



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 019 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, June 2, 2009

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Chair

Mr. David Tilson

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• (0905)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning, ladies and gentlemen. This is the Standing Committee on Citizenship and Immigration, meeting 19, Tuesday, June 2, 2009. For the orders of the day, we will have, I hope, a brief time for committee business in public session and we will then go in camera and discuss the report on the ghost consultants and migrant workers.

One of the issues I consider serious was the two witnesses who didn't appear at our last meeting, so I'm going to ask the clerk to give a report. The subcommittee has heard something about this, but I think we now have the final story, and perhaps the clerk could tell us what happened.

The Clerk of the Committee (Mr. Andrew Chaplin): Sir, I'll just go into the two organizations the committee was expecting to hear during the second hour of last Tuesday's meeting. The Caregiver Resource Centre, in the form of Terry Olayta, was to have appeared. Ms. Olayta was involved in a difficult case and did not check her e-mail, and having agreed to appear, she did not pick up the confirmation of appearance, so she never even embarked for Ottawa from Toronto. She asked what she might do to get her views before the committee. I told her she may not get a chance to appear and suggested she make a written submission.

In the case of the other organization, PINAY, Madam Calugay and Madam DeVeyra were staying at the Crowne Plaza Hotel that Tuesday, and while they were there, as I understand it from the front desk, there was a fire alarm and they wound up having to evacuate. I suspect this may have separated them from the materials they might have used to brief the committee.

More importantly, I followed that up with Ms. Chow's office, and they sent me a report that they'd been in touch and said they'd been barred from entry at some point. I then contacted the chief of security and asked him to have someone investigate. Watch Commander Bob Buss directed an investigation. It took them a while to get back to us because the constables who were on that morning were not back on duty for a couple of days. In this case, they found that the constables did remember them presenting themselves. The constables report they arrived between 11:30 and noon. They had no information about the committee they were to attend, the hour of the committee, nor had they a contact person. They verified the information—they have software to support security operations called Site-Secure—and they found they issued a pass to the pair at noon last Tuesday. So as far as security services can tell, they did not get on the Hill until well after the committee had adjourned.

• (0910)

The Chair: There's always something new going on.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thanks, Mr. Chair.

That's the same reaction the clerk got when he told us that tale in our steering committee meeting...a little bit of disbelief and a little bit of laughter. In any event, the fire turned out not to be a fire. It turned out to be a false alarm, so we are all happy they are safe.

It does lead me to a more serious note. I understand we're going to spend a couple of...do you need a motion, or can I just go ahead?

The Chair: I don't know where you're going, but go ahead.

Ms. Olivia Chow (Trinity—Spadina, NDP): On a point of order, are we dealing with the fourth report?

The Chair: At this point, I assume that Mr. Dykstra is going to comment on the witness issue, and then next we'll have a motion to adopt the subcommittee report.

I assume he's going to talk about the witnesses.

Mr. Rick Dykstra: You're correct, Chair.

I just wanted to make sure that I wasn't stepping out of turn here in terms of commenting before the report had actually been motioned onto the floor.

The fact is that we spent a good deal of time dealing with the issues around live-in caregivers. We were able to pull a previous report regarding ghost consultants, because we actually couldn't get any to appear here, which leads me to what I think is the bigger issue surrounding this whole report.

I actually think when we've completed the report, hopefully at the end of the week, we'll have a reasonable piece of work for you to forward in the House of Commons. That said, we invited, through the clerk's trying, anyway, a number of people to come to this committee. There was a witness list provided. Those witnesses were contacted. Those who did show up certainly provided good testimony. I don't think there was a witness who didn't provide us with some reasonably good advice that will probably end up in this report. However, we had a number of people who just simply declined, who said they weren't going to come. They weren't going to participate. They weren't going to be included. In fact, Ms. Dhalla's brother, who she's indicated has full accountability and responsibility for the issues that took place in their home, was called repeatedly. He was faxed a memo to respond to, confirmation that in fact was found.

There was one e-mail returned by Mr. Dhalla, who simply said he was too busy to come to the committee. This is the first time in the three and a half years that I've been here in the House of Commons where we actually had witnesses who decided it was better for them not to appear for whatever reason. Some of them couldn't find the House of Commons, I guess. Some of them had fire alarm issues. But I can tell you, the closer we got to the issues at hand, the more it became—certainly from my perspective—difficult for people to actually want to show up here.

It's a serious and significant issue. I'd like to think it would be one of the reasons we have witnesses here, because they can actually give testimony and provide sound advice as to what's happening.

Ms. Dhalla herself showed up here to defend herself at committee. I think it was certainly very reasonable for her to do that. There's a lot of conflicting testimony about what happened in the Dhalla home. That's not for us to research anymore, and I understand that. But I'll tell you, the fact that she came says a lot about at least her perspective and seriousness on the issue. It doesn't speak very well for her family, and certainly not for her brother, who could have easily come to this committee. His flight would have been paid for and his accommodations would have been taken care of. He could have easily shown up here to do what everyone else did, everyone else who showed up, anyway, to at least provide an accounting of what had happened and perhaps some advice—I'm not sure how much advice—as to how we would envelop the issue into the report.

We had other witnesses, witnesses who were called repeatedly and either did not respond to those calls, didn't respond to those concerns, didn't respond to those invitations, or said things like, "Well, I'm not going to come unless I can bring my lawyer with me." That is, from my perspective, a significant concern when we have people who are being requested to come. Once they're here, certainly their testimony is public, but in terms of the approach we took here, everyone came under the assurances that they would be treated fairly, and they were.

When witnesses say they're sorry, that they'd like to appear and they'll come and appear but they need to have their lawyer with them, I would like to know why we have witnesses who are so concerned about an issue we're studying that they won't come to appear before the committee, at the House of Commons, because they can't have their lawyer with them.

So while I'm looking forward to getting in and completing this report, I certainly do want to say for the record that I'm disappointed. We're disappointed. Regardless of the perspective that anyone would have taken coming to this committee, whether they're pro or con, whether they're in support of or not in support of, to me, that's immaterial to the fact that we had a number of people who made the determination that they just simply didn't want to come.

• (0915)

I think that (a) it's unacceptable and (b) it certainly will not allow us to produce the quality of report that we might have based on the evidence and testimony that would have been delivered.

The Chair: Ms. Chow.

Ms. Olivia Chow: Thank you, Mr. Chair.

I assume we are dealing with the fourth report of the steering committee. The report directs us—

The Chair: Well, Ms. Chow, you're right. I did undertake that we would be asking for a motion to approve or adopt the fourth report, but at this point I had invited the clerk to make some comments on witnesses. Mr. Dykstra had some comments about witnesses.

Ms. Olivia Chow: I assumed you moved the motion.

The Chair: If you have any comments about witnesses, we will deal with the report after that.

Ms. Olivia Chow: Technically, Mr. Chair, the report needs to be moved so we can comment.

The Chair: No, we're not there yet, Ms. Chow.

Ms. Olivia Chow: But we are in fact commenting on the report, because it's about the witnesses. I want to comment on the witnesses.

The Chair: All right—

Ms. Olivia Chow: It has to be in front of us.

The Chair:—whatever it takes to keep everybody happy. You move that the fourth report be adopted. Is that your motion?

Ms. Olivia Chow: Yes, and then I have a minor amendment.

The Chair: All right.

Ms. Olivia Chow: I'll talk about the amendment in a minute.

Because it's something that has been put in front of us for us to speak to, I want to talk about the witnesses.

Mr. Chair, it is regrettable that we cannot hear from the other caregivers' advocates who have submitted their names, from all over Canada, whether it's Vancouver, Montreal, or Toronto. I know that this committee was able to listen to quite a few of them. Some of their stories are heartbreaking. It is unfortunate that people would turn down an opportunity to appear at this committee so that more of the information we seek would be in front of us.

Given that there is a summer adjournment coming on June 23, if we attempt to seek.... I guess the clerk has tried for three weeks, leaving messages, and has not gotten a response. I believe the committee could have subpoenaed, but I think that would just escalate it into a show—I hate to use that word—which would probably not be productive for this committee.

Even though there are other caregivers and other applicants who want to come to the committee to speak on the migrant issues, reluctantly I would support this point that we go to the report that is in front of us and deal with it in camera for the next two meetings, and that on June 9 we would hear from the Minister of Citizenship and Immigration on the supplementary estimates. There is a timeline on that. I believe we have to deal with that prior to June 23, and it's our committee's duty to have the minister in front of us to deal with the supplementary estimates.

On the other item in front of us, Bill C-37 and the Citizenship Act, it's an issue on adoption in regard to the second or third generation of Canadians born of Canadians and whether they would be able to maintain their citizenship. I know there is a lot of interest in this, so I have no problem dealing with that issue just prior to our break.

But having said that, I want to move an amendment—

• (0920)

The Chair: We have a problem. If you're going to ask for some changes and some amendments, someone else should move that the report be adopted. Then it's in order for you to amend. I don't think you can amend your own motion.

Ms. Olivia Chow: Okay.

The Chair: Does someone else want to move that motion?

Mr. Rick Dykstra: Mr. Chair, I'll move it.

The Chair: It's moved.

What do you have to say about amendments?

Ms. Olivia Chow: The amendment is that the clause-by-clause consideration of the refugee appeal division private member's bill be done on June 11, prior to the end of this session.

It is a practice that we give acknowledgement and courtesy to a private member's bill that is in front of the House of Commons. The second reading passed in the House a few months ago, and it's only fair that we deal with this private member's bill on the establishment of the refugee appeal division before the end of this session. The House of Commons has voted on this matter at least twice, as I recall, in two parliaments.

That's my amendment. I don't think I need to go into details as to why it's important.

The Chair: I have—

Ms. Olivia Chow: We understand that we either support it or don't support it. It's one clause, and it wouldn't take that much time.

The Chair: I have Ms. Thi Lac, and then I have Mr. Dykstra.

[*Translation*]

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Regarding the witnesses that you would like to summon, Ms. Chow clearly spelled out the proper procedure to follow to summon witnesses to appear. However, I would just like to say that I found Mr. Dykstra's comments amusing because when I sat on the Public Security Committee in the last Parliament, we summoned several government witnesses to testify during our examination of the Couillard affair, and they failed to show. Also, when the Access to Information, Privacy and Ethics Committee probed the in-and-out scheme, a number of individuals who had been summoned as witnesses were no-shows. I just wanted to let you know that witnesses regularly disregard summonses to testify before a House committee.

Thank you.

[*English*]

The Chair: I think someone has commented on that, indicating that the committee has the capability of subpoenaing or summoning the witnesses. If they still don't show, I think we have to then go to the House of Commons, and the House of Commons either has to ignore it or take some sort of action. That's my understanding of the process.

My view, as chairman—and Mr. Dykstra saved me from going on a rant. I'm not going to name people, but all I know is that members of this committee asked for, and provided lists of, witnesses. But

there are at least five, and maybe six, witnesses who completely disregarded the calls of the clerk to come to this committee and provide testimony on a very important issue we're studying.

Mr. Dykstra mentioned some of the reasons that were given to us. All of them, in my view, are unacceptable. So I find this process where we're saying, "Oh, well, it's okay", outrageous. However, I'm in the hands of the committee, and the subcommittee has recommended that we proceed with the report. We'll see what happens on the vote.

Mr. Dykstra.

Mr. Rick Dykstra: On which vote?

The Chair: Well, you had your hand up that you wished to speak on your motion and Ms. Chow's proposed amendment.

Mr. Rick Dykstra: I just want to get some clarification, because we did have a vote at the steering committee on this issue and spent a lot of time dealing with it there. Ms. Chow sits on the steering committee and in fact took part in that discussion.

So I would like to get from the clerk.... I wonder, procedurally, if

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• (0925)

The Chair: I find the amendment to be in order.

Mr. Paillé.

[*Translation*]

Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ): We will of course be supporting the NDP's motion, even though it would have been such simpler if they had supported us from the very beginning. We will be supporting the NDP's motion.

[*English*]

The Chair: Okay.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): If I may say, regarding the fourth report, the fact that we have a schedule from June 2 and 4 and that we're actually going to be doing the consideration of report implies to me that we're obviously not going to hear any further witnesses on this issue.

While your comments are duly noted, it's an issue that not just you, as chair of the Standing Committee on Citizenship and Immigration Committee, needs to look at, but also all other chairs who have been—

The Chair: Well, sure, this isn't a new issue. It's happened in other committees.

Hon. Maurizio Bevilacqua: Yes, it's not a new issue, and I think it's better dealt with by the Standing Committee on Procedure and House Affairs and with the leadership of all parties, who need to understand that this is an issue that needs to be addressed.

Having said that, have we now approved the fourth report?

The Chair: No. There has been a motion made by Mr. Dykstra to approve or adopt the fourth report. There's been an amendment proposed by Ms. Chow to deal with the clause-by-clause issues of Monsieur St-Cyr's private member's Bill C-291. So that's where we're at now. If there's no more debate, we will vote.

Monsieur Paillé.

[*Translation*]

Mr. Pascal-Pierre Paillé: I would like the vote on the motion to be a recorded division.

[*English*]

The Chair: We're voting on the amendment. What were you suggesting be dealt with on June 11, Ms. Chow? Is that what your amendment is on June 11, before Bill C-37?

Ms. Olivia Chow: Yes.

The Chair: The amendment is that clause-by-clause consideration of the establishment of the refugee appeal division private member's bill be done on June 11, prior to the end of this session.

(Amendment negatived: nays 6; yeas 4)

(Motion agreed to)

[*Proceedings continue in camera*]

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

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

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