



House of Commons  
CANADA

# Standing Committee on Citizenship and Immigration

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CIMM • NUMBER 043 • 1st SESSION • 39th PARLIAMENT

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EVIDENCE

**Thursday, March 22, 2007**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Thursday, March 22, 2007

•(1230)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** Order, please.

The subcommittee on agenda and procedure met a couple of days ago. We agreed on the following report, the sixth report, and to place it before you for your consideration.

On Tuesday, March 27, we would adopt the draft report on the study on detention centres and security certificates. We would then go into Bill C-280, which you have before you, and receive testimony from departmental officials on Bill C-280. We would move to clause-by-clause on Bill C-280 on Thursday, March 29.

On Monday, April 16, we'll have the draft report on the loss of Canadian citizenship.

On Tuesday, April 17, and Thursday, April 19, it will be immigration issues and the IRB appointment process. We'll hear testimony from Jean-Guy Fleury, the former chair of the IRB.

I won't go through it all. You can go through it to see that this is what we're recommending and what we agreed to at the subcommittee meeting.

On Monday, Tuesday, and Thursday, we'll again have the draft report on refugee issues, and the Minister of Citizenship and Immigration will be invited to present on the main estimates.

Are there any comments on the report?

Ms. Faille.

[Translation]

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** As for Québec law society, the association of lawyers for immigration is called Québec Immigration Lawyers Association or AQAADI.

[English]

**The Chair:** Okay. Are there any other comments on the report?

Mr. Komarnicki.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** I'm going through it for a minute. I have a point I want to make.

I notice that Bill C-280 is set for Tuesday of next week, with respect to evidence from departmental officials.

**The Chair:** Yes, it's Tuesday and Thursday.

**Mr. Ed Komarnicki:** Is there any reason the committee is not prepared to allow some witnesses to be called? I'm thinking of someone like the present or acting chair of the IRB.

I obviously haven't discussed it with the chair or departmental officials for implementation or otherwise, but we usually call some witnesses. I see there is no provision for witnesses here. Why aren't you calling witnesses? Can we think about that to see if we want to call them?

**The Chair:** Yes, for Tuesday, we say "receive testimony from departmental officials".

**Mr. Ed Komarnicki:** Yes, and then you're going into clause-by-clause. But do we not want to allow the opportunity for witnesses?

**The Chair:** Do you want more individuals?

**Mr. Omar Alhabra (Mississauga—Erindale, Lib.):** How many more witnesses, Chair?

**Mr. Ed Komarnicki:** There will probably be couple of witnesses anyway. This was not put on the agenda until now.

**The Chair:** Okay. Mr. Siksay has a point to make on that.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Chair, we discussed it at the steering committee. We'd just come from hearings on refugee issues, where one of the main topics of the hearings was the Refugee Appeal Division.

I think our opinion was generally shared at the meeting that we'd heard lots of witnesses on this topic. We were more concerned about hearing from the department on any technical problems with the bill. Otherwise, we were prepared to go ahead to try to deal with this as expeditiously as possible, given all of the work we've already done on the issue.

•(1235)

**The Chair:** Okay.

Mr. Telegdi, and then back you, Ed.

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** For that meeting, perhaps it would be very useful, Mr. Kitching, if you could get us a summary of all the witnesses related to the RAD, which you're getting for us anyway.

**Mr. Andrew Kitching (Committee Researcher):** That's right.

**Hon. Andrew Telegdi:** We could have it for the meeting and members could have it as a backgrounder.

**The Chair:** Oh, I'm sorry.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** There is no question there were witnesses called on the overall refugee issues, and that was a perspective it's coming from. But we're dealing with a specific piece of legislation, a private member's bill that just came through the House. It may or may not have necessarily made it to the House, but it's here before the committee now, and I'm not taking away from any of the witnesses that were called. Certainly, their testimony could be incorporated.

But far be it from me or from anyone to say that you can't call some witnesses who may give a different perspective or have a different point of view on this issue, particularly when we've taken all the time we've taken, for instance, as we have on the lost Canadians. No one has been barred from testifying on that issue. We've gone the extra mile. We've incorporated four meetings, a great number of witnesses, and have been as cautious as one can be when we're dealing with something as significant as we are here.

I know that somewhere along the way there was some potential raised that we may want to streamline the operation of the Refugee Appeal Division and how the cases are handled, even by one of the former critics of this committee. There may be ways—I'll finish, and then you can make your comments—to improve upon the refugee process within the implementation of RAD. If we're going to implement it, let's not be short-sighted about it. There may be a way we can do it that is good for everyone in this room, refugees in particular, and it can be an enhancement to the system.

I don't think we necessarily want to—I'm getting there—not allow witnesses who would bring that perspective to the table. Certainly not too many, but I'm thinking of at least two or maybe three witnesses who could be brought before the committee to look beyond just where the bill is with the potential for constructive amendments perhaps. If we don't go there, that's fair enough, but I don't think we should take it away from this committee. I know it has not been implemented for some time, and I know that a number of ministers have not gone that way, but there may be a place where we can actually make things work better.

I know we're looking at the lost Canadians.

**The Chair:** Is there any...?

**Mr. Ed Komarnicki:** The point I'm making is just building the case for why we shouldn't push something through when it's been around for years under various ministers. Allowing two or three witnesses to come before this committee is hardly being unreasonable.

**The Chair:** That's the point I was going to make myself. Is there any problem with bringing a couple of extra witnesses before the committee if it is deemed appropriate? I'm hearing that there is a problem.

Mr. Wilson.

**Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** I would just like to say, Mr. Chair, that Mr. Komarnicki has raised the point twice or three times on the same issue. Go around the table and hear other people's points of view, because we have a steering committee to deal with issues like this.

This is not a committee of the whole that's going to decide we're going to do this, this, this, and this.

This discussion has already been taken. We're hearing it a second, third, or fourth time. It's wasting valuable time.

**The Chair:** Okay.

Ms. Faille.

[*Translation*]

**Ms. Meili Faille:** I have been a member of the Committee since 2004. During that time, the Department has had many opportunities to do so. Ministers succeeded to Ministers. And they also had many opportunities to come before the Committee to express their vision. There is absolutely nothing new in Bill C-280 if you compare to the present legislation. All we are asking is to implement the provisions. You had one year to do so.

[*English*]

**The Chair:** Thank you, Ms. Faille.

Mr. Siksay, Mr. Karygiannis, and Mr. Telegdi.

**Mr. Bill Siksay:** Mr. Chair, given the fact that this bill was so spectacularly simple in its intent and content, to dedicate more time to it... We can't fiddle much with it, because the scope of the bill is to implement the current law. We can't talk about how else to do it. All it says is implement the law that's currently on the books. Any amendment outside of that is going to be out of order in any case, I suspect. I don't agree at all that we need to hear other witnesses.

I think we need to hear from the department if there's a problem with the technical aspect of the bill, on whether this bill will cause the implementation of the provisions of IRPA or not, and then we go from there.

● (1240)

**The Chair:** Mr. Karygiannis.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Thank you, Chair.

Certainly, we've been on this issue for quite a long time. We've heard from different witnesses. If there's a compelling reason why we should bring one or two witnesses that Mr. Komarnicki is thinking about, like a specific witness who can add or shed some light, then certainly the committee should be able to hear this particular...if you want to make an argument. If not, I would suggest that we move on, for the simple reason that we've been at this ad nauseam.

**The Chair:** I have to hear the people who have had their hands up.

Mr. Telegdi, you're next.

**Hon. Andrew Telegdi:** Thank you very much.

I just want to assure Mr. Komarnicki that the Honourable Rahim Jaffer is a very able representative on the steering committee.

Certainly, it's one of the good demonstrations of why you should try to keep lawyers out of policy-making and have them work on implementing the policy. It does show that there is a dungeon in the bowels of the department, where they take people in for training and they say that if all else is lost, then delay, delay, delay. This has been delayed, delayed, delayed since 2001. Since I've been on this committee, we probably haven't heard as many witnesses on any issue as we have heard on the RAD.

I think we should implement the law the way it is. We didn't write it. The bureaucrats wrote it and Parliament passed it. To do anything else is really to undermine Parliament. Parliament passed the law, and we have been delaying the will of Parliament for a long period of time.

**The Chair:** The able Mr. Jaffer is next.

**An hon. member:** Most able.

**The Chair:** Most able.

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):** Just on that, on the basis of it being a simple bill, as Mr. Siksay puts it, I think that's always open to interpretation. When you look at the Senate reform bill going through the Liberal Senate right now, it's two paragraphs long and it's been over ten months that they've been studying that bill.

I don't think it's necessarily that I'm disagreeing with him that we couldn't look at this and expedite the bill. I think there's goodwill to do that. But on Mr. Karygiannis' point, I think it's incumbent on Mr. Komarnicki or anyone else that if there is a reason that they suggest there be one or two witnesses....

I'm not saying anyone would agree to drag this out. I did raise that during the steering committee. We were going to go through this even without getting officials, and then we said we should have officials. I said there might be one or two other witnesses who might come to mind and that we shouldn't restrict it. I'm not saying to drag it out, but I did agree that we should try to expedite it. Now I think the onus is on anyone on this committee. If they do say there's someone urgent from whom they think we should hear, I don't think I would say no to that.

**The Chair:** Mr. Alghabra.

**Mr. Omar Alghabra:** I'm just curious. Do you have a list of people? Besides the officials, who do you have in mind?

**Mr. Ed Komarnicki:** I actually do have somebody in mind, just to address what—

**The Chair:** Mr. Komarnicki.

**Mr. Ed Komarnicki:** Is it my turn? It isn't.

**The Chair:** It's not your turn, but if Mr. Alghabra is asking you the question, do you want to answer it before I move on to the next one?

**An hon. member:** Could we hear the witnesses Mr. Komarnicki is proposing?

**Mr. Ed Komarnicki:** Only if you allow me, Mr. Chair.

**The Chair:** Please go ahead.

**Mr. Ed Komarnicki:** I appreciate that Mr. Rahim Jaffer ably represents the steering committee, but the reason you bring it back to the whole committee is so that it can have some input.

The particular person I had in mind was actually the IRB acting chair, who would be acting, albeit, in replacing Mr. Fleury, who was here—

**Ms. Meili Faille:** Are you sure you want to bring him in?

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

**Mr. Ed Komarnicki:** We might want to hear from him, so that's one potential person.

I thought another person might be a professor who deals with refugee issues, and that would be it.

You make a fair point, but I think it's not unreasonable to call a witness, and someone who would be affected by our decision in a practical way. If there's going to be an immediate implementation, it would be his office that would be instrumental in the implementation, would it not?

So if you're agreeable to having him come forward, we'll have a look at that.

**Some hon. members:** Sure.

• (1245)

**The Chair:** I sense that an agreement has been reached on that. Is there any need to pursue it further?

**Mr. Omar Alghabra:** He's coming on April 17 anyway.

**An hon. member:** Is he coming?

**Mr. Omar Alghabra:** It's not confirmed yet.

**The Chair:** Order.

Mr. Siksay.

**Mr. Bill Siksay:** Mr. Chair, have we agreed to invite the acting chair?

**The Chair:** Yes, we have.

**Mr. Bill Siksay:** Okay.

And if Mr. Komarnicki wants to add one other witness and we have a panel of the two witnesses the government wants to put forward, along with the officials from the department in that first meeting, I'd be happy to support that.

**The Chair:** Okay. I detect support for your recommendation, Mr. Komarnicki.

I would ask now for a motion to adopt the sixth report. All in favour?

(Motion agreed to)

**The Chair:** Okay. We will now move to the next item on the agenda, which is a notice of the motion from the Honourable Jim Karygiannis:

That the Standing Committee on Citizenship and Immigration ask the Minister, the Deputy Minister, and other appropriate officials from the Department of Citizenship and Immigration to appear before the Committee to further discuss the issue of Lost Canadians and the measures the Government is taking to notify potentially affected Canadians of the retention rule, with regard to the letter from Deputy Minister Richard B. Fadden, dated February 23, 2007, which reads:

Mr. Karygiannis, I'm told by the committee clerk that the motion is out of order. I'm told that the motion is inadmissible in its current form because of the letter that is included in the text, so I have to rule that the motion is inadmissible.

Quoting from Marleau and Montpetit, chapter 12, pages 449 and 450:

A motion should not contain any objectionable or irregular wording. It should not be argumentative or written in the style of a speech.

Further on it says:

As a general rule, every question that is debatable is amendable. ... They are amendable and must be drafted in such a way as to enable the House to express agreement or disagreement with what is proposed.

In short, a motion should be decidable and amendable by the committee.

However, the letter is not a decision of the committee, and its inclusion in the motion is irrelevant to the decision to invite the minister and others from the department, because the letter is attached.

Can you resubmit?

**A voice:** He doesn't have to resubmit.

**The Chair:** He doesn't have to resubmit? Well, maybe you can help us.

**Mr. Blair Wilson:** On a point of order, Mr. Chair, I wonder if you could specify exactly where in Marleau and Montpetit, what section, you are referring to. You read the whole—

**The Chair:** It's chapter 12, pages 449 and 450.

**Mr. Blair Wilson:** What specific sentence in that allows you to say that this is inadmissible?

**The Chair:** It's where it says:

A motion should not contain any objectionable or irregular wording. It should not be argumentative or written in the style of a speech.

**Hon. Jim Karygiannis:** Mr. Chair, would you point out where it's argumentative?

**The Chair:** Well, I'm only quoting what I've been given here by Marleau and Montpetit, which is that it should not be "written in the style of a speech".

It says:

They are amendable and must be drafted in such a way as to enable the House to express agreement or disagreement with what is proposed.

**Hon. Jim Karygiannis:** All right. I would like to amend it and drop the letter, please, instead of saying "dated February 23, 2007, which reads", and it's attached.

**The Chair:** With regard to the letter, no, I don't think you can do it that way, can you?

**The Clerk of the Committee:** You have the option of "dated February 23, 2007, and that the letter be appended to the committee evidence".

• (1250)

**The Chair:** Okay. Is it agreeable that the motion read that way?

**Hon. Jim Karygiannis:** Sure.

**The Chair:** Mr. Karygiannis is resubmitting the motion.

Do you want debate on that motion? Of course you do.

Mr. Karygiannis, do you have something to add to it?

**Hon. Jim Karygiannis:** Mr. Chair, I want to thank you.

The minister was invited to come. The minister was escorted by officials. The question was put straightforwardly: had they advertised? They said they had. The question, again, went back to them, in what major newspapers? They assured us that it was done widely. A couple of days later we received a letter that said no advertising had been done except through some posters.

A judge reading our minutes, or somebody presenting, certainly needs to know the facts and what has happened, and we need to make sure we get to the bottom of the comments that were made by the deputy minister on record, in order to make sure that we ask the department to aggressively go after advertising, should there be any other Canadians out there who are lost Canadians and who don't know about it.

We've seen the pain and suffering that people have gone through. We've seen children being separated from their parents because they don't have the right to stay in Canada. We've heard from witnesses around this table who certainly had some heartbreaking testimony. And I think it's incumbent upon the minister and this government to do the right thing and not sweep it under the carpet, so it can be seen as having been done. We need to practise due diligence, and the minister and the deputy minister have to be held accountable in order to make sure it reaches all the affected Canadians.

**The Chair:** Thank you.

Mr. Jaffer.

**Mr. Rahim Jaffer:** I don't have a problem with this motion, now that it's been amended and clarified. My concerns are with two things. One is that we've already asked the minister to come for the main estimates. Do we have a date on that yet?

**A voice:** That's a good question.

**Mr. Rahim Jaffer:** Okay.

The second thing is that I don't know if this motion is necessary. Although I agree with it, I don't think it's necessary, because one of the things I would say is that once we do secure a date for the minister, for the main estimates, I don't know if we'll be able to get the minister once again to be able to deal with this motion. I would support Mr. Karygiannis' taking some time when the minister is here. Or we can even let the minister know that the main estimates will be the main focus, but then—

**The Chair:** The main estimates are quite wide-ranging anyway. You can bring up—

**Mr. Rahim Jaffer:** What I wanted to ask is if we only get one date for the minister, we should incorporate this motion so that she's prepared for the estimates and what Mr. Karygiannis wants.

**The Chair:** I'll go back to Mr. Karygiannis before going to Madam Faillie and Mr. Siksay.

**Hon. Jim Karygiannis:** I appreciate the fact that the minister has a busy schedule, and I appreciate the fact that her officials also have a very busy schedule. One of the things, however, that I find very distasteful is that they're coming in here, and they know fairly well what we're going to ask them—I sent a fax to the minister regarding advertising, and the minister was pre-warned as to what was going to happen—and the minister and her officials...I won't say "the minister" because the minister is only listening to her officials, but her officials turn around and say, point blank, to this committee, on television, watched throughout the world or throughout Canada, that they're advertising. That flies in the face of this committee and certainly its importance.

**The Chair:** Just for clarification purposes, would it be the intent to bring the minister, deputy minister, and officials just to deal with that one issue?

**Hon. Jim Karygiannis:** If the minister can't come, certainly we can bring the deputy minister, and the deputy minister can speak on behalf of.... We would also hear what their plans are.

**The Chair:** Okay.

Madam Faillie.

[Translation]

**Ms. Meili Faillie:** Could we settle the case by simply sending a press release in which we would issue the letter, and by mentioning Monday, when our hearings will be broadcasted, that a notice of correction of statements made during the hearings was issued?

[English]

**The Chair:** Thank you, Madam Faillie.

We have Mr. Siksay.

No? Okay.

Mr. Telegdi.

**Hon. Andrew Telegdi:** Yes, and I think we could also mention this point when we're in televised hearings on Monday.

The other thing is I think it's important for us to serve notice to the officials that they cannot come before committee and bamboozle us with misinformation and do it with impunity. I hate to say that this has happened over time. Rahim and Nina, and anybody who has sat around this table for any period of time knows that has occurred. I think it's important that the officials understand that when they come to this committee, they're supposed to be here to provide us with the facts and certainly not to bamboozle us. I've seen it so often on different issues: they take something that a committee member tries to do, and in the case of provision of sureties, they come in and twist and politicize an issue that was never meant to be treated in such fashion. So it will do well for us in the long term to have the department understand that they cannot do that in this committee and get away with it.

•(1255)

**The Chair:** After I call on Mr. Karygiannis, we will call for a vote on the motion.

First of all, I'll go to Mr. Karygiannis.

**Hon. Jim Karygiannis:** Let's hear from Mr. Komarnicki. I'll give my turn to Mr. Komarnicki.

**The Chair:** Mr. Karygiannis is graciously yielding to Mr. Komarnicki.

**Mr. Ed Komarnicki:** I think Ms. Faillie has indicated a way of addressing the issue, if you want to, without having to involve a whole lot of testimony, which we've already heard. That may be where the committee wants to go.

**The Chair:** That's where Mr. Karygiannis wants—

**Mr. Ed Komarnicki:** But I just want to make it clear that what occurred here and what's indicated by the letter is that an error was made and is being corrected. I don't think it would be fair to categorize the statement that was made by the deputy minister as being made with impunity. I don't think it was.

I think it is important that statements be correct. But I also think it's important that if the officials find that they have misstated or provided information that isn't correct, they do what was in fact done here: correct it, and correct it on the record. I don't think anything was done with impunity. I wouldn't have gathered that from the facts that we saw, both in the committee that I was in and also the letter that brings it forward. I think it's good to bring the letter forward to correct the wrong impression. I just want to state that.

**The Chair:** Mr. Karygiannis, could I—

**Hon. Jim Karygiannis:** If I could ask the following from the committee members, it could be a little bit unusual.

Maybe we can put this off until Monday. The department, under Mr. Komarnicki's question, or leadership, can certainly come up with a press release. We can look at this press release, and if this press release is not something we are all in favour of, then—

**The Chair:** This sounds like a very good compromise to me—

**Hon. Jim Karygiannis:** —we can bring this again on Monday. Here's an opportunity for the department to say, look, there was an error that was presented and this is what we intend to do. We need to somehow advertise, and I hope Mr. Komarnicki....

**The Chair:** That sounds like a very good compromise.

I have to go to Madam Faillie.

[*Translation*]

**Ms. Meili Faille:** I would like to simply add this. When I asked this question during the Committee hearings, I had to ask it again and again. As a former employee of the Department, I know for a fact that this information was not available. I asked if they were positive about what they were saying, and the answer was yes. So, I would think that the compromise suggested by Mr. Karygiannis is apropos. The Department must announce its view.

[*English*]

**The Chair:** Okay.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** I do want to comment.

When Ms. Faille was speaking, she was talking about a press release coming out of this committee, which is one thing, but it turns out—

• (1300)

**The Chair:** No. That's not what Mr. Karygiannis suggested.

**Mr. Ed Komarnicki:** That's not what he said, but that's what she said. I was referring to what she said, not what Mr. Karygiannis said.

To comment on what he said, I think because the fact that the misstatement was made during televised proceedings, a letter was forwarded to this committee setting out the substance of it. That letter can certainly be filed, and it addresses the issue directly. It certainly can be read on the record if you like, because that would bring it to the proper place.

But as far as asking somebody to make a press release to distribute, that is something beyond the scope of what happened and what needs to be done. I'm not sure I would agree with even going that far, with the department press release. If this committee wants to make one, that's fair, but if you want to correct the situation, you might want to read the letter into the record, and that speaks for itself. I think that would be an appropriate way of handling it.

**The Chair:** Mr. Karygiannis.

**Mr. Ed Komarnicki:** I make no commitment beyond that.

**The Chair:** Mr. Karygiannis.

**Hon. Jim Karygiannis:** Mr. Chair, I would like to give Mr. Komarnicki...if the rest of the committee allows, that we put this off until Monday. He can certainly speak with his officials.

I would highly recommend that the department issue a press release. There was a department spokesperson who was here and who bamboozled, misled, and misinformed the committee. A letter was issued. If the department doesn't want to do that, then on Monday we can revisit this thing.

**The Chair:** Mr. Karygiannis would like to have this issue revisited on Monday. I think that's a fair request from him.

Do I detect that the committee wants more discussion?

Mr. Siksay.

**Mr. Bill Siksay:** Mr. Chair, I would ask that we formally table it until Monday, so that we don't just leave it as an understanding but that we have a motion on the table until Monday.

**A voice:** [*Inaudible—Editor*]

**Mr. Bill Siksay:** I understood we were going to reconsider it—

**The Chair:** It's going to be reconsidered on Monday. I think that comes from Mr. Karygiannis, so I think that is fair.

**Hon. Jim Karygiannis:** Do you need something in writing, Mr. Chair?

**The Chair:** No. I don't think so. Just move it until Monday.

Thank you, Mr. Karygiannis.

The meeting is adjourned.









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