



House of Commons  
CANADA

# Standing Committee on Citizenship and Immigration

---

CIMM • NUMBER 039 • 2nd SESSION • 39th PARLIAMENT

---

EVIDENCE

**Tuesday, May 6, 2008**

—  
**Chair**

**Mr. Norman Doyle**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Citizenship and Immigration

Tuesday, May 6, 2008

•(1530)

[English]

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

For the benefit of the people who are here by video conference, my name is Norm Doyle. I'm the chair of the committee.

We will now begin consideration of part 6 of Bill C-50.

For the people here by video conference, we're going to have to break at about 5:15 for votes, which will occur at 5:30. We are probably two or three blocks away from the House of Commons, so we will leave at 5:15 for the votes at 5:30, and then we'll come back here to continue our study of Bill C-50.

We'll just interrupt this for a moment, as there is a point of order.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** I want to indicate that according to my agenda, the bells will ring at 5:30.

[English]

**The Chair:** Just hang on for a second. Pardon me, would you repeat that?

[Translation]

**Mr. Thierry St-Cyr:** The bells ring at 5:30 and the vote is held at 5:45, which leaves us two full hours.

[English]

**The Chair:** Well, they must have changed it, because the bells were originally to be at 5:15. I think we'll make sure of that, and I'll have the clerk or somebody else check it out. But originally the bells were to ring at 5:15 for votes at 5:30. We'll govern ourselves accordingly.

By video conference, from 3:30 to 4:30, we have Jenna L. Hennebry, assistant professor, the departments of communication studies and sociology, Wilfrid Laurier University, who is in Kitchener at the moment, I believe.

**Dr. Jenna L. Hennebry (Assistant Professor, Departments of Communication Studies and Sociology, Wilfrid Laurier University, As an Individual):** That's right.

**The Chair:** And we have Marco Levytsky, editor of the *Ukrainian News*, who is in Edmonton; from the Centre d'études et de recherches internationales de l'Université de Montréal, François Crépeau, professor of international law, who is in Montreal right now; and from the Canadian Council for Refugees, Janet Dench, executive director, who is in Montreal as well.

Welcome to all of you. Let's hope it all runs smoothly here by video conferencing.

Mr. Clerk, I guess everyone would have an opening statement. Am I correct in assuming that?

So I will go first of all to Jenna Hennebry for her opening statement. Ms. Hennebry, I'll interrupt roughly at about seven minutes, or what have you, but we'll try to be as lenient as we can with time.

Would you go ahead, Ms. Hennebry.

**Ms. Jenna L. Hennebry:** Thank you very much.

Although I have many concerns regarding part 6 of Bill C-50 with respect to all immigrant categories, I'm going to centre my comments on a group that I think is often neglected but that I think is significantly impacted. That would be the foreign worker population in particular and the foreign worker program in general.

In the interest of time, I'm going to focus on some of the more pressing concerns I have with respect to foreign workers. Let me start by saying that I think the impacts of Bill C-50 are more likely to affect more adversely those in the low-skill sector, those with low levels of education, those from developing areas, ethnic minorities, and women.

I want to start by pointing out that the budget allocations for CIC and the proposed changes to the IRPA do not, in my opinion, address the backlog. Instead, they encourage an increase in temporary migration. This is already increasing annually. It's something that Citizenship and Immigration Canada and HRSDC have demonstrated. They will also tell you that it is an employer-driven program, which is something I'll talk about in a minute.

The foreign worker program is a faster alternative than bringing in permanent immigrants. It circumvents the point system, which heightens the possibility of discrimination on the basis of race, country of origin, gender—because the majority of foreign workers are men—political affiliation, sexual identity, and other areas. With Bill C-50, more employers will have to turn to the foreign worker as an alternative. Not only will they turn to this, they will do so instead of looking towards or waiting for the government to admit the many high-skilled and low-skilled permanent applicants, many of them family members of immigrants who are already in Canada waiting in what the government terms the backlog, queueing up to apply around the globe.

Importantly, with respect to the foreign worker program, there is no cap on the numbers. Annually, it has increased. It's more than 100,000 this year. They anticipate it rising significantly. There's been a 122% increase in employer demand for foreign workers, and I can see this rising. Instead of working on the many problems with the program, the money has basically been allocated to assist Service Canada and to assist employers in obtaining foreign workers.

Also, Bill C-50 enables increased private and economic interests that I think drive or are going to drive immigration policy and immigration itself. It encourages a more employer-driven immigration system, putting, I would say, nation-building in the hands of the private sector and not in the hands of governments and democratically elected officials.

There's also a significant problem with third party recruiters and employment agencies that already play a significant role for employers by locating foreign workers and setting up their contracts. This is not inherently problematic. However, there have been arguments about exploitation and problems with regulation. And they make it possible for employers to basically order workers, which involves more private interests.

These businesses are not regulated in most provinces, which is the case in Ontario, where the highest concentration of foreign workers is employed. I believe that the role of these third party recruiters will likely increase with Bill C-50.

Using the provincial nominee program in conjunction with the foreign worker program, which is something that's happened in a couple of provinces—in Manitoba in particular, for example—provides a small window of opportunity for foreign workers to access Canadian residency. But it does nothing to remove private interests from determining who will be Canada's immigrants in the years to come. In fact, it effectively hands over this power to employers while also giving further powers to the provinces, which may potentially undercut or circumvent the federal system.

Bill C-50 also does nothing, basically, to address or assist in the vulnerability of foreign workers in Canada. I think, in fact, it heightens their vulnerability. It heightens also the potential for undocumented migrants, I believe.

Interestingly, on my way here today, it was reported on CBC that Citizenship and Immigration apparently has no idea where large numbers of undocumented migrants are in Canada. There are more than 63,000 at this point in time. I think that's important, because

Citizenship and Immigration does not keep track of when foreign workers leave the country, typically.

• (1535)

I would argue that, with Bill C-50, temporary foreign workers need not apply for permanent status. If you've been in the country working on a foreign worker visa, whether you're a post-doctoral student working at a university or you're a worker in a service industry, in the food service sector, if you've been doing this for 12 months or even multiple years, even if you apply after Bill C-50 is in place, the government has no obligation to consider your application. I think that is really problematic.

In addition, many foreign workers apply for refugee status after working in Canada for a number of years. This is often their only option for entry, and with Bill C-50, there'd be no obligation to consider these applicants.

In addition, Bill C-50 does not consider or address the fact that many foreign workers contribute to Canadian society. There are individual migrants with families they may also want to sponsor. Even if they were able to stay permanently, sponsoring their family members after their residency is processed would not necessarily be an option for that group.

I think the amendments give too much arbitrary power to the minister. For foreign workers, this translates into more precariousness and vulnerability. For example, if there's a foreign worker who's a union activist or has lodged complaints against employers or the government, there is nothing to prevent the minister from simply refusing to consider their application to enter or to stay in Canada as a foreign worker, refugee, or permanent immigrant applicant.

I have a number of concerns regarding health and safety, but in the interests of time I'm going to skip to the others, which pertain to challenges that I see for Canadian multiculturalism and social cohesion. I think foreign worker programs encourage a hierarchical system based on country of origin, race, ethnicity, and gender, and I think foreign workers are treated as interchangeable temporary workers. I see Bill C-50 exacerbating this situation. With Bill C-50, there would be increased numbers of foreign workers, because employers really do need to fill jobs, and we'd would have more residents and citizens disconnected from their families living abroad.

Bringing foreign workers instead of processing applications for family members or permanent residents and citizens can lead to anger, frustration, and conflict across Canadian communities. With increased foreign workers instead of permanent migrants, there are numerous increased challenges to managing a diverse workforce, and this includes a whole series of problems.

• (1540)

**The Chair:** Ms. Hennebry, could I interrupt you there? We are into about eight minutes. Maybe you could take about a minute or so to wrap up, and then we will go to Marco Levytsky.

Go ahead.

**Ms. Jenna L. Hennebry:** I have one last point. I basically feel that it's difficult to encourage integration and maintain social cohesion in a situation with large numbers of temporary workers and when basically there is no opportunity for permanent residence guaranteed in the act for this population. We have a perfectly good, legitimate pool of applicants who can fulfill many of our labour needs instead of our looking to foreign worker programs.

**The Chair:** Thank you very much. I'm sorry we couldn't provide more time.

We'll go to Mr. Levytsky, from the *Ukrainian News*.

**Mr. Marco Levytsky (Editor, Edmonton, Ukrainian News):** Good afternoon. This year, the Ukrainian community is marking the 75th anniversary of the Holodomor, the famine-genocide of 1932-33. On Saturday, Edmonton's Ukrainian community held a commemoration at which several survivors were present. They came to Canada as refugees following World War II.

My parents, too, were among the 35,000 Ukrainians who came to Canada in the late 1940s and early 1950s as refugees, as were my wife's. They were fortunate to have escaped the famine, as that part of the Ukraine was under Polish, and not Soviet, rule in the 1930s. Nevertheless, they experienced the sheer brutality of the Stalinist regime during the Soviet occupation of western Ukraine from 1939 to 1941, as well as the equally brutal Nazi occupation that followed.

They came to Canada to escape totalitarianism and to build a new life for their children. They knew no English or French but were willing to work hard. The period during which they immigrated to Canada was one of those rare instances where our country opened the doors wide to allow massive resettlement of victims of war and oppression.

The willingness to accept refugees on humanitarian grounds is one of the things that make Canada the great country it is. As a person who was born in Canada because this country was willing to accept my parents as refugees, I'm concerned about the proposed amendments to the Immigration and Refugee Protection Act.

The Canadian Council of Refugees has listed a number of concerns with which I agree. Among them, the amendments give too much arbitrary power to the minister to make up the rules as she goes along. The amendments eliminate the right to permanent residence for applicants who meet the requirements of the law. The proposed change from "the visa shall be issued" to "the visa may be issued" dramatically reduces the rights of applicants. The amendments also eliminate the right to have an overseas application for humanitarian and compassionate consideration examined.

This government has made a number of statements about how they intend or don't intend to use the new powers, but expressions of current intention are no protection against future uses of powers in different ways. These amendments should not be included in the

budget bill, but rather, dealt with through separate legislation, studied by this committee and debated on their own merits.

While my own Ukrainian roots date from the third post-World War II wave of Ukrainian immigration, most Canadians of Ukrainian origin trace theirs to the first pre-World War I wave or the second inter-war wave.

Unlike the third wave, which was made up almost exclusively of political refugees—

• (1545)

**The Chair:** Can I interrupt for a moment, Mr. Levytsky? Could you slow down a little bit? Because of our interpretation, our translators need you to slow down a little bit in order to do the proper translation.

Thank you.

**Mr. Marco Levytsky:** Okay.

The first and second wave were predominantly economic immigrants, although a substantial number of the second wave were also political refugees, but like the third wave, very few of them had any knowledge of English or French. As well, very few had any form of higher education, and many were illiterate, but they all had a willingness to work hard and build a better life for their children. And that's precisely what they did. Ukrainian pioneers cleared vast tracts of woodland in the prairie provinces, turning them into fertile agricultural lands. Had they and other eastern and central European pioneers not cleared the prairies, American settlers would have inundated them and the map of Canada would be much different than it is today.

However, under today's point system, none of them would make it into this country. They wouldn't pass the language requirements. They wouldn't pass the education requirements. Ironically, while we give potential immigrants points for higher education, we do not, in most cases, recognize their foreign certificates. As a result, they find themselves underemployed and disillusioned.

The current point system does not allow the immigration of those kinds of labourers and skilled workers Canada desperately needs. Instead, we bring in temporary workers. Often they are exploited. Most come without their families, because when they are recruited in, say, Ukraine and wish to bring their wives with them, their wives are rejected by visa officers on the grounds that the family is not likely to return to Ukraine. This causes great stress, and after their work terms are up, they are shipped back to where they came from.

It should be noted that my wife's parents came to Canada as kind of temporary workers. They signed a contract to work in the beet fields near Lethbridge for two years. But unlike today's temporary workers, they came in as an immigrant family, and after their two years were up, they were free to move wherever they wished and to become full-fledged citizens. They were not shipped back to a displaced persons camp in the American-occupied zone of Germany, the country to which they were taken as slave labourers from their native Ukraine during World War II.

Canada needs immigrants, not temporary workers. To bring in the immigrants and their families, who will be willing to work hard to build a better life for their children, we need to change the priorities in the point system. I am not opposing the point system per se. Canada's point system is good because it provides an objective framework by which to judge potential immigrants. Other countries are looking toward us as a model. We need to change the emphasis given certain criteria.

We put too much emphasis on knowledge of English or French, we put too much emphasis on higher education, and we put too much emphasis on economic assets. We even have a special business class. Where we should increase the point emphasis is in the following areas.

Family reunification. This has always been a historic objective of immigration to Canada, but it needs more emphasis. Immigrants with family here already have a support group. I would suggest expanding the family class to include extended as well as immediate families.

Skilled labour: people with the skills for those trades that are hard to fill in Canada.

People willing to fulfill contract labour. For all those hard labour or menial jobs that local residents do not want to do, by all means bring in contract workers and give them the full protection of Canadian labour laws, but don't bring them in as single temporary workers and force them to leave their wives behind, and don't ship them back once their term has finished. Let's do what we did after World War II. Let's bring them in as immigrants with their families. Once they fulfill their contracts, let them go where they wish and apply for Canadian citizenship.

People willing to settle outside the major immigration targets. The vast majority of immigrants settle in Toronto, Montreal, or Vancouver. We need to divert people to other parts of the country. This can apply especially to occupations like doctors and nurses, desperately needed in less populated parts of the country.

Groups that already have community-based support agencies. Organizations like the Ukrainian Canadian Social Services in Edmonton provide a very valuable service to new immigrants, which greatly helps them—

**The Chair:** Could I interrupt you there? Mr. Levytsky, could you wrap up, please?

I have five or six speakers and I'm only going to be able to give them five minutes. So I would ask the people doing their opening statements to keep them to about five minutes.

Go ahead.

**Mr. Marco Levytsky:** Okay.

Bill C-50 is intended to speed up the immigration process, but it does so in a manner that greatly increases the authority of the minister and the bureaucracy. A better way of addressing this problem is an overhaul of the point system and increases, not decreases, in consular staff.

Another problem is that visa officers often make arbitrary decisions. A quality control mechanism should be put in and an appeal process, perhaps an appeal board.

Thank you.

• (1550)

**The Chair:** Thank you. Maybe you'll get a chance to make some points you didn't make during the question and answer period.

Mr. Telegdi.

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Maybe you can inform the witnesses that they can send in their prepared notes, so that those can become part of the record.

**The Chair:** Yes.

You've heard that?

**Mr. Marco Levytsky:** I've sent mine in already.

**The Chair:** Yes, you can send in your notes, so they will become part of the record.

From Montreal, we have François Crépeau, professor of international law.

Go ahead, François, for about five minutes, if you would, please.

**Prof. François Crépeau (Professor of International Law, Centre d'études et de recherches internationales de l'Université de Montréal (CÉRIUM)):** I will make my presentation in French. I'm told there is translation. But I will participate in the discussion in English, if it's easier for everyone.

[Translation]

I will leave it up to my colleagues from the Canadian Bar Association and the Barreau du Québec to talk about technical details [*Technical difficulties—The Editors*] judicial. I want to talk about the context and mainly about the issue of migrant rights at the level of the principle.

There is a tendency, in Canada as well as in other western countries, in the northern hemisphere, to consider that strangers have less rights than we have, that their rights are not as worthy of respect. This is true in Canada and elsewhere. There is a sort of general trend in the media, in the public discourse as well as in the government discourse.

And yet, strangers are right holders. In the Canadian Charter, strangers are holders of all the rights conferred by the Charter to persons on Canadian soil, except for three of them: the right to vote and be elected, the right to education in a minority language and the right to enter and stay in Canada. All other rights conferred to strangers—the right to protection of freedom, to the security of life and to equality—are protected at the same level. And the lack of the right to enter and stay in Canada does not mean that officials have the capacity to do just about anything when processing the claims of strangers.

Since the 1950's, administrative law of which immigration law is a part has become more and more sophisticated to the point that today, at least as much as in criminal law, this administrative law is potentially violating... [*Technical difficulties—The Editors*]

[*English*]

I'll continue in English, since we're having translation difficulties.

I was saying that since the fifties, administrative law has—

**The Chair:** We have a technical problem, Mr. Crépeau. I'll just wait for the technical person to advise me, because I can tell you I'm a complete inefficiency expert when it comes to technical problems.

• (1555)

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Chair, when are we getting the minister back?

**The Chair:** As far as I know, it's Tuesday coming, and the officials will be here as well.

I'm asked to have a short suspension. The meeting is suspended for a few minutes until we get something worked out here.

• \_\_\_\_\_ (Pause) \_\_\_\_\_  
•

**The Chair:** Let's get back on track on here. The meeting is now in session again.

There seems to be some consensus that we ditch this whole plan we have here today, as it's not working out, and that we bring our witnesses in. I don't know what kind of problem that would entail, but I'm open to suggestions.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** Mr. Chair, certainly face-to-face representation adds value. Not only that, but it also gives the witnesses an opportunity to interact with us and for us to interact with them.

However, Mr. Chair, if we were to do this.... We've already lost two days. I think that it's only responsible of us to move the May 16 line to after the break, when we come back after the long week. Two days are gone.

**The Chair:** Yes, any lost days we have would need to be added to the agenda at the other end.

Could people tell me if that's the general consensus? Do you want to do that?

• (1600)

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Okay, that's fine.

**The Chair:** We've lost two days. Is that the general consensus? If it's not, I want to get a consensus here before we decide to do that.

I don't see any hands going up, other than Mr. Bevilacqua's.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Mr. Chairman, it's clear to us that any day that is lost—this is so that we're clear on our understanding—will be added. In other words, we will not be reporting to the finance committee, for example. If we lose the 16th, we're going to have to have two extra days. I think it's only fair that we do that.

**Hon. Jim Karygiannis:** Mr. Chair, I think you should also report it to the House.

**The Chair:** Mr. Komarnicki.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** I think we should try to schedule them in for next week, if you want the two meetings to happen, and let's have it done for a report Friday.

I've heard Mr. Karygiannis and others say I should do a dissenting report by the next day. I think we didn't have meetings scheduled for Tuesday. We do now, to replace the other day, so we haven't lost anything. We didn't have a meeting last week for Thursday, and we can schedule one in, get it done next week, report it to the House on Friday before we leave. Otherwise this thing will just continue on and on for no good reason.

We have two days to fill in for next week. Let's do it next week. I think Mr. Bevilacqua said that if you've lost a day, add a day. We are already doing that for the minister and the officials. Let's do it next week; let's put in a full week and get it done. If we drag this thing out, it's just going to become more convoluted. We need to get it done.

• (1605)

**The Chair:** I said to the clerk that what we will do is try to get the witnesses here as quickly as possible. We can't expect the clerk to do miracles here, but if he can get these people in an expeditious way here before the committee, and we can do it all next week, then fine. If not, then we would have to go to the week following after the break.

**Hon. Maurizio Bevilacqua:** That's fair enough.

**An hon. member:** That is fair. Thanks, Mr. Chairman.

**The Chair:** Okay, that's correct.

**Hon. Jim Karygiannis:** Mr. Chair, I have just one point of order.

**The Chair:** One point?

**Hon. Jim Karygiannis:** I heard Mr. Komarnicki say we should be adding meetings on Thursday. With all due respect, people have lives and schedules to follow, and adding—

**The Chair:** Yes, I agree. I would vote with you on that.

We will leave it to the clerk to try to bring these people in as quickly as is humanly possible. If not, then we would have to extend our meetings past the break week, would we not?

Is that the general consensus?

**Hon. Jim Karygiannis:** Mr. Chairman, would you advise the finance committee that we have technical difficulties and might need extra time?

**The Chair:** I can do that.

Mr. St-Cyr.

[*Translation*]

**Mr. Thierry St-Cyr:** Thank you.

I would simply like to remind members of the committee and Mr. Komarnicki who are worried about the arrangements with the Finance Committee that if our report is produced on the Friday before we leave for the break, it will have to be dealt with when we return.

[*English*]

Do you have no translation?

**The Chair:** No, nothing.

**Mr. Thierry St-Cyr:** Well, I'll make an exception.

I just said that if we produce the report on the Friday before we leave, in any case the finance committee will have to undertake its deliberation when we are back after the break. Even if we shift one

day ahead on Monday after the break, it will not have a huge impact at the other end of the legislative process.

**The Chair:** Mr. Telegdi.

**Hon. Andrew Telegdi:** Also, Mr. Chair, we had some witnesses who were supposed to be on who aren't on. I would imagine it's because Barbara Jackman—I don't see her name—

**The Chair:** It's on the back.

**Hon. Andrew Telegdi:** Good; she's there.

**The Chair:** Okay, is that it?

Before we adjourn, I have a small matter that we need to take up: the budget.

Did you want the budget?

**The Clerk of the Committee (Mr. Andrew Chaplin):** If I'm bringing people in, that budget is—

**The Chair:** Okay, that budget is no good.

The meeting, then, is adjourned.

---









**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**