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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 number 26. It is Tuesday, October 6, 2009, and the orders of the day are pursuant to Standing Order 108(2), a study of plans and priorities of the Department of Citizenship and Immigration. We have before us today as a witness the Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism.

Good morning, Minister. You have three of your people with you today, and I'm going to ask that you introduce them when you're making your comments. You may begin. Thank you very much for coming.

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism): Thank you, Chairman, for having me.

Dear colleagues, it's great to be back at committee. I'm joined by our new deputy minister, Neil Yeates, who's joined us from the Department of Indian and Northern Affairs Canada. He has gotten right into our big and complex files. I'm also joined by our new deputy minister of strategic programs and policy, Les Linklater, and our old DM for operations—I mean in the sense of veteran—the ADM, Claudette Deschênes, who we rely on for her expertise and for all of the operations around the world in our many offices.

When I appeared before the committee in June, Mr. Chairman, I explained how our action plan for faster immigration was paying off. Today I am pleased to inform the committee that we continue to make important progress. You may recall that in 2008 Canada accepted more than half a million newcomers, including permanent residents, temporary foreign workers, and international students. We also granted citizenship to more than 176,000 new Canadians. You may also recall that our backlog in the federal skilled worker category, which had reached more than 600,000, had dropped to roughly 515,000 by the end of last year. That was a significant drop of 15%.

Mr. Chairman, as of the end of August this year, this backlog has dropped even further to a little more than 432,000, a reduction of more than 30% since a year ago. We're committed to a strong immigration program that balances Canada's economic, humanitarian, and family reunification goals. We're planning to welcome between 240,000 and 265,000 new permanent residents this year. While many other countries have cut back immigration levels as a short-term response to the global economic downturn, we are actually maintaining very ambitious levels in response to our

country's medium- to long-term economic needs and indeed our demographic challenges.

I'd like to update you on some of the things we've done, but it's always worth remembering that since coming to office, we've made some important progress. We're cutting in half the right of landing fee and tripling federal investment in settlement and integration services outside Quebec.

[Translation]

That has always been very well [Inaudible—Editor] in Quebec.

[English]

My department has also made progress on foreign credential recognition. Indeed as you know, the Prime Minister reached an accord with the premiers in that respect. I think we'll have exciting announcements to make later this fall in that regard.

Mr. Chairman, since becoming minister almost a year ago, I have also become increasingly concerned by the growing backlog in—and indeed the abuse of—our asylum system. Some people have suggested that the backlog of refugee claims, which now is an inventory of 60,000 claims pending at the IRB, is a result of unfilled Governor in Council appointments at the Immigration and Refugee Board.

As my colleagues here know, the GIC appointment process to the IRB has twice been modified since 1997. Every time there is a modification in the appointment process, there are delays in appointments as a natural result.

[Translation]

I should point out that I have personally made 51 of those appointments and 19 reappointments to IRB positions, and now the Board stands at more than 94% of its full complement of its Governor in Council members.

[English]

The current situation is far more complex than just the number of decision-makers at the IRB. Between 2006 and 2008, there was a 60% increase in the number of refugee claims filed in Canada. As I indicated, that growing backlog reached 61,000 this summer. This government inherited about one-third of that backlog, about 20,000 cases, when we came to office in 2006. Another one-third, about another 20,000 cases, were the result of delayed appointments as a result of the transition to the new merit-based appointment system, which I think is working pretty well.

But at least one-third of that 60,000-case backlog before the IRB is the result of the growth of claims above and beyond the capacity of the IRB to process. Even at full capacity, full appointments, full budget, the IRB can only finalize about 25,000 asylum decisions a year. Last year we received 37,000 claims above and beyond the IRB's maximum capacity of 12,000 claims. Clearly at that rate the backlog will continue to grow, and so will wait times.

The government's decision this past summer to require visas for all citizens of Mexico and the Czech Republic entering Canada was based on hard facts and demonstrated the need for action. It was not an easy decision, but in my judgment it was in our national interest. For example, almost one in four of the asylum claims in Canada last year came from Mexico, yet the IRB determined that only about 11% of those claims were well founded. That means that a growing number of asylum claimants are not in need of Canada's protection, based on the numbers we've seen.

The acceptance rate of claims at the IRB currently is in the range of 44%, yet an unsuccessful claimant who is determined to game our system can stay in Canada for several years with a work permit and our social assistance. That fundamentally undermines the fairness of our immigration system. For a legal immigrant waiting to come from Mexico, for instance, through the federal skilled worker program, it's fundamentally unfair to have to wait four to five years and see someone simply jump off a plane, make an asylum claim, and get a work permit even though the claim is not well founded.

[Translation]

Since we began requiring visitors from Mexico and the Czech Republic to obtain a visa, the number of refugee claims has slowed to a trickle. In the two and a half months since the visa requirement took effect, there have been only 17 refugee claims at ports of entry from Czech nationals compared to 831 claims in the same period leading up to the visa imposition. Similarly, in that period, claims at ports of entry from Mexican nationals have fallen significantly to 35, down from 1,287 in the two and a half months before the announcement. Prior to the imposition of visas, Mexico and Czech refugee claims accounted for almost 50% of the total number of claims made at ports of entry. Since we imposed the visas, only 6% of claims were made by nationals of those countries. We've managed to stem the tide a bit with visas on Mexico and the Czech Republic. But I think we can all agree that visas are a blunt instrument and not the ideal solution. I think we need to reform the asylum system.

• (0910)

[English]

Since we began requiring visitors to first obtain a visa for Mexico and the Czech Republic, the number of claims has slowed to a trickle. I won't review in English what I've just said in French, except to say that obviously visa imposition is a last resort. It's not something we prefer to rely upon, but to protect the integrity of our immigration system we need to look at reforms to the refugee asylum system.

The committee has Bill C-291 before it, which I acknowledge is inspired by very good sentiment and a desire to ensure a full and fair appeal for refugees. And as the committee knows, the government supports, in principle, the idea of the implementation of a refugee appeal division.

[Translation]

However, that applies only in the context of a more efficient system. We can't add another appeal level to a system that in some instances takes years to turn a false refugee claimant away at the border.

[English]

To summarize, I look forward later this fall to bringing recommendations to the committee and the House on how we can streamline and improve our asylum system so it is more balanced—a system that will fully respect rights, due process, charter rights, and our international obligations to asylum claimants, but will also ensure that we protect the integrity of our immigration system and that it does not take years to remove false claimants who abuse Canada's generosity.

[Translation]

Mr. Chairman, I'm available to answer the questions of all members; my senior officials are as well. Thank you very much.

[English]

The Chair: Thank you, Mr. Minister, for your presentation.

Mr. Bevilacqua, you have some questions of the minister.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Thank you very much, Mr. Chairman.

Mr. Minister, welcome once again. Thank you for your comments on your planning and priorities. I would also like to congratulate Mr. Yeates and Mr. Linklater on their appointments. It's a fun department, I understand, and there's a lot of work to do. I'm sure that as public servants you will excel, as do many public servants in this country.

I want to pick up on the points raised by the minister on the issue of the refugee system and its reforms. As you know, this is an area I've raised in question period and in discussions with you. I believe it is of vital importance to the integrity of Canada's immigration system, and I would very much like to see this package presented to the House as soon as possible.

One of the concerns I believe we share is that it takes far too long for the status of refugees to be determined. That has to change. By the same token, I also don't want the reform package to be slow getting in. That would not be a very good start if we're trying to speed things up. So I'd like you to elaborate on that point.

We're also dealing with Bill C-291, so I wonder if you have any advice on the issue of an appeals division, and whether or not your package includes an appeals division that would alleviate some of the concerns we share here in committee.

● (0915)

Hon. Jason Kenney: I thank my colleague for those questions, Mr. Chairman.

I agree with him. I think there is some degree of urgency to this. As the Prime Minister indicated when he was in Mexico in the summer, when we had to impose these visas, our foreign partners in Mexico and the Czech Republic, and more broadly in the European Union, said to us that we have created a pull factor, as we call it in immigration policy, in Canada. It is the pull factor of an asylum system that is too easily abused. When people know they can come here and get a work permit to find good jobs and/or social benefits, and that it could take years to remove them if ever they're found to have filed false claims, it incents abuse of the system. That's why the Prime Minister said that this is a real problem and that we have to deal with it and do so promptly.

I can tell you, Mr. Chairman, that I'm working very diligently with my officials and cabinet colleagues on this, and I hope that we can, as I indicated, come forward with a very robust package. I'm not going to put a timeline on it, but I'm certainly working at light speed in this regard.

Mr. Chairman, under the current system, it's taking over 18 months for a claimant to get a hearing at the IRB—18 months. Now, if that claimant gets a hearing at the IRB and is found not to be a refugee claimant—the person, for whatever reason, doesn't meet the definition of an asylum claimant—he or she can then seek leave to appeal to the Federal Court. That takes several months. If leave to appeal is not granted, or if it's granted and then denied—if the application for a judicial review is denied—the person would then typically make an application for a pre-removal risk assessment. That takes several months to process. If that's then denied, often the person will then seek leave to appeal to the Federal Court on the negative PRRA decision. That takes several months. If the court refuses to grant leave to appeal or denies a judicial review of the application, then typically someone will make an application for permanent residency in Canada for humanitarian and compassionate reasons, including an assessment of risk, which is, in a certain sense, a second refugee claim. It's a second assessment of the risk they would face if returned. That now is taking.... How long is it at H and C? It's taking 18 months at H and C. If people get a negative H and C decision, they can then seek leave to appeal to the Federal Court, which is several more months. If that is rejected, it just continues.

That track alone—those three, or actually six, decision points, three in the system and three at the Federal Court—takes about three and a half to six years, in range, to process before people can be removed. Then, once they get into the removal queue, we often have very serious problems getting travel documents from various countries from which these people have come to Canada. Consequently, very frequently we end up with false claimants who are able to stay in Canada for four, five, or six years, by which time they are very frequently in a position to demonstrate that they're so integrated into Canada that we make a positive humanitarian and compassionate decision on their application for permanent residency.

This is a broken system, and it needs to be streamlined. Quite frankly, if we now add the RAD into that current system, we're adding another—how much do we estimate?—four or five months to the process. There are already ample opportunities for reviews of a case. No one, in principle, is returned to a country where they face risk, because of the PRRA. They get a risk assessment at the H and C. They get all these points of access to the Federal Court. That's why the UN High Commissioner for Refugees says we have one of the most robust asylum systems in the world.

To add yet more time to that sort of four-year, on average, time span, in my judgment, doesn't do any benefit to the system. That's why we need to streamline the system, make it move faster, get faster first instance decisions so we give protection to real refugee claimants much more quickly, and, I would hope.... I cannot give you a commitment because I'm not in a position to make a presentation to Parliament, but I would hope that a reformed system would include a proper appeal process on the merits of the case at the IRB.

● (0920)

The Chair: Thank you.

You have only 30 seconds.

Hon. Maurizio Bevilacqua: Your role is citizenship and immigration, obviously. I have a question on citizenship. You've been making quite a few statements in reference to Canada's citizenship. On page 33 of your RPP there's also....

What changes to the citizenship program do you envision? Your report on plans and priorities indicates that one subactivity of multiculturalism, "Canada's Action Plan Against Racism", is coming to an end on March 31, 2010. Are there any plans to renew this program, and is there going to be any funding available?

Hon. Jason Kenney: With respect to citizenship, we have a multi-phased review of the citizenship program to invest more meaning into the whole citizenship process. The first step will be a revised study guide for the citizenship test to include greater knowledge about Canadian history, democratic traditions, etc. I hope we'll be in a position to release that fairly soon this fall. We are also working with the commission and interested parties like the Citizenship Institute, founded by Mrs. Clarkson, to look at more meaningful ceremonies. Those are the kinds of things we're doing in terms of the citizenship program.

In terms of the action plan against racism, it was created as a sunset program by the previous government. We've implemented it. I think we had a \$52 million budget over three years, and it's coming to an end. We'll review the program and assess how effective it has been.

The Chair: We have to move on, Minister.

Monsieur St-Cyr.

[*Translation*]

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

I have a number of questions for the minister. I probably have enough for an hour, but I doubt the Chairman will grant me that. So I'm going to try to get to the point.

I'd like to talk to you once again about the use of French at the Immigration and Refugee Board in Montreal. You remember a case I've spoken to you about on a number of occasions in recent months in which a lawyer and his client were denied the right to obtain evidence in French, even though they managed to change the language of the proceedings to French following a long battle.

At the time, you told me that the decision was being made and that you didn't want to interfere in a trial, as it were. Personally, I wasn't satisfied with that answer. Without trying to influence a judge, you could at least have influenced your colleague at Public Safety and asked him to have the Border Services Agency agree to proceed in French since it was one of the two parties before the court.

A judgment has been rendered, and the board member has completed his work. In our opinion, and in that of all those who defend the French language in Quebec, that judgment has set a dangerous precedent. Board member Dumoulin, in his explanation of his refusal to have the evidence translated into French, said that the lawyer did not demonstrate that his client had suffered any prejudice as a result of the fact that he was unable to obtain the evidence in French. In my opinion, that's unacceptable. In English, they say rights are rights are rights. If you have a right to proceed in French, you have a right to that. You don't have to demonstrate any kind of prejudice.

The ball is clearly in your court because now a political decision has to be made. The lawyer in question, Mr. Handfield, has filed an appeal with the Federal Court solely on the French issue. In Federal Court, it will be Justice Canada lawyers who represent you personally, Mr. Kenney, Minister of Immigration, and not the representatives of the IRB.

What instructions will you be giving your counsel? Will you tell them to fight to uphold the decision of Board member Dumoulin or to concede the dispute to Mr. Handfield?

Hon. Jason Kenney: Thank you for your question.

First, I want to assure you that the IRB is determined to offer its services in both of Canada's official languages. I spoke about that with the chair of the IRB, who confirmed for me that the Commission has an obligation in that regard. On March 16, a board member in the Immigration Division rendered a decision to the effect that the language used for proceedings in this investigation would be changed to French.

The board member in the IRB's Immigration Division ruled that the documents that had previously been filed would not be translated since the CBSA, that is the Minister of Public Safety, had met his obligation under subsection 25(1) of the Immigration Division Rules to submit documents in the language of the proceedings, which was English at that time. In other words, both lawyer and client initially accepted English as the language of the proceedings. That's why the board member directed that every document subsequently filed in evidence had to be provided in French or translated into French, the new language of the proceedings.

As the IRB is a quasi-judicial tribunal, I am limited in my comments. However, Mr. Chairman, I can say that all the rules have been followed. From the moment the client and his counsel requested a change of language, all documents had to be filed in French, but as the language at the outset was English, the documents were in English.

• (0925)

Mr. Thierry St-Cyr: Minister, the problem is that, when people arrive in Canada and file a claim, the Border Services Agency in Montreal systematically opens the files in English. Even if a lawyer asks, at the first opportunity, that the language of the proceedings be changed, it is already too late. According to board member Dumoulin's decision, it is at the moment when the government files the documents that the language of the proceedings applies. When the agency prepares its case, it does so in English. When the lawyer is assigned the case, the material is already prepared.

Fundamentally, one can wonder about the appropriateness of systematically opening the files in English. Shouldn't the default language in Montreal be French rather than English? In the case before us, the person spoke neither French nor English. The proceeding could very well have been conducted in French. The agency employs a lot of francophones, and they should have the right to work in French most of the time. In Montreal, the use of English should be the exception, as that of French is in Toronto.

That's one problem, but I have a more specific question to ask you. As minister, you'll have to instruct the Justice Canada lawyers who represent you in the Federal Court appeal. Are you going to tell them to fight to uphold the decision of board member Dumoulin and that you want to retain the restrictions on the use of French, or are you going to tell them to concede the appeal, that Mr. Handfield is right, that board member Dumoulin's decision creates a dangerous precedent, which is unacceptable, and that prejudice will have to be proven?

Hon. Jason Kenney: Mr. Chairman, I'm going to inquire about that. Lawyers often decide to appeal a decision under the provisions of an act and precedents. They do so for complex reasons. I don't monitor the thousands of cases before the courts involving my department. I'm not a lawyer, and it is therefore impossible for me to deal with the details of all the proceedings against my department. We're talking about the procedural rules of the IRB, which is an independent, quasi-judicial government organization. As far as I know, that organization complies with the spirit of the Official Languages Act. When you talk about the language of service in Montreal, for example, I'm sure that the vast majority of—

[English]

The Chair: We're going to have to carry this over to another round, Monsieur St-Cyr.

Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): Each year, Mr. Minister, close to 200,000 visitors try to come to Canada and are turned down.

The acceptance rates at missions abroad vary a great deal. If you are coming from Europe to visit your family, there is an 84% approval rate. If you're coming from Chandigarh—let's say your mother just passed away and you try to come here to attend the funeral—there's a good chance you're going to be turned down. In fact, there is a 43% approval rate from there, which means a majority of them are being turned down. It's the same for Islamabad, for which there is a 34% approval rate; and in Colombo, it's a 51% approval rate.

This means that if you have relatives in those areas and you try to bring them here to attend a wedding, the birth of a grandson, or, God forbid, a funeral, or to visit a dying father or mother, most likely you are going to get turned down.

The question is why? Why is there such a variance, an 84% approval rate versus a 43% rate?

And would you put in an appeal system, just like the U.K. and Australia have, so that it would at least be very clear why people are turned down right now? Right now, they just get a note saying, you have not been able to prove sufficient ties, whatever that means. You just end up applying again, and it could be the same officer who turns you down a second, third, or fourth time.

• (0930)

Hon. Jason Kenney: Thank you, Ms. Chow, and I appreciate your concern about this. As you know, it's an issue that vexes all members of Parliament and every Minister of Immigration. The reality, as you know, is that the Immigration and Refugee Protection Act creates a framework for visas for temporary residents who are foreign nationals, unless their country gets a special exemption based on objective criteria, and ministers delegate their authority to grant those visas to officers who are professional, highly trained members of our public service, who make their decisions based on a review of the facts in an objective manner.

Now I don't want to suggest that they are infallible—they make mistakes, as we all do—but I believe that in the overwhelming majority of cases they're making fair and objective decisions. Those decisions are based in part on the visa officer's determination of the applicants' likelihood to return to their country of origin, and a number of different indices are used to assess that.

I can tell you I visited Chandigarh and Islamabad, in part because of the concerns that had been registered with me about the apparently high rejection rates. I wanted to get a better understanding of what's going on in those missions. I was presented with overwhelming evidence of an incredibly high level of fraudulent supporting documents and the involvement of fraudulent and unscrupulous consultants in making applications. In fact, in Chandigarh I heard about people getting rejection letters that were

fraudulent—counterfeit rejection letters—from the consultants whom they hired to file the applications. So our visa officers in some of these missions are dealing with a very high incidence of... The value of being able to come to Canada has, actually, a monetary value on the black market in certain regions, which is extremely high. This incentivizes a lot of fraudulent, problematic claims, and that compels our public servants to be very vigilant in terms of their acceptance rate.

I'd like to ask the ADM of operations to complement that answer, just quickly.

Ms. Olivia Chow: Yes. I only have seven minutes.

Ms. Claudette Deschênes (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration): Okay. I'll just quickly say that there are mechanisms that exist today, if the refusal of an application is felt to not be warranted. Certainly, MPs write a lot in terms of asking us to—

Ms. Olivia Chow: I know all that well. I just asked because I just added up the numbers. In Chandigarh a work permit has a 15% approval rate, a study permit, 29%. So you're looking at 18,617 people being turned down. Don't tell me they all have fraudulent documents or they're cheating. Yes, some of them are coached by unscrupulous consultants to lie, and then some of them come over here—a few—and they end up exploiting the system.

I noted when you were here a few months ago you talked about how you'd bring in a program where you would tighten up the consultants program, so that would get rid of the ghost consultants, etc. Our committee again approved a report with nine recommendations; still we haven't seen progress on it. You also talked about fixing the live-in caregivers program the last time you were here, and still it hasn't been fixed. The citizenship of descendants of adopted kids in Canada—that is an area that's causing stateless kids of Canadians born outside Canada. All of those areas are really critically important, and this committee has made recommendations for you to look at and to implement, and yet I haven't seen...it's not in your policy and priority area.

Coming back to Chandigarh and to the Asia-Pacific area, I was on a radio program and people were saying, “Is that discrimination? Why is it that we have such a high turn-down rate?”, and “What is it in our region? Are we being discriminated against?” Certainly there's a feeling that because the process—the application and the rejection—is so opaque, not transparent, they can't tell why they are rejected. “How come so-and-so got in and I didn't?” As a result, it's causing, really, a bad reputation overseas.

• (0935)

The Chair: Thank you.

Mr. Dykstra.

Hon. Jason Kenney: Can I respond?

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Chair, actually, I would give—

The Chair: You know, if the committee wants us to go over—we've gone over for the Liberals and the New Democrats—and if we want to keep going over.... They're your rules; I'm just trying to follow them.

Mr. Rick Dykstra: I will give up a bit of my time for the minister to respond.

The Chair: Okay.

Hon. Jason Kenney: Thank you, Mr. Dykstra.

Overall, there's a 76% acceptance rate for temporary resident visa applications from nationals in the broader Asian region. So the suggestion that this is somehow prejudicial on the basis of geography or ethnicity is manifestly untrue. It would be absurd for anyone to suggest such a thing of our professional public servants: that they are making these decisions on the basis of such factors.

These are case-by-case decisions. People sometimes have a hard time understanding the decisions of visa officers, but they often don't know the particulars of the case in hand.

I intend to come forward with improvements to the regulation of third parties—intermediaries and ghost consultants. I am also seeking improvements to the live-in caregiver program. But we're going to have to agree to disagree on the issue of the right to inherit citizenship ad infinitum. All members of this committee who were in the last Parliament agreed to the legislative modifications now in place.

The Chair: Mr. Dykstra, seven minutes.

Mr. Rick Dykstra: Quality is something that has endeared you to this committee, so I appreciate that.

Minister, I want to say, and I know the folks on the other side may think I'm saying this subjectively, but over the past year, each time we've asked you to come to this committee you've made the effort to make sure you got here close to the time of the request. I know in the 39th Parliament this wasn't always the case. Some of the ministers weren't able to attend as quickly as requested, but you have. So I want to thank you for being here this morning and for your promptness in coming to committee when asked.

An hon. member: [*Inaudible—Editor*]

Mr. Rick Dykstra: I anticipated some of that reaction from the other side of the table. It's too bad, but I guess that's just the way it is.

I know we've talked at great length about refugee reform, specifically with respect to asylum seeking. One of the things that you planned to do over the course of the summer, and leading into the fall, was to meet with as many Canadians as you could about this issue. You also indicated, as did the Prime Minister, some of the changes we might see in the legislation. I wonder if you'd like to comment on a few of those changes.

In addition, the first question that Mr. Bevilacqua asked me when we returned had to do with a timeframe. I don't know whether or not you are able to provide us with a timeframe for this legislation.

Hon. Jason Kenney: Thank you, Mr. Chairman.

Not specifically. As you know, this would involve legislative change, which requires cabinet approval, and I can't presume to make a decision for all of my cabinet colleagues. Let me just say that it's a matter we continue to work on. It's a huge, complex inter-ministerial package of policy that involves not only simple statutory changes but also massive operational changes in a range of ministries. It is not a simple, clean little piece of policy that can be brought forward.

I know this is something that previous governments and previous ministers have been considering for years. I am certainly committed to acting. The Prime Minister has made that commitment public as well, in Mexico, and I will be coming forward with recommended changes; that is my intention.

In terms of the parameters, look, the first objective is to ensure that we have a system that has fundamental procedural fairness, that meets our international legal obligations, and that meets, of course, our obligations under the Charter of Rights, but to do so in a way that renders decisions more quickly, that provides protection to real victims of persecution much more quickly than is currently the case, and that disincentivizes false claims by moving more quickly so that false claimants get a fair shot, get a hearing, and get fair process, but if they're deemed to be bogus refugee claimants, they are removed much more quickly than is currently the case.

I described earlier, in my answer to Mr. Bevilacqua, how the current process can lead to a pathway of several years in Canada for someone who is a false claimant. That is unacceptable. It's an advertisement for people to come and abuse the system.

I should note that while the IRB rejects the majority of applications, I think 56% or 58% in the past year, the IRB has an acceptance rate of claims that is about twice as high as the average among comparable democracies like France and Britain. This suggests that we have an extremely generous system. The concern is that people abroad who want to migrate to Canada for economic reasons see this as an invitation to come in through the back door of the asylum system.

We need to close that back door. We want to keep the front door open for all legitimate asylum claimants, but say to those who try to sneak in through the back door as false claimants, “Get in the immigration queue; you can come to Canada legally if you qualify for one of our immigration programs.”

That's the objective.

● (0940)

Mr. Rick Dykstra: Thank you.

I'm going to steer away from this a bit. I know that Ms. Wong has a couple of questions on this topic as well.

The member from Parkdale—High Park has introduced a private member's bill regarding military deserters. Obviously, one of the significant concerns out of this is the whole aspect of the legal obligations that any of these military deserters may face in their countries of origin. Whatever the potential criminal charges they may face, it would present for us, according to the bill that he's introducing, an extreme difficulty in terms of allowing them into the country.

I know there are two sides to every story. One of the responsibilities you have as minister is to provide a perspective on what the potential impact of this private member's bill might be. I wondered if you could do that now.

Hon. Jason Kenney: Sure.

I read a letter by our colleague Mr. Kennedy this morning calling for the right of U.S. and other military deserters or war resisters to make asylum claims in Canada. They have that right. Many of these individuals have made such claims. My understanding is that in 100% of instances where U.S. military deserters have made recent asylum claims before the IRB, those claims have been rejected as being unfounded or not meeting the definition of the status of refugees provided by the UN convention and by Canadian law.

I've been criticized that commenting on that fact is supposedly interfering in the decisions of the IRB. To the contrary, I'm commenting on the decisions the IRB has already made. The decisions they've made, to the best of my knowledge, in 100% of the cases before it on this category of individuals have been negative, leading me to conclude the IRB has decided that these are unfounded false refugee claims. That means these are individuals who have come to Canada illegally. I believe we should apply the law fairly and consistently, not with political prejudice. We should not say we favour this particular group of people politically, for whatever reason, and therefore we will exempt them from the normal and consistent application of immigration laws.

What concerns me about Mr. Kennedy's Bill C-440 in particular is it says that a foreign national in Canada shall be deemed to be in a situation in which humanitarian and compassionate considerations justify the granting.... He wants to amend section 25 of the IRPA to say that individuals who make these kinds of claims shall be exempted by the minister from any legal obligation applicable to that foreign national that would prevent them from being allowed to remain in Canada.

I read that as suggesting that the obligations and requirements under IRPA on inadmissibility would not be applied to such

individuals. This would be totally without precedent. It would say one particular category of foreign nationals could avoid the inadmissibility provisions of IRPA, and that includes inadmissibility for reasons of criminality. I'm concerned that this would be an advertisement to people to make claims on the grounds of military service. They would therefore be exempt from the inadmissibility provisions of IRPA, including with respect to criminality. I think that's a very dangerous thing to do.

● (0945)

The Chair: Thank you, Mr. Minister.

Ms. Mendes.

[*Translation*]

Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.): Thank you, Mr. Chairman.

Good morning, minister.

Mr. Yeates, it's a pleasure to meet you for the first time.

It's also a pleasure to see Ms. Deschênes and Mr. Linklater again.

Minister, I would like to go back to your opening remarks. You said that you could only support adding a new appeals mechanism in the context of a new, streamlined, reformed asylum process.

Even though Mr. Dykstra has already asked this question, when can we hope to see a proposal for reforming that system? We need one very soon because, as you said, there is quite a significant backlog. When can we hope to see that reform?

Hon. Jason Kenney: Thank you, madam. We are working hard to develop a set of reforms on this subject. I can't give you a date, but I can tell you that the department and I are working diligently on asylum system reform. I hope we can have details soon, but I can't give you a date because of the process that involves Cabinet in making these kinds of changes.

[*English*]

Mrs. Alexandra Mendes: Thank you, Minister.

I'm going to refer to a quote in the *Ottawa Sun* on October 2 where you say that all those things have been put on indefinite hold because of the constant election threats. I don't see how putting pieces of legislation on hold is going to help us move forward. We need to get legislation through. We need to amend the Immigration and Refugee Protection Act. We all agree that the process needs to be streamlined. I totally agree with that; there's no hesitation on our part. But we also agree on this side that there's a great deal of unfairness right now. The fact that there's only one commissioner judging a case is causing enormous harm to the fairness of the process.

Election threats have been put aside for the moment, it seems. Can we hope to see something this fall?

Hon. Jason Kenney: I certainly hope so. My point when I made those remarks was that it is difficult for any minister to plan for mid- to long-term projects when one doesn't know.... As I think everyone would agree, two weeks ago we were facing a very high likelihood of immediate dissolution. I continue to encourage my officials to work on all of these projects diligently. But from a planning point of view, I think we all recognize it can be somewhat destabilizing to have a constant threat of dissolution. That's not a partisan comment; it's just a reality of the minority parliaments in which we live. But we are working diligently on this.

Let me make a comment on the issue of fairness. I agree in principle that it would be preferable to have an appeal division within the IRB in the context of a streamlined system, but I think there is fundamental fairness in the current system. Certainly the United Nations High Commissioner for Refugees has repeatedly commented on the fairness of Canada's system. Arguably we have a system that is fairer than perhaps the asylum system in any other country of which I'm aware.

Let's not forget that the initial decision at the IRB is not the end of the road. There is access to appeal to the Federal Court on that decision; there's the pre-removal risk assessment; there's the humanitarian and compassionate application on risk—each of which is also open for people to seek leave to appeal to the Federal Court. So there are multiple safeguards in the current system, which is why it takes so long.

● (0950)

[Translation]

Mrs. Alexandra Mendes: With your permission, minister, I will say that this is where there is a lack of justice or fairness. The fact that we make people wait this long before giving them an answer is really a problem. These are families who have been living here for months or years without knowing what to expect. Some of them are ultimately told, five years after arriving and after they have gone through all the stages, that we're sorry to have to tell them they must go back to their country. During those five years, those people have had the time to work here, to settle and to establish a life. Often they've had time to have children, and those children are Canadian.

Where's the justice when we remove families who have spent five or six years here? That's the major problem.

Hon. Jason Kenney: That's why, in such cases, people often receive a positive response to their application for permanent residence on humanitarian grounds. It isn't fair that the process takes that much time. It isn't reasonable, and that's why it has to be accelerated. I'm going to propose reforms in that direction. I'm making a commitment to that.

The Chair: Ms. Thaï Thi Lac.

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good morning, minister.

Good morning, advisors.

First of all, I'm going to ask you again a question that I put to you in the House when Parliament first resumed.

You watched the program *Enquête*, which revealed a scheme employed by Quebec consultants to enable thousands of people to

circumvent the rules to obtain citizenship. Now that your department is aware of these practices and you've admitted you are as well, minister, I would like to know whether those practices are widespread elsewhere than in Quebec. I'd also like to know what measures will be taken to punish the offenders or to correct these deficiencies.

Don't you think that, if Quebec was in charge of immigration, it would be possible to provide more of a framework for the occupation of consultant so as to prevent unscrupulous people from giving individuals who retain their services incorrect advice that might place them in utterly illegal situations?

Hon. Jason Kenney: Thank you for your question.

Mr. Chairman, I entirely agree: there is a problem of bogus consultants and unscrupulous intermediaries who exploit those seeking citizenship or immigrant status. That's why I have made a commitment to carry out a reform and to increase regulation in this sector.

The problem isn't unique to Canada; it also exists in other countries. Most frauds—that is to say the exploitation of potential immigrants to Canada by intermediaries—take place overseas. That's why I said it was necessary of our international partners, in particular India and China, to do much more to regulate immigration consultants. Personally I want to put pressure on those foreign governments. In this country, I've spoken with Minister Yolande James. She's concerned about the problem in Quebec and is considering the options at the federal level. We're going to reveal certain ideas based partly on the recommendations of this committee.

As regards the fraud related to citizenship and permanent residence, we saw a feature on Radio-Canada two weeks ago. I emphasized that the problem was not unique to the consultant or national from Lebanon. It is not correct to say that this comes from one single country. We see this problem everywhere, in all countries of origin. It is obviously not exclusive to Quebec. It's a problem that exists everywhere and is an enormous concern to us.

● (0955)

Mrs. Ève-Mary Thaï Thi Lac: I have a lot of questions on this subject, but since I only have five minutes, I'm going to address another subject.

You said that, in the past two and a half months, Mexican nationals had filed 35 asylum claims at ports of entry, whereas there were 1,287 for the preceding two-and-a-half-month period. You failed to give us one essential figure, the total number of entries. I think that's an important figure. If there were 35 claims and 350 entries, and previously there were 1,287 and more than 10,000 entries, we would still be standing around 10%.

You say there were 35 claimants, but how many entries were there in total? You also mentioned that 11% of people filing claims were genuine claimants.

You say that there were 17 claims at ports of entry, whereas there were initially 831. Consequently, only 2% of people were able to file a claim relative to the previous figures. That figure means that a number of individuals were not even able to reach the ports of entry. This measure may have made it so that real refugees will not be able to file claims here since they will no longer be able to get to our ports of entry.

[English]

The Chair: I want to draw to the attention of all members that everybody is exceeding their time. It's fine if you want to do that, but....

Mr. Minister.

[Translation]

Hon. Jason Kenney: I can mention that, since visas have been required of Mexican citizens, our mission in Mexico City has approved 90% of visa applications for temporary resident status. That means that only 10% of claims have been rejected and that 90% have been accepted. Between the moment when visas were required and September 25 last, our mission in Mexico issued 29,527 visas to Mexican visitors, which equals several thousands each week.

That means that very few of these people—about 30—filed asylum claims at the ports of entry. That indicates that our officials in Mexico made the right decisions, since the majority of travellers can continue to come to Canada. Those officials previously saw the people who intended to file asylum claims. I believe they've struck a balance between tourists to Canada and asylum claimants.

[English]

Mrs. Alice Wong (Richmond, CPC): I'll make it very brief.

Thank you, Mr. Minister, and thank you to the new staff, the deputy minister, Mr. Yeates, and the acting assistant deputy minister, Mr. Linklater. Thank you for coming.

I have two questions, and I'll make the first question really short. We kept hearing that the refugee claims were taking a long time, that people were staying longer and their families were.... Now, don't forget that it is 10 to 12 years for the initial application. It was the government of 10 to 12 years ago that made that decision, so I think we need to change that. That's number one.

Second, I think that because there's no system right now.... We already have a few systems; that's why it has resulted in having these people and their families stay 10 to 12 years, and these people naturally have families that have settled in.

I want the minister to shed more light on that. Having one more layer of appeal would only worsen the situation. Can you comment further on that?

• (1000)

Hon. Jason Kenney: Again, I emphasize that there are many levels of appeal. I also want to emphasize that it was in 2002 that IRPA was brought into effect by the previous Liberal government. It included within the statute a refugee appeal division, but it was my Liberal predecessors who felt that it would be disastrous to the refugee asylum system if they were to actually implement the appeal division because it would add even more processing time into what is already taking too long. Fundamentally, as I've mentioned, we do

have a very fair system with multiple levels of de facto appeal, access to the Federal Court, and full compliance with our charter in international obligations. The addition of an appeal division in that context would not qualitatively improve the fairness of the system, although it's preferable to have an appeal on the merits, in my judgment, within the context of a streamlined system.

If we now pass that bill today and we add another five months onto the process, what does that mean? It means longer processing times, more incentive to come and abuse the system, and that will attract more claimants. It simply continues to allow the system to spiral out of control. We need to get it under control.

Mrs. Alice Wong: My second question is about foreign credential recognition. It is the single biggest issue that I come across when I talk to the communities. You have professionals who really need that. I know our government has already done a lot in strengthening that and working with other levels of government. However, can you shed light on what additional things the government is planning to do for foreign credential recognition?

Hon. Jason Kenney: Thank you.

Mr. Chairman, this is a hugely important issue. As all members know, the federal role in this is quite limited because the regulation of professions is a provincial responsibility under the constitutional division of powers. We know each province has created or oversees some 40 licensing bodies in their own jurisdictions. That's over 400 across the country.

That being said, our government has taken meaningful federal leadership to try to provide much better information to newcomers on pathways to credential recognition before they even arrive in Canada. We've done so through our \$32 million investment in the foreign credential referral office, and the creation of the Canadian immigration integration project pilot offices abroad, which we will be expanding this year, which in part provide advice to newcomers and to federal skilled workers prior to their landing on how to apply for and obtain credential recognition in their respective professional governing bodies and in the provinces in which they intend to settle.

We've also continued with the foreign credential recognition program in the Ministry of Human Resources and Social Development, which works with professional agencies on streamlining their processes, highlighting best practices, and supporting the work of NGOs in mentorship programs and in apprenticeship programs—for instance, giving foreign-trained medical doctors who have not had their credentials recognized an opportunity to at least get trained as paramedics so they can work in the medical field.

Finally, the Prime Minister committed in the last election and in the Speech from the Throne to establish an agreement with the provinces on a national framework for credential recognition. We were delighted that this occurred in January at the first ministers meeting, and I believe my colleague Minister Finley and I will be making some positive announcements in the near future about the progress we're making on the creation of a national framework for credential recognition so that there is much greater coordination among the 10 provinces.

The Chair: Thank you, Ms. Wong.

Mr. Calandra.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): Thank you, Minister.

Earlier you talked about the visa requirements with respect to the Czech and Mexican nationals, but I want to take it from a bit of a different angle with respect to what some of the factors are that the department considers when reviewing whether a visa should be imposed or removed from a particular country.

• (1005)

Hon. Jason Kenney: Just let me clarify that. Under IRPA, all foreign nationals require visas to come to Canada. That's the default statutory provision. There are special exemptions granted to a certain number of countries. Of the roughly 200 sovereign states in the world, we require visas of, I think, 143 countries. So we require the nationals of roughly three-quarters of the countries in the world to obtain temporary resident visas to visit us in Canada.

The criteria for visa exemption include a number of objective criteria, one of which is the visa rejection rate.

I'm just trying to figure out whether this is confidential.

Hon. Maurizio Bevilacqua: Don't worry, we won't say anything.

Hon. Jason Kenney: The standard benchmark, for instance, is a visa rejection rate of less than 4% for at least three years. Another thing we look at is the evidence of the tendency for nationals of a particular country to overstay or to make asylum claims. Another factor is the security of passports or travel documents of a foreign country, and issues such as criminality. If there's a really high level of, say, organized crime, that would be a concern.

There are over 20 criteria, but those are some of the principal ones we consider. And when we do a visa exemption we send a team in to do a risk assessment. They review all of those criteria and they make a report. But when we see a particular country...

Let me be clear about the Mexican situation. We were receiving more asylum claims from that particular country than from any other country for which we have postwar immigration. Since we began receiving asylum claimants, we've received more from Mexico than

from anywhere else. That begged the question that if we were not to impose a visa on Mexico, given those facts, then why should we have a visa on any other country? It really got to the point where...

And I remind the committee, for instance, that the previous government—and this is not a criticism, it's a fact—gave the then-Czechoslovakia visa exemption in the mid-1990s. Two years later the government reimposed visa requirements on the Czech Republic after we had received 1,000 asylum claimants. This government granted the Czech Republic a visa exemption in the fall of 2007, and reimposed visa requirements this summer, after we had received 3,000 asylum claimants. So in that sense we are far more patient in trying to work with our foreign partners to deal with these issues than has been the case in the past. If anything, in my judgment we should be criticized for having been so patient.

Mr. Paul Calandra: Thank you. I also wanted to touch quickly on the response. I was speaking to some friends of mine from the Filipino community, and they are obviously very concerned with what has happened back home. There's a lot of concern in that community. I wonder if you might discreetly touch on some of the actions that your department made, following the—

Hon. Jason Kenney: I know that we all share our concern and our sympathies for those affected by Typhoon Ketsana. As you know, our busiest mission in the world now in terms of total processing is the Canadian immigration mission at our embassy in Manila. Unfortunately, I understand that mission was shut down for a couple of days because of the flooding. The locally engaged staff couldn't make it in many cases, so our operations were hindered. I think we're now getting back to full capacity to process in the Manila mission.

I announced last week that we will prioritize processing for family reunification applications and temporary resident visa applications for those individuals who have been directly and significantly affected by the weather event in the Philippines.

Do you want to comment on that any further, Claudette?

Ms. Claudette Deschênes: Anyone can either contact the call centre, the CPC in Vegreville, or the mission, and if they can demonstrate that they've been seriously affected by the typhoon, we will do all that is possible to expedite processing.

• (1010)

The Chair: Thank you.

Mr. Wrzesnewskij.

Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.): Thank you, Mr. Chair.

I have a quick question, and hopefully the answer will be as quick and as succinct, Minister.

How many citizenship judges positions are there in British Columbia, and how many are currently vacant?

Hon. Jason Kenney: I want to give a succinct answer, but I'll have to get back to you. I think, however, from memory, there are about six positions in B.C. I believe we have four or five of those filled. I think there's one, maybe two part-time positions that are still vacant.

Mr. Borys Wrzesnewskij: Minister, I'd be surprised if you didn't know the numbers. In fact, it's quite correct that there are five full-time positions and one part-time position. My understanding is that four of those were vacant for the longest period of time. In fact, some of those may have been filled recently. That is a decision made by your office.

You've referred to other parts of the citizenship and immigration system as being broken. Those were the words you used. You said there are legislative knots. You blamed minority government. In this particular case, it's a simple decision made by your office. There were judges in place who expressed to your office their willingness to continue in their positions until such time as those positions were filled with someone you appointed. Yet notwithstanding that, you had a situation in British Columbia where thousands upon thousands of Canadians-in-waiting, instead of celebrating their new citizenship, were waiting for the ceremony. Who is responsible for the fact that four of those positions were vacant? In fact, in one case, it was vacant for over a year.

Hon. Jason Kenney: Mr. Chair, I've moved quickly on appointments in general. I should point out that it's not exclusively in my power; I can recommend them to the cabinet. However, there is a process that we've adopted as well for pre-screening of applicants for appointment to the citizenship commission. That takes time. When I came into this ministry, my recollection was that we had a shortage of qualified, pre-screened candidates ready for appointment in British Columbia. I have no reason to maintain vacancies if we have qualified candidates to appoint.

I talked about this issue with Chief Judge Springate of the commission when I became minister. He assured me that the commission had contingency operations in place, including bringing in itinerant judges from other parts of the country to do services. I regret that Judge Gibault had to carry so much burden for so long in B.C. because we didn't have an inventory of pre-screened candidates. But we've moved quickly to fill up the appointments, with the exception of one part-time position.

Mr. Borys Wrzesnewskij: Minister, you've mentioned a number of judges by name, so it seems quite clear that you are familiar with the situation, yet you're saying there is a process. Well, there was also an opportunity to continue with existing judges.

You know, if you're intimately aware of the responsibilities of your office, that one of those responsibilities is to appoint judges so that thousands of these Canadians-in-waiting do not get frustrated. This is a huge life decision. They've made it and they've passed all

the requirements. All they were waiting for was the ceremony, yet your office has not made that decision.

Now, I see you're trying to push the responsibility onto process once again, but this isn't a complicated process. Judges have stated that they were willing to continue in their positions, even on a monthly basis, to make sure that we wouldn't end up with a backlog of tens of thousands of people.

The same situation actually happened in my part of the country, in Etobicoke. For seven months there wasn't a judge available. Once again, the judge was willing to continue in her capacity. Thousands of Canadians-in-waiting were denied a ceremony to confirm their citizenship. In this particular case, I don't think you can shift responsibility. Who is responsible?

Hon. Jason Kenney: I don't recall, Mr. Chairman, being aware of any requests to extend terms. I stand to be corrected, but I think when a citizenship judge seeks an extension of term, that would be a dialogue they would have with the chief judge, in this case Judge Springate, who is responsible for the administration of the commission and the assignments of all of the judges.

Sometimes Mr. Springate will recommend to me that I thank someone for their service and that they no longer continue. Sometimes he'll recommend an extension of their appointment or a reappointment as citizenship judge. Generally speaking, I accept the advice I'm given.

I can't comment on particular cases. I'd be happy to look into them, but I was assured by the commission that they were able to continue with the important work they do in terms of the ceremonies in British Columbia during the period when there was a shortage of judges.

•(1015)

The Chair: Thank you, Mr. Minister.

Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Minister, can you please comment on the progress that we're making in decreasing the immigration backlog?

Hon. Jason Kenney: Thank you.

As I mentioned in my opening statement, Mr. Chairman, we have had considerable success with respect to the action plan for faster immigration in the federal skilled worker category, more commonly known as the points system. Since we made the action plan operational last November, about 10 months ago, we have seen the backlog in the federal skilled worker category go from 635,000 cases to 435,000 cases. That's a reduction of about 32%.

That's actually a phenomenal achievement, and I'd like to give praise where it belongs: to our departmental officials, who have worked very hard over the past year to manage this new program while also dealing with the applications that were received prior to February of 2008, which don't fall within the action plan. They've also been continuing to process a large number of those files.

So we've seen a one-third reduction in the federal skilled worker category. While we have seen improvements in processing times for family class sponsorship applications—for instance, processing times have gone down considerably in the last three years in that regard—we have not seen a reduction in the inventory in that category. Also, as you know, in the refugee asylum category we've seen a substantial increase, and we're now dealing with 60,000 asylum claims.

It depends on the category, but overall, the mainstream economic stream of immigration to Canada, the federal skilled worker program, has seen a massive improvement. We expect to continue to see that.

One other point is that people who applied under that program since February of last year are getting decisions on their application for permanent residency in less than a year, which is a radical improvement over the four to five years it was taking prior to the action plan.

Mrs. Nina Grewal: Thank you, Minister.

I would like to give the rest of my time, Mr. Chair, to Mr. Young.

The Chair: Everybody has a lot of time today.

Mr. Young.

Mr. Terence Young (Oakville, CPC): Thank you, Chair.

Minister, I have a couple of questions that come directly from my constituency office in my riding of Oakville. The first is a concern expressed to me by a constituent who is a Christian from Pakistan concerned about the treatment of applications for visa and immigration to Canada for Christians. What have you done to ensure that applications from Christians in Pakistan are treated fairly?

Hon. Jason Kenney: That's an interesting question, Mr. Chairman. Those concerns have been raised directly with me in my meetings with the Pakistani Christian community in Canada as well as by the Ahmadiyya community and Sikh Canadians who have relatives in Pakistan. All of these constitute religious minority communities in Pakistan. That's one of the reasons I went to Islamabad with the first mission in which I visited abroad upon becoming minister, and I raised with the Prime Minister, the foreign minister and minorities' affairs minister in Pakistan our concern about the treatment of religious and ethnic minorities.

I also reinforced with our immigration officials in Islamabad the importance of ensuring absolutely fair treatment for these communities. There is a concern, for instance, Mr. Chairman, that the Pakistani government documents and passports indicate someone's confession, and that can be a flag of concern. People want to make sure they're getting fairly treated.

I have done everything I think we reasonably can to underscore the importance of this issue. As a government, we have talked to

those communities, and we have, for instance, made a significant contribution of \$33 million for relief of the Swat valley refugees. Many of those include Christians from the Swat valley who were facing violence from the Pakistani Taliban. Our parliamentary colleagues, John Weston and Tim Uppal both visited Islamabad and also the Swat valley, in the case of Mr. Uppal, to raise their concerns about the treatment of these religious minorities.

• (1020)

Mr. Terence Young: Do I have more time?

The Chair: Yes.

Mr. Terence Young: The other question is an administrative matter, Minister. In the GTA, there is currently only one office to which people can go to collect their permanent residency cards. Oakville is at least an hour's drive from 25 St. Clair Avenue West, and when they get there, some of the lineups are pretty long. They end up getting parking tickets, and it takes the better part of half a day to go there. It's a little bit unfair administratively. I wonder whether there is anything proposed to address the need for an additional processing centre in the GTA.

Hon. Jason Kenney: Operational details I usually leave to the experts.

Ms. Claudette Deschênes: We're aware of some of those issues and we're trying to see what we can do. Really we're not looking at opening another centre for them, but we are looking, in our modernization, to use maybe other government centres that could assist. We also want to look at the need for people to come to pick up their permanent resident cards and at whether there is a way we could possibly do it differently, so that applicants wouldn't be inconvenienced by having to pick them up.

Also, over the summer we put more staff in so that people wouldn't have to wait as long.

Mr. Terence Young: You are not paying their parking tickets yet?

Ms. Claudette Deschênes: The Financial Administration Act makes that a little difficult.

Mr. Terence Young: Thank you, Chair.

The Chair: Mr. Bevilacqua.

Hon. Maurizio Bevilacqua: Thank you, Mr. Chair.

I want to take this opportunity, Mr. Young, to welcome you to our committee and to your first question.

Minister, we have spent a lot of time in this committee looking at process, whether we're talking about the refugee system, the immigration system, or about the time visas take. One of the things I think this committee and government in general is not dealing with, which I think is a big issue, is the status of recent immigrants to Canada. They are overrepresented in the employment rates of the country, overrepresented in the poverty rates of the country, overrepresented in the underemployed. To me, this is a very important issue to which to dedicate time, for this committee as well as for this government.

It is going to require a pan-government approach. This responsibility can't simply be yours. This is an issue that is going to involve the human resources department, the Department of Finance, and the minister—indeed, cabinet. It is a very important issue.

If we are going to welcome people to this country, we need to make sure that the dream we sell as a country abroad can be realized when they get here. For example, recent immigrants are three times more likely to lose their jobs during an economic downturn. From June 2008 to 2009, the unemployment rate dropped, I believe, 1.9%, but it was 5.7% for immigrants. When you look at the amount of money that immigrants spend on housing as compared with the general population, these are big issues. They speak to the fact that we are not maximizing the human resources potential of the individuals who come to this country. That can't be good news for the immigrants, and it's also not good news for our country.

I wonder whether a comprehensive strategy and a very holistic approach can be initiated by your government to address these key concerns that I have.

Hon. Jason Kenney: Thank you, Mr. Chairman.

I entirely agree with Mr. Bevilacqua's remarks. I appreciate his framing this in a non-partisan sense, because it is not a partisan issue. In fact, the data indicates that for at least two decades, under successive governments and different parties, we have seen a decline in the standard of living, the rate of employment, the economic success of newcomers. This is an issue that really preoccupies me. Our government has tried to take some steps to assist in faster economic integration of newcomers, including our tripling of settlement funding in the provinces outside of Quebec to reach the Quebec level. We have much more robust language training available, job mentorship programs, and integration programming in general.

To give you one example, I made an announcement in Toronto three weeks ago about the HIPPIY program which provides in-house integration services to stay-at-home moms and dads of preschool children. We're doing a lot more—three to four times more—in those programs than was the case a few years ago. But you're quite right that in and of itself these will not turn the situation around. Obviously foreign credential recognition is a big part of the problem, and we hope that we finally are on the cusp of serious cooperation among the provinces and between the provinces and their respective professional agencies to get faster, streamlined pathways to credential recognition. I believe we're getting there. I think the governments of Ontario and British Columbia have been taking some meaningful measures in that respect, as has Manitoba's.

I think overall, though, Mr. Chairman, what we need to focus on in our immigration program is newcomers who fit into the labour market opportunities that exist in Canada. Premier Campbell of British Columbia once said to me that we don't need more unrecognized engineers driving taxi cabs in British Columbia; that we have lots of jobs that are going unfilled and need newcomers who can come and fill those jobs. That's what we've been trying to do with the action plan for faster immigration and prioritizing occupational categories that are in national demand. I personally believe it's also what we've been doing by working with various provinces in expanding the provincial nominee programs, whereby people have a job offer when they get to Canada, so that there's no transition or underemployment or “survival job” time. A welder from Poland who arrives in Manitoba with a welding job is working that job theoretically the next week, paying taxes and being fulfilled.

So I think there have been some incremental improvements in immigration policy to more closely align our intake with our labour market needs. But I agree with you, Mr. Bevilacqua, that a lot more needs to be done. I would be very open to suggestions in that regard.

• (1025)

The Chair: Thank you.

Monsieur St-Cyr.

[*Translation*]

Mr. Thierry St-Cyr: Thank you.

I'm going to talk about visas for Mexicans. Based on your own figures, in the two and a half months preceding the imposition of visas, 1,287 persons filed a refugee claim. Historically, however, 11% of claimants are genuine refugees. If you do a simple multiplication, statistically, approximately 141 persons are genuine refugees over that two-and-a-half-month period. And you're proud to tell us that only 35 of them filed a claim. Even assuming that those 35 are all genuine refugee claimants, 106 are missing, minister. There are 106 individuals from Mexico who, based on your own figures, are genuine refugee claimants and who were unable to file a claim, simply because they were unable to get to Canada.

What happens to those 106 persons, who are genuine refugees?

Hon. Jason Kenney: Mr. Chair, Mr. St-Cyr seems to be suggesting that Canada may have an obligation to receive anyone from any country who wants to file an asylum claim.

Mr. Thierry St-Cyr: The IRB determined that these were genuine refugees.

Hon. Jason Kenney: Mr. Chairman, according to the UN, there are more than 10 million genuine refugees in refugee camps around the world. In Canada, in relative terms, we accept the largest possible number of all developed countries. This year, we are accepting more than 10,000 refugees for settlement in Canada, in addition to some 25,000 more individuals who have been accepted by the IRB.

Mr. Linklater, what is the overall number of protected persons?

[*English*]

Mr. Les Linklater (Acting Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): It's about 30,000.

[*Translation*]

Hon. Jason Kenney: Some 30,000 individuals are protected every year, which is, relatively speaking, the largest figure in the world. If you're suggesting that we have to accept genuine refugees, potential asylum claimants from Mexico, why not accept those from China, Cuba and all the countries of the world? We are imposing a visa obligation on 142 countries. If we have to eliminate that obligation for the Mexican so they can file a claim, why not do it for the other 141 countries? Are you suggesting that Canadian taxpayers are required to accept tens of millions of potential asylum claimants in the world?

That's ridiculous. We must offer the victims of persecution a humanitarian settlement system as part of an immigration system for which we have established guidelines. We accept genuine refugees, as determined by the UN. Our asylum system is very generous and we must maintain it. However, I don't agree that we should eliminate the obligation that asylum seekers from all countries must obtain a visa—

• (1030)

[*English*]

The Chair: I think Mr. St-Cyr is trying to jump in here.

[*Translation*]

Mr. Thierry St-Cyr: Minister, it was you who conducted a campaign throughout the summer and justified that decision by saying that there were false claimants from those countries. That's the government argument that was used. But now you're proud to announce that finally there are fewer claims from those countries. That's for sure because those people can no longer get here. It's somewhat as though you were saying that there have been fewer divorces since we abolished marriage. Obviously not all countries needed visas.

What is a major concern for the people of Quebec is the tourism industry, for example. A lot of Mexican visitors chose Montreal, which is a beautiful city, as well as Quebec City, with its European aspects. In addition, compared to the United States, a country which is nevertheless close to Mexico, those visitors didn't need visas.

You've made a decision that has had a collateral effect on refugee claims since people simply can no longer file them. Did you analyze the impact that decision would have on the tourism industry?

Hon. Jason Kenney: In fact, we see that there are still thousands of travellers coming from Mexico, nearly the same number as last year. We haven't noted that their numbers have declined significantly.

This situation represents costs for the voters of Mr. St-Cyr's riding. In fact, the Government of Quebec demanded that we do something to solve the problem of false asylum claimants arriving in Quebec. In Canada, the vast majority of asylum claimants from Mexico have settled in Quebec. We believe that the cost of each case to taxpayers is slightly less than \$30,000, in this case \$29,000. Since the visa imposition, the decline in the number of false asylum claimants from Mexico has represented approximately \$37 million. That mainly affects Quebec taxpayers.

Mr. Thierry St-Cyr: They aren't all—

Hon. Jason Kenney: We're talking here about money that couldn't be allocated to the social program needs of Quebecers and Canadians. All governments have an obligation to act responsibly toward their taxpayers. I'm happy to say we've managed to save Quebec taxpayers approximately \$40 million.

[*English*]

The Chair: Time's up on this issue.

Ms. Chow, you're now on the air.

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

You're a good chair—fair.

Instead of going after those who are exploited, will you go after the criminals first? In other words, will you bring forward changes on the middle people, the consultants who are unscrupulous? Would you do that first, and remove those people from the system before you change the refugees' IRB set-up? Because if you don't do that, you can have a new system, but I'll guarantee you that those folks who are out there preying on the most vulnerable will continue to find loopholes, and they will again counsel people to put in bogus claims, etc.

So what is the priority? Is the priority to go after those who know the law and deliberately exploit it, or just to teach people to lie, or to go after those who really don't know the laws and who are just told that if they do this they could get into Canada and be able to...? In many cases, those people end up working for very low wages, and their status is in limbo and they are not necessarily having "a good time" because they are paying back the funds they owe those middle people.

At the end of the day, who actually gains from it? Not necessarily those who you're talking about, who are here trying to jump the queue or whatever. It's the middle people, who end up making \$5,000, \$10,000 per refugee claim.

●(1035)

Hon. Jason Kenney: I don't disagree, Mr. Chairman, and I don't think it's a dichotomy. I don't think it's either refugee reform or improved regulation of ghost consultants and intermediaries. I think we need to do both, and I'm committed to doing both.

Ms. Chow is right. There is a connection. I wouldn't overstate the connection. We don't have reliable statistics on this, but from everything I've seen and read, a lot of asylum claims are made on the basis of bad advice, and sometimes commercial advice, but not all of them. So we need to fix both.

When we come forward with a package of refugee reforms, everyone will see that it's going to take a certain period of time to actually implement a new system. I hope we can move a little more quickly on the issue of stricter regulation of consultants, but let's be clear about the issue of ghost consultants. It doesn't matter how serious the penalties are or how vigorous our monitoring and enforcement resources are; at the end of the day there's money to be made, and there will always be, I regret, ghost consultants exploiting —

Ms. Olivia Chow: But they should at least be regulated. Right now, there is no regulation. Anyone can set up shop.

Hon. Jason Kenney: I don't disagree. I'm just saying we can't eliminate it. We can reduce it, but we can't eliminate it.

Ms. Olivia Chow: Back to the visitor visas, whether it's from Mexico or Cuba, we are still seeing in Havana, for example, a 69% approval rate, which means one out of three are being turned down. I come back to the whole notion that because it is so opaque, people have no idea. Each time they apply, they put in \$75, which is non-refundable. As a result, people wonder, is it the dollar amount they make back home or is it a good job? I've seen people who have good jobs, and I have seen people who have families, and I've seen people who have real estate or own several companies, yet they're still being turned down for a visitor visa.

So if you put visa requirements on Mexico, for example, you have to have a very clear and transparent process. If not, people will ask whether it's just to make money, because every time they apply, they end up paying \$75. In England and Australia, their appeal process is free—which is why they're getting a lot of visitors. So why would you not put in an appeal process so that at least the decisions are made on law and fact and are not, seemingly, subjective decisions?

Hon. Jason Kenney: An enormous number of people want to come to Canada. There are millions of people who would like to visit here. In some of those cases, our visa officers decide that there's not sufficient evidence that the person is likely to return, so they make a negative decision.

I should point out that there is access to an appeal process. People who are rejected can make an application for redress—

Ms. Olivia Chow: To a federal court.

Hon. Jason Kenney: —to a federal court.

Ms. Olivia Chow: That takes, what, a year? You just talked about how long it takes, and it's very costly.

●(1040)

Hon. Jason Kenney: It is in part because of the potential for judicial review that I think our visa officers are very conscientious. We have a global visa acceptance rate of 80%. It is true that it's lower in some countries by definition.

Ms. Olivia Chow: Why?

Hon. Jason Kenney: In some countries, you will have a higher number of applicants who have little or no economic connection.

Claudette, you deal with this every day. Would you like to elaborate?

Ms. Claudette Deschênes: Basically the issue is that the visa officer has to look at the intent behind it. Of course, when you're looking at intent—

Ms. Olivia Chow: How do you judge intent?

Ms. Claudette Deschênes: It's very difficult, and that's why we might not agree on the decision, but certainly in some countries the push factors to try to leave that country and come to Canada and stay illegally are big. In some countries, the economic—

Ms. Olivia Chow: Do you have a standard?

The Chair: Ms. Chow, we have to end this somehow. Thank you.

I'm going to move on to Mr. Dykstra.

Mr. Rick Dykstra: Very good.

This is becoming habitual. Olivia asks more questions than the time allowed for answers.

The Chair: Mr. Dykstra, everybody has been over today by a long shot.

Mr. Rick Dykstra: I know. It's because we're all so eager to get back here and start working. But we have to allow the people we have here as witnesses—if it's the minister, or staff from the ministry, or anyone else—the opportunity to respond. That's why we're asking them to be here. We can debate this issue amongst ourselves pretty much any time. That was my point.

One of the issues I see, certainly, was brought up by Mr. Young—the issues in his riding with respect to Pakistan. I'm from the Niagara community, and certainly I've had a number of requests regarding the plight of individuals—Iraqi Christians, for example. One of the decisions and reasons we have moved in the direction we have with respect to visas for Mexico and the Czech Republic has to do with the fact that we have people who are legitimately, in countries right now, demanding, hoping, and have their expectations risen with respect to seeking asylum here in Canada. One of the connections that hasn't been made yet today—and I wonder if you can comment on this, Minister—is the fact that we have people in other countries who simply are in a terrible plight and who do seek asylum here in Canada. We have tried to work through this process with Mexico and the Czech Republic. I wonder if you can comment and connect those two things together.

Hon. Jason Kenney: Well, Mr. Chairman, I think that follows through from Mr. St-Cyr's questions.

We want to be a country that is open to providing protection to victims of persecution and violence. That is our best tradition, it's in our national character, and we do just that. We do it better, virtually, than any other country that I'm aware of in the world. I make no apologies for this country's approach to refugees, to victims of persecution. This year we will land in Canada, as permanent residents, more than 10,000 people who have been determined by the United Nations to be refugees. The majority of them are government-assisted refugees who we will help to establish in Canada, and about a quarter of them are privately sponsored refugees who—like the Vietnamese boat people 30 years ago—will be settled with the assistance of local communities, such as parishes and community organizations.

This is a tremendous thing, Mr. Chairman. There are countries substantially larger than Canada that receive substantially fewer resettled refugees. Having said that, we in Canada, with a population of 33 million, are not in a position to welcome all of the world's refugees and certainly not all at once. There are more than 10 million refugees in UN camps abroad, and there are tens of millions of people who could probably make legitimate asylum claims in a system like Canada's. We cannot practically take that entire global burden on our shoulders. We do far more than our share, according to Abraham Abraham, the representative of the United Nations High Commissioner for Refugees here in Canada.

Our government is contributing more to global refugee relief than any government in the history of Canada. We have increased, effectively, our operational target for resettlement of refugees to Canada this year, in part, as Mr. Dykstra has indicated, through our program for refugees in the Middle East, most of whom will be Iraqi, many of whom are persecuted because of their religion. In fact, for this and each of the two subsequent years, we will be receiving 3,900 refugees from that region, mostly from Iraq. That's more than any other country in the world, except the United States, and it's far more in absolute terms than any other country. We are receiving, over the course of a number of years, 5,000 refugees from the Burmese Karen population who have been living in camps on the border between Thailand and Burma. We're receiving 5,000 Bhutanese Hindus who have been sitting in refugee camps in Nepal. We're receiving thousands of Rohingya Muslims who have been sitting in UN refugee camps in Bangladesh.

Mr. Chairman, we are doing what we can, but if we really want to take the approach Mr. St-Cyr wants and just open the doors to a flood of asylum claimants, someone has to pay for that. There is finite capacity for us to accept a certain number of people in a year. Yes, we have the highest relative level of immigration of permanent residents in the developed world at 0.8% of population, but we cannot increase that by orders of magnitude and resettle people here successfully. There are limits to how many people we can house. Take the example of the Roma claimants in the Toronto area. According to reports I've received, public housing facilities were overflowing in the spring and summer of this year when we were seeing as much as half of the passengers on direct flights from Prague making asylum claims.

There are practical limits to our generosity. I'm simply saying that we need to be soft-hearted but hard-headed about the balance between our generosity and the practical limits of the number of people we can accept. We have no apologies to make in this regard. Let me say that in any refugee reform package that I bring forward to Parliament, I would like to see an increase in the number of people we resettle to this country who are defined by the UN to be refugees. I think we can only responsibly make that undertaking if we can reduce the incentive for abuse for people to come—they cost our taxpayers at least \$29,000 per case. This is not free. The kind of abuse that we were seeing from particular source countries earlier this year costs our taxpayers. Those are dollars that could be going to help real victims of real persecution around the world. I think we need to get our priorities right.

Being in government and being in public service is about making choices, and I choose to prioritize real victims of persecution over immigrants coming through the back door of our asylum system.

• (1045)

The Chair: Thank you, Mr. Minister.

Ms. Mendes.

Mrs. Alexandra Mendes: Thank you very much, Mr. Chair.

[*Translation*]

Minister, after what you've just told us about Canada's priorities, I would like to know whether, in the immediate future, you intend to include in your plans or priorities the possibility of granting temporary resident visas for multiple entries. We have major problems with the families of our citizens who live outside the country and who come here regularly. I think that visa would be a more effective way to manage the system. Visitor permits could be granted for a period of five or 10 years, which would enable those individuals to come to Canada a number of times. The United States is proceeding in this manner, and the results are relatively positive. Perhaps we could imitate them. That would be of enormous help to the families of Canadian citizens of foreign origin.

Hon. Jason Kenney: We are encouraging the issue of visas for multiple entries. In fact, 46% of the ones we've granted to Mexican citizens since visas have been required are multiple-entry visas.

Mrs. Alexandra Mendes: How long are they good for? Is it five years, 10 years?

Ms. Claudette Deschênes: Unfortunately, Canadian laws allow us to issue these visas solely for the period during which the applicant's passport is valid. If it's only one year, the multiple-entry opportunity is applicable only for one year. However, it's applicable for three years if the applicant's passport is valid for three years.

We're going to use the example of Mexico to encourage our officers more. For us, the biggest problem is the cost difference between single and multiple entries. There's also work to be done with our applicants. A number of them don't want to request multiple-entry visas.

Mrs. Alexandra Mendes: I don't think it's well known at all. There are no applications. So something should be done to promote those visas.

I'm going to share my time with Mr. Wrzesnewskyj.

• (1050)

[English]

Mr. Borys Wrzesnewskyj: *Merci.*

This past spring I put a question to you, Minister, in the House about the one-third cut to staffing levels at the immigration section in the Kiev embassy, to which you, and in fact your parliamentary secretary, in evening debates claimed that there was not a one-third cut to staffing levels.

I just wanted to read into the record what Ms. Tsarkova, who is the Canadian embassy program officer, stated in an interview on October 26, 2006, the year in question, to the *Kyiv Post*:

In the immigration section of the Canadian Embassy in Kyiv, this review and adjustment resulted in the elimination of one immigration officer position and two clerical/support positions—a registry supervisor and a cashier.

When I inquired of your department, sir, I received a similar response, that in fact there was a one-third cut. Minister, in fact you put out a press release into the Ukrainian-Canadian community stating that there were no cuts, that this was false. Were you misinformed by your department, or were you engaged in disinformation?

Hon. Jason Kenney: Neither. Mr. Chairman, when I said there had been no cuts, I was referring to the total number of staff at our immigration mission, which has remained constant. There was one Canadian-based officer removed. There were additional locally engaged staff added. There are 12 staff working in Kiev.

Mr. Chairman, the important thing is that our immigration office continues to perform very strongly in Kiev. I visited it in November. In point of fact, it was before Islamabad, so that was the first place I went as minister. I'm happy to advise Mr. Wrzesnewskyj that, for instance, in 2007, we processed 1,700 permanent residency applications from Kiev, last year 1,500. This is in comparison to, for instance, 1,400 and 1,300 in 2004 and 2005. So there has been an increase under this government in the number of people processed in Kiev.

Finally, Mr. Chairman, I don't make operational decisions. I don't tell ADM Deschênes, we need to put one person here, take one person out. They have to look at the global service requirements, and they ship personnel.... And by the way, these officers are very costly to the system. The Department of Foreign Affairs assesses us a charge that they estimate—am I allowed to talk about this?—of about \$850,000, I understand, for every visa officer we place abroad. So our operational people have to make some tough decisions, and sometimes it means hiring more local staff, rather than Canadian-based officers. The important thing is, we're doing the same amount of business.

The Chair: Sorry, time has expired.

[Translation]

Mr. Thierry St-Cyr: Minister, the benefit of being the one who answers the questions, is, in a way, that you always have the last word. I'm nevertheless going to take the liberty of rectifying matters.

As you very well know, since we have occasion to speak together from time to time, I've never claimed that we should open our borders to all refugee claimants in the world. I was merely emphasizing that, contrary to what you said in all forums this summer, the visa measure does not specifically attack fraudulent or illegitimate claims: it attacks all claims. And it's the same for all visa applications around the world.

I'm going to take the few minutes I have left to ask you a question about immigrant investors. As you know, Quebec is relatively independent with regard to immigrant selection policy. The Quebec government has set itself an objective of doubling the number of immigrant investors in its program in the next two years. However, we are still part of Canada and, after making a decision, after setting an objective, Quebec must turn to the federal government for measures so that it can implement its program.

You will soon be publishing the figures on Canada's objectives. Will the Quebec government have the means to achieve its ambitions? Will it be able to implement the decisions and policies it has established, or will it be held back by the federal government?

Hon. Jason Kenney: Mr. Chairman, the Immigrant Investor Program is very important both federally and for Quebec. We are working with the provinces to do more with it, but there are limits. As I said a few moments ago, even with a very ambitious overall immigration target, Canada is limited with regard to the number of people it can take in. On average, that number is a quarter of a million persons. If we expand the target for a specific program such as the Immigrant Investor Program, we have to reduce immigration targets in another field. That's a problem.

I'm going to hand over to Ms. Deschênes for further comment.

•(1055)

Ms. Claudette Deschênes: In operational terms, we try as much as possible to work with the province to ensure its target is reached. In the case of investors, we have to do three times the work because not all of those accepted by Quebec will settle in that province. We work with them, and that's a priority for us; we're going to do whatever we can.

Mr. Thierry St-Cyr: I understand the operational standpoint, but there is a political issue behind that. The federal government is always very proud to tell Quebeckers that they have control over the selection of their immigrants. That's a much more limited portion than you would have people believe because only economic immigrants are selected. The federal government imposes restrictions even for that segment of immigrants selected by Quebec. Under its own policy, the Quebec government has decided to take in twice as many immigrant investors.

Can the minister give us assurances that the federal government's decisions won't prevent the Quebec government from achieving its own objectives?

Hon. Jason Kenney: I can't provide just any guarantee, but I can guarantee that we will be working closely with the Quebec government to achieve our objectives together. The Quebec government understands very well that we are handling its files on a priority basis. That's not very popular among the other provinces, but we're doing it. We're going to continue helping Quebec attract more immigrant investors while staying within our overall limits.

Mr. Thierry St-Cyr: As Mr. Blackburn said on another subject, you have to be aware that our decision-making power as Quebeckers is limited and that, ultimately, there will always be—

Hon. Jason Kenney: Mr. Chairman, Quebec entered into the Canada-Quebec Accord relating to Immigration with the federal government. It's working very well for Quebec, and we are happy to honour the spirit of that agreement.

[*English*]

The Chair: Thank you, Minister, and my thanks to your colleagues for coming and spending some time with us today. We appreciate your information.

The meeting is now adjourned.

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