton—Springdale to represent them as a member of provincial parliament. During my tenure I was very happy to bring forward the largest community hospital in Canada to that riding. So at least there is a legacy.

I'm very, very pleased that I've been given this responsibility and opportunity to serve Canada in this new capacity, and it's my privilege to do my best.

Thank you.

• (1145)

**The Chair:** Thank you.

Before we begin questioning, members, I think it's necessary to inform all the members of our committee what the parameters are for questioning witnesses. I want to quote Marleau-Montpetit:

The scope of a committee's examination of Order-in-Council appointees or nominees is strictly limited to the qualifications and competence to perform the duties of the post. Questioning by members of the committee may be interrupted by the Chair, if it attempts to deal with matters considered irrelevant to the committee's inquiry. Among the areas usually considered to be outside the scope of the committee's study are political affiliation of the appointees....

So, bearing that in mind, I will go to our seven-minute round, and I will go to Mr. Karygiannis.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Chair, on a point of order, I certainly do not want this to be on part of my time.

With reference to that particular passage that you read, are we not allowed to ask about the résumés of the individuals and what posts they have had in the past, or what political affiliations they have had?

**The Chair:** No—

**Hon. Jim Karygiannis:** Or if they ran for a particular political party?

**The Chair:** No. Marleau and Montpetit—

**Hon. Jim Karygiannis:** We cannot ask—

**The Chair:** No. Political affiliation is outside the scope of the committee's study.

**Hon. Jim Karygiannis:** A résumé was produced. Are we not allowed to question the résumé?

**The Chair:** Yes, you can question the résumé, but you are restricted to the examination of the qualifications, not political affiliation or party contributions or anything of that sort.

That's also, I'd like to remind members, in Standing Order 111, if members want to refer to Standing Order 111 as well. I've quoted Marleau and Montpetit also.

Go ahead, Mr. Karygiannis.

• (1150)

**Hon. Jim Karygiannis:** Mr. Chair, I thank you. You certainly have set out the parameters.

I would like to ask a question of the members of the panel. When I look at your résumés, certainly the résumés are great. Your remarks were fantastic and I do appreciate the fact that some of you, or all of

you, are qualified. Some of you are even overqualified. However, I'm just wondering if I can go down the list of the citizenship judges and ask you if there was anything left out on your résumés, or if there is anything you might want to add. People have sat in political office or some people have sought political office, and I'm just wondering if seeking political office was left out of the résumé. I'll ask Mr. Raminder Gill.

**The Chair:** Again, I would interpret that as—

**Hon. Jim Karygiannis:** That's part of the résumé, isn't it?

**The Chair:** Well, it's part of the résumé, but I think it's asking about political affiliation of individual members. I don't believe that would be in order according to Standing Order 111, which strictly limits it to the examination and qualifications of the individual. It is not to get into the political affiliation of the individual or what past political affiliation they might have had, so I'm afraid I have to rule that question out of order.

**Hon. Jim Karygiannis:** I don't think, sir, I'm asking about political affiliation; I'm asking them a specific question—have they ever sought political office? That's part of a résumé.

**The Chair:** It's on the edge. If the member wants to answer that question, I will allow it, but I will monitor this very closely as to political affiliation or party affiliation or party contributions.

**Hon. Jim Karygiannis:** Have we got something to hide here, Mr. Chairman?

**The Chair:** Order, please. I'm simply outlining what the scope of the committee's examination of the order in council happens to be. This is the scope of the committee's—

**Hon. Jim Karygiannis:** Are we on a sensitive nerve here, Mr. Chairman, as to political affiliation of individuals—

**The Chair:** No. Order, please.

**Hon. Jim Karygiannis:** —and their appointments?

**The Chair:** Order, please.

**Hon. Jim Karygiannis:** People run for municipal, provincial, or federal office—

**The Chair:** Order, please.

Again, I'm going to have this meeting strictly within the limits of the qualifications of the individuals.

Go ahead, Mr. Gill.

**Mr. Raminder Gill:** Mr. Chair, through you, to the member, if I may, as I mentioned in my opening remarks, I have been very, very privileged and honoured to be a representative of the people of Ontario as a member of the provincial parliament. My people think I did the role well, so it's been a pleasure. Hopefully, that answers the member's question.

**Hon. Jim Karygiannis:** Mr. Gill, again, let me ask the other question. Since you were a member or before you were a member of the provincial legislature, did you ever seek office in a municipal or a federal jurisdiction? Regardless of the party, did you ever run as a municipal candidate or a federal candidate? Your résumé speaks overwhelmingly, but if there's something left out of the résumé, I think you might want to add it in.



**Mr. Raminder Gill:** Mr. Chair, through you, I'm sure there are things in terms of what we have done. The résumé could be five pages long, but in terms of the qualifications for this particular job and why I'm in front of the committee, I would say the résumé covers all the essential elements. If you want to continue and have a five-page.... I think if you can't say something in one or two pages, you can elaborate and keep—

**Hon. Jim Karygiannis:** Mr. Gill, let me ask you a specific question. Were you a candidate for a federal office once, twice, or three times in the last few elections, irrespective of the party?

**Mr. Raminder Gill:** I have been several times.

**The Chair:** I'm ruling that question out of order as well. It's not in order, according to Standing Order 111, to talk about—

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** What does that have to do...?

**The Chair:** Order, please.

**Hon. Jim Karygiannis:** The witness did answer it.

**The Chair:** Mr. Karygiannis, I'm not finished. When I'm finished, we can go back to you.

Again I want to tell you that the scope of the committee's examination of order-in-council appointees is strictly limited to the qualifications and competence to perform the duties of the post. Now you're wandering—

• (1155)

**Hon. Jim Karygiannis:** Mr. Chair, somebody running for political office is also a competence.

**The Chair:** Mr. Karygiannis—

**Hon. Jim Karygiannis:** Now, if that clock is ticking—

**The Chair:** You are out of order. Wait until I'm finished, and then you can intervene.

You are wandering into the area of political affiliation—

**Hon. Jim Karygiannis:** Did I ask the question of political affiliation, Mr. Chairman? Why don't you let the question be answered? Do you have something sensitive to hide?

**The Chair:** Order, please. I'm ruling you out of order, Mr. Karygiannis.

**Hon. Jim Karygiannis:** Did I ask the question of political affiliation, Mr. Chair?

**The Chair:** Yes, you did. You're out of order.

**Hon. Jim Karygiannis:** No, I didn't. I asked the individual if he had sought office.

**The Chair:** Order, please.

I'm going on to the next questioner. You cannot run the committee this way, Mr. Karygiannis.

**Hon. Jim Karygiannis:** Mr. Chairman, on a point of order—and I would question your judgment—did I ask the question of political affiliation?

**The Chair:** You asked if his name was ever on a ballot for a particular party.

**Hon. Jim Karygiannis:** I asked him if he sought office. I didn't say “political affiliation”, sir.

**Mr. Norman Doyle:** Mr. Telegdi.

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** On a point of order, Mr. Chair, I think the question that Mr. Karygiannis asked was whether he had been active politically. Quite frankly, I see the question as to whether one was active politically as a contribution. Mr. Karygiannis did not ask which particular party was the political affiliation.

When someone answers and says “Yes, I have been involved politically”, I say “Good for you.” But it doesn't get at which particular political party. So if Mr. Karygiannis wants to ask the question, I think the witness can answer the question.

**The Chair:** I will allow the question.

**Mr. Raminder Gill:** Mr. Chair, I think I have already answered that. I said “several times”. When I was elected, it was one of the most remarkable jobs and an honour for me to serve the people of Ontario.

**Hon. Jim Karygiannis:** Thank you, sir. That describes your provincial political participation. What about federal? Did you ever seek federal political office, irrespective of the party?

**Mr. Raminder Gill:** Mr. Chair, I think now we are going into certain areas, if you don't mind my saying so. I think we should concentrate, if possible, on my qualifications to do this particular job. But if you so rule, then I'll be happy to answer that.

**Hon. Jim Karygiannis:** But, Mr. Gill, aren't those also qualifications?

**The Chair:** Maybe you could answer the question as to whether you were ever involved in federal politics.

I'm trying to be as reasonable as I can in the interpretation of Marleau and Montpetit and the Standing Orders, so asking an individual whether he or she was ever involved at the federal level in politics is a question I would allow.

**Mr. Raminder Gill:** Thank you, Mr. Chair.

Through you to the member, yes, absolutely, as I said before, several times I've sought office, and perhaps, based on God's will, one day we shall be here.

**Hon. Jim Karygiannis:** Mr. Gill, can I ask—

**The Chair:** Your time is up. You've gone eight and a half minutes.

**Hon. Jim Karygiannis:** I'm sorry, Mr. Chair. That is true enough, but you intervened several times during the seven minutes, so those times have to be taken out.

**The Chair:** That comes out. It's seven minutes.

You have one last question, and then we'll go on.

**Hon. Jim Karygiannis:** Mr. Gill, if I'm not mistaken, you ran for Mississauga—Streetsville in the last campaign, and I believe you were appointed some time in October, in view of the latest ramifications that happened in that riding with the said member.

**Mr. Raminder Gill:** Mr. Chair, I'm not sure where this question is going to, because it doesn't make any sense in terms of relevance for today's appearance.

**The Chair:** Okay, that's your answer. That's fine.

We'll go on to Madame Faille.

[Translation]

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

We are delighted to welcome you here today. For those of you who may not know it, I'm a big football fan. Since you mention the sport in your resumé, I'll be able to discuss the game with you a little. Before I begin, I would like to wish the committee a happy new year and a very productive one as well. From what I understand, the committee has a lot on its plate.

Mr. Simard, for the benefit of the committee, could you tell us how many applications are waiting to be processed and give us an idea of your outstanding workload?

You stressed the importance of having a complement of 37 citizenship judges and mentioned that a number of vacant positions needed to be filled. Last year, I witnessed the appointment of Ms. Bitard in Edmonton. She was an excellent candidate and I encourage you to continue looking for candidates of this nature. She has a wealth of experience.

Could you enlighten us a little about the current situation?

• (1200)

**Mr. Michel Simard:** I'd be happy to oblige. Consider the figures for 2005-2006. I can speak with some degree of certainty, because obviously, we're talking about statistics and a very large number of applications.

We received a total of 274,697 applications during the 2005-2006 fiscal year. Overall, 231,903 applications were processed. As you can see, the numbers don't add up. We received a total of 274,697 applications and processed only 231,903.

During the 2005-2006 fiscal year, 222,171 applications for citizenship were approved.

A total of 2,576 applications were not approved because the applicants failed to meet the legal and regulatory requirements. In the case of these 2,576 individuals, written decisions were provided to them.

A total of 7,156 applications were withdrawn or abandoned for one reason or another at some point during the processing stage.

**Ms. Meili Faille:** The applicants weren't ready.

**Mr. Michel Simard:** They had their reasons: either they weren't ready, or they realized that they did not meet the legal requirements. It was a little of both. This is somewhat of a grey area, but the exact figure in this case is 7,156.

Overall, 2,901 ceremonies were conducted. However, a word of caution is in order. Some of these ceremonies were presided over by persons other than citizenship judges.

[English]

A certain number of those ceremonies were not presided over by citizenship judges but by members of the Order of Canada, or people who had been specially appointed by the registrar. The registrar of citizenship has that power, but it is exceptional in an emergency case when a judge is really sick.

We had a case in the province of Quebec on July 1 last year where the Lieutenant Governor got sick and we had to appoint a clerk or an officer to be the chairperson of the ceremony to appoint. The registrar of citizenship has that power on a case-by-case basis.

On the hearings conducted,

[Translation]

a total of 12,994 were conducted.

[English]

We need a hearing when the judge realizes or feels that when he is reviewing a case, a paper review file, he needs more information or there is a doubt. He is not satisfied that the requirements are met despite the exam, despite the documents that he has on file, and 12,994 of them have been conducted. There were 10,418 hearings that resulted in the approval of an application, and 2,576 hearings that resulted in non-approval of an application.

Over and above that—because this is the official figure—we also have judges, and all of our judges are doing what I would call overtime. That overtime involves the kind of promotional activities that they themselves generate. There are not a lot of people who talk about these, and you will not find them in the department literature. These are initiatives that are performed by judges in their communities with community partners to preside over what we call reaffirmation ceremonies, citizenship ceremonies, and so on. This is basically promoting Canadian citizenship principles on a non-partisan basis to all kinds of audiences.

To give you the total of our activities for 2005-2006, there were 305 events that were attended by approximately 58,000 people, with an average attendance of 192. These are activities involving a social club, a Rotary Club, or a school. I myself, for example, visit schools in Gatineau. In grade five they have a course on citizenship as is the case across Canada. I make a point every single year to visit those kids to talk about citizenship, to bring them a passport, to talk about what a refugee is.

As a matter of fact, those classes are becoming a little bit more like the United Nations as we speak. They are the picture of the Canada we will have tomorrow. It's quite interesting to be in a position to talk about those principles, and to also complement the course they already have. There are other activities including organizing special citizenship ceremonies when a parent of a child in that school is getting his citizenship. We are bringing the community and also directing our energy towards Canadians, because it's easy to do that.

Actually, in Canada the people best informed about citizenship principles are those who are in the immigration process. We also take the responsibility for talking to Canadians about citizenship very seriously. That's part of our work here.

• (1205)

**Ms. Meili Faille:** Can I ask just another question?

**The Chair:** Yes, Madame Faille.

[Translation]

**Ms. Meili Faille:** Do you provide any input to Citizenship and Immigration Canada officials in terms of advice, suggested policy changes or changes to the Citizenship Act, among other things? People come to our offices. Are there any shortcomings in the current Citizenship Act and are citizenship judges asked for some input in terms of making changes?

As you mentioned, they put in long hours on the job and are active in the community. They are not necessarily any different than MPs. Those who worked in the private sector or who became members have certainly come face to face with many cases. Citizenship is a right. It enables us to obtain a passport and to have an identity. There is also the whole issue of statelessness to contend with.

Would you care to respond briefly?

[English]

**The Chair:** Yes, go ahead, sure.

[Translation]

**Ms. Meili Faille:** Thank you.

**Mr. Michel Simard:** That's a very interesting question, Mr. Chairman. However, in view of my responsibilities and the authority vested in me by the minister, it is my duty to share with him anything of interest related to citizenship. As you can appreciate, this relationship is somewhat like the one between an attorney and his client and I cannot share with you any comments or information that I may be called upon to share with the Minister who, by law, is the person to whom I report. When it comes to making a decision, I stand alone and I am protected very well from all outside influence.

All pieces of legislation can be improved upon, but as an independent decision-maker, Mr. Chairman, I am not at liberty to point out to the committee either the strengths or the weaknesses of the act, for the sake of preserving my independence. If I wanted to do so, perhaps I should step down and appear before you as a former judge. Unfortunately, given my current duties, I cannot comment. My job and that of my colleagues is to interpret the current act. We speak through our decisions, Mr. Chairman and unfortunately, we cannot make general comments about the weaknesses, or strengths, of any one act in particular.

[English]

**The Chair:** We'll have to stop it there and go to Mr. Siksay.

Mr. Siksay, please.

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

I want to thank all of you for being here today and congratulate you on your appointments. I also want to thank you for telling very Canadian stories today. I think you're right that all of us around this table can relate to the kinds of stories that all of you told this morning. I think that's evidence of why you're in the positions you're in, because you do tell very Canadian stories. I have a feeling we had sneak previews of your addresses to citizenship court ceremonies this morning.

I have a couple of questions.

Judge Simard, we have an over-representation of Mississauga here today. Was there a particular issue with Mississauga in terms of the need for citizenship court judges? I think three of the four people this morning happened to be from Mississauga.

**Mr. Michel Simard:** I think, Mr. Chair, will all due respect it is only coincidence plus the fact that a lot of those appointments happened in Mississauga. We had not only vacancies to fill, but also new positions. Mississauga is one of the fastest-growing offices in the country. I can talk also about Scarborough.

I will give you a clear picture of where the action is as far as citizenship cases are concerned. In Immigration and Citizenship we call it MTV—Montreal, Toronto, Vancouver. The Toronto region receives 100,000 new immigrants every single year. Of course, when they become permanent residents, after a while they want to become citizens. Accordingly, the Scarborough office, the Toronto central office, and the Mississauga office are among the busiest offices in Canada. Montreal is not giving up its place either. My friend George is kept busy, as well, with his colleagues. Vancouver is also a critical place.

Just to give you an idea, over the course of the fiscal year 2005-2006 we were working out of the equivalent of 15 FTEs, which is, in your jargon, full-time equivalents. You probably know that notion better than I. We are now 29, and we are aiming for 37. It's just to basically to show that there's a demand.

The key is that you need the judge. The judge is essential in the process. I've heard a lot of comments from the minutes of your committee about the fact that we are playing mainly an honorific role. Well, I have news for you people. Eighty-five percent of the day-to-day work of a judge is to basically study cases and do administrative decision-making. The nice picture of the judge with the robe is about 15% to 20%, at best, of our time.

We are essential in the process because we have to approve. If you look at the Citizenship Act, you'll see there is one single entity that approves each file—the judge. We are not granting citizenship; the minister is granting. But we do have to approve before the minister grants. Without approval, they're not able to make it.

• (1210)

**Mr. Bill Siksay:** Thank you, Judge Simard.

When you pull up the process about becoming a citizenship judge, it talks about starting with filling out the citizenship judge candidate information form. I wanted to ask, did all of the candidates here start with this form from the citizenship and immigration website?

**Mr. Michel Simard:** Mr. Chair, the application form is basically part of a citizenship screening process that is now the work in progress. The story of that process basically came from a long time ago, and it has been based on a continuum. To tell you the truth, I had basically inherited the responsibility of managing a screening process or thinking of a screening process in 2004, when a so-called entity called MAC, the ministerial advisory council, was abolished.

If you remember, my colleague Jean-Guy Fleury of the IRB basically started his own process in 2004, and as a result, that body that had been mandated by the past government to overview and make recommendations to the minister was abolished. Their duties were ended and the IRB got its own process. I was then left alone, and I basically had to propose something. Since 2004 I have been in the position of proposing a screening process.

I did start a few things. For example, we did take the responsibility of reviewing the core competency of the citizenship judge position for one single reason. Remember that there was talk of modifying the Citizenship Act. Bill C-18 was basically transforming our role as an official master of ceremonies without decision-making powers, and then there was a definition of the position that was rendered obsolete by the fact that Bill C-18 didn't materialize. As a result, I had also to build up a screening process in order to offer it to the various governments I had to work with, and this process is still not completed.

We have applications, we are screening, we have exams, we have an interview, those types of things, but basically right now I have to get from the current government an imprimatur for that process. I'm working closely with Mr. Harrison on the new device, trying to rationalize things—

**Mr. Bill Siksay:** So how do names of potential appointees come before you? I gather not everybody does this application form, then. Is that what you're saying? How do other names come before you for potential appointees?

• (1215)

**Mr. Michel Simard:** Right now, we are basically in a kind of vacuum, and I have to be very honest with you on that. I am, at the administrative level, administering a process that basically allows any candidate who is interested to fill in an application. I am basically in a position to have candidates on the list. I am also in a position to basically administer an exam to those who apply.

**Mr. Bill Siksay:** Are people nominated? Can people nominate someone from outside? Does an individual have to take the initiative to apply?

**Mr. Michel Simard:** We have to understand the limitation of the process we're in right now. Whatever the kind of process that might be approved, the process will be to make a recommendation on prequalified candidates, but that is not the power to appoint. That is basically going to be left. The one who has the power to appoint is the Governor in Council.

**The Chair:** Well, I'm afraid I have to interrupt again, as much as I hate to. You're on seven and a half minutes, so we'll have to go to Mr. Komarnicki.

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

Thank you, Judge Simard, for sharing your thoughts and views on the roles and responsibilities of citizenship judges.

There's no doubt that part of your job is to ensure that there is that measure of collegiality among them, and that they're personable and they're able to meet the requirements. Certainly from what I see this morning, you have some excellent candidates for that, and I wish them well and congratulate them, as well, on being appointed. I

know at least one was reappointed. I was happy to hear in the general evidence you don't necessarily have to be a lawyer for this position.

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

**Mr. Ed Komarnicki:** I am a lawyer myself, but I can say that it's good to see that the qualifying part there is of course the ability to understand, to interrelate with newcomers, to understand the role the judge plays, and to be involved with the community, to a large extent.

I'm also pleased to hear, Judge Simard, that you have a program of education that's ongoing, that takes good candidates and makes them better, normally in the area of language.

It's great to see Ms. Bozzi having several languages and being involved in language training and getting a firsthand experience on the ground. It's good to see that brought to the judges' level, as well.

You have programs in place, and I commend you for that. I think that taking them through some of the administrative issues and so on to be sure that you get consistency is to be commended.

I have some specific questions, of course. You indicated that some of the functions that are not so much ceremonial are the issues related to dealing with the granting of citizenship retentions, renunciations, and the resumption of citizenship. Do all judges deal with all four areas, or are some of the areas reserved for the superior judge, like you?

**Mr. Michel Simard:** Right now, for administrative purposes I have been dealing with most of the retention cases and the renunciations, because they are often directed from foreign countries to the CIC office. They are channelled to the office of the senior judge in Ottawa.

There are circumstances under which we conduct hearings on retention and registration of citizenship, when we have to deal with the examination of that one-year residency in Canada or the substantial connection with Canada that is required. For people currently living in Canada, whether in southern Ontario or in Alberta, we transfer those files for a residency hearing to the local judge.

Again, even on retention people could apply, fulfill their residency, and go back to perhaps Belize. While they are in Belize and it's time to deal with the case, we work with our consulate or embassy via teleconference, and I do perform these types of hearings myself.

**Mr. Ed Komarnicki:** On those other ones, of course, you've got some educative processes to upgrade judges that are reappointed and educate those that are just appointed.

**Mr. Michel Simard:** Sure.

**Mr. Ed Komarnicki:** Administering the oath and dealing with the rights and responsibilities happens in a primarily ceremonial way in a public fashion. I've been at some of those ceremonies, and they can be quite moving, as we noticed through some of the testimony here. I consider one of the qualifications to be that judges be able to relate to newcomers who are taking their oath of citizenship. I mean that they be not only able to relate to them, but able to speak to them at their level and be personable in that way. Would you agree with me?

**Mr. Michel Simard:** Certainly.

**Mr. Ed Komarnicki:** Another aspect of being a citizenship judge has to do with having the personality to work with schools, as you mentioned, school boards, service clubs, multicultural groups, and community organizations, to have that contact with people on the ground to get them educated in a sense and to get them to relate what's happening. Would it be fair to say that if one is involved in a political office, whether it be municipal, provincial, or federal, it's a positive thing, in the sense that you deal with people and their issues and problems?

Do you want to make a comment? I've got more to say, but I'll let you break in because I think you're anxious to say something.

• (1220)

**Mr. Michel Simard:** The Citizenship Commission wants to attract people from all walks of life. I mean all walks of life in the true sense. The fact of having been involved in politics, of whatever colour, affiliation, or belief, is a demonstration that you took some deep interest in the affairs of your country and that you were part of the debate. That would surely not disqualify anyone from the position.

**Mr. Ed Komarnicki:** Did you have another comment?

**Mr. Michel Simard:** What is important is that we need good communicators who are able to adapt their message to various audiences. We also need people who are capable of renewing themselves, even if they've presided over a thousand citizenship ceremonies. In terms of experience, my colleague here is about a thousand times more experienced than I am as far as ceremonies are concerned. I often ask him, "George, how do you stay enthusiastic?"

The key, as it is for any priest who is officiating over his 5,000th marriage ceremony, is that even if you have a cold and you feel bad, you have to put it in your head before you preside that for the people who are going to stand in front of you it's going to hopefully be their only day of marriage. It is exactly the same phenomenon with citizenship ceremonies. You have to have the capacity to reinvent yourself, re-energize yourself, and always have in the back of your mind that ultimate respect for those people who stand in front of you.

**Mr. Ed Komarnicki:** I can only conclude by saying that not only is that important, but community work like being a member of the Order of Canada, belonging to the Lions Club, being a member of a particular group—as I see in Mr. Gill's South Asian heritage month—being president of a community of newcomers, and all those kinds of things bear on the ability to be what we consider a good citizenship judge.

**Mr. Michel Simard:** Definitely. It's one of the basic requirements that we have.

**The Chair:** Thank you.

Mr. Telegdi, please.

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

**The Chair:** These are five-minute rounds, by the way.

**Hon. Andrew Telegdi:** I want to welcome you all, and I am much impressed with what I heard. All four of you were born elsewhere and we have five members of this committee who were born elsewhere, so it's good to see you here.

Certainly citizenship has been one of my areas of great interest over the years. I'm happy to say that we still have citizenship court judges instead of having commissioners, as was proposed by the department. I think that's a battle that we have won.

Five of the members of this committee were part of producing the unanimous committee report on citizenship the last time around, in the last Parliament. We are looking to get re-engaged in that debate so that we can actually come up with a new Citizenship Act, particularly given the fact that parts of the Citizenship Act are unconstitutional. This is the sixtieth anniversary of Canadian citizenship, so it would be proper to actually have a new Citizenship Act that captures the Charter of Rights and Freedoms, which is celebrating its 25th anniversary this year. So all those things come together.

When we debated the whole issue of citizenship—and I remember having the debate with some Conservative members—and we debated the issue about having it done by government and making it a political appointment, I remember telling my colleagues on the other side, when they were in opposition, that it's a good thing to be able to appoint people who have been politically active and who have contributed to the community.

I really hope that in your endeavours you encourage Canadians to be active, be it in voluntary organizations, in the political party of their choice, or in municipal politics, because that is a good thing. I also hope you educate them on the Charter of Rights and Freedoms and what it means, and what it means to live in a democracy like Canada.

Have you been following the debates in Parliament and through parliamentary committees, on the Citizenship Act? If you have not, I would recommend that you do so.

• (1225)

**Mr. Michel Simard:** We certainly did, sir.

**Hon. Andrew Telegdi:** Good.

**The Chair:** Will I leave it there?

**Hon. Andrew Telegdi:** That's it.

**The Chair:** Okay. Thank you, Mr. Telegdi.

Who do we have next? Mr. Devolin.

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

Thanks to all of you for being here today. It was interesting to listen to your introductory remarks and to note some of the similarities, actually, between your job and the job that we do. I mean that in the sense that part of it is substantive and dealing with process and administration, but part of it is what I don't want to call ceremonial in the sense that it doesn't matter, but ceremonial in the sense that, as you said, for the people who come before you, it is a very significant day for them.

I can tell you, as a new MP a couple of years ago, I felt very awkward going to places and standing up, saying, "On behalf of the Government of Canada..." or "On behalf of Canada...". I almost felt like a bit of a phony at first and was quite uncomfortable. But I quickly got to the point where I realized it was important to the people in the room, whether it was a 50th wedding anniversary or whether it was a retirement party. I have now become not only quite comfortable doing it, but appreciate the value that those ceremonies have for the people who are involved. So when you talk about reinventing yourself time and time again, I know of what you speak.

There are a couple of issues I want to briefly touch on. The issue of partisan affiliation or having been politically involved in the past has come up today. My sense is that partisan affiliation should neither determine nor preclude political appointment. Someone should not be appointed to something simply by virtue of their political affiliation or their activities in the past.

Having said that, I would go so far as to say it would be absurd to preclude everyone who has been politically active from political appointment. That's a fine line that we need to walk.

The issue really is qualification. I appreciate that the process of appointment of judges has changed. We have a process right now that we would probably all agree is not the perfect process, and we need to move toward that.

Having said that, Mr. Simard, you've been very involved. In your opinion, are the four people sitting at the table with you today qualified to do this job?

**Mr. Michel Simard:** Yes, they are. They have been trained, and they passed the training successfully. I'll tell you one thing. As the senior citizenship judge, one of my key responsibilities is to reinforce the fellowship of our group. Again, we are very representative of this country not only in gender and ethnicity, but also in political affiliation and opinions.

I can volunteer it with your permission, Mr. Chairman, but—

**The Chair:** No, I don't want you to go there.

**Mr. Michel Simard:** Okay, very good.

Having said that, we have trained, qualified people, and we now have a commission that is basically looking forward in the same direction as far as the tasks we have to do are concerned.

**Mr. Barry Devolin:** I'm glad to hear that.

In my riding, I deal with a lot of young people and I encourage them to get involved in public life, which I define very broadly. I tell them that whether they're a cub scout leader, whether they're a hockey coach, or whether they run municipally or federally, I encourage them. I tell them that I don't care what party they get involved in if they want to get involved provincially or federally, but to get involved in public life, because it is something important.

One last question. You mentioned the number of vacancies that you have. There are 28 people currently on your bench, and there are nine vacancies. How critical is it that those be filled so that your group as a whole can manage the workload that you have before you?

• (1230)

**Mr. Michel Simard:** Mr. Chair, it is critical to basically have our full complement in order to basically avoid backlog, and also in order to provide the same level of services in every single region of this country. Let me just give you an example.

We have been without a judge in the Atlantic region for about two to two and a half years now. Do we provide service to the Atlantic region? Yes. We basically ask a judge currently in Windsor or in Edmonton or in Vancouver, where we have more than one, to travel. If there is a language requirement for a French client, we send a French-speaking person there, or a bilingual person, to basically offer the services.

We will allow more flexibility to Atlantic Canada to provide them with their judge locally. We will also allow them to basically do the bulk of the work as far as promotion is concerned. But right now we're just limiting them to what we call the raw level of services.

The important thing is not only filling those positions, but making sure they are reappointed on time. I can't talk for my agency colleague, but one of the key things that is important too is the possibility of making our political masters sensitive to the fact that when you have a vacancy in the making, or when you have the end of a term in the making, a government should basically get its act together in order to inform the person in that position if they are reappointed. If they are not, then the government has to make a timely replacement of that person for the machine to keep going. I think it is crucial.

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

Madame Faillie.

[*Translation*]

**Ms. Meili Faillie:** Thank you, Mr. Chairman.

Earlier, I asked a series of questions, but I must take this opportunity to remark on Mr. Springate's presence here today. As a resident of Vaudreuil-Soulanges, I'm a neighbour of his and I'm well aware of his involvement. We discussed it prior to the meeting. I'm a football fan and one of my cousins, Gabriel Grégoire, was acquainted with Mr. Springate. We brought home the Grey Cup in 1977, with Larry Smith and the infamous snow storms. I'm also getting to know Mr. Springate, the politician. I wasn't very old in 1970, 1973 and 1976. I might not even have been around for the first two elections.

Although I was a member of a different political party in 1976 and 1981, I became acquainted with a wonderful woman whom you also knew, Ms. Denise Cypihot, who is now deceased. She was responsible for the establishment of the Gérard-Godin Cegep. Mr. Springate's contribution to John-Abbott College is also noteworthy. He was responsible for setting up the police technology course. We also have other connections. I worked as a consultant on the 911 system for the City of Montreal. I have ties with the City of Montreal and with the police force. I was also acquainted with Clifford Lincoln and Russell Williams, and served as Pierre H. Cadieux's political assistant. It's interesting to note that in addition to making a contribution as an athlete, you have also made a civic contribution, something that people might be less aware of. When you received the Order of Canada in 1989, I was just starting to work on Parliament Hill. What a happy coincidence to see you here.

I have taken part in ceremonies on two occasions in Montreal. Of course, no one recognized me as an MP and I realized that few MPs attend these ceremonies. Both times, the event had been postponed, but nevertheless people did attend. I was seated and waiting along with the others. Perhaps some thought that I was about to receive my Canadian citizenship. Perhaps this was an isolated incident, but it was a little unfortunate. After all, it happened twice. People who were arriving seemed somewhat lost. I think that citizenship ceremonies should be more than just an administrative gesture. It left somewhat of a bitter taste in my mouth.

Earlier, you mentioned the shortage of judges and your heavy workload. I wonder if this might be the reason for incidents like this. Are you in contact at all with the persons to whom you are granting citizenships, that is with your clients? Do you inquire as to what happens to them after they have received their citizenship or ask them about their impressions of the ceremony? You go all out for the July 1 ceremony, but in my opinion, the other ceremonies come up a little short. I just wanted to mention it because I find it unfortunate.

Ceremonies are also held in Quebec. Do you talk at all about the history of the Quebec nation when you preside over ceremonies in Quebec? The subject has been in the news lately. Do you refer to the Quebec nation in your speeches?

• (1235)

**Mr. Michel Simard:** Mr. Chairman, I'll start by answering the question about the presence of MPs, our elected officials, at citizenship ceremonies. All elected officials are welcomed to attend these ceremonies, if they wish. Their presence is noted, except during election campaigns. Municipal, provincial and federal representatives are always welcomed, as the citizenship ceremony is open to the public. However, once an election writ is dropped, we ask them to keep their participation discreet. Obviously, they will not be asked to come up and make a brief presentation, as would normally be the case.

Citizenship ceremonies are substantially similar across the country. The essential message delivered focuses on the values of citizenship, and on rights and obligations. This message, regardless of the language in which it is delivered, contains more or less the same components. Do all judges read from the same prepared text? Absolutely not. My colleague, Mr. Springate, some of the other judges and yours truly are absolutely incapable of reading from a

prepared text. However, the same basic message is conveyed everywhere.

[English]

**The Chair:** Thank you, Judge Simard.

Mr. Jaffer.

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):** Thanks, Mr. Chair.

Thanks to all of you for being here today. It's nice to meet some of you at along last and be able to hear your stories.

There seems to be some interest on the political experience, but I think there's one thing, especially in the case of Mr. Springate and Mr. Gill, we didn't get a chance to hear.

Mr. Springate, I don't even know your political affiliation, and I don't quite care, actually. But I just want to know how the both of you believe that process of your lives, the political experience you gained, is helping you in the work you're doing today. It might be interesting to hear your thoughts on that.

**The Chair:** Provided of course you don't get into party politics or anything like that—

**Mr. Rahim Jaffer:** No. I'm talking strictly about experience.

**The Chair:** Whether it's municipal, federal, or provincial, how has your political affiliation helped you over the years?

**Mr. Rahim Jaffer:** I'm asking about experience, not affiliation.

**The Chair:** I should have said "experience".

**Mr. George Springate:** I've learned that in the last hour and a half.

Being an elected member—and I was a provincial elected member—allows you to meet, greet, teach, and let others experience what our province, the city they are living in, and the country are about. It's much more than simply staying here in Ottawa, and that's it.

As you know, your busiest times of the week are Friday night, Saturday, and Sunday, where you basically are in their house, their organization or association's house, church, synagogue, mosque, whatever it is. You represent not simply a strict political point of view, but you represent your province, your city, or your country.

As Mr. Devolin said, he was a little ill at ease the first time he said he was representing Canada. I understand that, but that's what the people want to see.

I am very fortunate. I live on the west island of Montreal. Right beside me is an exceptional member of Parliament, and she is like me. She is a community member. I wasn't a House member; I was a community member. There's a tremendous difference, and every one of you knows what that difference is. That experience allowed me, along with the experience I earned in the police force and on television....

I'll put modesty aside. There are very few people who do not know me in my province from the past I've had. No one talks politics to me; they all talk football. I did politics for eleven years; I did five years of pro football. They talk about football because that's what interests them. But that allows me to come close. Yes, politics gets you into that and helps you make other people become better citizens. That's my view of the job.

• (1240)

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

You have some time left, Mr. Jaffer. You're on 3:22.

**Mr. Rahim Jaffer:** I think it's Mr. Gill, on the other question.

**Mr. Raminder Gill:** Mr. Chair, through you to Mr. Jaffer, one of the stories I did mention in my maiden speech in the provincial parliament was that when I used to go the University of Toronto, which is right next door to Queen's Park, I used to work in a restaurant as a dishwasher. I would actually be taking the sidewalk that is right behind Queen's Park. One of the stories, as I said, was that as an 18-year-old travelling by Queen's Park, I never imagined that a first-generation immigrant would actually get the opportunity or the honour to sit in that assembly one day and perhaps try to make a difference.

You know, I tell these stories to the candidates who come in—we call them candidates—for citizenship, and I say, “Folks, get involved. Get involved politically. It does not matter which party you want to get involved with, and if you don't like any of them, put your name forward. It can be done. You can actually put your name forward, and if you work hard and people believe in you, one day you can get elected.”

Without getting into political partisanship, I always ask them to get involved in every political level. You know, we also say everything is politics. There's politics at home, there's politics at school, there's politics at work, and there's politics in Parliament.

Thank you.

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

I will now go to Mr. Siksay, and he needs some power.

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

Power—that's a good idea. Yes, I need it. As the single New Democrat here, I could use some.

Judge Simard, I want to come back to the screening process again. The briefing note that the analysts provided for us talks about the process of screening that people go through. There's the initial screening using the application and information form; there's a written exam, reference checks, and then the interview process.

Can you tell me how many people have gone through that process successfully? I'm getting at what kind of pool you have of successfully screened applicants to fill those vacancies.

**Mr. Michel Simard:** Yes, I have these numbers. Before I get to the numbers, let me just tell you that since you are basically dealing with a prerogative of the governor in council, which is the prerogative to appoint, the screening process basically has to be reassessed from government to government.

I want to tell you that right now this process on my website is under review, and I am not yet in a position to tell you what the state of the art will be in my office tomorrow as far as screening goes.

I am expecting to, and am scheduled to, discuss that with the minister. There is a firm intention on our part to discuss it. I've been informed of that recently. It has to basically go to PCO and to the Prime Minister's Office for approval. This is where we are now.

In terms of the process that has been in place, the result is that I now have for the region of Ontario—and it's fairly small here—28 qualified candidates, plus 20 that are in the process. These are people who placed applications and need to be processed one way or the other, and I still have yet to know what the determination of that discussion will be.

In the Atlantic region we have two persons, two candidates, who have been passing through the various steps, plus two who are in process. In the Montreal region we have three who have passed all the steps, plus two in process, and in the region of western Canada, we currently have five who have gone through the process, plus 20 who are currently within the process.

• (1245)

**Mr. Bill Siksay:** Okay. Judge Simard, can somebody be appointed as a citizenship judge and not have gone through that screening process?

**Mr. Michel Simard:** Well, I mean, in theory the Governor in Council could appoint whoever they want to appoint. I can provide all the recommendations. I make my recommendations to the minister, who in turn makes a recommendation to cabinet. Cabinet is sovereign and could decide whatever it wants to decide.

Now, how we are going to line up and tune our violins to that effect might be the work of Mr. Harrison. We had discussion about it. It seems to me that there's a desire to straighten that up and to make it coherent from boards and from tribunals, and to basically get the same type of thing. How we are going to end up is a matter that has yet to be determined.

**Mr. Bill Siksay:** How long is it taking to go through the screening process?

**Mr. Michel Simard:** I'm talking of the past again. Now, as I said, we are expecting direction on it. But from the date of application to the date when you are in a position to make a recommendation and references are checked, it takes about three months to do a decent job, about 90 days.

**Mr. Bill Siksay:** It is a 90-day screening process.

**Mr. Michel Simard:** It is 90 days, including the interview.

**Mr. Bill Siksay:** You said that the screening process is under review. But it is on the department's website. How long was it in place, and how long was it used before the review?



**Mr. Michel Simard:** It all started in 2004, when I basically inherited the responsibility of MAC. And where I was, basically, was that I had to fill the void. I had the additional responsibility of suggesting to the then-minister a process for pre-qualification, and again, all aspects of it, because I would like it to be a little bit like what my IRB counterpart is doing.

It has been a work in progress since 2004, and that work in progress is now under review.

**Mr. Bill Siksay:** Did all four appointees here today go through that screening process?

**The Chair:** We have time for a brief answer, then we'll go to Ms. Grewal.

Judge Simard.

**Mr. Michel Simard:** You know—

**The Chair:** Would you ask the question again?

**Mr. Bill Siksay:** I asked if all the candidates, the appointees present, went through the screening process.

**Mr. Michel Simard:** It has been under review since the arrival of the new minister.

**Mr. Bill Siksay:** So when was the new minister... ? Was it in January?

**Mr. Michel Simard:** It was around January 23, yes.

**Mr. Bill Siksay:** These appointments were made in the fall. They were announced in October, so these folks, I can assume, all went through the screening process at that time.

**Mr. Michel Simard:** No.

**The Chair:** Okay, thank you.

We'll go to Ms. Grewal and then to Mr. Wilson.

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

Thank you all for your time and your presentations. Certainly you have a lot of experience and all the qualifications.

My question is for Mr. Gill. Mr. Gill, please, could you tell the committee what your educational background is?

• (1250)

**Mr. Raminder Gill:** Through you, Mr. Chair, to Ms. Grewal, I had to repeat my high school in Canada, because when I applied to the university when I came in, half the year had gone, and they would not accept me at the University of Toronto. So I had to repeat grade 13. I went to Parkdale Collegiate Institute, a very famous, more than 100-year-old school in Toronto. Then I went to the University of Toronto for my bachelor of chemical engineering and my master of chemical engineering degrees. I am a professional engineer.

As well, I have been, until recently, on the advisory board of the Department of Chemical Engineering in terms of my academics.

In terms of my life experience, or in terms of my business experience, I spent about 25 years manufacturing pharmaceuticals, right from the floor level, as any new immigrants do. I worked right from cleaning the floor all the way up to being vice-president of manufacturing. I was also on the processing committee of the

Pharmaceutical Manufacturers Association of Canada for four years representing the whole industry.

Then again, I'm still learning.

**Mrs. Nina Grewal:** It is my understanding that you have worked on a number of international projects. Can you please tell us a bit about these experiences?

**Mr. Raminder Gill:** Thank you.

Through you, Mr. Chair, I had the good fortune of twice being on a trade mission to India, once with the Honourable Pierre Pettigrew and the second time with the Honourable Jim Flaherty. We did have a lot of business discussions as well as contacts.

My specialization has been more in hydro generation. I've had several discussions in places in Punjab and in places in Pakistan and those regions.

Even in the ceremonies that I preside over, I mention to new citizens that they are the best ambassadors for Canada, especially to their countries of origin. They can go back. They know how to deal with them. They know the chemistry. They know the business climate.

Similarly, I was quite involved in consulting in terms of hydro generation—small hydro as well as up to 250 megawatts—and I was quite fortunate that through my efforts, Sithe Energies is setting up a 900-megawatt power plant in Bramalea—Gore—Malton, which I represented, so it was quite fortunate that they also are filling the void of power, of energy, that we all need and can use.

**Mrs. Nina Grewal:** As an elected official, Bill 98 was passed in your name. Can you please tell us about that bill?

**Mr. Raminder Gill:** I was very fortunate that my family was the first South Asian family in Ontario. My uncle, Jimmy Gill, was the only person from South Asia or India in Ontario, and he was the one who started the first Sikh temple on 269 Pape Avenue in 1968. So it was quite an important step for all immigrants, whichever region they came from, to have introduced Bill 98 on the South Asian heritage month, which was passed. I'm sure it can be seen in Hansard. It basically recognizes the contributions of South Asians in making this country—as we all have, from whichever part of the region we come from—the best country in the world to work and raise our families. I was quite fortunate that Bill 98, on the South Asian heritage month, passed unanimously in May.

**Mrs. Nina Grewal:** Ms. Brum Bozzi, how many languages do you speak?

**Ms. Renata Brum Bozzi:** I speak four. Portuguese is my native tongue, and I learned Spanish when I spent a month in the Dominican Republic living with the poor. I married into the Italian culture, and I studied French in university. I had to study Latin for my degree in theology, so if the Pope comes to town I'm prepared for that.

**Mrs. Nina Grewal:** Good.

Can you please tell the committee what your role was with the Catholic Civil Rights League?

**Ms. Renata Brum Bozzi:** I had just graduated from university when I was approached and asked to help rebuild the Catholic Civil Rights League. I was given a box of dusty files and asked to build an organization, and that's what I did. I basically started communicating with other Catholics across the country and put together a newsletter, a membership campaign, an advertising campaign, with pamphlets, brochures, and that sort of thing. Then I began working on how to communicate the message to members of Parliament and into the wider community. The idea of the Catholic Civil Rights League is to bring the Catholic position to bear on issues of public debate.

•(1255)

**Mrs. Nina Grewal:** Ms. Yung-Fung—

**The Chair:** I think I'll have to cut you off there, Ms. Grewal. You've gone over by about 35 seconds.

We do want to try to get everyone in who didn't speak, if they wish to ask a question.

Mr. Wilson.

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

Thank you, Judge Simard, for your presentation to open the committee meeting.

I'd like to congratulate all of you on your recent appointments, and wish you all the best going forward.

Mr. Gill, like yourself, I started out as a dishwasher, so I know how important that is in building character.

Could you briefly describe the screening process you went through for your appointment?

**Mr. Raminder Gill:** If I may, I would like to defer that question to Judge Simard.

**Mr. Blair Wilson:** No, Mr. Chair, I'd like the witness to answer the question and elicit the things in the process that he felt were important and would contribute to the job—his qualifications, and how he was able to commit those to the process.

**Mr. Barry Devolin:** Point of order, Mr. Chair.

**The Chair:** I saw Mr. Komarnicki signal first on a point of order.

Mr. Komarnicki.

**Hon. Jim Karygiannis:** Stop the time.

**Mr. Ed Komarnicki:** I'll defer to Mr. Devolin, and depending on what his point of order is I'll deal with mine.

**Mr. Barry Devolin:** I was just asking for clarification. This is getting back to the process, as opposed to qualifications. I would like a ruling from the chair as to whether that question is in order.

**The Chair:** Among the areas usually considered to be outside the scope of the committee's study are the political affiliation of the appointee or nominee, contributions to political parties, and the nature of the nomination process itself. So if you're asking about the nature of the nomination process, I would have to rule it out of order.

Is that what you're into, Mr. Wilson?

**Mr. Blair Wilson:** I was asking the witness to explain his experience in going through that process—

**The Chair:** Do you mean the nomination process?

**Mr. Blair Wilson:** Yes, that's what I meant—and how he was able to discuss his qualifications, his experience, what he brought forward. I spoke about being a dishwasher and—

**The Chair:** If it's the nomination process—

**Mr. Blair Wilson:** I didn't think it was that contentious a question.

**The Chair:** If it's the nomination process, again I can only quote

—

**Mr. Blair Wilson:** Or screening process.

**The Chair:** —what's in Marleau and Montpetit. That is, the nature of the nomination process itself is outside the scope of the questions that we will ask—

**Mr. Blair Wilson:** But I'm not asking his opinion on the process, I'm just asking about his experience going through it.

**The Chair:** Experience going through the process, is that what you're asking him?

**Hon. Jim Karygiannis:** Mr. Chair, on that point of order also—

**The Chair:** I'll hear two more. I'll hear you, Mr. Karygiannis, and I'll hear Mr. Siksay.

**Hon. Jim Karygiannis:** I'd like to challenge your ruling, Mr. Chair, on what you did with me—

**The Chair:** We have to deal with this point of order.

**Hon. Jim Karygiannis:** On the same point of order—

**The Chair:** Order. I want to deal with this point of order.

**Hon. Jim Karygiannis:** On the same point of order, Mr. Chair.... Put your gavel down and at least give me the opportunity to speak on it.

**The Chair:** Yes, but you indicated that it was a new point of order.

**Hon. Jim Karygiannis:** On this point of order, Mr. Chair, I think you're going along the same way that you did with me. I think that certainly is a challenge of the chair that needs to be done, because the question was for the witness to bring his experience forward. I realize that you might be wanting to rule that out of order, but I'd like to challenge your—

**The Chair:** I haven't made a ruling yet.

**Hon. Jim Karygiannis:** I want to warn you that there's a challenge in that ruling, as I want to challenge the ruling that you made with me on a point of privilege.

**The Chair:** I haven't made a ruling on this yet. Thank you for your contribution.

Mr. Siksay.

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

I think Mr. Wilson has asked an important question. I don't think it goes to the nomination process. I think it goes to the screening process, which is separate from the nomination process. So I'm very interested in the answer to the question that Mr. Wilson has proposed.

**The Chair:** Okay.

I guess we'll get one from this side as well.

**Mr. Ed Komarnicki:** I just want to add a point. When you look at why the candidates are here today, the basis for which they're here was Mr. Karygiannis' motion, to begin with, under Standing Order 110 or 111. That's why they're here.

If you look at Standing Order 111, it will say that the committee specified shall, if it deems appropriate, "call the so named appointee or nominee to appear before it" and "shall examine the qualifications and competence of the appointee or nominee to perform the duties of the post to which he or she has been appointed or nominated."

It's not a process issue, and I think we've gotten off on that somewhat. The question is, what are the duties of the post, which Judge Simard has outlined. You can ask questions under those particular sections as to the qualifications and competence, but not the process that may have got them there, because that's an event that has already happened and it's a done issue. So I think your ruling relating to any questions relating to something other than qualifications to perform duties is entirely in order, and we should respect that, not only here but with all other people who appear before this committee.

• (1300)

**The Chair:** Mr. Wilson.

**Mr. Blair Wilson:** Thank you, Mr. Chair.

I would draw people's attention to the briefing notes prepared for today's meeting from the parliamentary library, which discuss in detail the initial screening process and even propose as a suggested question "Please describe the interview you went through as part of the screening process". So I'm sure that it has been vetted to be appropriate, if it has gone through the Library of Parliament.

**Mr. Ed Komarnicki:** If you read the section in the Standing Orders, it's quite clear.

**The Chair:** The advice I'm getting here from the clerk, which I depend on quite heavily, is that the nomination process is one that we wouldn't go into, but the screening process and general questions about the screening process would not apply in this particular instance. So I can't see anything in the Standing Orders that would prevent us from asking some general questions on the screening process. This is what I'm advised by the clerk here.

So, Mr. Gill, if you feel like answering that question but not get into the nomination process or the political end of it...

Originally, in regard to Mr. Karygiannis, it was because I felt that he was wandering into the area of political affiliation.

**Hon. Jim Karygiannis:** It was, and I do want to challenge your ruling.

**The Chair:** That's fine. There's a process to do that.

Judge Simard.

**Mr. Michel Simard:** Through you, Mr. Chair, to answer the question, when we had a change of government, the process was declared to be under review. The people here were not subjected to the screening process. I think I addressed that question with Mr. Siksay.

**Mr. Bill Siksay:** Could I ask for verification of that? I think that information is different from what I understood Judge Simard to have said before.

**The Chair:** I think Blair is on the floor now. If you wish to raise that as a point of order, Mr. Siksay, I'd be happy to entertain it. In the meantime, I'll go back to Mr. Wilson.

**Mr. Bill Siksay:** I just wanted to clarify whether it was with the change in government or the change in minister. We recently had a change in minister, and that's what I understood from your previous answer, Judge.

**The Chair:** I think it was the change of government.

**Mr. Michel Simard:** It was with the change of government.

**The Chair:** Okay.

Mr. Wilson.

**Mr. Blair Wilson:** Thank you, Mr. Chair.

Clearly we have the answer that the four appointees here are a result of a change in the process. None of them went through the normal screening process that the government has had up to date. The new Conservative government brought in a new process that circumvented the previous screening process that we had before.

The next question I have that also shocks and angers me as much as that is the inaction or incompetence of this government to deal with the shortages. We talked about football, and I played hockey, but it looks like you've been playing short-handed here for the last 12 months. I'm wondering whether it is incompetence in the Conservative government that accounts for the fact that we have a shortfall of nine out of 28 judges. Thirty percent of our judges' positions have not been filled in the last 12 months. Is that incompetence, or is it a lack of political will to deal with the process, thus increasing the backlog and keeping immigrants from coming to Canada?

**The Chair:** Mr. Wilson, I would have to rule that irrelevant to the qualifications of the individuals who are here before us today. I think we're placing the witnesses in an unfair position to ask them to comment upon the competence of the government. Whether it's a Tory government or a Liberal government, regardless of political stripe, I think it's totally out of order to ask witnesses, especially witnesses of this calibre, to comment.

**Mr. Blair Wilson:** Let me carry on then, Mr. Chair.

**Mr. Michel Simard:** Mr. Chairman, I would like to clarify something for the sake of fairness. I have been at the helm of the commission for three years. I've seen three governments, and I can tell you that the shortage of judges or the fact that we were dealing with delays is not necessarily confined to only one of them. To tell you the truth, without giving a pat on the back to the current one, we have seen progress in terms of the number of judges we have been able to appoint over the last six or seven months. In order to keep the record straight, it would be irresponsible on my part to let the committee believe that the shortage of the judges is the appanage of only one government. I think the responsibility could be shared. I can tell you that we are now heading in the right direction.

**The Chair:** I've been in the hands of the committee here from the moment we sat down to examine the various people before us. My hands are tied here, but we have to confine our questions to the ability and qualifications of the individuals. I could have interrupted a lot of questioning here today because we got outside of that. I was trying to establish certain parameters so that we didn't wander into the political area.

Again, let me remind members, I didn't write the Standing Orders, but the Standing Orders are here for the committee to follow. I've read them on several occasions to state what the parameters are. I would ask members in their questioning to remain within these parameters. Process is not part of it. The nomination process is not part of it. The political affiliation is not part of it. Simply, the qualifications, competency, and ability of the individuals to perform their roles are what this hearing is about today.

I think I should give you a bit of extra time, Mr. Wilson, because of the various interventions I and others have made.

• (1305)

**Mr. Blair Wilson:** Thank you, Mr. Chair.

I wasn't getting into the political aspects of it. What I was trying to deal with was the Conservatives' circumvention of the screening process for these candidates. What I was trying to deal with was the merit of the candidates, irrespective of their public service. I believe for anybody who has public service—provincial, federal, or municipal, with whichever party—it's going to be a beneficial aspect to their résumé going forward. The more community service we have, the better.

What I was trying to get at was whether the screening process that we've always used to choose judges is the one that was used with these four people. The answer was clear—

**The Chair:** I could rule that out of order if we want to stick strictly to the Standing Orders, because you're wandering outside of the qualifications and the abilities of the individuals to perform their duties.

Anyway, I'll allow a comment, Mr. Simard, if you wanted to comment on what Mr. Wilson said.

**Mr. Blair Wilson:** Before he does, I thought your ruling was that the question with respect to the screening process was okay, but the questions with respect to the nomination process were out of order.

**The Chair:** I'm trying to be as flexible as I can. If you want to go strictly by what the standing order says, I could rule it out of order.

**Mr. Blair Wilson:** I'd like a few minutes for another question. Thank you, Mr. Chair.

Judge Simard, you mentioned the fact that there are a number of qualified individuals who are on the so-called wait list for judges. In Montreal there are three. In Ontario there are 28. In the Atlantic there are two, and in the western provinces, five. That adds up to 38 potential judges who have been screened, vetted, and are ready to go. You have nine vacancies, and 38 people who are ready to proceed.

What's holding up the process?

**Mr. Michel Simard:** I think you will have to address that question to the Governor in Council, Mr. Chairman.

• (1310)

**The Chair:** The time is up.

I could go to this side, but I do want to get Mr. Alghabra in on this.

**Mr. Rahim Jaffer:** I have a point of order, Mr. Chair.

**The Chair:** Yes.

**Mr. Rahim Jaffer:** I understand we started late because of the previous committee's running late. I have obligations at 1:15 p.m., and I don't want to penalize the rest of my day because of the previous committee that ran late. I understand there's an important point of privilege or something coming forward. I would ask for the direction of the committee whether it's okay if we deal with that issue first thing in the next meeting. Like I said, I'd hate for the rest of my day to go.

So I would call a vote for that, if possible, for the other members. I see that I might be challenged.

If the will of the committee is to actually adjourn now and deal first thing with this point of privilege or whatever it might be, I'm happy to do so. It's just that I have a meeting at 1:15 p.m., and I'm sure our witnesses have to be elsewhere. They were scheduled to be here until one o'clock.

**Hon. Jim Karygiannis:** Mr. Chair.

**The Chair:** Yes.

**Hon. Jim Karygiannis:** I've submitted a written request to you, and I'd like to put that on the floor. I'd like for it to be dealt with today, because it clarifies what happens today.

**The Chair:** Absolutely.

Let me just thank the witnesses.

I think it only fair...and I understand where you're coming from, Mr. Jaffer, that you have to leave. I don't think I want to deal with the point of privilege until the witnesses are gone, but I do feel an obligation to give Mr. Alghabra an opportunity to ask a question as well.

**Mr. Rahim Jaffer:** I understand, but I think I'm within my right. I called for a vote, and I can do so from the floor, within the Standing Orders, to see whether this committee should continue. I would like that entertained, please.

**The Chair:** I'm advised that you can't do that on a point of order, but you can put a motion forward.

**Mr. Rahim Jaffer:** Okay. I'll change it to a motion, if that's okay. You can call that directly. It's in the Standing Orders.

**The Chair:** I've been informed by the clerk again—I'm not really all that up on the Standing Orders—that it has to be on a point of debate that you raise the motion in order to have it dealt with here at the committee.

Am I correct?

**The Clerk of the Committee (Mr. William Farrell):** Mr. Jaffer got the floor on a point of order. It wasn't during debate that he tried to move a motion. You'd have to be on a point of debate, and then move a motion that we adjourn or go forward or dismiss the committee, but not on a point of order. If you're on debate asking a question, then you could move your motion.

**Mr. Rahim Jaffer:** I see. Thank you for that clarification, Chair.

**The Chair:** Okay, we'll go to Omar next and have him ask a couple of brief questions. That will bring us up to 1:15, when we have to dismiss our witnesses. Then we'll go from there.

Omar.

**Mr. Omar Alghabra:** Thank you, Mr. Chair. I don't have a question, just a short comment.

First, I want to congratulate all of you on your recent appointments. I'm sure you're fully aware of the responsibility this job brings. In fact it's not a nine-to-five job. I'm sure you're aware it's a responsibility you'll carry with you 24/7.

I've attended various citizenship ceremonies and know their value and the responsibility that is bestowed upon you. It's a great honour, and you are going to be the gatekeepers for Canada. You are going to be the face of Canada, welcoming new members to our extended family.

I've attended various ceremonies, and at one of them there were four MPs, and three of us were born outside of Canada.

To Mr. Gill's comment, the opportunities in this country are immense for the people who seek them, work hard within the rule of law, and respect the norms and traditions of our country.

So if I may, I want to remind you of your responsibility to be humble, compassionate, and firm in protecting our country and welcoming new immigrants.

Many reports tell us that within the next few years, 100% of the growth in labour demands will be supplied by new Canadians. In

fact, 50% of our population growth will also be supplied by new immigrants, new Canadians.

So if you would allow me, I want to remind you of the huge responsibility you have, and congratulations on your new appointments.

• (1315)

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

I want to thank all of you for coming this morning. I'm sure you're anxious to leave.

Our meetings are generally a bit calmer than this one was. It was animated today, but it's usually not that way.

I want to thank you for coming and for the duties that you perform for the people of Canada. Thank you.

My ruling earlier has been challenged by Mr. Karygiannis. The ruling was that we were wandering outside the scope of the committee's study—as to the nominees' political affiliations or contributions to political parties and the nature of the nomination process itself—and that the question was irrelevant to what was going on.

So I put the question: shall my ruling be sustained?

**Mr. Ed Komarnicki:** Mr. Chair, you might want to wait until everyone is alive to your question before we put the question.

**The Chair:** Yes, we do have a member of Mr. Karygiannis' team who is not at the table. I'll wait a moment.

Just for the benefit of the members who weren't present when I spoke, the ruling I made earlier has been challenged.

**Hon. Jim Karygiannis:** Mr. Chair, can I have 30 seconds before we vote?

**The Chair:** No, there's no debate.

(Ruling of the chair sustained: yeas 7; nays 2)

**The Chair:** I inform committee members that Mr. Telegdi wanted a meeting of the steering committee, and we will have a room for it on Thursday.

**The Clerk:** The note has been sent out to the members of the steering committee.

**The Chair:** The meeting will be on Thursday at 10:50, and we will tell you which room at that point.

This meeting is adjourned.





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