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# Standing Committee on Citizenship and Immigration

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**Wednesday, May 14, 2008**

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Wednesday, May 14, 2008

• (1530)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** We do have a quorum, a reduced quorum, in the room. I want to welcome you here today as we continue consideration of the subject matter of part 6 of Bill C-50.

For the first hour, I want to welcome on behalf of our committee John Garson, VP of the policy development branch of British Columbia's Chamber of Commerce. Welcome. From the Canadian Federation of Independent Business, we have Corinne Pohlmann, VP of national affairs. Welcome also. From the Canadian Restaurant and Foodservices Association, we have Joyce Reynolds, executive VP of government affairs.

Welcome to all of you. Thank you for taking time to be here today to give testimony on Bill C-50.

I think you know the procedure. We start off with an opening comment, maybe seven minutes each, and then we'll go to questions and what have you from our members.

You take it from here in whatever order you want to go in.

**Ms. Corinne Pohlmann (Vice-President, National Affairs, Canadian Federation of Independent Business):** Thank you for the opportunity to be here this afternoon to share with you the perspective of small and medium-size companies on Canada's immigration system. I hope this will help you in your deliberations on part 6 of Bill C-50.

You should have in front of you a copy of our December 2006 report, which talks about the experience of smaller firms with immigration, based on a survey that got about 12,000 responses. You should also have a copy of a presentation that I'd like to walk you through over the next few minutes. So could you just turn to the first page, which looks like this?

**The Chair:** Not all committee members have it, so maybe our clerk will have it distributed to committee members. We'll just wait for a moment.

Okay. You can proceed, Ms. Pohlmann.

**Ms. Corinne Pohlmann:** Thank you.

So on the first page, I just want to give you a quick overview of who CFIB is. It's a non-partisan, not-for-profit organization that represents the interests of more than 105,000 business owners across the country. These are primarily small and medium-size companies that we like to call the non-stock-market economy because they're

independently owned and operated companies. They represent every sector of the economy, and they're found in every part of the country.

• (1535)

**The Chair:** I think the interpreters would like you to slow down a little bit, and we're going to try to be flexible with the time anyway.

**Ms. Corinne Pohlmann:** CFIB'S positions on issues, just so you know, is always based on feedback we get from our membership. We gather this feedback through a variety of surveys throughout the year. We then pass on these results to you, the decision-makers, so you can incorporate some of their ideas and thoughts and concerns into your own decisions.

Moving on to the next page, it is always important to remember that the vast majority of businesses in Canada are small. In fact, 98% have fewer than 50 employees. Small and medium-sized businesses employ 60% of all Canadians, and they represent about half of Canada's GDP or economic output. This makes them a major component of Canada's economy.

On the next page you'll see that, given their clout, getting their perspective on how their businesses are doing can help us to understand where the economy is going. You can see on this page the CFIB's business barometer, which is produced quarterly and tracks the business expectations of Canada's smaller businesses. This information is used by the Bank of Canada and by Bloomberg in their analysis of Canada's economy. This latest barometer, which you have in front of you, is from March 2008, and it shows cautious optimism among smaller firms, which seem to be playing it safe for the moment, given the uncertainties south of the border, the Canadian dollar, and rising input costs.

However, in the next slide you'll see that despite this cautiousness, hiring plans remain strong, and 30% still plan to increase the number of full-time employees in the next year. This is equivalent to numbers we saw throughout the last few years. In other words, even as the economy softens, hiring plans remain strong.

In fact, on the next page you'll see that one of the fastest-growing issues among smaller businesses has been a shortage of qualified labour. This is behind the issues of total tax burden and government regulations and paper burden. In fact, in some provinces this is now the number one issue. In Alberta it's ranked number one as the highest-priority issue. In B.C. and in Manitoba, it is ranked number two. In places like Saskatchewan, Quebec, and Nova Scotia this is the third-highest priority issue among our membership. This is not just an issue out west any more. It is definitely spreading across the country.

There is good reason for this growing concern, as you can see from the next page. In March we released a report that found that the percentage of jobs that have been vacant long term—when I say long term, that means they have been vacant for at least four months—has been steadily increasing since 2004. And while 4.4% may not sound like very much, this translates into almost 309,000 jobs that remained vacant for more than four months across the country. This is up from 251,000 in 2006. You have in front of you the breakdown by province. Every province saw increases, with the exception of Alberta, where it stayed at the very high rate of 6.3%.

While this is an issue that is growing right across Canada, you'll see on the next slide that most employers also believe it will only get more difficult in the future. This is an important point, because while there certainly are some concerns in particular sectors of the economy and in certain parts of the country, the overall trend, given Canada's demographic future, is for shortages to increase. You have to keep in mind that Canada is not the only country in this situation, and we will have to compete with many other countries to get the people with the skills we need.

How are smaller companies dealing with this issue? On the next slide you see that most are hiring underqualified people and are training them to their positions. You can see other methods listed there on that chart, but there are two areas that I want to highlight. The first is that 38% are ignoring new business opportunities. This is of great concern, because if more and more businesses forgo new opportunities, doing so could ultimately result in slower economic growth and even put other jobs in jeopardy. This should be a concern for all of us.

I also want to highlight that only 5% say they recruited outside of Canada, but this actually translates into about 52,000 employers looking outside of Canada for employees.

In the book you have in front of you are results from our survey, which also looked at those who were recent immigrants who were already in Canada but had only arrived in the last five years. As you can see on the next page, for the vast majority of small and medium-sized companies, that's where their experience lies—with people who were already in this country. Only a very small group, 16%, were temporary foreign workers or—9%—had gone through the official immigration process. We also know anecdotally—and we hear this almost every day in our offices across the country—that many more have tried to use these systems but have been frustrated by the slow process and have given up trying to navigate many of the complexities in the system.

Of course, for those who did use the process, by far the biggest problem they faced was the delays in processing.

- (1540)

If you turn to the next two pages, you will see the feedback we received from our membership on those issues.

So the fact is that delay in processing was by far the number one issue for those using the permanent immigration system, as well as those using the temporary foreign worker systems, which is on the next two pages. When you need someone with specific skills, you cannot wait years for their arrival. You need them to help grow your

business and to move it forward. Complexity is also an issue that keeps many employers from attempting to try to recruit overseas.

Listed on those two pages are other issues that small businesses face, and we recognize that there have been some changes recently to help address some of those issues. Obviously, finding ways to deal with this backlog and the extensive wait times is of utmost importance to Canada's smaller companies.

But I also want to touch on one last problem related to this debate on the last few slides in your slide deck. As you know, 60% of all new immigrants are categorized as economic immigrants, and of those, only about 33% are designated as skilled workers. Of those skilled workers—this is the second to last slide—the vast majority of them coming to Canada are designated as professionals: 22% are designated as having skilled and technical expertise; 9% are designated as managers; 3% have intermediate or clerical skills; and none come with entry-level skills.

If you go to the very last slide, it compares the skills required for those occupations in highest demand among Canada's small and medium-sized enterprises, and it compares it with the skills being brought in through the permanent and temporary immigration system. As you can see at the very top, 42% of those occupations in demand among small businesses require people with skilled and technical training, but only 22% of those in the permanent immigration system have that skill. Further down, 65% have professional training, but only 7% of occupations among small and medium-sized businesses require that particular skill. Then we wonder why so many highly educated immigrants are under-employed in Canada.

This leads me to my last point, which is that we must create a more honest immigration system that does not build up expectations among those coming to Canada, because too many of them end up disappointed. We are fortunate that so many want to make Canada their home, so let's be honest with those who want to emigrate to Canada about the types of skills that are in demand among Canada's employers.

In conclusion, CFIB believes that something must be done to deal with the large backlog of applications, which causes long wait times for those who want to come to Canada. Whether part 6 of Bill C-50 is the best way to do this is difficult for me to say. But I can say that regardless of whether you support this part of the bill or not, I do hope that you agree that finding ways to reduce those wait times is essential and that we need to bring more honesty, flexibility, and employer involvement into Canada's immigration system, given the economic realities we face today and in the future.

**The Chair:** Thank you very much. That was very interesting.

Mr. Garson or Ms. Reynolds.

**Mr. Jon Garson (Vice-President, Policy Development Branch, British Columbia Chamber of Commerce):** Thank you.

I'd like to thank the committee for the opportunity to present the perspectives of the B.C. Chamber of Commerce's 30,000 business members. These members represent every size, every sector, and every region of our province.

This is a particularly critical issue for British Columbia and for our membership, so the changes proposed to the Immigration and Refugee Protection Act, as contained in Bill C-50, part 6, is a significant issue for our members.

To be clear, my comments today represent a policy position that has been developed by our membership. The B.C. Chamber of Commerce has a very clearly defined and well-structured policy development process. We ask our members to bring us their issues of concern. We then work them through a very significant committee structure. They are then presented to our entire membership at our annual general meeting, and only if they are voted on and adopted by two-thirds of the membership do they become our stated policy position.

That process in 2006 led to the adoption of a resolution that we have titled "Overhaul of the Canadian Immigration System", and it is that policy position that forms the basis of our comments to you today.

The B.C. Chambers of Commerce have been the leading voice for almost a decade, calling for government at every level and the business community to realize the scale of the challenge facing the province, and more recently the country, through the looming skills and labour shortage that we're facing in every sector. This has been identified by the chamber in our "Moving Forward" report, by our "Closing the Skills Gap" report of 2002, and rather unimaginatively, our "Closing the Skills Gap II" report of 2008.

Until recently we have held the very strong position that these calls have not been heard and have not been heeded. With this in mind, we must congratulate the federal government for the role it is playing in addressing many of these issues of concern to business, particularly those in the west. Over recent months this action has seen the introduction of or the soon-to-be-introduced new Canadian experience class, a new expedited labour market opinion program, the overdue launch of the first phase of the foreign credential recognition office, and a significant expansion of the provincial nominee program that in British Columbia will see 15,000 high-demand occupations being taken in through this program by 2010-2011.

We are particularly pleased with all of these areas because the resolution that was passed by our membership in 2006—and I am going to summarize the recommendations for you—called for the overhaul of the permanent immigration system. It called for the immediate allocation of resources to offices overseas to assist with the processing of applications. It called for a shift of resources away from family class immigrants into the skilled worker class to cut the wait times that are currently being experienced, and it called for government to ensure that the process for bringing foreign workers to Canada is driven by a true reflection of supply and demand, rather than being process-driven.

The chamber believes that the proposed changes, as outlined in Bill C-50, go a long way to addressing many of these concerns that have been expressed by our members.

Bill C-50, we believe, brings the welcome elevation of economic priorities as a cornerstone of the changes that are proposed. The chamber believes the flexibility as a result of this must be enshrined

in the system. The needs of the economy today will not be the needs of the economy tomorrow. As we have seen with the institutional refusal to undertake changes to the point system, without a more flexible approach we will almost inevitably return to a situation where the system quickly falls behind the needs of the economy.

Despite our support of Bill C-50, however, the chamber does have two reasonably significant concerns or reservations regarding the proposed changes. I would be extremely surprised if the committee has not heard the first, and that is the change to subsection 11(1), which removes the "shall" and inserts a "may" into the process.

From our perspective, if you are a prospective immigrant, you go through the application process, you put the paperwork in, you go through all the checks and balances. If you are successful in all of those stages, we do not see a situation whereby you would be removed or refused a visa to enter Canada. The structure that's put in place is very clearly defined. It is quite a rigorous one. From that perspective, if you go through that process, we believe you have the right to be issued a visa.

While the principles released by the ministry outline a commitment to identify the priority occupations—and the ministry has stated this will be based on input from the provinces, territories, the Bank of Canada, employers and organized labour—the manner of these consultations is neither mandated prior to the issuance of instructions, and we understand these instructions could be issued more than once in the space of a year, nor required for each set of ministerial instructions. As such, the chamber believes the ministry should mandate full consultation priority areas prior to the issuance of any ministerial instructions, no matter how many times they are issued in the space of a year.

● (1545)

Furthermore, the chamber also believes that these consultations should be made public and that the consultation material and feedback be tabled, along with the instructions that are part of the changes the minister will put before the House when the minister issues those instructions to her department.

I would like to give you a bit of a brief as to why this is such a significant issue for British Columbia. While the scale of the challenge facing Canada is indeed significant, it is particularly acute in British Columbia, and also in Alberta. We have gone through a process this year whereby we have reached out to our members to try to identify what are the priority areas for the business community. And from all of our member chambers who responded, the only issue that was identified by every single one of them was the skills and labour shortage. Transportation was obviously in there heavily, but the skills and labour shortage came up strongly as the single issue that needed to be tackled.

When we look at Canada, we see that the current estimates indicate that 100% of the net growth in the Canadian labour force will result from immigration by 2016. In B.C. we will reach that by 2011, so it is a more profound issue for British Columbia, in particular, than for many other jurisdictions. This is driven by an extremely buoyant labour market: employment in B.C. has risen by over 370,000 jobs since December 2001, and 90% of those jobs are full-time positions. Indeed, over this period, B.C. has had the highest employment growth rate in all of Canada. B.C. has an overall unemployment rate of 3.9%, as of February 2007. Seven out of ten of the top occupational categories have unemployment rates ranging from 0.5% to 3.3%. So structurally, as a province, B.C. is very close to, if not at, full employment, depending on which economist you talk to.

Further to this, it is estimated that over the period of 2003 to 2015, B.C. as an economy will create one million new job openings. It is important to note that this does not take into account the bump in employment that we will get from the 2010 Olympic Games. These are structural changes, through the growth of the economy, and don't take into account the Olympics.

During that same period, B.C. will graduate 650,000 students through the K to 12 system. Even if we were to keep all of those 650,000 students in British Columbia, it would still leave us with a shortfall of 350,000 job opportunities that cannot be filled by workers in the province.

Again, while the federal government and the province have made great strides with enhancements to the temporary foreign worker program, that is, the expansion of the provincial nominee program that we mentioned earlier, quite frankly, these changes are tinkering around the edges. In British Columbia, the need for workers requires structural reform to the immigration system. Quite simply, the current system is not capable of addressing the scope of the challenge. Fundamental reform is required.

I'd like to echo a comment made earlier that while immigration is looked at as the most significant means of addressing this, we do agree with the C.D. Howe Institute, for example, which has made comments that immigration is not the silver bullet or answer to our problem. But it is the most significant piece of the solution to the issue we actually face.

However, we must bear in mind that we are in a very competitive global environment for these skilled workers. Whether we look at that changes just introduced in the United Kingdom or the changes introduced in Australia, there are a number of jurisdictions that are making significant or fundamental reforms to their immigration systems, with a view to capturing the skilled, educated workforce essential to our success in the 21st century knowledge economy.

We would like to wrap up by saying that immigration can no longer be viewed as a domestic issue, nor can it be viewed, quite frankly, as a discussion of our role as a leader in humanitarian and refugee protection. We understand that the proposed changes will still enshrine our commitment in these areas. They are critical and essential part of Canada's role in the world. But we are particularly pleased that the changes actually shift the focus of education or rather rebalance the focus of the immigration system onto the

economy, as well as these other critical roles. We do feel that it has been missing.

If we look at family class reunification in British Columbia, there are just over 14,000 who were brought in here in 2007, compared with 16,000 skilled workers. We believe that shift or balance is not in the best interest of the economy, and we hope that through this process we can actually get into a situation of focusing on that.

● (1550)

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Do you think that my parents are not right to be in Canada?

**The Chair:** Order, order.

**Mr. Jon Garson:** If you have a question, I'd be happy to answer it

**The Chair:** Mr. Karygiannis, order please.

When the time rolls around for questioning, we will get on to questions—

**Mr. Jon Garson:** The solution to the skills and labour shortage facing Canada is clearly to bring in more skilled immigrants. The chamber believes that the changes proposed by Bill C-50, part 6, are a long-overdue recognition of how serious the current and future skills shortage is, by recasting immigration with a view to balancing our economic and social goals as a country.

Many of our competitors throughout the world are actively recruiting young skilled workers. I know; I have looked through this process. Having come in as a family class immigrant four years ago, I understand the system very well. I've helped a number of people through it, and we think that as a general principle, the intent of Bill C-50 is certainly one that our members in British Columbia strongly support.

**The Chair:** Thank you.

Mr. Carrier, do you have a question, sir?

[*Translation*]

**Mr. Robert Carrier (Alfred-Pellan, BQ):** We have to ask people to speak a little more slowly because we need simultaneous interpretation. The witnesses are speaking too quickly and we really are not getting a good translation of what is being said.

[*English*]

**The Chair:** Okay, that's a valid point.

Maybe you can slow it down a little in your statements so the translators won't have as many problems as they seem to be having right now.

For our last statement, we will go to Ms. Reynolds.

**Ms. Joyce Reynolds (Executive Vice-President, Government Affairs, Canadian Restaurant and Foodservices Association):** Thank you, Mr. Chairman.

I really appreciate the opportunity to provide a food service industry perspective on part 6 of Bill C-50, and to speak to you again about the number one issue facing Canada's \$58-billion food service industry. Of course, that is labour shortages.

I represent a 33,000 member organization, governed by a 36-member board of directors representing every sector of the industry in every region of the country. For our members in western Canada the labour shortage is already a crisis. For the balance of the country, it is a growing problem, and it will get progressively worse over the next 20 years.

Low fertility rates and the retirement of baby boomers will create a labour shortage of unprecedented proportions. The numbers are daunting. The Conference Board of Canada projects there will be a shortfall of about a million workers by 2020 unless we do something to increase the available labour pool. The economic forecasting company Global Insight expects the labour shortage will reduce real GDP growth and cost the Canadian economy billions of dollars in lost output.

All industries will suffer from this labour shortage, but the outlook for the food service industry is particularly grim. The food service industry today relies on young people for our workforce. More than 483,000 of our employees are 15 to 24 years of age. Projections suggest that by the year 2025 the population of 15 to 24-year-olds in Canada will actually decline by 345,500. Over the next 10 years the food service industry alone will need to add 190,000 new workers. Demographics tell us that the situation the industry is currently experiencing in Alberta and B.C. is spreading across the country. We are already hearing from members in every part of the country who are having difficulty recruiting staff.

We recognize that the labour shortage is a complex challenge and there is no magic bullet. Businesses must be flexible and creative in their recruitment of workers, and they must place a higher priority on the retention of existing employees. Food service operators are increasing wages and benefits, and they are increasing capital investments in labour-saving devices, but opportunities to replace people in the service environment are limited. Restaurant operators are also putting more emphasis on attracting and accommodating under-represented groups, such as aboriginals and persons with disabilities. They are looking for new pools of talent, such as older workers, to entice into the industry. But these are not enough.

We can't overcome the demographic reality confronting the labour market. We need dramatic changes in public policy. Our employment and immigration policies were developed in an era when unemployment was the national challenge. The new challenge is finding workers. We are competing with every other developed country in the world experiencing the same demographic trends and labour shortage challenges. We can expect the international competition for workers to only intensify.

Our members are extremely frustrated by the four- to six-year waiting period to bring in qualified help. They will identify a top-notch international chef who is willing to immigrate to Canada. The chef applies for landed immigrant status. But long before his or her application comes up for review, he or she has successfully immigrated to Australia or New Zealand, where the wait times are a quarter or half as long.

CRFA believes that Canada's immigration policies must be more labour-market focused. We support part 6 of Bill C-50 in principle because we need a system that will reduce wait times and be flexible

enough to meet labour market needs. That's provided it does meet the diverse needs of Canada's labour market.

The labour shortage is much more than a skills shortage. Our industry is experiencing a growing shortage of all workers—skilled, semi-skilled, and unskilled. We need assurances that the ministerial instructions regarding the processing of certain categories of applications will apply to all classes and types of workers. We also need to understand the methodology and criteria that will be used to prioritize and quantify labour shortages and to receive assurances that guidelines will be applied transparently and consistently.

Modernizing our immigration system also means putting more emphasis on Canadian work experience and school credentials and less emphasis on foreign education and experience. A higher weighting of Canadian job experience would act as a bridge between temporary foreign worker programs and permanent residency, particularly for lower-skilled workers. It makes sense for Canadian employers to recruit international workers who have already demonstrated their ability to adapt to Canadian culture and successfully integrate into the Canadian job market.

● (1555)

Last month when I appeared before this committee, I indicated we were pleased the government had introduced the Canadian experience class as a new immigration stream, allowing temporary foreign workers to apply for permanent residency without leaving Canada. However, we are frustrated this new immigration stream is currently only available to workers in NOC codes A, B, and O and will not apply to the majority of temporary foreign workers in the food service industry. This, we believe, will limit the effectiveness of Bill C-50.

In summary, Mr. Chairman, Canada's food service industry has faced its share of challenges over the years, but nothing will affect the industry more than labour shortages. We are pleased that government recognizes the urgency of this issue and is taking much-needed steps to overhaul the immigration system. However, before we put the industry's full support behind the amendments, we need to be sure they include all classes and types of workers in Canada, reflect in-demand positions, and that the criteria for selecting occupations under pressure is well thought out, transparent, and consistently applied.

Thank you.

● (1600)

**The Chair:** Thank you, Ms. Reynolds, and all the people for a very interesting....

Point of order, Mr. Wilson?

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

Although I listened intently to what the witnesses had to say, especially Ms. Reynolds, and while I disagree with her conclusion, I have to agree totally with the facts leading up to where she went on to say she was hopeful the government was going to come forward with some modernizing points.

**The Chair:** Your point of order?

**Mr. Blair Wilson:** My point of order is that I would like to know if we could ask to obtain a copy of the speech she wrote and just read.

**The Chair:** That's not a point of order, but it's a request I'm sure she'll be happy—

**Ms. Joyce Reynolds:** I'm going to send copies to the clerk, because I don't have it in both official languages.

**The Chair:** Thank you. So that will be distributed in due course.

Our first questioner will be Mr. Telegdi. Seven minutes, sir.

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

Welcome. What you're telling me is what I hear in my riding all the time. I think your perception of the problem that there's a shortage is correct. However, I would disagree with you as to how you get to a solution.

The immigration system virtually overwhelmingly has been run by the bureaucrats, with very little accountability. When we changed the Immigration Act in 2002, it was made incredibly elitist. If anybody wants to review the minutes as to what committee members said at the time, we are shutting out carpenters, we are shutting out tradespeople, we are shutting out labourers, and essentially the statistics bear that out.

We have an incredibly elitist system, and it was designed by the bureaucrats. I've been here for ten years, and seven ministers have come and gone. It's not a surprise that we're in such a mess.

We need to redo our point system. Initially, Australia and New Zealand and European countries did it. The United States is now looking at our open, transparent point system, which in itself is good. What is not good is the way we allocated the points. It doesn't make any sense. If you want to take a look at the point system and look at it in terms of what Australia does and what New Zealand does....

Getting people in here is not rocket science. It shouldn't take five years.

There's a memo that surfaced when the department got taken to court back in 2003. A memo was made to the minister from the bureaucracy. What they essentially say is that we artificially constrained the resources that go into immigration processing because that's the only way they have to control the number of people we let in.

So what you have to do is continually have the backlog back up. Our problem right now is we have our inventory, but not what you're looking for. It was really, really blown. And I say to you it wasn't blown by the politicians; unfortunately, it was blown by the bureaucracy.

The danger of what they're proposing is there's going to be less accountability. They can say all they want, that the minister will do this and the minister will do that. The minister doesn't know. Who's going to do it? It's going to be done by the bureaucrats. What they're saying is they don't want the courts ever to have any oversight of what they're doing, which at first might be really good, except if you need somebody's visa redone, renewed, it doesn't happen, and there's no way you can keep the system accountable.

So we need to redo the point system and get rid of the elitism in there. Just imagine how many people there are out there who want to come to Canada. Labourers? We shouldn't have any shortage of labourers. All we have to do is allow them in.

In terms of processing times, in the Dragan decision it made the point that it takes 10 to 15 minutes to do an assessment of an application, which is followed by a one-hour interview, if the interview is needed. You can get somebody in in less than an hour, but the reason people don't get in is they are kept on the wait line. They have two years before the department gets back to them. It's a dysfunctional system, and the bureaucrats blew it. Now they're trying to come forward with something that even gives them more power, makes it more or less transparent, and makes them less accountable.

I really urge your organizations to take a look at this. Take a look at it. Study it. This committee told the government what was going to happen, but unfortunately we had a new minister, just like we have a new minister now, and ultimately, they went hook, line, and sinker to what the bureaucracy said.

**Mr. Blair Wilson:** Sadly.

**Hon. Andrew Telegdi:** This should not be a problem. We have all sorts of skilled tradespeople who could be coming in here. We're just not letting them in.

This is one of the things I asked when I went across the country, and I'm going to put it to you. If you had a choice of hiring somebody who was a temporary foreign worker or a landed immigrant, which one would you want?

● (1605)

**The Chair:** Ms. Pohlmann.

**Ms. Corinne Pohlmann:** I don't think any of us are disagreeing with what you're saying. In fact, the last chart that I showed on my particular presentation really illustrates the fact that the immigration system, as it exists today, primarily lets in folks with professional degrees. Yet that's not where the skills that are needed in our economy today are located.

So we wouldn't disagree with you. And in fact we think there should be a lot more emphasis on a bona fide job offer as one of the areas you need to look at in terms of the point system, and there should be more emphasis on those types of things. So we're not disagreeing with you.

The problem is that there is a backlog, and that backlog has to be dealt with. What are we going to do to deal with the backlog? I think those are two issues that can be combined, but they can also be separated. So that's the question we put to you.

We're not seeing any other movement to deal with the backlog. And from our perspective at CFIB, honestly we don't know if this is the right answer, but we believe that something needs to be done. We're encouraging you as the decision-makers to think about the best way to do that, given the problems we're bringing to you today that are out there, and they're real.



**Hon. Andrew Telegdi:** The problem with the backlog is that it doesn't have an inventory of what you're looking for, because the system is elitist. It might have it in the refugee class, or it might have it for dependants. But carpenters, welders, or cooks—they're not in the backlog. I come back to my question, what would you rather have? Would you rather have temporary foreign workers without their families, or immigrants with their families? I appreciate that you have to get the people here. But what would you rather have—a temporary foreign worker or an immigrant making an investment in Canada?

**Ms. Corinne Pohlmann:** I believe the majority of our members would prefer a permanent immigrant. At present, however, it's easier and faster to go through the temporary foreign worker system.

**Mr. Jon Garson:** The only reason our members access the temporary foreign worker program is that they cannot find workers in Canada. That is the whole point of the labour market opinion process.

We didn't address this in our remarks. We tried to focus on the proposed changes in Bill C-50. But we would strongly endorse the comments that have been made with regard to the point system. It is a significant challenge. If you were to change the point system or lower it, which is certainly a recommendation of the chamber movement, you should bear in mind that this would increase the number of applications.

We think a defining of the challenges and their priorities, in consultation with industry and the provincial governments, should be undertaken in connection with Bill C-50. This is something we would be keen to see.

**The Chair:** Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Thank you, Mr. Chair.

I will try to be brief so as to leave a little time for Mr. Carrier. I hope that the interpretation is working properly.

First of all, I would like to know to what extent your group was consulted by the government as this policy was being developed.

[English]

**The Chair:** We're struggling here.

[Translation]

**Mr. Thierry St-Cyr:** Mr. Chair, while we are waiting for the interpretation, I would like to point out...

[English]

**The Chair:** Okay, we're stopping your time.

[Translation]

**Mr. Thierry St-Cyr:** Okay, thank you.

I would still like to point out that we have to wait for translation every time. It would be good to point this out from the outset, in order to give the witnesses time to prepare.

• (1610)

[English]

**The Chair:** Yes, you're right. Do you have your interpretation now? Okay.

[Translation]

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

To what extent were you consulted by the government as the bill we are studying was being developed? All three of you can answer.

[English]

**Ms. Corinne Pohlmann:** No, we were not consulted on this aspect of the immigration bill. We have been consulted on other elements of it.

**Ms. Joyce Reynolds:** We've had a regional office that participated in information sessions about this bill. So we have been consulted.

[Translation]

**Mr. Thierry St-Cyr:** Once it was tabled.

[English]

**Ms. Joyce Reynolds:** Because this is the number-one issue for the foodservice industry, we've been meeting with government over the last few years on a regular basis. So yes, we have been consulted.

[Translation]

**Mr. Thierry St-Cyr:** Mr. Garson, to what extent were you consulted by the government as the bill before us was being developed?

[English]

**Mr. Jon Garson:** I beg your pardon?

[Translation]

**Mr. Thierry St-Cyr:** Were you consulted as the bill before us was being developed?

[English]

**Mr. Jon Garson:** Sorry it took me so long to answer. No.

[Translation]

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

You will have gathered that, the bill aside, I am very worried about the way in which this major reform has been put in place. Some of you have mentioned New Zealand and Australia, where reforms and significant changes have been made. I do not know if you had the opportunity to follow the situation down there. Could such major changes have been made to the immigration systems of those countries after one week of hurried consultation?

[English]

**Mr. Jon Garson:** I haven't followed Australia or New Zealand. I have followed, to a greater degree, the changes in the United Kingdom, given that is where I originally came from. There was significant prior consultation before changes were tabled to their operation process.

**Ms. Joyce Reynolds:** I'm not an immigration expert, clearly, so the only thing that I can do is lay out what the issues are for our industry. I don't disagree with the previous comments either, about the need for changes to the point system.

Obviously, we have a lot of lower-skilled occupations within our industry, and people are barred from being able to apply because of the point system. So we have serious problems with the point system.

[Translation]

**Mr. Thierry St-Cyr:** Ms. Reynolds, you said that you are not an expert in immigration. The members of your association run restaurants and have fundamental decisions to make, like making major renovations, buying competitors and who knows what else.

Do you not think that these intelligent people are going to take their time to think about things appropriately and will make sure not to make mistakes as they make major changes? Are they going to make their decisions in a hurry, without thinking about them a lot?

[English]

**Ms. Joyce Reynolds:** As I say, I don't think my members are experts on the system either. All they know is that they need labour and they want to get labour as quickly as they possibly can.

They want to see the system overhauled. They want to see the system modernized. I don't know if they would have the expertise to say whether these changes are appropriate or not.

[Translation]

**Mr. Thierry St-Cyr:** No problem. I was trying to get at the reasoning more than anything else. Ms. Pohlman could have answered as well.

My parents owned a business and were members of the CFIB. Business people generally take the time to think about and analyze the pros and cons in detail before making decisions. That is not the process that is being proposed here. Things are being done in a rush, with no consultation or thought. If it was a small detail, I would be okay with it, but we are in the process of passing the country's immigration policy in no more than a week and with no previous consultation. No business person would run his business in that way. I find it quite sad that the Government of Canada is doing so.

Those were my comments. I am going to leave a little time for my colleague, so that he can have his say.

•(1615)

**Mr. Robert Carrier:** How much time do I have left?

[English]

**The Chair:** You have two and a half minutes.

[Translation]

**Mr. Robert Carrier:** Thank you, Mr. Chair.

Good afternoon, and welcome to our committee. You said that there is a labour shortage. That is quite clear. Ms. Pohlman stresses the fact that the backlog must be reduced. There are about 900,000 applications on the waiting list. Yesterday, when the minister and her deputy minister appeared, it was clearly established that the number of applications that will be settled as a result of this bill will not increase.

The main objective of the bill is to establish a list of people whose applications are going to be considered as a priority. This is mainly what is causing such turmoil in the whole immigration system. It would be much better to rely on a good points system. A points

system is important, because it evaluates not only a person's technical side, but also his value as a person who has to adapt to our country. This aspect will hardly be considered. Instead, we are going to find out whether he is a plumber or an electrician. If so, we will accept him. It almost comes down to making temporary workers into immigrants.

Rushing headlong towards this system is preventing us from building the nation we want. We are dealing with it as a labour problem, one that we are going to solve by accepting people as citizens without due consideration, and having to live with them for the rest of our lives.

What do you think?

[English]

**Ms. Corinne Pohlmann:** I believe workers of any kind are what are needed today.

Again, going back to Monsieur St-Cyr's question, we believe there probably should have been more consultation prior to this and an understanding of what we're getting into. I do think that is something we're concerned about. However, our bigger point is that we need to deal with the fact that we have a labour shortage. We need to deal with the fact that the system the way it is set up now is making the wait times longer and longer. We need to deal with the fact that many of the people who are coming in are unhappy and they're not necessarily getting the jobs they thought they would be getting. Those are the things that need to be dealt with in the system.

Whether this is the right solution is not something I can really say with any kind of certainty because it's not clear. We haven't asked our members that question. We don't know if that's the case. We want to really emphasize the fact that something needs to be done. If we don't do something soon.... Our fear, of course, if nothing moves forward on this front, is how long it will take for something to happen going forward. I leave that to you to make that decision.

**The Chair:** Thank you.

I'm sorry, Mr. Carrier, I barely have time for two seven-minute questions. I have to go to Mr. Siksay.

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

It's nice to be back at the committee again. Two guest appearances in a couple of weeks is great.

I want to thank you all for your testimony. It's very helpful and important to have your perspective.

Mr. Garson, I was particularly pleased to see that you specifically addressed the legislation that's before us and was glad to see that the chamber has concerns about changing "shall" to "may" in the legislation. That's something of concern to a lot of people here and was a principle that was hard won in the past to ensure all applications were considered. I think your suggestions around full-consultation public processes are very helpful as well.

I think you noticed some concern, however, about your comments around the family class immigration. I wonder if you might say a bit more about that, and others could join in on this point too, because for a lot of us that's been a particularly successful point of the immigration program. I would think family class immigration has also brought in some of the unskilled-labour type of folks who are necessary right now. I would think that is important to certainly the restaurant and food services industry and maybe others as well, given the chart Ms. Pohlmann showed. Could you talk a bit more and maybe expand on that? I know it's going to come up eventually.

• (1620)

**Mr. Jon Garson:** I do apologize if I gave the impression I was reducing the importance of family class. That certainly wasn't my intent.

First, for a successful immigration system, when you bring in new skilled workers, an absolutely critical component of the system is their ability to bring their families with them. If you do not have that open, then you will not get a situation where the skilled workers will come in.

Our concern with family class is twofold. Our concern is not the scale of family class as it stands alone; it's the scale of family class immigration as compared to skilled worker class, where these people are judged on the skills they bring to the economy and the contribution they will give.

As an example, and I did use it earlier, I came in through the family class system simply because—and I don't want to go into detail—at the time my partner and now my wife had already applied and had been successful. I chose to go through family class simply for the time it would save me, rather than go through the skilled worker process.

I think when you're looking at these areas, you're not getting a good handle on the people coming through and that is simply a situation of the timeframe. Our position is that family class has to be a core element, as does refugee class, as do our humanitarian and compassionate responsibilities. They all have to be elements of the immigration system. Our concern is that there is an imbalance right now that we do think has to be slightly adjusted. We think if you bring the processing times down for the skilled work class, that will go a long way to create that level of balance.

Certainly, from our point of view, we are not looking at the government changes. We certainly would be strongly concerned if this is what came out as the result of this process: having your wife, daughter, or parents refused at the border through the family class system.

**Mr. Bill Siksay:** Do others want to comment on that same issue?

**Ms. Joyce Reynolds:** The only thing I want to say is that we have a situation where people who are overqualified work in our industry. We have dentists, doctors, lawyers, and they're frustrated. They want to work in their chosen fields, where they were trained and educated. Yet we do have people who are very interested in coming to Canada to work in our industry. We want to make sure those who want to work in our industry are the ones who are working in our industry.

**Mr. Bill Siksay:** There used to be the family business class. If you had a family business you could have family members come to work

in that business. Has there been any discussion among your organizations about reinstating that class, seeing it come back? Would it be helpful to have that program be part of the process again?

**Ms. Corinne Pohlmann:** I think we haven't actually had those discussions, but that said, a big concern of ours right now is succession of entrepreneurs. The fact is there's not only a shortage of labour, there's a shortage of entrepreneurs. Certainly, we do see immigration as one aspect that can be used to help make sure that smaller and medium-sized businesses or independently owned businesses are successfully passed on to a new generation.

So while I can't answer the question directly on whether the family business class should be reinstated, I think it's something that definitely needs to be incorporated into the overall immigration system.

**Mr. Bill Siksay:** Ms. Reynolds.

**Ms. Joyce Reynolds:** I guess the other thing is we're an industry that's in every single community in this country, and it seems to me that there are some communities where it's difficult, where immigrants will not naturally gravitate to. But if they have family there, if they have close relationships with friends or whatever, they're more likely to go to those communities. It is a way to disperse immigrants throughout the country, so from that perspective I can see it as being positive.

**Mr. Bill Siksay:** Have any of your organizations done any work on how many undocumented workers are employed by your members? Has there been any study of that? Do you have any sense of how important that group of workers is to the businesses you represent?

**Ms. Corinne Pohlmann:** No, we don't have any. We've never looked at that.

**Mr. Bill Siksay:** I appreciate that it's difficult, because you're talking about employing somebody who doesn't legally have the right to work. But we do know it's a significant piece of the Canadian economy, and I just wondered if you had ever done any work on it.

On the whole question of employer-provided skills training, Canada seems to be lagging behind other countries, certainly European countries, certainly Japan. Do your members see any possibilities there, or have they reached their limit in terms of their ability to provide another service or deal with another aspect of the labour market? Is that something your members would have any interest in or see as a failing in our current employment situation in Canada?

• (1625)

**Ms. Corinne Pohlmann:** I would actually argue that they are training. They're training more and more. Too often, though, only formal types of training are recognized when we look at the data. We know that in smaller companies informal training is as important, and in fact it's even more important, and can be just as effective in training people into positions.

In fact, when you look at one of the charts on the attempts to solve hiring difficulties, you'll see the fact that the majority are hiring people who are underqualified. They're then training them into those positions. More and more of them are investing in training. It's getting frustrating now, and I'm sure Joyce can argue this.

**Mr. Bill Siksay:** Do you have any sense of what would help formalize that so that it's recognized? You say that people do it, and I recognize that's very true. Is there something that would help recognize that so that it's quantifiable and useful in this broader system, perhaps?

**Ms. Corinne Pohlmann:** We're actually about to embark on our own survey that is going to try to do that. Because we do get frustrated with this image or this myth that small businesses don't train. In fact they do, and they do it in droves. What's really frustrating is that so many of them train people and put them into a position, and then those people get picked off by a larger company or by governments. That's happening more and more. Then they have to reinvest in training.

So we are trying to find ways now to quantify it better so that we can have that information more readily available.

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

The final seven minutes go to Ms. Grewal.

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

Welcome.

As a resident of B.C.'s lower mainland, I'm personally aware of our province's vibrant economy, but as you know, the demand for labour is great, especially as we prepare for the 2010 Olympic Games.

What role do you think immigrants could play in fulfilling our labour needs?

**Mr. Jon Garson:** An essential role. The chamber believes there's a role for a number of different groups, what we have tended to term under-represented in the economy, be they youth at risk, women returning to the workforce. In the case of British Columbia in particular, it's our aboriginal community. It is the only demographic that is, for want of a better phrase, growing in the right way in terms of the number of youth that could be utilized.

But as I said in the comments that we made earlier, 100% of the growth in the labour force by 2011 in British Columbia, and by 2016 in the country as a whole, will come from immigration. So from our perspective, it's not what role they will play; it's that they are the future of our labour force.

**Mrs. Nina Grewal:** Would anyone else like to answer?

**Ms. Corinne Pohlmann:** We would absolutely agree. Again, it's not the silver bullet solution. It's one of many different avenues and ways that we need to deal with this issue, but it's probably one of the most significant, and the fact remains that Canada does compete with other countries in finding the most skilled and the best people for the jobs available here. We need to make sure our immigration system reflects that need.

**Mrs. Nina Grewal:** Just last week there was a story on television describing how immigration wait times are hurting B.C. restaurant

owners. Is the current immigration backlog having a negative impact on B.C. businesses?

**Mr. Jon Garson:** Just as a general issue, yes, we would feel it is having a negative impact on business. I'll let Joyce speak to the restaurants in particular. As I said earlier, the biggest thing we're hearing from our members is the lack of skilled workers. To a greater degree now, we're hearing lack of workers. "We'll give them the skills, just bring us the bodies"—that's a really strong message we're hearing, and it's not just a slightly smaller oil patch up in the northeast or the lower mainland. It's happening in every single region of the province of British Columbia.

In terms of the individual sectors, we haven't heard of a single sector that's not facing this challenge.

**Mrs. Nina Grewal:** Thank you.

Mr. Chair, I would like to pass my time to Mr. Komarnicki.

**The Chair:** Mr. Komarnicki.

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

Corinne, I was listening to your comments. What we find with the current system is that it appears to be made on the human capital model where you get, as Joyce Reynolds said, dentists and lawyers working in places that don't match their occupation or their skills, and what the country needs is skilled, lower skilled, and some unskilled workers. That's what the economy demands.

Bill C-50 talks about the minister being able to give an instruction that would have an occupational filter, in it that would allow her to direct skilled, unskilled, and less skilled persons to the types of jobs that might be available in the country. If an instruction were issued in that direction, would that be something you would find agreeable or acceptable to what you're saying?

•(1630)

**Mr. Jon Garson:** Just to clarify, our understanding is that the instruction is given, but those applicants are still screened against the current point system. It is not a situation where if you are a lower skilled individual you will be acceptable if your application is identified as an occupation within those priorities. You still go against 67 points.

**Mr. Ed Komarnicki:** But obviously if you have a number of persons in the skilled class or in the economic class, the minister can choose from among them, according to Bill C-50. Is that not right?

**Mr. Jon Garson:** Understanding that person still would have to qualify against the point system, yes, that's our understanding.

**Mr. Ed Komarnicki:** And the point system is something else. On another day you may have to deal with it, but those who are in the system in the economic class right now, you would agree with me, have to be dealt with one at a time. As you put it in the system, you deal with that applicant, you move on to the next one. This gives the minister the opportunity to pick from among all those in the economic class. Would you not agree with me?

**Mr. Jon Garson:** Yes. The way we understand the regulations that are going to be coming in is that the minister could quite rightly say to truck drivers that if they can qualify under 67 points, their application will get dealt with first.

**Mr. Ed Komarnicki:** Right. So it's an improvement if you look at it not from the perspective of the point system, because that needs to be dealt with as well, but putting that aside—

**Mr. Jon Garson:** Oh, I see. That is a really welcome change as encapsulated by Bill C-50, yes.

**Mr. Ed Komarnicki:** One of the concerns you have with respect to Bill C-50 is that the word “shall” is changed to the word “may”. Would you understand the current system is one where every application has to be considered in the order in which it comes? You can't choose from among them, and the indication of the word “may” would allow some to be rejected and not accepted in return—

**Hon. Jim Karygiannis:** A point of order, Mr. Chair.

**The Chair:** A point of order.

**Hon. Jim Karygiannis:** Would Mr. Komarnicki either relate where he's coming up with these facts in the immigration manual or would he stick to the facts—

**The Chair:** That is not a point of order.

**Hon. Jim Karygiannis:** It is, Mr. Chair.

**The Chair:** It is not. It is not a point—

**Hon. Jim Karygiannis:** It is for the simple reason—

**The Chair:** Maybe you can give me the reference for it.

**Hon. Jim Karygiannis:** Let me finish, Mr. Chair.

**The Chair:** It's not a point of order.

**Hon. Jim Karygiannis:** Let me finish, please.

**The Chair:** No. It's not a point of order.

**Hon. Jim Karygiannis:** If somebody's making comments that are not substantial, are not factual, are not in the regulations—

**The Chair:** That is not a point of order.

**Mr. Ed Fast (Abbotsford, CPC):** It's a point of debate.

**The Chair:** That is a point of debate. It is not a point of order.

I noticed that when people were speaking, everyone was relatively silent. I would ask that the same courtesy be given to Mr. Komarnicki. Now I have to give Mr. Komarnicki extra time, and we're going to eat into the next panel, so please restrain yourselves.

Go ahead, Mr. Komarnicki.

**Mr. Ed Komarnicki:** Let me put it to you this way, so that you don't have to go through all of that: would you agree with me that legislation that would not have to consider every application in the order that it is received would be a benefit if you wanted to match occupations or skills with what the country needs?

**Mr. Jon Garson:** Just as a point, proposed subsection 11(1) for us is more a case of a request for clarification as to what this means. Our understanding is that proposed subsection 11(1) refers to the fact that once your application has been processed, if you have met all the criteria as laid down in the act and as laid down by the application process, even if you are successful, proposed subsection 11(1) now says that you can actually be refused that visa, and we don't see the reason for that to be the case.

Please feel free to correct me if I have that wrong.

**Mr. Ed Komarnicki:** If you had to consider every application, you would have the backlog as we now have it, so you need to be able to select from among the applications and to return others.

**Mr. Jon Garson:** That's not proposed subsection 11(1). That's covered by the new instructions of proposed section 87.3.

**Mr. Ed Komarnicki:** The fact of the matter is that the instruction the minister proposes to issue would give her the ability to select from among various applicants or categories of applicants. Is that something you would support?

**Mr. Jon Garson:** Yes.

**Mr. Ed Komarnicki:** Okay. Would you agree the present—

**The Chair:** I have to cut you off there, Mr. Komarnicki. Time has expired.

I want to thank witnesses for their testimony today. We go into consideration of our draft report tomorrow, and hopefully your comments will be taken into consideration as well.

Again, many thanks for coming today.

• (1635)

**Hon. Jim Karygiannis:** Mr. Chair, did you say a “draft report” or a “draft preliminary report”?

**The Chair:** It's a draft report, isn't it?

**Hon. Jim Karygiannis:** I believe it is preliminary.

**The Chair:** Draft preliminary, draft report, draft whatever—it's a draft. It's only a draft.

**Hon. Jim Karygiannis:** People hearing you got the wrong impression.

**The Chair:** It's only a draft, though.

**Hon. Jim Karygiannis:** It's a draft of the preliminary report.

• \_\_\_\_\_ (Pause) \_\_\_\_\_  
•

**The Chair:** We'll try to get back on track, because we do have bells at 5:30 for votes, so pretty squarely at 5:30 we'll have to take off out of here.

Today I want to welcome Mr. Vikram Khurana, director, from the Asia Pacific Foundation of Canada; Mr. Joseph Ben-Ami, president of the Canadian Centre for Policy Studies; and Elizabeth Lim, lawyer for the Lim Mangalji Immigration Law Group, from the Status Now! Campaign in Defense of Undocumented Immigrants. Welcome to all of you.

You have been told by the clerk that you have about seven minutes to make an opening statement, so in whatever order you want to do it, please feel free to go ahead.

**Ms. Elizabeth Lim (Lawyer, Lim Mangalji Law Group, Status Now! - Campaign in Defense of Undocumented Immigrants):** My name is Elizabeth Lim. I'm an immigration lawyer from the law firm of Lim Mangalji. I am speaking today on behalf of the Status Now! campaign, a group of community organizations and agencies who have come together to speak on the plight of immigrants, refugees, and non-status persons in this country.

On April 28 the minister made it clear in her address to the Standing Committee on Finance that the main purpose of the immigration amendments contained in Bill C-50 was to “keep businesses open for business”. With all due respect, we submit that this does not make common sense. It does not make sense that to keep businesses open for business we must give officers the power to be above the law, to refuse to issue a visa even if an individual meets all of the requirements under the law. It does not make sense that to keep businesses open for business officers should be given the power not to look at the merits of an overseas humanitarian and compassionate application. It does not make sense that to keep businesses open for business the minister should be given the power to choose, without parliamentary scrutiny and within any category she pleases, the persons who can come into this country.

Businesses already have the power to apply for workers to come into this country through work permits. These work permits can be issued almost instantly at the border, or through pre-approvals at visa posts. They can be processed within a few days or weeks. There are currently no limitations on the number of work permits issued by Canada each year. The backlog and the delays in the system, whether at Service Canada or CIC, can be easily resolved by hiring more officers to process these applications.

There are, however, many problems with businesses retaining workers that this bill does not address in any fashion. Business cannot by law retain low-skilled workers who are given only non-renewable, two-year work permits, and who are left with very few avenues of gaining permanent residence. These workers are told that they are not allowed to bring their families to Canada and should not expect to get permanent residence. In fact, many workers are turned away at the visa posts at great loss to their employers in Canada, simply because they are from an immigrant-producing country or do not have enough financial ties to their country of origin. Furthermore, businesses cannot retain undocumented workers, even though they may be key employees or even the owners of the company. They are often sent away from this country because they made a failed refugee claim and were not provided with a viable way of gaining immigrant status.

These issues form the crux of the problems experienced by business throughout Canada, from Newfoundland to B.C. Yet this bill does not in any way address these problems.

The minister has also said that this bill is necessary to address the backlog. There is no question that the backlog for permanent residence applications is a serious issue. The question is, how do we resolve this problem? Do we resolve this problem, as the minister suggests, by returning or throwing away applications of applicants who are qualified under the law, who relied on our laws when they applied, who have waited for years to have their applications processed, and who have spent thousands of dollars and countless hours preparing their applications? Or does it make more sense to help resolve the backlog by raising our targets, which are still at 1997 levels, to allow more persons to immigrate to Canada each year? We need their skills and presence in this country to help resolve our population decline and labour shortages as well as to reunite their families.

Ultimately, you must ask yourself: is it better to concentrate the power to decide who can enter and remain in this country in the

hands of one person by attaching it to a budget bill and forcing its passage as a confidence vote, or would it be better to resolve this problem as a country together?

● (1640)

We submit that such drastic amendments to the immigration laws of this country to decide how people can immigrate and who can immigrate to this country should only come after extensive consultations with community groups, and when votes on this issue are not tied to an election. And as the Standing Committee on Citizenship and Immigration with expertise in this area, you should advise the finance committee to vote against this bill.

Ultimately, immigration is not just about keeping businesses open for business; it's about community members and future citizens of this country. It's about my husband, who I had to sponsor through spousal sponsorship on a humanitarian basis, because at that time—ten years ago—under the occupation-based selection criteria, Immigration Canada said we did not need Canadian-trained physicians in this country.

It's about many of your ancestors who may have been fishermen, lumberjacks, factory workers, or construction workers, who did not have post-secondary degrees. They came to this country, worked hard every day of their lives, and dreamed that their children and descendants would grow up to be members of Parliament. Many of your ancestors would not be able to immigrate to this country based on our current laws, and under these immigration amendments, every one of your ancestors could be refused.

Immigration is not just about keeping businesses open for business. It's not just about politics. It's about keeping faith with our own immigrant pasts and making sure that our laws are fair, transparent, practical, and consistent with Canada's humanitarian tradition for the future of our country.

Thank you.

● (1645)

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

Mr. Khurana.

**Mr. Vikram Khurana (Director, Asia Pacific Foundation of Canada):** Thank you, Mr. Chairman.

Mr. Chairman, members and associate members of the committee, my name is Vikram Khurana. I'm the CEO of Prudential Consulting Inc. and a member of the board of directors of the Asia Pacific Foundation of Canada. My views expressed to the committee are based on my personal experiences and may not be the official position of the Asia Pacific Foundation of Canada.

I've had experience interacting with the Canadian immigration system on three different occasions. The first occasion was when I first came to the country as an international student. The second was when I applied and interviewed for permanent residence status in Canada and, most significantly, as the vice-president of Leading System Consultants Inc., a company that was in the business of bringing knowledge workers to Canada from 1995 to 2001. This was a period in global history when there was a serious skill shortage in information technology due to the obsolescence of large computer systems and the impending Y2K date change crisis.

**The Chair:** Can I interrupt for just a moment, sir? Our translators are saying it's a little bit too fast. Maybe you can slow it down a little so they can follow more easily.

Thank you.

**Mr. Vikram Khurana:** Absolutely.

Since then, I have had the opportunity to help in bettering the foreign worker visitor visa system by participating through my company, and its lawyers, in an industry effort by the Software Human Resources Council in working with CIC and HRSDC. Through these efforts by the industry, a pilot project was created in 1995 that remains in effect today, and has been instrumental in solving the critical shortages in the information technology industry in Canada.

My experience with the immigration system exposed many serious problems with the way Canada handles applicants for entry into Canada, and why the system is in desperate need of a fix today. Here are some of the examples of why the system needs fixing:

There's a backlog of applicants. These applicants have entered the system either directly or through immigration agencies and lawyers. In making the case for immigration, many of the applicants may not qualify. Yet due to the way the system is structured, all applications must be processed on a first-come first-served basis. This puts applicants who are strongly desired by Canada—due to either their skills or economic potential—in the same queue as applicants who have slender chances of making it.

The foreign skilled worker program is another example. A number of efforts have been made to address the needs of employers in Canada and to address skilled and unskilled worker labour shortages through temporary programs. These programs are mostly carried on through interdepartmental cooperation between HRSDC and Immigration Canada, with some involvement from the Canada Border Services Agency. These departments do not necessarily interact the way they should, as an approval from one department does not necessarily mean an approval from another. Also, most of the cases are handled based on precedence, rather than written fixed rules. If these temporary entry programs are to help ease the shortage of labour, they need to be structured differently so as to process workers in a quick and efficient manner, which is not the case presently.

I believe that the system is in urgent need of change, due to the following factors:

There is a global skills shortage, which causes many of the skilled and unskilled workers to be equally desired by many competing countries across the world. Take the United Arab Emirates, where 25,000 people enter the country on a monthly basis, as an example. Or take the case of India, which used to be a source country for many developed nations for skills, and is going through a skills shortage of its own. This trend is expected to continue.

The building of skills shortages will encourage an underground labour market, which is built on undocumented or illegal workers. The United States is a good example of how this problem can take huge dimensions and affect the social structure of a country. The ongoing growth of the immigration backlog threatens the integrity of the system, where applicants are bound to be discouraged by long wait times, and seek alternate destinations, or alternate ways to enter

the country, burdening other parts of the system. I believe that the suggested changes are in the right direction, and are the first steps that must come in order to attract and retain good immigrants to Canada, and assist in settlement and prosperity of the immigrant community.

Thank you, Mr. Chair.

• (1650)

**The Chair:** Thank you, sir.

Mr. Ben-Ami.

**Mr. Joseph Ben-Ami (President, Canadian Centre for Policy Studies):** Thank you very much, Mr. Chairman.

Thank you, committee members, not only for the work you're doing here today and your ongoing work, but also for the invitation to come here to speak a little bit about the issue before us and to exchange some ideas and remarks.

My remarks today will be brief, not so much because of the constraints imposed by the rules, but because, quite frankly, in our view we don't find this issue particularly complicated.

We support the changes to the Immigration and Refugee Protection Act proposed in Bill C-50. We believe that the changes are necessary to fix a fundamental flaw in the current legislation and process that in our view undermines Canada's ability to meet its immigration objectives.

What are those objectives? We could talk a lot about being compassionate—and we are a compassionate country. We could talk about humanitarian desires, and these are certainly things that we want to fulfill. But these are not really objectives; they're characteristics.

Some people assert that our primary objective with immigration should be to bring into Canada a number of immigrants equal to approximately 1% of the population each year. We don't agree. I'm not debating the number here; I'm debating whether that should be our primary objective. In our view, immigration is primarily about people, not numbers. It's about assessing the needs of those people and trying to provide for them.

There's a lot of talk about how Canada needs immigration. And again, I don't propose to get into a debate about the validity of that statement itself; it's not the purpose of these hearings. What I would point out is that the very statement that Canada needs immigration is predicated on that belief that we all share, that Canada has needs and that our immigration policy should be meeting those needs.

One of those needs is to fill existing or emerging shortages in Canada's labour market with qualified workers and professionals. Right now, potential immigrants who apply to come to Canada as skilled workers provide information about their education, their work experience, their qualifications, etc., and their applications are assessed based on this and other information. And the application of a candidate is approved, if they have a sufficient number of points.

What's bizarre about all of this is that at no time is consideration given to the employability of the candidate based on the availability of jobs in Canada in his or her area of employment. Instead, he or she goes into the queue and waits, sometimes for years. The family's life is put on hold—sometimes for years. And when they finally get to Canada, if they haven't lost faith already because of the amount of time they've waited, and have gone to another country—which is happening in large numbers, by the way—there are no jobs for them in their area of employment.

We don't think that makes sense. We also don't think it makes sense that the skills and qualifications of successful candidates are not being used to prioritize the order in which successful applicants are processed after approval and are actually brought here to Canada. The result of all of this is that our labour market needs are never really filled.

I want to stress here, by the way, that we're not talking about family reunification. We're just talking about skilled workers; that's all we're talking about here.

In our view, the changes that are being proposed are the minimum necessary to make the skilled worker track fair and functional. They're sensible changes, without which we might as well get rid of this class altogether.

I want to address very briefly some of the objections that have been raised by people over the last little while regarding the fact that powers created by Bill C-50, as it pertains to immigration practices, will reside with the minister. I have to tell you that I'm really a little puzzled by the objections.

Some say that immigration issues shouldn't be politicized. Frankly, I'm not exactly sure what that means. If it means that we shouldn't have a vigorous public debate on the subject, then certainly we disagree. But public policy should ultimately be decided by the public, who have to live with the policy and pay for it as well.

Others are saying that the minister shouldn't have the ability to make the necessary adjustments to selection criteria to reflect changes in the economy or workforce.

•(1655)

Again, we don't share this view. It's difficult enough to get policy changes or adjustments done around this city, in the government, already, without having to add an extra burden of a legislative process every time we want to make small changes to policy that really should be regulatory changes.

I would argue that forcing any particular government—whether it's Conservative or Liberal or NDP or any other political persuasion—to always go through a legislative process doesn't enhance the accountability of the minister or the department. You guys are in a committee. You bring people here all the time to talk about these issues. It doesn't really make any difference whether you're changing things legislatively or not. It's really almost adding a whole new bureaucratic level to the whole process, which we object to in this area, because it's important to be able to respond fairly quickly to changes in economic circumstances and in the workforce.

I have just one other small observation, and then I'll finish. I want to also stress that although we're supportive of these changes, I think

I share my colleague's view on the fact that there are really a lot of problems with our immigration system. I would argue that it's probably the most badly broken department in the federal government right now. We're badly in need of a comprehensive, coherent immigration policy. We really don't have that. If I were to go around the table and reverse roles, and I were to ask the question, I'd be willing to bet money right now that nobody here would be able to really say what our immigration policy is. You could point to various small facets of it, but you couldn't really say this is what our immigration policy is, because we really don't have one.

What we would say is that these are very good in the context that they're going to deal with, but I'd be remiss if I didn't take the opportunity to say that I think what we really need is a serious look and a serious examination of our whole immigration department, our process with the idea that we're going to come up with some sort of a coherent, comprehensive policy.

Thank you very much.

**The Chair:** Thank you, sir.

It looks as though we have time for about one round of seven minutes each before we have to go to votes.

Mr. Karygiannis, we'll start with you.

**Hon. Jim Karygiannis:** Mr. Khurana, are you here representing yourself or the Asia Pacific Foundation?

**Mr. Vikram Khurana:** The Asia Pacific Foundation is still researching the issue. We don't have a position yet on which aspect of the bill we support, and so on. Also, we are in the business of providing information so the policy-makers and decision-makers can then make the appropriate—

**Hon. Jim Karygiannis:** What do you do, exactly, sir?

**Mr. Vikram Khurana:** I'm the CEO of Prudential Consulting, an IT consulting company that deals—

**Hon. Jim Karygiannis:** Do you bring people into Canada? Do you source people from outside Canada?

**Mr. Vikram Khurana:** No, I don't, but I do have about six years of experience in doing that for my previous employer, which was Leading System Consultants.

**Hon. Jim Karygiannis:** Do you support the changes, as an individual, since you are here as an individual?

**Mr. Vikram Khurana:** Yes, I do.

**Hon. Jim Karygiannis:** Tell me which part of the changes you're supporting. Just give me one. Are you supporting the fact that if you come to Canada and you apply, your parents, if they want to come to Canada, might never get here?

**Mr. Vikram Khurana:** The part that I support is—

**Hon. Jim Karygiannis:** Are you supporting that part, sir?

**The Chair:** Give the witness a chance to answer, please. I assume that when a member asks a question, he's interested in an answer. I think we should give the witness a chance to come up with his answer.

Mr. Khurana.



**Mr. Vikram Khurana:** The part that I support is that somebody is making the changes to fix the system that otherwise is on the verge of a collapse. There are different aspects of it that I support.

• (1700)

**Hon. Jim Karygiannis:** Mr. Khurana, let's talk about family class. Are you supporting the fact that we're going to shift away from family class?

**Mr. Vikram Khurana:** I have not seen any material that would suggest we are shifting away from the family class.

**The Chair:** Order, please.

Mr. Karygiannis has his time allotted.

**Mr. Ed Komarnicki:** Mr. Karygiannis is misrepresenting what the legislation is saying as if it were fact when it's not, and that's not proper nor is it parliamentarian.

**Hon. Jim Karygiannis:** Are you stopping the clock right there?

**The Chair:** Yes.

**Hon. Jim Karygiannis:** If the parliamentary secretary wants to go into debate, by all means.

**Mr. Ed Komarnicki:** You're misrepresenting the legislation. That's not proper.

**The Chair:** Order, please.

**Hon. Jim Karygiannis:** You also misrepresented the legislation before, and he let you go.

**The Chair:** Order, please.

**Mr. Ed Komarnicki:** You are.

**Hon. Jim Karygiannis:** So get your facts straight. You don't even know how many processing centres there are in Canada.

**Mr. Ed Komarnicki:** You're misrepresenting the legislation, and that's a fact.

**The Chair:** Order, please.

**Hon. Jim Karygiannis:** Get a grip, Ed. Get a grip.

**The Chair:** Order.

It is not a point of order, I have to say. As I told Mr. Karygiannis on the last point of order he brought up, it wasn't a point of order. It's a difference of opinion between two people. I think if we restrain ourselves, we can have a bit of respect for each other's time here and continue, please.

Now, what was the question again?

**Hon. Jim Karygiannis:** The question is very simple, sir.

Once we move into Bill C-50, parental sponsorships will go by the way of the dodo bird.

**Mr. Vikram Khurana:** I do not believe I have seen anything that has led me to believe that. What I have seen is an effort to segregate different classes, but there is nothing I have seen that would suggest the family class would take a back seat.

**Hon. Jim Karygiannis:** Mr. Khurana, the emphasis will be given on skilled workers. The minister will be able to data-mine the older applications, and she will give instructions as to which people come in first or not. Do you think for 30 seconds, sir, as an individual who has been through the system and has worked through the system, that

the minister is going to give instructions to the officials abroad to expedite parental class applications?

**Mr. Vikram Khurana:** That's a point of speculation from my perspective. I do not believe I am in a position to decide what the minister may or may not do in the future. However, what I am able to say is that any changes to the system that I have seen, that are proposed, are all positive changes.

**Hon. Jim Karygiannis:** So you're supporting the minister having the power to arbitrarily decide who comes in?

**Mr. Vikram Khurana:** I do not believe it's arbitrary.

**Hon. Jim Karygiannis:** Let me finish, sir.

You're supporting the fact that we're going to put emphasis away from family class? I'm talking about parentals. You're supporting the fact that the minister, without any jurisprudence or any oversight from this committee and/or Parliament, can decide where we're going? That's what you're supporting?

**Mr. Vikram Khurana:** I haven't seen anything of that sort, so I can't say whether I'm supporting it or not.

**Hon. Jim Karygiannis:** Mr. Ben-Ami, you also stated you're supporting this legislation.

**Mr. Joseph Ben-Ami:** Yes.

**Hon. Jim Karygiannis:** In total, in part?

**Mr. Joseph Ben-Ami:** In total.

**Hon. Jim Karygiannis:** Can you give me one or two good things that you're seeing in this bill that you're supporting?

**Mr. Joseph Ben-Ami:** I actually think that the department—and I believe in ministerial responsibility, so obviously that means the minister—should have the power to determine or to give instructions to departmental officials to process applications, or somehow weigh applications of people who have skill sets that are needed in Canada. I don't think, if I could be a little provocative, that if we need nurses in Canada, that somehow or other someone who gets an application approved who happens to be a trained nurse should go to the back of the queue and wait five years to come into Canada, but exotic dancers should get in, because it happened—

**Hon. Jim Karygiannis:** I'm glad you brought that up, sir. Do you know how many exotic dancers were allowed into Canada last year, sir?

**Mr. Joseph Ben-Ami:** No, but the reason I'm illustrating—

**Hon. Jim Karygiannis:** Sir, you mentioned exotic dancers. My question is very simple. Do you know how many were allowed into Canada last year?

**Mr. Joseph Ben-Ami:** It's irrelevant.

**Hon. Jim Karygiannis:** It is very relevant. You used it as an example, sir.

**Mr. Joseph Ben-Ami:** That's exactly why I used it.

**A voice:** A cheap shot.

**Hon. Jim Karygiannis:** It is a very cheap shot, because only 0.0006% of the people who came into Canada last year as temporary workers were exotic dancers.

**Mr. Joseph Ben-Ami:** Okay. I honestly—

**Hon. Jim Karygiannis:** Are you going to call it to order or stop the clock?

**The Chair:** Mr. Ben-Ami.

**Mr. Joseph Ben-Ami:** I didn't mean anything by that. I said I was being provocative, but I could change it to taxi drivers, I could change it to lumberjacks. The point is that the government should have the ability to determine who gets into the front of the line.

•(1705)

**Hon. Jim Karygiannis:** Mr. Ben-Ami, you're telling me that the minister should have the right, on her own, to decide, with absolutely no parliamentary oversight, how the system goes.

**Mr. Joseph Ben-Ami:** Yes.

Sorry, it's Mr. Karygiannis, right?

**Hon. Jim Karygiannis:** Yes. Is that what you're telling me, sir?

**Mr. Joseph Ben-Ami:** I have been around here for a long time. I'm not aware of any minister who ever does anything arbitrarily, without a great deal of input from the department or oversight by Parliament—

**Hon. Jim Karygiannis:** Hold on. Mr. Ben-Ami, sir, I'm using your words.

**Mr. Joseph Ben-Ami:** Let me answer the question.

**Hon. Jim Karygiannis:** I'm using your words, Mr. Ben-Ami.

**The Chair:** Order.

Mr. Karygiannis, let Mr. Ben-Ami finish, please.

**Mr. Joseph Ben-Ami:** If you're asking me—

**Hon. Jim Karygiannis:** Are you running my questions, or am I running my questions?

**The Chair:** I am running this meeting, and I can tell you that Mr. Ben-Ami is going to finish his answer.

**Hon. Jim Karygiannis:** You don't like the questions. That's what you're telling me.

**The Chair:** I am allowing Mr. Ben-Ami to finish.

Order, please.

Mr. Ben-Ami, finish.

**Mr. Joseph Ben-Ami:** No, I do want to answer your question. If you're asking me whether in theory I would support the idea that any minister can just get up in the morning and make policy without any input from professionals in the department or any oversight from parliamentary committees, or anything like that, then the answer is no, I don't support it. But I stress that's not the case here, and I have yet to see, in my years of experience in this city, anything like that.

**The Chair:** Okay, thank you, Mr. Ben-Ami.

Mr. St-Cyr.

[*Translation*]

**Mr. Thierry St-Cyr:** Good afternoon, everyone. I hope that everyone's interpretation is working. First of all, I would like to apologize on behalf of the members of the committee for the undignified spectacle that you were forced to witness. Apparently, there was a competition between Mr. Karygiannis and Mr. Komarnicki to see who could raise the most inappropriate points

of order. At the moment, the contest is extremely close and I hope that it will be over as quickly as possible.

More seriously, I would like to know if each of your organizations was consulted in any way about the development of part six of Bill C-50.

[*English*]

**Mr. Vikram Khurana:** Thank you. I have been consulted on the policy, and I have had a chance to provide input on what's positive and what's negative.

**Ms. Elizabeth Lim:** No. I'm speaking on behalf of Status Now!, which represents many communities and organizations, and none of us have been consulted about this. In fact, it was quite a surprise when it was announced and put into the bill.

[*Translation*]

**Mr. Thierry St-Cyr:** Okay.

Mr. Ben-Ami, you spoke about the importance for Canada to have an integrated and more considered immigration policy. I tend to agree with you. However, I am a little confused when you tell me that you are, after all, in favour of the provisions we are studying, which are quite the opposite of what you are advocating.

There is no thought. You said yourself that very few people were consulted. Hearings were held, people were rushed, people were forced to react in a week. The process was flawed from the outset; this bill is not a new immigration policy, it is an attempt to fix a problem without going to the root cause. It is exactly the opposite of what you want.

Would it not be better to set this aside and to work seriously to come up with a real, thought-out, coherent and intelligent immigration policy?

[*English*]

**Mr. Joseph Ben-Ami:** I'm sorry, was there a question?

[*Translation*]

**Mr. Thierry St-Cyr:** Would it not be better to stop winging this and to come up with a genuine, coherent policy?

[*English*]

**Mr. Joseph Ben-Ami:** It's not so much a question of consistent policy as comprehensive. Ideally, we would like to see an overhaul of the system come up with a comprehensive, I think more sensible, more sustainable policy. But the fact that that's not happening right now doesn't preclude us from, or invalidate the importance of, doing this in its own context.

We often do that in our lives. If you have a house and you want to paint every room, well, you can hire a contractor and paint every room in two days. But if you don't have the money, you don't have the resources or whatever... And I'm not speaking for the government, so I don't know what the resources are or the reasoning for it. I'm just saying I would do one room at a time.

So the answer to your question is, I think, a qualified yes. We would prefer to see something a little more comprehensive, but the fact that we believe we should be going in that direction in no way invalidates our position on the specific changes being proposed now.

• (1710)

[Translation]

**Mr. Thierry St-Cyr:** Mr. Ben-Ami, if I am doing renovations to my house and I do not know how to go about it, I am at least going to take the time to think how to go about it better rather than making decisions without being really sure that they are thought-out and effective.

I going to stop there, because I want to ask Ms. Lim a question.

According to the bill, applications for permanent resident status on humanitarian and compassionate grounds will no longer be processed systematically. They could be, but there will no longer be a requirement to do so. That particularly worries me, given that the Appeal Division for refugees whose cases have been dismissed is not in place. Refugees who lost their case often used the option in order to keep themselves safe.

Are you not afraid that the government will use that provision to close another door on the fingers of a person whose life may well be in danger? Is this a breach of Canada's international obligations?

[English]

**Ms. Elizabeth Lim:** Absolutely. One of the objectives, as stated under IRPA, is to respect Canada's humanitarian and compassionate traditions. The minister has said that these amendments would not affect humanitarian and compassionate applications, and note that she adds "from inside the country". But these legislative changes specifically target humanitarian and compassionate applications from outside the country. They specifically change the "shall" to "may" on examining humanitarian and compassionate applications from outside of the country.

[Translation]

**Mr. Thierry St-Cyr:** Thank you. Have you finished?

[English]

**Ms. Elizabeth Lim:** I was just going to add that humanitarian and compassionate applications from outside the country mainly deal with reunification of family members. A refugee child who wants to sponsor his parents to come to the country may not be able to do so because they cannot qualify under the regular regulations. They don't make enough money to sponsor their parents. But it makes a hell of a lot of sense to be able to let the child sponsor the parents instead of putting the child through foster care. But under these regulations, these amendments, the officer does not even have to look at this application.

[Translation]

**Mr. Thierry St-Cyr:** Thank you, I am going to give the rest of my time to Mr. Carrier.

[English]

**The Chair:** I am sorry, but as you can hear...

Ms. Chow.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Why don't I continue asking that question? Are there other examples of humanitarian and compassionate cases of relatives who need to be sponsored outside Canada? Perhaps you could describe a few more of those examples. I think that was where my colleague was going.

Ms. Lim.

**Ms. Elizabeth Lim:** Absolutely. For example, you have what are called "de facto family members", family members who, under the law, are specifically...their dependent child qualified. But they may be a sister who essentially is that person's child. Under humanitarian and compassionate applications, these people can be sponsored. The officer never has to grant these kinds of applications, but they at least have to look at the merits of the application.

Now, we're going to allow the changes to come into effect so that the officer can just return the application. If the minister is just going to target occupations, why is this change in here? It does not make any sense.

**Ms. Olivia Chow:** What about the whole notion of charter-protecting the rights of immigrants who are outside Canada? My understanding is that Canada never ratified the UN convention on the rights of migrant workers and their families, which means that if the person is outside Canada, if the employer wants to pick a certain type of employee and it may violate the person...but because the person is outside Canada, the charter does not apply. Or does it? We've heard different interpretations on that. Since you're a lawyer, I thought I should ask you that question.

• (1715)

**Ms. Elizabeth Lim:** Sure. The charter is called the Charter of Rights and Freedoms, and the courts have ruled and the minister has been fond of saying that immigration is a privilege and not a right. Therefore, the charter will have limited application to foreign nationals who are not already permanent residents and citizens of this country. If you do not want to discriminate against a person, but you allow employers to be the persons who decide essentially who can come into this country, you are opening this process up to some sort of discrimination.

We have heard from groups who have heard from employers that they may not want to have workers from certain areas of the world. Now certainly Canada needs people who come to this country to have jobs, but it cannot be the only way we bring people into this country.

**Ms. Olivia Chow:** So what you're saying is that if the employer wants to hire a housekeeper from Mexico rather than from Pakistan, that is totally up to the employer.

**Ms. Elizabeth Lim:** That is up to the employer.

**Ms. Olivia Chow:** Yes, of course, and if the minister wants to fast-track workers from Mexico and not fast-track workers from Pakistan, even though it's the same type of work, let's say a cook or whatever, she could do so under this Bill C-50, and it really wouldn't violate the charter?

**Ms. Elizabeth Lim:** She could absolutely do it, and if we made arguments, the courts may accept them, the courts may not.

Why do we have this law that allows a minister to do this? If we are only going to choose based on occupation, let's face that. Let's talk about it. Let the minister give us legislation that says how we're going to choose occupation, how we're going to determine which occupations come to this country, unless there's been parliamentary scrutiny over this.

**Ms. Olivia Chow:** So you're saying the best way is to change the point system to give certain skills, certain careers, or certain occupations  $x$  or  $y$  number of points. Then that could be fine-tuned and adjusted through regulations. Therefore it would be debated in Parliament and then it would be democratic. It would not be behind closed doors. It would not be up to the minister to make decisions and not debate it in the House of Commons?

**Ms. Elizabeth Lim:** Yes. The minister should give us legislation that matches what she says she is going to do.

Right now the legislation does not match what she says she's going to do. It allows her very broad powers to limit family applications and humanitarian and compassionate applications.

This is not according to what she says she's going to do, so let's have legislation that matches what she says she's going to do and let's have a debate in Parliament about this.

• (1720)

**Ms. Olivia Chow:** Okay.

If one looks at the advertisements in the different communities, do they give you a clear sense of what this bill is all about? Because the ads say something in the nature of wanting to reduce the backlog and being flexible. I can't quote the ads. I keep seeing them in different places and in different languages.

**Ms. Elizabeth Lim:** I just think that how the minister is using the ads to say it's going to reduce the backlog does not reflect the statements in Bill C-50 in black and white. It does not match what it states.

Sure, everybody wants to reduce the backlog, but how she's going to do it does not make sense.

**Ms. Olivia Chow:** Thank you.

**The Chair:** Do you want to give your minute and a half to Mr. Carrier?

**Ms. Olivia Chow:** Yes.

[*Translation*]

**Mr. Robert Carrier:** Thank you.

Good evening, ladies and gentlemen. We are really interested in immigration policy, as I am sure you can see.

I wanted to share with you the fact that we spent three weeks travelling across the country from coast to coast to discuss, and attempt to resolve, a number of immigration problems. During that time, this bill was brought forward in the House of Commons. During our trip, which also looked at other matters, the parliamentary secretary strictly forbade us to talk about the part dealing with immigration. We have only had this week, that is, three days from morning to night, to discuss it and to catch up.

The frustrating thing that you need to know is that Bill C-50 deals with the budget. It contains 136 pages, of which only two deal with

immigration policy. It does not take long to spell out: the minister is going to decide which applications to look at.

Our frustration comes from the fact that normally, we have time to discuss a bill and to hear witnesses before a final vote on an immigration policy that we could have had in separate legislation. Despite the good intentions that the minister said she has, it is surprising to see that you are giving carte blanche to a minister who may not be there next year, who could go off in a completely different direction. I felt it was important for you to know that, given that you both support this bill.

[*English*]

**The Chair:** I have to cut you off there, Mr. Carrier.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** Ms. Lim, with respect to the legislation that's proposed, you could challenge it as being out of compliance with the charter. Would you agree with me?

**Ms. Elizabeth Lim:** It needs to be charter-compliant. However—

**Mr. Ed Komarnicki:** No. My question is, if you wanted to challenge it on whether or not it was charter-compliant, you could do that.

**Hon. Jim Karygiannis:** Let her answer.

Mr. Chair, point of order.

**Ms. Elizabeth Lim:** All laws in this country need to be—

**The Chair:** Order, please.

**Hon. Jim Karygiannis:** Mr. Chair, why don't you have the parliamentary secretary respect the witness and let her answer?

**The Chair:** Order, please. There's no point of order.

**Hon. Jim Karygiannis:** Use the same principles on both sides.

**The Chair:** Order, please.

Mr. Komarnicki.

**Ms. Elizabeth Lim:** All laws need to be charter-compliant in this country. However, what does charter compliance mean? Will it mean that these laws will be non-discriminatory? It may not happen.

Even if these laws can be challenged under the charter, it would take years for it to go through the system. During that time, how many people would be affected?

**Mr. Ed Komarnicki:** It couldn't be based on race, religion, or ethnicity and still be charter-compliant. That would be a fundamental right, would it not?

**Ms. Elizabeth Lim:** Based on what? How are you going to choose people? If you base it on visa posts, it would restrict it to people who can apply from certain countries.

**Mr. Ed Komarnicki:** That wasn't quite what I was asking. I was saying that if it needed to be charter-compliant, it couldn't be based on race, religion, or ethnicity. Would you agree with me on that?

**Ms. Elizabeth Lim:** If you need it to be charter-compliant, you have to look at the practical effects.

**Mr. Ed Komarnicki:** Just answer my question, okay?

**Ms. Elizabeth Lim:** Yes.

**Mr. Ed Komarnicki:** With respect to the instruction itself, this legislation is not the instruction. It makes the provision for the instruction. The instruction is something that will come later. You would agree with that?

**Ms. Elizabeth Lim:** Yes.

**Mr. Ed Komarnicki:** And the instruction itself would have to be charter-compliant, would it not?

**Ms. Elizabeth Lim:** Yes.

**Mr. Ed Komarnicki:** I would suggest that once the instruction is issued, it would need to be charter-compliant, but those applying the instruction would have to apply it in accordance with the charter. Would you agree?

**Ms. Elizabeth Lim:** Yes, but then again you have to define charter compliance.

**Mr. Ed Komarnicki:** Now let me ask you—

**The Chair:** You have to be fair. You have to give the witness some time to elaborate on what she's saying.

**Mr. Ed Komarnicki:** Under the present system, anyone can make any number of applications on humanitarian and compassionate grounds. Would you agree?

**Ms. Elizabeth Lim:** They can, but most of the time they're deported before they can make multiple applications.

• (1725)

**Mr. Ed Komarnicki:** But they can make one, and sometimes they make more than one from within Canada.

**Ms. Elizabeth Lim:** Yes, they can, but most of the time they are deported before they can make more than one and oftentimes before they can make even one.

**Mr. Ed Komarnicki:** And they can also make them from without.

**Ms. Elizabeth Lim:** They can make it from outside Canada, yes.

**Mr. Ed Komarnicki:** If a skilled worker applied under the new system from outside Canada and didn't succeed, based on the instruction that the minister issues, could he apply from outside Canada on humanitarian and compassionate grounds?

**Ms. Elizabeth Lim:** Technically, anybody can apply from outside the country. How many people do? Not very many at all.

**Mr. Ed Komarnicki:** There are not many who apply from outside Canada. But a failed skilled worker under the instruction could apply from outside Canada.

**Ms. Elizabeth Lim:** Yes, he could. He'd wait years and years for it to be processed and then it would probably be rejected.

**Mr. Ed Komarnicki:** In fairness, subclause 25.(1) doesn't say that an application can't be made from outside Canada and considered on the merits. It doesn't say that.

**Ms. Elizabeth Lim:** It would be useless if the application was there and then it was returned unopened.

**Mr. Ed Komarnicki:** Let me read it. It says:

The Minister shall, upon request of a foreign national in Canada who is inadmissible or who does not meet the requirements of this Act, and may, on the Minister's own initiative or on request of a foreign national outside Canada, examine

the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligation of this Act if the Minister is of the opinion that it is justified by humanitarian and compassionate considerations relating to them, taking into account the best interests of a child directly affected, or by public policy considerations.

**Ms. Elizabeth Lim:** Yes.

**Mr. Ed Komarnicki:** So would it be fair to say that an application can be made from outside Canada and may be considered on its merits if the minister so decides? Would you agree?

**Ms. Elizabeth Lim:** Yes, but why does the minister put it in there?

**Mr. Ed Komarnicki:** But—

**Ms. Elizabeth Lim:** What's the point of the minister putting it in?

**Hon. Jim Karygiannis:** Point of order, Mr. Chair. Would Mr. Komarnicki let the witness—

**The Chair:** Order, please. Let the chair do his job. I was just about to interrupt and tell Mr. Komarnicki to let the witness elaborate a little bit.

**Mr. Ed Komarnicki:** Never mind elaborating, I'd like an answer to my question.

**An hon. member:** Well, let her answer it.

**Ms. Elizabeth Lim:** I'd like to answer your question.

**The Chair:** Order, please. I'll stop the clock if members persist.

Mr. Komarnicki, what was your question to Ms. Lim?

**Mr. Ed Komarnicki:** Can the application be made, and can it be considered on the merits if the minister chooses to?

**Ms. Elizabeth Lim:** Yes, it can.

However, when you change the “shall” examine, in section 25, to “may” examine, you are essentially giving the officer the power to not even look at it. So if someone says they have merit to their application, the officer says, “You know what, I don't even need to listen to the merits of your application”. That is the difference between an applicant submitting the application to the minister and the minister “may” grant on the merits of the case, and the minister not looking at the application.

**Mr. Ed Komarnicki:** Mr. Ben-Ami, the legislation, as I read it, indicates that the instruction must be published in the *Canada Gazette*. Is that your understanding?

**Mr. Joseph Ben-Ami:** Yes, sir.

**Mr. Ed Komarnicki:** And the instruction—that's what I'm speaking about now, not this legislation—must be reported in the report to Parliament on an annual basis. Do you understand that as well?

**Mr. Joseph Ben-Ami:** That is my understanding, yes.

**Mr. Ed Komarnicki:** The minister indicated that before an instruction issues there would be extensive consultation with the provinces, territories, the stakeholders. Would you expect that normally to flow from what you see in the legislation?

**Mr. Joseph Ben-Ami:** I would expect that. I know that's what the minister has said. And I would expect that from any minister, regardless of political party, on any policy issue.

**Mr. Ed Komarnicki:** If you wanted to have a system that is flexible and responsive to the economic needs of the country, would you think the instruction would be a more flexible way of proceeding than by way of regulation or legislation?

**Mr. Joseph Ben-Ami:** Generally, yes.

**The Chair:** Okay. Thirty seconds.

**Mr. Ed Komarnicki:** How much?

**The Chair:** Twenty.

**Mr. Ed Komarnicki:** I'll pass my time to the Bloc to finish off if they feel they were shorted in some way on this whole exercise. They can have my 20 seconds.

**An hon. member:** Give it to Jim.

**Mr. Ed Komarnicki:** No, not to Jim. I don't need anyone to give anything to Jim.

**The Chair:** Order, please. The time is up.

It's a moot point, whatever point it is that you're making.

Mr. Telegdi.

**Hon. Andrew Telegdi:** I just want to thank Mr. Ben-Ami, being the top operator for Stockwell Day—

• (1730)

**The Chair:** Order, please.

I want to say thank you to the witnesses. That's the chair's job to thank the witnesses and to say we will be preparing a report.

We thank you for your input. And I apologize for the conduct of the committee today.

The meeting is suspended.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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• (1810)

**The Chair:** I want to welcome committee members.

I welcome as well, from the Islamic Humanitarian Service, Shafiq Hudda, director—sometimes I shouldn't attempt some of the pronunciation; from St. Joseph's Roman Catholic Church refugee outreach committee, Pierre Gauthier and Lisa Barnet; from the Inter-Cultural Neighbourhood Social Services, Andrea Seepersaud, and from the enhanced language training program, employment advocate Patrick Hynes.

I'll turn it over to you folks. I know some of you are in a hurry.

Who had planes to catch? Okay, so we'll go to you for your opening statements first. What time do you have to leave here?

**Ms. Andrea Seepersaud (Executive Director, Inter-Cultural Neighbourhood Social Services):** My plane leaves at 8:30.

**The Chair:** Okay, 8:30. I think we'll get you out of here on time.

Go ahead, Ms. Seepersaud.

**Ms. Andrea Seepersaud:** Chair, ladies and gentlemen, good evening.

My name is Andrea Seepersaud. I am the executive director of Inter-Cultural Neighbourhood Social Services. We are located in Mississauga. With me today is Pat Hynes, who is a work placement internship advocate in our enhanced language training program. He is the only person we know in the Peel region whose mandate is to advocate for the internship of internationally trained professionals in the business and private sectors. That's the specific program we run for internationally trained professions.

As settlement serving agencies go, ICNSS is a medium-to-large agency employing about 75 staff at any one time in four locations across the Peel region. It provides services annually to more people than it would take to fill the SkyDome to capacity. ICNSS has spend the greater part of 22 years—and I have spent all of my 14 years with this particular agency—conceptualizing, developing, and implementing programs and services aimed at individual capacity-building and the resettlement and adaptation of newcomers to Canada. The issue of reciprocity remains at the top of our list of priorities, and second to that is the importance of family reunification within the context of the social integration of immigrants.

The amendments to Canada's Immigration and Refugee Protection Act that are included in Bill C-50 are of grave concern to us. If we understand the implication of the amendments, this bill would give the minister and visa officers the power to arbitrarily refuse applications by individuals for permanent residency, visitors' visas, work permits, and study permits, even when it is clear that all the requirements of the IRPA have been met. It would also shift the power into the hands of these individuals representing the Government of Canada to discard applications seeking consideration on humanitarian and compassionate grounds from individuals outside of Canada. As well, the minister and her representatives would be given the unequivocal authority to set quotas and criteria so that predetermined outcomes were achieved. Such authority would be absolute and would not require sanctioning by Parliament.

Our agency believes that these provisions will erode the very foundation of a system that individuals from around the world have found to be fair, compassionate, humanitarian, and friendly. Inherent in the current IRPA is the right of individuals to apply for and be granted entry into Canada under specific categories.

Statistics relating to immigration from 1997 to 2006 indicate that the main source of immigrants is the economic class, followed by family class, and then refugees. In 2006, for example, Canada accepted over 250,000 individuals. Of those individuals, 138,000 were under the economic class, which is equal to 54.9%; 70,000 were under the family class, representing 28%; and 32,000 were refugees, accounting for 12.9%. Under the amendment, these immigration class profiles that have remained steady over the last decade will dramatically change to reflect what the minister determines on an ad hoc basis to be the need and therefore the focus of our immigration drive in Canada.

As an agency serving immigrants and refugees for over 22 years, we can vouch for a number of things. Once economic-class immigrants, or the highly skilled and trained individuals, arrive in Canada they expect to restart their specific careers. This does not mean they are willing to retrain or are overly interested in upgrading their qualifications to ensure integration into their specific sectors. This does not mean that the regulatory bodies representing these sectors are willing to provide the information, advice, and assistance to facilitate the re-entry of these individuals into the Canadian labour force.

Two years ago, the Ontario Minister of Citizenship and Immigration proposed a bill, Bill 124, that sought to address these very issues with respect to regulatory bodies, internationally trained professionals, and fair access to professions and trades. Today that bill is law, and to our knowledge it is the only such legislation in Canada. In fact, that's what it takes to look after internationally trained individuals.

• (1815)

Again, within the context of our repertoire of services and experience as an immigrant-serving agency, we know today's economic class immigrants are not necessarily loyal to Canada. This amendment will focus on the economic class—in other words, the best and the brightest from around the world.

This class has been known to either stay long enough to educate its children and then leave for opportunities elsewhere or to leave one parent to settle and anchor the family in Canada while the breadwinner seeks his fortune elsewhere, which is most likely back in his home country. When the children become educated, they in turn are often enticed to return to run the family business, which of course is located abroad and has been thriving in the meantime.

Essentially, Canada accepts ITPs, internationally trained professionals—and I'm by no means speaking about all of them—who obtain citizenship but have not lived and worked for substantial timeframes in Canada but will retire in this country for many reasons, including the fact that we have an enviable health care system, are compassionate to our seniors, and are technically a safe, democratic country.

I'll ask my partner to continue.

**Mr. Patrick Hynes (Employment Advocate, Enhanced Language Training Program, Inter-Cultural Neighbourhood Social Services):** I refer this committee to the writings of Dr. David Foot, a renowned demographics expert, who has reiterated in his writings that current and future predicted demographic trends indicate we have an aging population and will continue to have one for the foreseeable future. He further suggested we currently do not have a mechanism to take care of these seniors, either socially or economically.

Dr. Foot concluded that the best remedy is to target source countries, places where large families are still predominant, places where working families consist of large groups whose psyche is family-oriented and committed to the elderly, which will assist Canada in a new demographic reality.

Our conclusion is this. Given current and future demographic trends, we strongly feel that the immigration focus should not be on

the economic class, but rather on family-related applicants, large educated working families who move to Canada, will be loyal to Canada, and will resolve the impending aging population dilemma. We must ask ourselves who is going to pay for the cost of our seniors and assist them. Predicted demographic trends by Dr. David Foot suggest that we will soon arrive at a point where we will not be able to care for or afford our most vulnerable. Allowing large families under family-related unification versus concentrating on economic class immigrants will build a stronger Canada.

And I'll give you a specific point. Many years ago, in 1896 to 1905, the Minister of the Interior at that time focused on immigrants whose families were large and had a longstanding tradition of farming. The agenda at that time was to ensure we would have a class of new Canadians who could work the land in the prairie provinces and become self-sufficient. Using that underpinning or underlying philosophy, we now need to focus on current and future population trends and learn from our experiences. Adjusting our immigration policies to include countries that still have large working families willing to emigrate is the most optimal solution to our immigration woes.

Thank you very much.

• (1820)

**The Chair:** Thank you.

Okay, who do we have next?

Mr. Gauthier.

**Mr. Pierre Gauthier (Refugee Outreach Committee, St. Joseph's Roman Catholic Church):** Thank you, sir.

As a committee devoted to assisting refugees who arrive in Canada—and some who need assistance to enter Canada—we are very concerned by both the process and substance of the amendments proposed to the Immigration and Refugee Protection Act contained in Bill C-50.

We believe that Canada is a country that is welcoming to immigrants and refugees, and that our future as a country depends largely on a fair, open, transparent, and humanitarian selection and refugee protection system.

We commend the government's stated objective to clear the backlog in immigration applications. The slow process of H and C applications for refugees is equally deserving of attention. However, we are not convinced that the changes proposed in Bill C-50 will be effective or necessary to achieve the goal, since proposed section 87.3 only affects applications made after February 2008.

The inclusion of amendments to the IRPA in a budget implementation bill is an inappropriate means to modify immigration law. The government is playing politics with this legislation and limiting the proper scrutiny of this committee and other interested parties, and forcing Parliament to choose between poor immigration legislation and forcing Canadians into another election. It would be better to seek consensus from all parties and interested groups in a clear proposal of amendments that are subject to the scrutiny of this committee and interested Canadians.

We are deeply concerned by the arbitrary discretionary powers given to the Minister of Citizenship and Immigration in Bill C-50 to make important changes to the immigration processing and acceptance systems, by issuing instructions without parliamentary oversight or mandatory consultations. Granting such extraordinary discretionary power without any accountability is an affront to democracy and circumvents the rule of law, which requires that ministerial authority function within the limits set by Parliament.

We are equally disturbed by the discretion accorded visa officers in proposed subsection 11(1). The change allows an officer discretion in issuing a visa, even though the officer is satisfied that the individual is not inadmissible and meets all other requirements under the act. This allows for the potential refusal of a visa on the basis of that particular officer's prejudices.

Also troubling is the move to eliminate the right to permanent residence for applicants who meet the requirements of the act, and the right to have an overseas application for humanitarian and compassionate consideration examined.

In the introduction of proposed section 87.3, proposed paragraphs (1) to (7) are the most disturbing of all. This new section proposes to give powers to the minister to create categories of applications, and then to establish an order to processing requests: limiting or setting the number of applications by category, or otherwise, to be processed in a given year.

These are extensive, sweeping powers given to the minister with little or no constraints. There is a lot which is completely unknown. For example, what are these categories of applications? Are we going to categorize people by geography, race, religion, skills?

While it may be useful to provide expedited review of applications from those who are in a skill category necessary to Canada, it would be very harmful if we limited people coming from a particular racial group or religion. Why not simply spell it out up front instead of creating these sweeping discretionary powers that have the potential to be abused? Even if they were not abused under this administration, we would not want to create a system which could later be abused.

As a refugee committee that has had a sanctuary case, we are concerned that proposed paragraph 87.3(3)(d) of this section could also prevent an application process for these cases.

● (1825)

The government, or the minister, has made responses to some of these criticisms, and I would like to express a few comments.

To the allegation regarding fairness, the government has responded that it would still be subject to the charter. First, the

application of the charter comes only after the fact. The goal should be to make a fair rules-based system upfront. If an individual has to engage in a charter challenge, there is already a problem. We want a fair system from the outset. Second, there are costs involved in a charter challenge that are often too much for newcomers to Canada with little resources to begin with, as well as little knowledge of our legal system.

Why don't we simply create a more fair and transparent system at the outset? This system would alleviate the backlog. It is questionable as to whether this is the best approach to achieve what is a good goal, the alleviation of the immigration backlog. However, as the amendments put a lot of discretion in the hands of the minister, it seems that this would be a more time-consuming process for the minister, reviewing all of these individual cases, than to have fair rules in place and allow immigration refugee officers to administer those rules.

The minister would offer guidelines to immigration officers. If the minister is going to offer guidelines to officers and not intervene on a case-by-case basis, then why not legislate this new review process and hold it up to the scrutiny of the legislature and the public?

In conclusion, we urge this committee to recommend that the amendments to the Immigration and Refugee Protection Act contained in Bill C-50 be severed from this bill, and that a new bill be presented to Parliament where substantive changes could be made and implemented after a meaningful consultation process. This is too important a subject for Canadians, and the proper forum for the review of proposed changes to this act is this committee, where interested Canadians can make a meaningful review of what is proposed.

Thank you for your attention.

I want to offer my apologies for not having a French text of our observations. We received the invitation to appear before this committee only last Friday, and we did not have time to prepare a French text.

**The Chair:** Thank you. Your text will be translated and sent around the table to those who require it.

Mr. Hudda.

● (1830)

**Mr. Shafiq Hudda (Director, Islamic Humanitarian Service):** I begin in the name of God, the most merciful, the most compassionate.

Mr. Chair, I first of all want to thank you and the clerk, Mr. Chaplin, for giving me this opportunity to appear before you and share my thoughts and my words with the honourable members on this committee. It is an issue that is very dear to me. It is an issue that is very important to me.



I was born in the country of Uganda in east Africa. When I was five years old, my family and I were exiled. Part of my father's family—the majority of them—went to England, and the rest of us came here to Canada. Although we were not refugees—my maternal aunts were already here, and we came as immigrants—I can see some issues in this proposed act that are very relevant and that could be of great concern.

First of all, we see that the honourable minister would have a significant amount of leeway. Where the law once upon a time stated or currently states that once somebody fulfills all the requirements of having a Canadian visitor visa or even an immigrant visa, the officer “shall” issue it, the wording now proposed—that the officer “may” issue it—has created a lot of discomfort for me personally and for a number of members of my community.

Basically, it can lead to a very true practical situation. I was born in a country in which a lot of authority was centralized in one individual, one person, or one ministry. The effects of that were very evident, and the destruction that was caused as a result of having too much authority consolidated in one individual, one department, or one ministry is something I do not need to elaborate upon.

If somebody has gone through a process and for example had their immigrant or visitor visa denied, up until now or before this law would be in effect, they would still have an opportunity to appeal, and they would be able to go through a process in which....

One of the foundations of our Canadian society has been that in case something was overlooked by one person, one bureaucrat, one member of the visa team or the consular team, somebody else might be able to check the appeal and be able to reflect upon it, to think it over and perhaps make a different decision based on that information and based on the new review, again with this potential or possibility for bias. While I may have my full trust in the current minister, and I don't doubt that she will abuse the authority, do you realize what precedent we are setting for the future? Though the minister now will be honest and hopefully have integrity, down the road we do not have any guarantee that the minister, whether they are from the same party or from a different party, will not enjoy these new-found powers that they have. This is the destruction, and this is the foreshadowing of something much greater.

It seems as though there's a certain degree of preparation for this type of thing to happen step by step. It's not going to be something that happens overnight, but today you give this power to a person, to an individual, whether it's the minister or consular officials in any country of the world, and from there it's a stepping stone to much broader and much more dictatorial things. I don't mean to cause fear in anyone's mind, but this is something that is a reality, which I have seen in many places that I have visited, and in many of the individuals I have counselled.

Our organization, the Islamic Humanitarian Service, has dealt with so many cases of people coming from countries in which this has happened. Basically if one person said no, that was the be-all and end-all, and I was always proud to say that Canada was not like that. If one individual says no, maybe they missed something. Maybe they overlooked something. Maybe there was something else that may not have been looked at by that individual or that official that somebody else might have caught on to.

Regarding the issue of the reunification of families, when a skilled worker comes to Canada, obviously this is an asset to the Canadian economy, to the Canadian culture, to Canada itself. Very rarely will you find just an individual who is single, unmarried. These are issues that we cannot legally and constitutionally ask about—who is married, who has children, and so on. Of course dependency can be asked about, but it is likely that somebody who is a skilled worker will have family—that is why they have the skills—and will be at an age, or they would be at least at a level where they had already established themselves and their families. So that has to be looked at very practically and very carefully.

Mr. Chair, my entire upbringing from kindergarten to grade 13 was in the city of Kitchener, Ontario, about a five- or six-hour drive from here. I got a chance to see not only my own community, which is the Muslim community of which I am the imam or the religious preacher, but also various other communities and various other cultures, faiths, and countries that were represented in my school. I went to public school.

● (1835)

And in my retail work and in my job experience as well, I met with people who have provided a very rich and wonderful wealth to Canada as a result of the policies we have had up until now.

Mr. Chairman, I would like to bring to your attention and perhaps to that of the members of the committee here that had these laws, this legislation, been in effect over the last few decades, how many members of Parliament who are immigrants, or whose families have immigrated here over the last 100 years, would be sitting at this table or be in Parliament today?

I believe that we want to try to keep Canada true north, strong and free, Mr. Chairman, and I think that by putting this bill into place we will be destroying that foundation and the fabric we have all fought for throughout our lives, if not our parents' lives.

Thank you, Mr. Chairman, once again.

Thank you, members of the committee, for listening to me.

**The Chair:** Thank you, Mr. Hudda, for your remarks.

And I want to thank all of you for your very interesting presentations, indeed.

I guess we will go to questioning, and I will go to Mr. Telegdi first. Seven minutes, Mr. Telegdi.

**Hon. Andrew Telegdi:** I will be splitting my time with Ms. Beaumier.

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

**Hon. Andrew Telegdi:** Thank you very much for the presentation. I just want to make a couple of points before I ask you a question.

The government and the parliamentary secretary will say that the act has to be charter-compliant. Security certificates were not charter-compliant for almost 25 years, before they went to court and the court finally ruled on them. So beware when somebody tells you it has to be charter-compliant, especially when the Conservatives stand up and say they're the great defenders of the charter, which they hate.

The other issue is that, essentially, what this does is that it removes transparency and accountability. We lead the world in terms of the openness of the point system, which came into place in 1967. We were copied by the Australians; we were copied by New Zealand; we were copied by Europe; and the Americans are now looking at it.

But we do have a problem, and I have to acknowledge the problem. The problem is that the 2002 changes to the point system created a situation that was way too elitist. It was pushed by the bureaucracy. It certainly wasn't pushed by the political end; it was pushed by the bureaucracy. And the government's response seems to be let's give more power to the bureaucrats. I say this because when you say the minister, forget the minister, because it's the bureaucrats. Anyway, the idea is let's give them more power and let's make them less accountable.

I really have a problem when you have policy made in the shadows, because one of the nice things about our system is that it's supposed to be blind to your religion, to your background, and to the country from which you come. But what they're proposing here really opens itself up to abuse.

We can fix the system; all we have to do is to look at the Australian and New Zealand models, and we can make it responsive to the economic needs of the country and still keep the transparency.

So my question to you is, to what extent do you oppose the closed nature of what the minister is doing, or what the government is doing, in terms of putting more power in the hands of the bureaucrats? And what do you think it will do to accountability?

**Mr. Shafiq Hudda:** To whom is the question directed?

**The Chair:** To all of you, I guess.

**Mr. Patrick Hynes:** I suppose that at the end of the day, when we prepared our brief, we could have made fifty points. But unfortunately you only have seven minutes in which to give a presentation, so trying to make fifty points in seven minutes is virtually impossible.

I know I'm probably not answering your question directly, but what we decided to do was to focus on the whole issue of family class versus economic issues, simply because in our experience, Andrea and I—the executive director of a social services agency and a workplace advocate for the enhanced language training program, respectively—feel that one of the fundamental flaws coming down the pipes with this particular bill, if passed, is that at the end of the day, if we focus on the economic class versus family reunification or family-status applicants, one of the problems you will have is that the best and the brightest won't necessarily be the best to have in Canada. I say this because one of the problems you have right now is that the best and brightest are no longer loyal to Canada; they get their education in Canada, and take off to another country and use their Canadian citizenship and come back here for retirement.

● (1840)

**The Chair:** Do you want to pick it up from there, Ms. Beaumier?

**Ms. Colleen Beaumier (Brampton West, Lib.):** When Mr. Solberg was there, and he discovered they were going to be 26,000 short, he said to his officials, "Get them in, land them", and it was done. So we know there are other ways of dealing with the backlog.

This government has been apologizing left, right, and centre for the sins of dead men, past Canadian governments, and yet we continue to make the same mistakes. It would probably be better to stop making these mistakes so our progeny don't have to apologize.

We know that in the IRB the bureaucracy has interfered. There have been discriminatory decisions, and that showed up in the Roma case, which a judge ruled against. So can you tell me if you see anything in this bill where that bureaucratic interference and discrimination, based on the desirability of the country from which these people are coming, can be stopped?

**Mr. Shafiq Hudda:** Again, then, I'll try to address both honourable members' points to the best of my ability.

I think if the honourable Mr. Telegdi is asking to what extent I would want to fight this, I would go as far as I can to fight the clauses that are in this proposed act, or the proposed bill. The reason is that, whether it is the bureaucrats or whether it is the minister herself or himself in the future, whoever it may be, a precedent is being set that can be dangerously abused.

Regardless of whether it is a bureaucrat making the decision, who has obviously no accountability to Parliament, to the House of Commons, or to the people of Canada, or whether it is the minister herself or himself or the deputy minister, whatever the case may be, the issue that is more relevant and strong in front of me is that it is creating a very, very dangerous setting. I think that has to be addressed, rather than any specific area of who is going to get the power.

The issue is not who is going to have more power, whether it is a bureaucrat or the minister. The issue is having too much power in one small area. That is the danger I've seen in many places and in many countries.

Thank you.

**Ms. Colleen Beaumier:** I just end by saying thank you for appearing and the work you're doing is wonderful. I admire you.

**The Chair:** Great on timing, I must say. Thank you.

Do you have your French translation on, because we are going next to Mr. St-Cyr? The clerk will fix it up for you.

It should be done beforehand, of course, as you were saying, Mr. St-Cyr, but we'll make an effort in future to make sure people are on the right channel before we begin our meetings.

[Translation]

**Mr. Thierry St-Cyr:** Thank you very much, Mr. Chair.

[English]

**The Chair:** The interpreters are probably translating what I'm saying now to see if they're on the right channel. So is everyone on the right channel now?

[Translation]

**Mr. Thierry St-Cyr:** Thank you all for being here.

First of all, I would like to know if any of your organizations was consulted by the government before chapter 6 of Bill C-50 was drafted?

**Mr. Pierre Gauthier:** Not in the least.

[English]

**Mr. Shafiq Hudda:** I'm sorry, I didn't get the right channel. Excuse me.

[Translation]

**Mr. Thierry St-Cyr:** Was your organization consulted before this bill was tabled?

[English]

**Mr. Shafiq Hudda:** No, we were not consulted at our level, no.  
●(1845)

**Mr. Patrick Hynes:** In answer to the question, I attended the original technical briefing at Richmond Hill. No, we were not consulted prior to it, but I would like to also add that I asked a question to the chair of that technical briefing.

One aspect of Bill C-124 was that the minister would be able to designate what percentage of applicants would be deemed economic class or family refugee class. My question was who the primary groups or agencies were that they would be consulting. The answer I got was rather disparaging. It was the 35 regulated bodies that exist in Ontario at the present time.

I personally feel that the primary groups they should be consulting with are the very people who deal with settlement and immigration: places like ICNSS, places like these people here, and places like the groups this gentleman represents.

I strongly feel agencies and organizations dealing with settlement and immigration should be the first and foremost people who should be consulted, prior to the regulated bodies or any other group in Ontario or perhaps the rest of Canada.

[Translation]

**Mr. Thierry St-Cyr:** I asked the question about consultations because I was very worried when I realized that the government has consulted almost no one. When the minister appeared before the committee, she told us that when she sent out directives, she would consult the public. However, she has not done so on this proposed major legislation before us. If she does not bother to consult people at the very moment that she has to present the bill in Parliament, imagine what is going to happen when she can send out directives from her office without consultation or control from Parliament.

Mr. Gauthier, you told us about a person in your constituency who sought sanctuary.

**Mr. Pierre Gauthier:** That has happened.

**Mr. Thierry St-Cyr:** I hope it ended well. Abdelkader Belaouni lives in my constituency, in Pointe-Saint-Charles. His problems lay with the Refugee Appeal Division, a division that still does not exist, is still not in operation, even though it is provided for in the legislation. His difficulties were because he was rejected by a commission member who turns down 98% of the applications brought before him. It seems clear to me that something in the system is not working. If a Canadian citizen appeared before a judge who convicted 98% of the people who came before him, no one would say that it made any sense or that justice was being served. That is why the act provided for an appeal division. Unfortunately, Mr. Belaouni was not able to use the provision. Like a number of others, however, he used another resource at his disposal, an application for residence on humanitarian and compassionate grounds. A number of people have done that. You must have often seen it in your organizations too. In Montreal, the Laetitia Angba case was settled that way.

Now it seems that the government is going to shut another door by no longer requiring applications on humanitarian or compassionate grounds from outside Canada to be reviewed. Do you share my concern that, by closing more and more doors to possible recourse for people who believe their lives are in danger, Canada is no longer meeting its international obligations on the protection of refugees?

**Mr. Pierre Gauthier:** You are right. It is ridiculous to pretend that an appeal on humanitarian or compassionate grounds is an effective way to correct mistakes made by the panel that determines the status of refugees. The Border Services Agency initiates the removal process within 12 months after a decision in the negative. It is usually done in the 12 months following. According to all the information we have about the way the department handles applications on humanitarian and compassionate grounds, they take a minimum of 36 months. In the case we went through, after approaches to the minister were made by members of Parliament, we were informed that we would still have to wait a year, a year and a half, maybe 24 months before the case would be considered.

●(1850)

**Mr. Thierry St-Cyr:** Thank you very much. I am going to turn the rest of my time over to Mr. Carrier.

[English]

**The Chair:** Mr. Carrier is next.

[Translation]

**Mr. Robert Carrier:** Thank you.

Good evening, ladies and gentlemen.

First of all, let me tell you that I very much appreciated the comments that you have provided to us today. You were our last witnesses in this flurry of committee meetings that we have been holding since Monday morning. I think that you have summarized the general feeling that has emerged from the testimony. You tell us that responding to a labour shortage through immigration applications is only part of the picture. Our immigration process is not an employment agency for employers.

Ms. Seepersaud, you listed a number of qualities that should be considered when looking at immigration applications, such as loyalty to the country, and people's human qualities. Immigration means accepting citizens into our country. This is why it seems such a shame that we are being rushed after being confronted with the fact that just two pages of a 130-page bill suddenly start bringing in the whole area of processing immigration applications.

Like my colleague Mr. Fast, I am a member of the transport committee. In that committee, we just want to amend the Navigable Waters Protection Act, which seems to be easier than immigration. But it was dealt with in committee before a bill was brought forward to amend the current act. The transport committee followed a good process. Over here, where we are dealing with the question of immigration, which is a lot more important for people and for the country's reputation on the international stage, we find it a shame that things are being done differently.

Mr. St-Cyr and I are from the Bloc Québécois and we share your opinion. We understand the arguments you are putting forward and we are going to take them into consideration in the recommendations that we will begin to write after meeting you.

Perhaps you would like to add something to my comments.

[English]

**The Chair:** Go ahead if you want to respond.

**Ms. Andrea Seepersaud:** As an agency that serves immigrants and is very much entrenched in our region in doing the work we do, I found it rather strange that two years ago I was given an invitation to sit on an advisory committee of the IRB that addressed issues relating to appeals for applicants who are trying to come to Canada under a sponsorship of a spouse, for example, so under reunification or sponsorship of a family member.

I found it very strange that there was no representation on that advisory committee of agencies such as ours. There are numerous agencies like ours across Canada doing legitimate work on behalf of the Government of Canada for the resettlement and adaptation of immigrants in Canada.

I was the very first non-profit organization that was allowed to sit there. I was invited to sit there and I was sitting among people who didn't understand what we did, who were making decisions around appeals and policies that related to appeals.

Thank you.

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

Thank you, Mr. Carrier.

One brief response, Mr. Hudda, and then I'll go to Madam Chow.

**Mr. Shafiq Hudda:** Thank you, Mr. Chairman.

I think the honourable member said that we also want to protect and preserve our international reputation. My only comment to that, respectfully—and I appreciate his work as well—is let us do what is right, not just what is popular or internationally keeping our reputation positive.

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

Madam Chow, seven minutes, if you wish to have it. If not, you can share it.

**Ms. Olivia Chow:** Thank you.

I know all your organizations have a lot of front-line workers and you come into contact with a large number of people. Do you think the majority of the people you serve understand why—in my mind, in the NDP's mind—these changes are damaging, irreversible, why this bill sets a bad precedent? These are all the things that have been said so far. Do you think there is a deep understanding of it? Or are they looking at the advertisements that are being put out and saying, “Well, it's only to deal with the backlog and we need to fix the system anyway”? Do you think people are buying that?

This really doesn't have anything to do with the backlog. It doesn't apply to the 925,000 people in the applicant backlog.

So for those of you who have workers or clients you serve, who would want to take that?

• (1855)

**Ms. Andrea Seepersaud:** I'll have a go at that.

In my opinion, no, they don't understand what's happening. It takes a great deal of advocacy and a lot of education on the part of agencies such as ours with our front-line workers to get them to understand and to appreciate the impact of such changes.

You also have to consider the fact that as a charitable organization, we're restricted in how much of those advocacy pieces we can actually do on a daily or annual basis. We're very much restricted in doing that. The only thing we can possibly do is to indicate rather clearly that there are changes that aren't very friendly to the work we do with the immigrants we serve or the clients we work for and to become educated about them.

I would say no, absolutely not. For example, when Pat Hynes was sent to go and get more information, I was specifically invited—and it was by invitation only—to attend that session—

**Ms. Olivia Chow:** That was the technical briefing.

**Ms. Andrea Seepersaud:** That's right, and he travelled all the way to Richmond Hill, which is really far. Obviously that is not going to be covered by the kind of work we do under travel, because that's advocating, and that's basically information-gathering.

We found it very hard. I couldn't spare the time; he went and represented me there and brought back the information.

**Mr. Patrick Hynes:** Ms. Chow, perhaps I'll just reiterate our executive director's comments.

Briefly, here is one of the things I've found as a work placement advocate. In our enhanced language training program, we deal with internationally trained professionals. In order to get into our program, you have to be Exit CLB 6—Canadian Language Benchmarks 6—in one of the four areas of reading, writing, speaking, or understanding.

The point is this: our program focuses on two things, enhanced language training and a bridge-to-work component, and by the time most people wind up on our doorstep, they are there for a specific reason. They have not been able to bridge to work because of a language issue or related issues—

**Ms. Olivia Chow:** I only have two more minutes.

**Mr. Patrick Hynes:** I understand.

To answer your question, no—by and large they're dealing with more elementary issues; however, they are concerned.

**Ms. Olivia Chow:** Thank you very much.

Would anyone want to comment on whether it would not be better if this committee went, for example, to different regions across Canada and had public sessions in the evening? We could invite people to come. We could hear people. We could have a bit of a public debate—this is what the CIC or the government or minister said, and these are some of our opinions. People could come and listen. They could debate and participate. Wouldn't that be far more democratic than having...?

So far we have three days—Monday, Tuesday, Wednesday—of hearings, and that is it. You are the last group. I'm very depressed about this, because many others want to speak and have not been given the opportunity. I don't think that's the best way to have a bill like this, one that is so fundamentally important...

In about five or ten minutes, we are going to be putting our recommendations together. Knowing what's going to happen in the House of Commons in a week or two, I'm afraid this bill could become law, because some Liberal members—not necessarily the ones who are here—may not be voting against it. I'm concerned about that. I just don't know how to deal with it.

**Hon. Jim Karygiannis:** Mr. Chair, a point of order.

**The Acting Chair (Hon. Maurizio Bevilacqua (Vaughan, Lib.)):** Go ahead, Mr. Karygiannis.

**Hon. Jim Karygiannis:** I want to thank you.

However, I think Mrs. Chow should put questions and not summarize what the Liberals are or are not going to be doing.

**Mr. Ed Fast:** That's not a point of order.

**Ms. Olivia Chow:** I'm out of time, so if anyone wants to respond to it, please go ahead.

**Mr. Pierre Gauthier:** I think it would be much wiser if the preparatory work to revise such an important act, which affects the lives and possibly the social and financial orientation of our country, were prepared in sober consideration, and the best place for the expertise to be applied and to be gathered is in a committee such as this. Then the minister and the government could formulate an act that would garner support, rather than confuse and scare people that one grain of pepper is necessary to put into the budget sandwich to

make a solution to an emergency or a crisis that none of us are aware of, except perhaps the Minister of Citizenship and Immigration.

• (1900)

**Ms. Olivia Chow:** Do you want to comment?

**The Acting Chair (Hon. Maurizio Bevilacqua):** Any further comments?

**Mr. Shafiq Hudda:** Thank you, Mr. Chairman.

In response to the honourable member Chow's point, yes, I think the groups throughout Canada on a regional level, on a geographically diverse level, need to be consulted before something of this dramatic nature even comes before the board.

I appreciate the opportunity we have to go before you. As you deliberate, I request very humbly and very sincerely that every member who is involved in drafting this legislation please look in your heart, please vote with your conscience, and think about what effects you will have, all of you sitting here, on the future of Canada and the future of the people who come to Canada and the future of people who may not be able to come to Canada.

Thank you, Mr. Chairman.

**The Acting Chair (Hon. Maurizio Bevilacqua):** You're next, Mr. Komarnicki.

**Mr. Ed Komarnicki:** Thank you, Mr. Chair.

I'm not going to direct any questions. I'll make some comments in my closing time.

I appreciate the strongly held views of the various witnesses, so I'm not about to challenge those views.

It seems to me that, looking at the legislation, refugee protection will not be affected by this legislation. The minister indicated yesterday, with respect to family reunification, that in the case of family-class applications Canada plans to accept approximately 70,000 applicants in 2008.

With respect to input in relation to the instruction, she said:

Prior to issuing the instructions, the government will consult with the provinces and territories, industry and government departments to shape the approach. And in consulting with the provinces, we will seek assurance that when say they need immigrants with certain skills, those immigrants can actually get their credentials recognized so that they can work.

And finally, ministerial instructions will be subject to cabinet approval, ensuring government-wide accountability for the decisions taken. And, to be completely transparent, the instructions would be published in the *Canada Gazette*, on the departmental website, and be reported on in CIC's annual report, which is tabled in Parliament.

The legislation indicates that, generally, the guidelines are that they must be something that would best support the attainment of the immigration goals established by the Government of Canada.

And we heard from the CFIB, I think it was, that full-time employment plans of the next 12 months would show there would be an increase of 30%; that shortage of qualified labour was one of the top three—either one, two, or three—in the priorities; that the long-term vacancy rate was increasing for the percentage of jobs vacant for more than four months; that in a survey, 68% thought it would be harder rather than easier to find employees in the future; and that some would ignore new business opportunities, up to 38%, because of the difficulty in getting skilled labour or labour they would require. And in the economic class, the skilled worker class, 61% brought their spouses and dependants with them.

There are those who believe there needs to be a change in our system to ensure we can meet those needs, and they're of the view that Bill C-50 accomplishes that. I know the chair raised yesterday whether any supported Bill C-50, and certainly a number of groups have said so. I know the Canada India Foundation, for instance, says "Bill C-50 is good for Canada and good for Canadian employers. By choosing to prioritize skilled labourers, while protecting family class..."—

**Hon. Jim Karygiannis:** Mr. Chair, I was wondering if the parliamentary secretary can define Canada India.... What was the name of the—

**Mr. Ed Komarnicki:** Canada India Foundation.

**Hon. Jim Karygiannis:** Is that the one the Prime Minister went to?

**Mr. Ed Komarnicki:** While protecting family class immigrants and refugees, the minister is striking the right balance, and I appreciate there are different points of view.

The Canadian Centre for Policy Studies is backing changes to the Immigration and Refugee Protection Act that would give officials the authority to process immigration applications made under the skilled worker class according to Canada's labour market needs.

FETCO, which is the Federally Regulated Employers—Transportation and Communications organization, indicates they welcome the opportunity to write and support the legislative changes included in the Budget Implementation Act, Bill C-50, and they represent organizations like Air Canada, Archer Daniels Midland—

**Mr. Blair Wilson:** A point of order, Mr. Chair.

• (1905)

**The Acting Chair (Hon. Maurizio Bevilacqua):** A point of order.

**Mr. Blair Wilson:** I think if the chair will take a look at Marleau and Montpetit, page 529, the committee is required "to guard against the inefficient use of the time of the House". I would put to the chair, for his judgment, that the member is being repetitive and he's reading verbatim out of notes that were already submitted to this committee.

**Mr. Ed Komarnicki:** No, they haven't yet been—

**Mr. Blair Wilson:** He's being repetitive and wasting the committee's time, so I would ask the chair to cut his time off.

**Mr. Wajid Khan (Mississauga—Streetsville, CPC):** These are the organizations that have been insulted.

**Mrs. Nina Grewal:** This is his time and he can use it any way he likes.

**The Acting Chair (Hon. Maurizio Bevilacqua):** That is a point of order. I am sure he has taken into consideration the point just made.

**Mr. Ed Komarnicki:** We made a rule yesterday; it doesn't go against my time.

**The Acting Chair (Hon. Maurizio Bevilacqua):** No, the clock has been stopped. But it will begin now.

**Mr. Ed Komarnicki:** Bell Canada, Canada Post Corporation, Canadian Airports Council, Canadian Association of Broadcasters, Canadian Broadcasting Corporation, Canadian National Railway, Canadian Pacific Railway, Canadian Trucking Alliance, Iron Ore Company of Canada, Maritime Employers Association of Canada, NavCanada, Purolator Courier Ltd., SaskTel, Telus, Western Grain Elevator Association, VIA Rail Canada.

Then we have the Canadian Trucking Alliance indicating:

The concept of Ministerial Instructions should allow the Minister, subject to appropriate input and safeguards, to designate priority occupations that do not currently merit consideration as skilled workers. This should increase the capacity of the immigration system to attract immigrants to meet critical skill shortages in all parts of the economy.

Then we have the Canadian Pacific Railway that indicates "...we support your current efforts in this regard".

We have ITAC saying,

...our primary means of product is the knowledge and ingenuity of 600,000 Canadians who fuel our businesses. Not surprisingly, the availability of highly qualified talent that our industry requires is a persistent strategic concern for the members of ITAC.

Therefore, I am writing to applaud the changes you are making to the Immigration and Refugee Protection Act.

Then we have the Railway Association of Canada saying,

On behalf of the Railway Association of Canada, I am writing in support of the government's efforts to revise Canada's immigration policy through Bill C-50 currently under consideration by the House of Commons.

Certainly I'm prepared to table those, simply to indicate that there is a difference of opinion among various people. Ultimately, it boils down to a policy decision, and ultimately, as I think one of the witnesses may have said, the government will set the policy and it is obviously accountable to the people. The minister would be accountable to the cabinet and to the government, and the government is accountable to the people, so they need to make those kinds of decisions.

As mentioned before, the legislation is meant to be charter-compliant, at the stage where the legislation is considered, also at the point of instruction, and finally, in the exercise of the instruction as well.

I appreciate there are strongly held views and I appreciate that those views can be legitimately held and there can be genuine disagreement as to the approach. My sense is that what is fairly common is the system that we now have is not working. It is broken and it needs to be changed, it needs to be more responsive, it needs to be more reflective. Whether this bill will do this or not, time will tell, and whether it goes through the House or not, time will tell, because in a democracy—and this is a democracy—every member of Parliament will have to be able to stand up on his own two feet and with his conscience either oppose it or support it. That's the way our democracy works.

If the majority who are representing their constituents feel this bill is bad and genuinely feel so, they can go and—

**Hon. Jim Karygiannis:** Mr. Chair, point of order. I don't think the parliamentary secretary—and actually his time is up—should be preaching to the rest of the members of Parliament what they should or should not be doing.

**The Acting Chair (Hon. Maurizio Bevilacqua):** Okay.

Thank you very much, Mr. Komarnicki.

Thank you, Mr. Karygiannis.

We'll go to Mr. Hudda.

**Mr. Shafiq Hudda:** Thank you, Mr. Chairman. Again, perhaps I may respond to two aspects of the honourable member's issues.

At the very beginning of his seven minutes, he mentioned that the federal government and the minister herself are committed to speaking to the provinces and territories. Now it's his own admission to draft out future issues on immigration and skilled workers. By his own admission he has acknowledged that only the provinces and territories are to be consulted.

What I think has been a consensus here.... I'm not sure what the other witnesses have said, but at least the six of us sitting at this table are somewhat unanimous that there needs to be some sort of method of addressing the matter from the grassroots level, the people who are in the field, the people who are there, not the people who are sitting on Parliament Hill away from the common people. I'm not saying you are away from the people, but as a reality a lot of your work may not involve dealing with people's lives, one on one, in front of us.

You mentioned that the safeguards are there, but at the same time we've had sunset clauses on a lot of laws that never came to pass, and that's what I wanted to address. The issue of skilled workers, all those names you took, honourable members, we understand, and I understand, all those agencies, whether it was the Canada India Foundation, or whatever, were all agencies, organizations, and employers who were siding with the government on the skilled worker issue.

We don't have an issue. We understand the immigration legislation needs to be fixed. The immigration backlog needs to be fixed. But there are aspects of this that are way too broad for the mandate of only fixing the immigration problem and encouraging skilled workers to come to Canada. The issues are much deeper than that.

Thank you, Mr. Chairman.

•(1910)

**The Chair:** Thank you.

Do I get the feeling that somebody else wants to say something before we close officially in a moment or two?

**Ms. Andrea Seepersaud:** Yes, I do.

I wanted to just touch briefly on the fact that somebody mentioned Australia and the fact that Australia had actually copied our system years ago. A recent study done comparing Australia and Canada in terms of the integration of IDPs in both countries shows that we are lacking and we're lagging behind in this whole access to professions and trades and the integrating of IDPs into the workforce.

So if we are lagging behind and we are not able to successfully integrate them based on our current systems—and I did point out in my opening statement that Ontario is the only province that seems to have a law that addresses the issue with the integration of foreign trained professionals and these highly skilled people—then why are we bringing in more, and why are we focusing on them when we should fix the issue of integrating them and solving that problem?

**The Chair:** Thank you.

Thank you to all of you for your—

**Mr. Wajid Khan:** Mr. Chair, may I make a quick ten-second comment?

**The Chair:** Yes, okay, you can have ten seconds.

**Mr. Wajid Khan:** Two witnesses on the right made a comment here, and I'd like to be on the record. They said that the brightest and the best are not loyal to this country. I object to that; I disagree with that.

**The Chair:** Your objection is noted.

Thank you very much for your comments, for your testimony today.

Order, please.

I want to inform the witnesses that they are the last witnesses we'll be hearing, and of course tonight and tomorrow we will be considering our report, so I'm sure your comments will be taken into account and hopefully they'll be reflected in the report. So thank you.

The meeting is adjourned.







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