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# Standing Committee on Citizenship and Immigration

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**Tuesday, March 31, 2009**

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**Chair**

**Mr. David Tilson**

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## Standing Committee on Citizenship and Immigration

Tuesday, March 31, 2009

•(0905)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** We're going to call this meeting to order. This is the Standing Committee on Citizenship and Immigration, meeting number 10, March 31, 2009. The orders of the day, pursuant to Standing Order 108(2), are to study the funding of settlement services.

We have two witnesses, but before we introduce them, Mr. Dykstra has told me that he wishes to address the committee. I hope it's brief.

Mr. Dykstra.

**Mr. Rick Dykstra (St. Catharines, CPC):** I like to think that I'm normally fairly brief, Mr. Chair.

My only point is that with the discussion of Ms. Chow and Mr. St-Cyr regarding the report on temporary workers, foreign workers here in Canada, we had agreed to try to add an additional meeting to compensate or to try to at least complete that report, so add an additional meeting to our normal schedule. I suggested an evening this week. I understand that's agreeable with those members. Now it's not agreeable with those members. It is or it isn't?

**Ms. Olivia Chow (Trinity—Spadina, NDP):** It's just that... [Inaudible—Editor]...can't come.

**Mr. Rick Dykstra:** Then I would suggest we try to find a date within the next two weeks, although I suppose if we're not going to go this week we can finish it at our first meeting next week.

**The Chair:** I don't think too many people are going to come back in the next two weeks.

**Mr. Rick Dykstra:** I appreciate your humour, Mr. Chair.

I would suggest then that if we're not available to meet this week, we do it the first Tuesday that we come back from our work in our constituencies and do our best to complete the report at that meeting.

**The Chair:** Before we comment on that, I have no problem if the committee agrees to that. That's fine with me. As I understand it, this morning we're going to be briefed by the staff, by the department, on this topic. That may take an hour. That may take a little more than an hour. As I also understand it, there may be a couple of witnesses in the general audience who, if there's time permitting, could speak to the committee as well. If not, we'll go the full two hours with the staff. We'll see how it goes.

On this coming Thursday the chair has planned to proceed with other witnesses. There's a list circulating—and I think there are different lists, of which I've only seen one—and we would proceed

with those witnesses, as many as we could, on the Thursday. And the list goes on for a second page. In the chairman's opinion, it's most unlikely that if we want to hear all those witnesses, we will be able to deal with them all on Thursday; we may have to have another day. That's a topic for the committee. However, the original plan was that we would strictly have this coming Thursday for two hours with those witnesses and then deal with the report on the first Tuesday back from the break. Obviously the wind is changing, and I'm in the hands of the committee, but you're going to have to tell me what you want to do.

The first question is, do you want two days for other witnesses or do you just want one day for other witnesses? Secondly, do you want to interrupt this study to finish the foreign workers report? Will we finish this study first or would we interrupt it to proceed with the foreign workers study?

There you have it. I need guidance from the committee as to where you want the clerk and me to go.

Ms. Chow.

•(0910)

**Ms. Olivia Chow:** Since the staff is here...I see. If we go right into it, then you can't interrupt it halfway.

**The Chair:** We can do anything we want.

**Ms. Olivia Chow:** However, we won't do that.

On the list of all the witnesses, how many are there for Thursday? Are there huge numbers?

**The Chair:** I see two pages.

**Ms. Olivia Chow:** Is there any way we can put them into two or three panels?

**The Chair:** Well, that would be my suggestion, but they're going to be pretty big panels. There are 10 organizations, many of which probably don't agree with each other.

**Ms. Olivia Chow:** I haven't seen the list, but you can make a rough guess about whether, during one hour, you could have one panel of people who may agree with each other—

**The Chair:** Five and five?

**Ms. Olivia Chow:** —and then another panel an hour later of people who may not agree with each other. It would be the two sides with different points of view. Then you would be able to accomplish.... It's 50-50. It's fair.

**The Chair:** You're suggesting this for Thursday.

**Ms. Olivia Chow:** Yes, I mean this Thursday. To be fair, you have one hour for one side. I don't know whether there are two sides to this; I suspect there are many sides.

**The Chair:** I don't know. There are many sides.

**Ms. Olivia Chow:** Oh, okay, the list is being circulated. That might be easier.

Since we had some momentum on temporary foreign workers, I would suggest that we get that done first, after we hear the deputies speak on the temporary foreign workers. Then we can explore the second study.

**The Chair:** Mr. Bevilacqua and Mr. Dykstra are next.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Mr. Chairman, why don't we have this little chat after we listen to the officials? Let's deal with them first. We'll give them an hour or so, and then we'll sort things out thereafter.

**Mr. Rick Dykstra:** I'm okay with that suggestion. I don't know whether there are witnesses here or not, but we can also make that determination.

I pretty much think we should stick to the agenda that we had. We'll be just fine. I want to leave it in your hands as to how you set up the witnesses on Thursday. I think the best thing to do is make sure we have people arranged, as Ms. Chow suggested, into five who agree and then five who don't agree.

I would say that you should make sure you're within your purview. You can keep both rounds fairly consistent so that there isn't tremendous conflict between them. I think you're more than capable of taking care of that.

**The Chair:** Well, that's an awful burden on the chair. We may acknowledge some who agree and some who don't, but I don't know everybody.

Go ahead, Mr. Calandra.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** I was just wondering, Mr. Chair, if we might get an opportunity to speak to my motion, which I tabled some time ago.

**The Chair:** It won't be today.

I don't mean to be so flippant; we'll get to it...sometime.

Is there a general consensus that the chairman and the clerk will try to arrange for five and five on Thursday, and we'll keep our fingers crossed that there's peace, order, and good government? I see there is.

Then Ms. Chow's suggestion was that we would then revert to the foreign workers study on the first Tuesday back. Is there general consensus on that? I see a nodding of heads, but no hands. That gives me and the clerk some guidance. Thank you very much.

I would like to introduce two people who seem to be here all the time. From the Department of Citizenship and Immigration, we have Mr. Rick Stewart, associate deputy minister of operations; from the Department of Justice, we have Ms. Dawn Edlund, senior general counsel. You are here to brief us on the study of funding of settlement services. Could one or both of you make some

introductory comments? After those remarks, we'll proceed with questions.

Welcome to the committee.

•(0915)

**Mr. Rick Stewart (Associate Assistant Deputy Minister, Operations, Department of Citizenship and Immigration):** Thank you, Mr. Chair.

Good morning, everyone. It's a pleasure to be back again.

I will take the opportunity to offer some introductory comments to set the stage for this conversation today. I want to thank the committee for the opportunity to be here today and to provide you with an overview of the settlement program at CIC and of the criteria involved in funding service provider organizations that deliver CIC's programs and services to newcomers in Canada.

As members of this committee are well aware, currently litigation is before the courts with respect to a certain service provider. I'm afraid that it would be inappropriate for me to comment on or answer any questions about that matter while it is before the courts.

[Translation]

I understand this may be frustrating for honourable members, but there is a long standing tradition of allowing such matters to unfold in the courts.

Let me put this in context. The federal government has been making provisions in its annual Main Estimates for payments to non-profit organizations since 1950 in order to provide settlement services to immigrants in Canada.

Today, Citizenship and Immigration Canada has some 900 contribution agreements with more than 350 service provider organizations across the country.

[English]

In 2006 there was a substantial increase in additional settlement funding in the amount of \$1.4 billion over a five-year period to support the integration of newcomers into Canadian communities and the labour market. Previously we also had three separate programs with different terms and conditions for newcomers: the so-called LINC program, language instruction for newcomers to Canada; ISAP, the immigrant settlement adaptation program; and the HOST program, as well as a separate program for refugees, the RAP program. Now we have one overarching program. It combines LINC, ISAP, and HOST programs with a single set of terms and conditions to make it easier for service providers to help newcomers with the best combination of services for their needs. This new approach simplifies the administrative process so that service providers can spend more time and energy serving the newcomers.

Proposals and applications for contribution agreements come to us primarily through calls for proposals, although we also give consideration to entering into new agreements with service providers whose service contract is expiring.

[Translation]

In all cases, proposals are assessed to determine whether they provide good value for money and are aligned with and support CIC's priorities and programs. With the addition of the Multiculturalism program to CIC's responsibilities, the promotion of social cohesion becomes more important.

Any decision to enter into an agreement with a service provider organization involves a comprehensive assessment of the organization, and covers a range of factors.

These include activities in which the organization is engaged, newcomers using the services and quality of services provided to them, use of public and other funds, organizational governance and other considerations that tell us about whether we should be partnering with an organization.

[English]

The department also seeks information to verify an organization's legal status and reputation, such as whether an organization is financially and structurally solid. For example, supporting documentation may be requested and acquired, such as governance structures, latest audited financial statements, proof of Canadian citizenship or permanent residence status, minutes of meetings, research papers, and so on. The assessment process is documented to exercise due diligence. Once the review is completed, the application is submitted to the relevant manager.

CIC staff maintain regular contact with service providers and conduct activity and financial monitoring to ensure adequate oversight, service delivery, and accountability. Service providers are required to submit monthly reimbursement claims for services incurred and paid throughout the period of the agreement. These claims are verified by staff before payments are made for services rendered.

● (0920)

[Translation]

To be clear, CIC pays for regular services only after they have been performed.

Contribution agreements must comply with the Treasury Board Policy on Transfer Payments. They must accurately reflect the terms and conditions for settlement contribution programs.

[English]

They must also deliver program objectives and results, meet the newcomer needs identified in annual priorities, and represent a sound investment in cost-effective delivery by competent, efficient, and reliable service providers. Once agreements are signed, CIC monitors them to ensure control over the spending of public funds and to ensure that the stated program and agreement objectives are met. Throughout the process, settlement officers maintain a full written record on file. It entails certifying that agreed-upon services are being provided and that payments and advances are in keeping with expenditures and with the terms and conditions of the agreement.

We also ensure that the minister is kept regularly informed of the overall management of these programs. If problems are detected or

complaints received, a specially focused review may be conducted to help determine the nature and extent of the corrective action or the amendments that may be required.

It's important to note that agreements are not automatically renewed. The decision to undertake a new contribution agreement takes into consideration a broad range of evidence. This would determine whether an organization should continue to receive contribution funding in accordance with the laws and policies of the Government of Canada. Funding may expire for a variety of reasons. Such decisions are based on the quality of previous service, the need for service, and the ability to deliver services and serve as an effective partner of the department and the Government of Canada. In this regard, CIC may also consider an organization's public policy positions or pronouncements.

[Translation]

Some agreements are multi-year, offering service providers more stability, and CIC more flexibility, in program delivery.

In general, we would not engage in a new agreement if the service provider is in breach of the performance of, or does not comply with any terms, conditions or obligations on its part.

[English]

It is incumbent upon the department and the Government of Canada to ensure that taxpayer dollars are spent in a manner that is accountable, provides good value for money, and is in line with the priorities and programs of the department and the government.

Thank you, Mr. Chair. *Merci*.

I am pleased to answer your questions now.

**Ms. Olivia Chow:** On a point of order, Mr. Chair, I just heard the senior official say that there is a court case going on. I also note that I thought the original purpose—I didn't suggest the study, but Mr. Dykstra did—was to look into the funding of a certain organization. Oh, it isn't? Okay.

I notice that a certain organization and some of the folks that are planning to come seem to be dealing with the issue that I originally thought Mr. Dykstra was looking at. If now that is in court and we cannot look into the details of it, can we still talk about funding? It makes the witnesses.... Or does it not? I didn't suggest this study, as you recall. I had some hesitancy about doing that.

● (0925)

**The Chair:** I don't think it's a point of order. The topic is to talk in general terms about the funding of settlement services. Mr. Stewart has made a comment about potential legal matters that are before the courts. I think we all know of at least two. One may have ended yesterday. Maybe it has, maybe it hasn't. It depends on whether there's an appeal, I suppose.

It's not a point of order, but it's a point. In anticipating that issue, the questions may be directed, directly or indirectly, to matters that are before the court. Members may or may not ask those questions. They may or may not be relevant. I have anticipated asking Mr. Walsh, who is here, to provide, if necessary, an opinion on that very topic.

Your issue is not a point of order, but it's a point. I'm not going to ask Mr. Walsh to address the committee yet, because those questions may not be asked. I have had brief discussions with the witnesses, and the chairman's opinion is that obviously the witnesses are a little concerned about prejudicing some lawsuit, as should we be. They may be good, legitimate questions, but I don't think this committee wants to prejudice anybody.

I'm going to end there and have Mr. Bevilacqua take the floor for seven minutes.

**Ms. Olivia Chow:** I actually called the clerk about that last week when I discovered there was a court case and perhaps we wouldn't want to do this study.

**The Chair:** It's up to the committee members. I've had my say. You've had your say. Let's proceed with Mr. Bevilacqua for seven minutes.

**Hon. Maurizio Bevilacqua:** Mr. Chairman, I think you've raised some very important points that the committee ought to discuss in camera, if that is the will of the committee.

**The Chair:** Is that agreed?

I've raised some issues, and maybe I shouldn't have, but they're out there. I'm going to ask everyone, with the exception of Mr. Walsh, to retire for a few moments. We'll suspend so we can proceed to in camera proceedings.

[*Proceedings continue in camera*]

- \_\_\_\_\_ (Pause) \_\_\_\_\_
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[*Public proceedings resume*]

- (1010)

**The Chair:** Order, please. Thank you for your patience.

Mr. Stewart and Ms. Edlund, I thank you for coming. For a slew of reasons, we are going to end your presentations today. I thank you for coming. The committee has decided for a number of reasons, which I am not prepared to go into, that we are going to postpone this study until the future. The committee will decide at a later date when we're going to proceed with this study.

I'm sorry to take an hour of your time this morning. I thank you very much for coming, and you are excused.

**Mr. Rick Stewart:** Thank you. We appreciated the opportunity.

**The Chair:** Okay, I'm going to return to a topic that we must set in some sort of order. We do have an hour. It's up to the committee. We have less than an hour, actually; it's 50 minutes. The topic has been raised by Mr. Dykstra with respect to Mr. Calandra's motion.

The chair normally would say, well, we get these notices of motion and we should put them in the subcommittee. On the other hand, we have 50 minutes now.

Ms. Chow.

**Ms. Olivia Chow:** Mr. Chair, I think it is important that we deal with motions as they come to us. I don't think we need to send this to the subcommittee, because the subcommittee deals with agenda

items. And if this motion is properly in front of us, given that we have a little bit of time, there's no reason not to deal with it today.

Once you've decided, then I'll speak to this.

**The Chair:** Go ahead, Mr. Bevilacqua.

**Hon. Maurizio Bevilacqua:** I was just wondering, Mr. Chairman, if we could have the clerk remind us of a motion that basically embodied the same subject matter, and whether that motion was reported to the House, and then whether this motion is contradictory to the previous motion the committee already pronounced itself on.

**The Clerk of the Committee (Mr. Andrew Chaplin):** During meeting number four, the committee adopted the following motion:

That, in the opinion of the Committee, the government should declare a moratorium of deportations to Sri Lanka until a safe environment exists there, and that it should expedite any family class sponsorships and refugee claims from the danger zone; that the Committee adopt these recommendations as a Report to the House and that, pursuant to Standing Order 108(1), the Chair present it to the House.

- (1015)

**The Chair:** Sir?

**Hon. Maurizio Bevilacqua:** Yes, basically that's the spirit of it.

Also, would Mr. Calandra like to speak on his motion? I do have some concerns in reference to the language also: "That, in the opinion of the Committee, the Government of Canada should continue to deport individuals to Sri Lanka who may have serious...". "Who may"?

**The Chair:** Okay. The chair believes the majority of members are prepared to proceed with this motion now. We have 45 minutes.

Mr. Calandra, would you formally move your motion.

**Mr. Paul Calandra:** Yes, sir.

Sir, I move that in the opinion of the committee, the Government of Canada should continue to deport individuals to Sri Lanka who may have serious criminality issues or may have participated in war crimes, and that the recent motion passed by this committee be withdrawn; that the committee add these recommendations as a report to the House and that, pursuant to Standing Order 108(1), the chair present it to the House.

**The Chair:** Do you have any comments, Mr. Calandra?

**Mr. Paul Calandra:** Yes, I do, just a few comments.

I was hoping, after reflecting on the previous motion, that perhaps the members opposite would seriously reconsider how they voted the last time. It's just an opportunity to redress what I think was a serious flaw.

I speak in particular of instances in my riding where members of the Sri Lankan community have expressed some extraordinary concerns that certain individuals would be protected in Canada who should not be in Canada. There was a recent case of a gentleman—and I can't pronounce his name properly and wouldn't do it justice if I tried—who was a member of a violent Toronto street gang, accused of the fatal shooting of two teenagers, a meat cleaver attack, the trashing of a community centre, threats, assaults, and credit card theft. He was a member of a violent Tamil gang known as the AK Kannan, named after their favourite weapon, the AK-47. The Tamil community in particular was—

**The Chair:** Can I interrupt you for a second, Mr. Calandra? I'm sorry.

I consulted with the clerk, and this is what I've been advised: that a committee can reverse itself on a motion. It can do that. Initially it sounds as if your motion is in order, and I guess technically it's in order. However, on behalf of the committee, I submitted a report to the House and that report cannot be changed, as I understand it, unless there is unanimous consent in the House. Your motion is in order, but essentially the committee would be putting two different views forward to the House, which creates a problem.

I'm going to rule your motion is in order, but it's going to create problems for me. I submit these reports on behalf of the committee, and it's going to create a problem when I present that report, if it carries. Your motion may or may not carry. If it carries, then we would have two contradictory reports before the House, unless you can persuade the members of the House to unanimously withdraw the other report. I'll allow you to continue, but that's a problem the chairman has.

**Mr. Paul Calandra:** Mr. Chair, I can appreciate the position I put you in, but one of the great things about democracy is that people can change their minds. I am confident that upon further reflection and when individuals on both sides of the House have had the time, as we've had, to digest and reflect what we've actually done by the motion, in fact there may be a good chance of getting unanimous support from the House to protect Canadians and make sure people accused of serious crimes—terrorists and other criminals—aren't the types of people Canadians want roaming the streets. I think members on all sides of the House would agree that they don't belong in Canada and that the Government of Canada or the bodies they represent—the IRB, Canadian Border Services—have the opportunity to remove these people.

While I do appreciate the trouble you would be in, I do think it's a very, very important issue we should be looking at, Mr. Chair.

•(1020)

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

Ms. Chow.

**Ms. Olivia Chow:** Mr. Chairman, I have difficulty with these words: “may have serious criminality issues”—the word “may”. Who will decide whether they have or they have not? Someone tomorrow can say that I may have serious criminality issues even though I don't think I do. It's not talking about conviction. I know I don't. Let's put it the other way.

It also says “may have participated”. So who would decide whether the person has participated or has not participated? It's not talking about conviction. In this country, we want to presume a person is innocent until proven guilty. The wording itself gives me great trouble.

Secondly, it said that the recent motion passed by this committee be withdrawn. I don't think we can do so.

**The Chair:** Excuse me. I've got to have order here.

Ms. Chow is trying to speak, and we have people talking all over the place. Let's give her some courtesy.

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

The other one is that the recent motion passed by this committee be withdrawn. I don't think we can do so. It's now in front of Parliament, and I believe there will probably be reports and a discussion in Parliament about whether Parliament supports or does not support that motion. At that point, perhaps Mr. Calandra can raise some of those issues. Had the earlier motion said that those who have been convicted should continue to be deported, that would be a different story. To come in and say they may have serious criminality.... Who is going to make that decision?

I have a problem with this motion.

**The Chair:** Mr. Bevilacqua.

**Hon. Maurizio Bevilacqua:** First of all, Mr. Chairman, I want to thank the clerk and you for bringing to light the consequences of giving a positive result to this particular motion. I also think that Mr. Calandra may consider reviewing and rewriting his motion. A democratic committee like this one cannot accept words like, as Ms. Chow has already pointed out, “may have serious”—what does “may have” mean—or “may have participated in war crimes”.

You're talking about people's lives here. I know that you care about people's lives, I'm not questioning that at all. I probably understand the spirit in which you have presented this.

When you consider the consequences of the actions that we would be taking, plus the lack of precision in the wording of the motion, then personally you haven't convinced me that I have to support this. It's not a personal issue; I hope you're very clear about that.

I won't be supporting this motion as it stands, for whatever that's worth to you, but I want to be clear to you and I want to say it straight to your face, because I think that when we present motions, we have to do our due diligence in the preparation, but also understand that the actions we take as individual members here have consequences. If you read between the lines of what the chairman said, with the guidance that the clerk provided—if we clearly listen to it—it's not just your motion you're talking about; you're talking about the credibility of any future report that we provide as the Standing Committee on Citizenship and Immigration. If we head down this road, what the House will do is look at this committee as a committee that has reports du jour.

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

**Hon. Maurizio Bevilacqua:** Today the committee wants to do this, but tomorrow it may change its mind. It's a pattern that you may want to avoid, because quite frankly, we work really hard in this committee and I think we provide great work, thanks to our input but also thanks to the excellent staff who serve us, like the researchers and others. You don't want to jeopardize that in the House of Commons; you really don't. I think it's far too important to maintain the credibility of the committee over this motion.

I can't even endorse this motion, because quite frankly, it's not even well written. I want to say these things in a very public way to you. You have my support on any future motions that you may present that are perhaps clearer and have substance behind them.

• (1025)

**The Chair:** We have a list.

Mr. Wrzesnewskij—I've always called him Borys. You know, it took me a year to pronounce Lukiwski, so I don't know how long it's going to take me to learn your name. I apologize.

**Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.):** It's a few consonants longer than Lukiwski.

**The Chair:** Welcome to the committee. You have the floor.

**Mr. Borys Wrzesnewskij:** Thank you.

My colleague has made all the points quite succinctly. If I could, I would like to add another nuance. I take it that the spirit of this motion is self-evident, and the member is looking to address serious issues, but that is all the more reason to approach carefully and meticulously the structure and wording of a motion, aside from the jeopardy into which it puts the committee's reputation and the chair's reputation.

There are fundamental principles upon which our judicial systems are based. The presumption of innocence is one of those. We know that deportation to a country such as Sri Lanka would entail significant hardship and punishment. To have punishment meted out just on an assumption that someone may have, whether it's criminality... Once criminality is established, we have a court system that does that. We also have a penal system that metes out punishment, but it is even more so in the case of war crimes.

We know that in a war situation it is very difficult to establish facts. Typically there are two sides. You often have people who have gone through wars who will have their own particular agendas, so the justice system has always been very careful in establishing the facts in cases of war crimes. They are probably the best-resourced cases in terms of court proceedings. If we look back in history, we've always been extremely careful. If we were to just sloppily say that someone may have participated in something, well, what is the standard? Someone may have seen or may have heard, and it's truly unfortunate, because this is an incredibly serious issue.

The final point is that Canada is always very careful not to inadvertently do things against the will of society here in Canada. For one thing, we're very careful not to deport people to countries where there is capital punishment and where court systems aren't as careful and as clearly evidence-based as our court systems are. I would like to underline all those very important issues that are raised procedurally here in the House in terms of establishing criminality in the case of war crimes and also in terms of deportation to countries

to which Canada would normally not deport because of the situation of their justice system.

Thank you.

• (1030)

**The Chair:** Go ahead, Mr. Calandra.

**Mr. Paul Calandra:** Thank you, Mr. Chair.

It would appear that if I were to modify the motion a little, there might be unanimous support for it. I won't prejudge how the vote would be, but I am willing to bring an amendment.

Before I do, I just want to suggest that it would be the IRB that would be making decisions on whether somebody would be staying in Canada or not staying in Canada. Having said that, Mr. Chair, I would offer the following amendment to the motion—

**The Chair:** I'm just getting direction from the clerk as to whether you can amend your own motion, and apparently you can't. You cannot, unless there is some consensus as to your slightly changing the words. Whether the members agree with your motion or not, they may or may not agree with your changing the motion. There would have to be some sort of consensus on that, unless someone else moves the amendment.

Mr. Dykstra is going to move something. What are you going to move?

**Mr. Rick Dykstra:** Mr. Calandra is going to explain what a potential amendment might look like and then I'm going to—

**The Chair:** Mr. Calandra, tell us what you want to do.

**Mr. Paul Calandra:** It would read as follows: that in the opinion of the committee, the Government of Canada, with respect to Canadian law, should continue to deport individuals to Sri Lanka who have been convicted of serious criminality issues or who have been convicted of participating in war crimes, and that the recent motion passed by the committee be withdrawn. Then it would be the same motion after that point.

**The Chair:** So you're proposing an amendment that the word "may" be deleted twice.

**Mr. Paul Calandra:** Yes, deleted twice, and "have been convicted" be inserted.

**The Chair:** On a point of order, Madam Bonsant.

[*Translation*]

**Ms. France Bonsant (Compton—Stanstead, BQ):** You just said that unanimity was required in committee for Mr. Calandra to amend his motion. I do not recall that you have asked for unanimous consent.

[*English*]

**The Chair:** No, that's all changed. Mr. Calandra is making suggestions. I suppose he's musing as to what the proposed amendments are going to be, and Mr. Dykstra has indicated that he is going to move those amendments.

[*Translation*]

**Ms. France Bonsant:** Why do you not give the floor to Mr. Dykstra?



[English]

**The Chair:** I'm just listening to Mr. Calandra. That's not a point of order.

Mr. Calandra.

**Mr. Paul Calandra:** That would be it. Those amendments are what I would propose. I hope that my colleague Mr. Dykstra will move them.

**An hon. member:** Some of them.

**The Chair:** Is there debate on the amendment?

Mr. Calandra.

**Mr. Paul Calandra:** Again, I just wanted to reiterate, Mr. Chair, that it's extraordinarily important. I understand what the members opposite have said and the position that you are being put in, but I think it's more important for this committee to show Parliament and all Canadians that we are not going to simply sit back, and that it is not the opinion of this committee that people who are convicted of serious crimes in this country should be able to stay in this country.

We have to send out a signal to the people, to people in my riding who are afraid of people such as the person I mentioned earlier, who was convicted of two fatal shootings, a meat cleaver attack, and the trashing of a community centre, and who the Tamil community in my riding are frightened of. They have asked me to make sure we do everything in our power to get this person out of the country.

I think it is more important that as a committee we send a message to our colleagues in Parliament and to all Canadians that we will be tough, that we will stand up for Canadians, and that we will stand up for Tamil Canadians, to make sure our streets are safe, that they themselves are safe, and that they will not be terrorized by people who have nothing but bad things to do to their businesses, their families, and so on.

With all due respect to the members opposite and to you, Mr. Chair, I think it's more important that we send that message to Parliament rather than allow a motion to stand out there that would give Canadians and the rest of Parliament an indication that this committee supports having terrorists and war criminals roam the streets.

• (1035)

**The Chair:** I have a list, Ms. Mendes, but before that, I'm going to ask a question as chairman because I'm being asked to present a contradictory report. I think I have the right to ask the questions.

I'd like to know what the words "have serious criminality issues" mean. Also, for the words "participated in war crimes", who decides that?

**Mr. Paul Calandra:** I would suggest that the courts would decide what—

**The Chair:** The courts in Canada?

**Mr. Paul Calandra:** Yes, the courts in Canada, and ultimately the IRB would also make a determination on whether somebody would be staying or going. I fully support the IRB, and I think they have the ability to make proper decisions, and I think the courts in this country—I support the courts—can decide whether someone is guilty or innocent of—

**The Chair:** What do the words "have serious criminality issues" mean?

**Mr. Paul Calandra:** It could be anything. It can be anything from somebody who attacks somebody with a meat cleaver or shoots two kids to somebody who tries to extort money from a local business person for protection services. It could be somebody who was convicted of terrible things in their home country but somehow managed to make it through.

**The Chair:** Ms. Mendes.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Mr. Chair, I do trust our justice system. I believe our courts know what they're there to do. If they have one Sri Lankan person, of Sri Lankan origin, who actually committed a crime and is accused and convicted of this crime, the person will be deported if he's not a Canadian citizen.

I don't see why we have to get involved in this. Who is going to determine all these nuances? I really am very uncomfortable with this. I would like our courts to have the power to do what they are meant to do, and it's not for us to direct that.

**Mr. Rick Dykstra:** This motion doesn't suggest that.

**Mrs. Alexandra Mendes:** The previous motion just told us not to deport people. We didn't say people who were criminals or not criminals. If they are criminals and if the court decides to deport them....

**Mr. Rick Dykstra:** Then I guess that motion wasn't very clear either, then.

**The Chair:** Mr. Dykstra, there's a list to speak.

I have Ms. Mendes who has the floor.

**Mrs. Alexandra Mendes:** I am done. I do not support this motion. I do not believe we should be telling our courts what to do.

**The Chair:** Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** I think, Chair, you hit on some of the fundamental problems with the motion. It would have served this committee well if perhaps a little more time and thought were put into the motion instead of our having to engage in trying to make something work, but we have this issue of established by whom. We assume that in terms of serious crimes it would be Canadian courts, but it's not quite clear. Mr. Calandra has said he'd be willing to consider the IRB to be the adjudicator and decision-maker in these sorts of situations, especially in the case of war crimes. You can't possibly throw a more serious charge against someone than having engaged in war crimes, and we have to be very careful how we proceed. Only the courts are resourced enough and properly resourced to establish whether or not someone has been involved in war crimes, and we trust our judiciary here in this country.

I'll use the example of Rwanda. There are accusations against numerous Rwandan Canadians that they participated in one form or another in the genocide in Rwanda. And we have moved on some of those cases, but establishing the facts is very difficult, and we shouldn't leave that to the IRB. It should be quite clear that it's Canadian courts that would have to establish this.

Finally, there is that last point. There are ample precedents in Canada that we don't necessarily deport to countries whose justice systems we don't philosophically agree with. We don't deport to a number of countries around the world because we fundamentally believe their justice systems commit or have the potential to commit grave injustices. We had the case of a businessman who had potentially engaged in serious frauds in China, and we have to be very careful that an individual such as that, deported, could well face capital punishment. That whole issue of deportation to countries that don't subscribe to...not just in terms of nuancing how many years in prison, etc., but their justice systems are fundamentally different from ours. Sometimes it's in theory, sometimes it's both in theory and practice, and sometimes it's just in practice.

I think this committee would be served well on this particular point if a little bit of time were taken to properly word this. It probably can't be worded as succinctly, but if the intent that's evident in this motion is there, I'm sure Mr. Calandra would take the time to go about this in a proper way.

● (1040)

**The Chair:** Mr. Dykstra and then Mr. Calandra.

**Mr. Rick Dykstra:** I have no more to add.

**The Chair:** Mr. Calandra and then Ms. Chow.

**Mr. Paul Calandra:** Thank you, Mr. Chair.

I'll just remind the honourable members opposite that the previous motion said no one will be deported to Sri Lanka. It made no mention of criminals or people who are convicted. This motion as amended says people "who have been convicted" of serious crimes. I've taken the suggestions of the members opposite. The amended motion says "convicted". Apparently Mr. Wrzesnewskyj, as he mentioned, supports the courts, so clearly if the courts have—

**The Chair:** I don't see the word "convicted" in here.

**Mr. Paul Calandra:** It's in the amended motion, as amended by Mr. Dykstra.

The members opposite have mentioned that they support the courts. Clearly, if somebody has been convicted of a serious crime in Canada or has been convicted of war crimes, then they should not be allowed to stay in the country. I can't imagine how the members opposite can suggest by any rational means that somebody convicted of a serious crime in this country or convicted of a war crime should be allowed to roam the streets of Canada. It defies logic, to me, that I have to go back to my riding and tell the people in my riding who are begging me to find a way to remove this particular gentleman, who was....

Mr. Chair, criminality issues might not be a serious thing to the members opposite, but if they would pay some attention, or at least keep their noise level to a minimum, I'd be appreciative.

It defies logic, to me, that the members opposite would not support a motion that would see people convicted of the worst crimes sent back to their home, to Sri Lanka. Why should I then have to go back into my riding and explain to the Tamil business people that this type of gentleman will be allowed to stay in Canada, that he—in this instance—will not be deported back to Sri Lanka? He will be walking the streets, because the previous motion said no one,

under any circumstances, will be sent back to Sri Lanka. That's what the previous motion said, Mr. Chair: no one will be convicted, or—

**Mrs. Alexandra Mendes:** That's not what we said. We did not say convicted, but deported.

**Mr. Paul Calandra:** —no one will be deported to Sri Lanka.

**Mrs. Alexandra Mendes:** I'm sorry, but there's a difference between convicted and deported. Mr. Chair, if a person is convicted in Canada, the person is sent to prison.

**Mr. Paul Calandra:** I have the floor.

The previous motion that we talked about said that no one will be deported to Sri Lanka. It doesn't matter whether they're convicted of a serious crime. It doesn't matter whether they've gone into your riding and killed people; they will not be deported to Sri Lanka. I think that is a real, serious problem and not something that this committee should have sent to Parliament in the first place. It's not a signal that we should be sending to Canadians, that this committee will protect people convicted of serious crimes. I think it's something we have to address. We have an opportunity to do it. Let's just do it and show Canadians that we're serious, that we agree with our court system, that we agree with the IRB, and that we will stand up for law-abiding Canadians who don't want to be frightened as they walk the streets. How difficult is that?

Why should I not go back to my riding and say that the members opposite don't care that the people who have been extorting your businesses should be allowed to still roam the streets? I'm suggesting that we change the motion to reflect that people convicted of crimes go back. It's not a very difficult concept. Do we now, then, go back and say let's go to the justice committee and let's open the prisons again, because people should be roaming the streets; in the immigration committee, if you're convicted of attacking someone with a meat cleaver, we'll let you walk the streets. No problem: you're not going to be deported—but if you're convicted of something else, we'll put you in jail.

Consistency is extraordinarily important. I think it's very important that all Canadians understand that we perhaps didn't take as much time thinking about the previous motion as we should probably do right now. Show them that we're very serious, and let's move on with this. I don't see how this could be a difficult point.

● (1045)

**The Chair:** We have a little more than 12 minutes. Just so that the chairman is clear, the amended motion by Mr. Dykstra says:

That in the opinion of the committee, the Government of Canada should continue to deport individuals to Sri Lanka who have been convicted of serious crimes or have been convicted of war crimes; and that the recent motion passed by this committee be withdrawn; and that the committee add these recommendations as a report to the House; and that, pursuant to Standing Order 108(1), the chair present it to the House.

Ms. Chow.

**Ms. Olivia Chow:** Mr. Chairman, there's a humanitarian tragedy happening in Sri Lanka. There's a war going on. Seventy thousand people have died and tens of thousands of civilians are trapped in the war zone. Last time I looked, there were 200,000 civilians trapped. They have no food and they are being bombed. They are in desperate shape. There are at least 61,000 Tamils trapped in camps. There is a discussion about whether food can actually get to the camp. International aid agencies and rights groups are saying that the situation in Sri Lanka is desperate.

What we should be doing in this committee is talking about how we could help some of those people, especially if they have loved ones in Canada, and how we could get them out of the war zone to come to Canada to seek some safety in a safe haven. That's what we should be talking about here. That is what the motion in front of the House of Commons right now is all about. It is talking about finding ways to expedite matters for people who may have relatives in Canada and bringing them here as fast as possible. If they are refugee claimants, let's find some ways to bring them here to Canada, because every day and hour that we delay, they are dying in Sri Lanka. That is what we are talking about.

I am sorry, the reason I get excited about this is that it says here that the recent motion passed by this committee be withdrawn. I'm not going to withdraw that motion, because it talks about bringing people who are facing death and starvation into Canada. I fully support that motion, because sending people to their deaths when we can do something doesn't meet my moral standard. I want to find some ways to get the folks here. I'm not going to withdraw any motions in front of committees, because the situation in Sri Lanka is totally desperate right now.

I wasn't going to go into that big speech. I was just going to talk about some of the service issues on this motion, but since we're getting into the debate, I'm going to talk about what's happening in Sri Lanka and what's happening in the Tamil community. There's a really desperate situation and a humanitarian crisis there. I think we should find some ways to help these folks rather than worry about... If the person is a serious criminal, you know what? That person is going to get deported anyway.

I don't know why we have been caught up for 25 minutes in dealing with this. We do not like criminals. If they are convicted of a serious crime right now, they should be in jail. They're not roaming the streets in Toronto or anywhere in Canada if they are serious criminals. They're in jail. I hope they're in jail; they shouldn't be out on the streets. If they're out on the streets, that's a totally different issue. That's a justice issue. It's not really an immigration issue. If they are serious criminals, why are they out on the street?

What are we talking about here? Criminals should be in jail.

• (1050)

**The Chair:** I have four more speakers. The chair is really doubtful that we're going to finish this today, so while we're continuing on with Ms. Mendes, who is next, I would like the committee to think about when you'd like to continue with this debate.

Go ahead, Ms. Mendes.

**Mrs. Alexandra Mendes:** Mr. Chair, I won't take very long. I'll just say that Ms. Chow is perfectly right. Criminals do not roam streets in Canada. They end up in prison if they're convicted.

The motion we passed on March 3 does specifically mention the reunification of families who are stranded in the war zone, so I'm not in any way prepared to withdraw that motion and to vote on this one. Perhaps we should move along and just vote on it.

**Mr. Paul Calandra:** If we could call the vote, I'm fine with it. If it could be a recorded vote, Mr. Chair, I'd appreciate it.

**The Chair:** I don't see any objections to that. There's an amendment and then there's the motion, so we're going to vote—

**Hon. Maurizio Bevilacqua:** Can we make brief comments on this?

**The Chair:** I'm going to continue on with the list, if you want to make.... I have Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** It is becoming repetitious. There are a number of problems with this motion. It is a sloppy motion—I hate to be so blunt. There are four issues here. It forces the committee to withdraw a motion that was passed and is before the House. There is not just a procedural problem with that, but the previous motion dealt with humanitarian issues. I seriously doubt we would want to do that.

The next problem is, established by whom? We assume, but the amendment doesn't make it clear, that it would be Canadian courts.

Mr. Calandra, the mover of the motion, keeps talking about and referring to the IRB. These are very serious crimes. We can't have anything other than courts establish whether someone is a criminal of that type.

And then finally, Sri Lanka is a country in which there isn't a black and a white. Both sides have committed war crimes, and there's a tremendous difficulty. To whom do you return people who have been established by the Canadian court system to be war criminals? What would be the justice meted out to someone who participated with the army in engaging in war crimes, and what is the justice they would face if they were with the Tamil Tigers and had committed war crimes?

That's the final, fundamental issue here: Canada has always been careful not to deport to countries in which we have absolutely no confidence in the justice systems in place at the time.

**The Chair:** We have five minutes.

Madame Bonsant, and then Mr. Shory.

[*Translation*]

**Ms. France Bonsant:** I will not speak for five minutes. The Bloc Québécois will vote against this amendment and this motion. I believe that it is not an immigration matter. As you are speaking about justice and not immigration, the matter should be referred to the Justice Committee.

[*English*]

**The Chair:** Thank you.

Mr. Shory.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair.

It's true and it is very sad that the situation in Sri Lanka is devastating, there is no doubt. It's also true that criminals should be in jail. But I believe there is a procedure such that you cannot keep anyone, for any indicted offence, in jail for their whole lifetime. The offender has to come out of jail.

What Mr. Calandra is suggesting—I believe he is trying to convince the committee—is that the last motion we passed simply says that no one should be deported. It does not address the issue of criminality at all. He's trying to convince the committee that we should fix our mistake, if we have made one.

I would say that under no circumstances will Canadians allow us as their representatives, as parliamentarians, to allow criminals to roam around on the street. We need to have our Canadian streets safe and secure. As Mr. Calandra mentioned, criminals with offences such as stabbing or killing someone.... Under the Immigration Act there is a procedure. If someone is convicted for an indictable offence, the IRB takes a position and they commence the proceedings for deportation. Just by passing the motion previously that no one should be deported, basically we are sending the message to the IRB that notwithstanding the criminality, notwithstanding the jail time, we should not be deporting anyone.

Thank you.

● (1055)

**The Chair:** I want a vote on this.

You're right, if you want to discuss it, but we're not going to be able to vote if you keep talking.

Did you want to say something, Ms. Wong?

**Mrs. Alice Wong (Richmond, CPC):** My question is, Dave, what would happen to those now in jail who are from Sri Lanka and, according to our immigration, will be deported if they are not Canadian citizens? The motion we passed last time would give them the opportunity to stay. It might override our immigration policy.

**The Chair:** All those in favour—

I'm sorry, Ms. Wong.

**An hon. member:** Let's have a recorded vote.

**The Chair:** There is a recorded vote. Call the roll, Mr. Clerk.

(Amendment negated: nays 6; yeas 5)

(Motion negated: nays 6; yeas 5)

**The Chair:** We'll see you on Thursday at nine o'clock sharp. This meeting is adjourned.

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