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—
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The Honourable Shawn Murphy

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• (1530)

[English]

The Chair (Hon. Shawn Murphy (Charlottetown, Lib.)): I'd like to call the meeting to order.

Welcome, everyone. *Bienvenue à tous.*

This meeting, colleagues, is called pursuant to the Standing Orders to deal with chapter 7, "Detention and Removal of Individuals—Canada Border Services Agency", which was included in the May 2008 Report of the Auditor General of Canada.

The committee is very pleased to have with us today, representing the Office of the Auditor General, Mr. Hugh McRoberts, Assistant Auditor General, and Mr. Gordon Stock, principal for Public Safety and Emergency Preparedness Canada. From the Canada Border Services Agency we have the president and accounting officer, Steven Rigby, accompanied by Kimber Johnston, vice-president, enforcement branch, and Barbara Hébert, vice-president, operations branch.

On behalf of all members of the committee, I want to extend to everyone a very warm welcome.

We will proceed with the opening comments from the Office of the Auditor General.

Mr. McRoberts, the microphone is yours.

Mr. Hugh McRoberts (Assistant Auditor General, Office of the Auditor General of Canada): Thank you, Mr. Chair, for inviting me to discuss chapter 7 of our May 2008 report, "Detention and Removal of Individuals", an audit of the Canada Border Services Agency.

With me today is Gordon Stock, the principal of the public safety audit team responsible for this chapter.

Following a review of chapter 5 of our April 2003 report, the public accounts committee requested that we conduct this audit and report back on whether the management of detentions and removals had improved under the agency since 2003, when we audited those activities as part of Citizenship and Immigration Canada's control and enforcement program.

I should note that the work for this audit was largely completed in December 2007 and I cannot comment on actions taken since then.

The Canada Border Services Agency plays a key role in maintaining the integrity of Canada's immigration and refugee programs. The agency may detain permanent residents and foreign nationals who have or who may have breached the Immigration and

Refugee Protection Act. Individuals may be detained if they pose a danger to the public, if their identity is in question, or if there is reason to believe that they will not appear for immigration proceedings.

The agency is also authorized to remove people found to be inadmissible to Canada. In 2006-07, the agency removed 12,617 persons, including 1,996 criminals, who posed a high risk to Canada.

Since our last audit, the agency has made a number of improvements in its management of detentions and removals. It better estimates the number of individuals with removal orders and has set up processes to help it remove higher-risk individuals. As of September 2007, the agency knew the whereabouts of 22,000 individuals who had been ordered to leave Canada; however, it did not know the whereabouts of a further 41,000 who had been ordered to leave and some of whom may already have left the country.

Improved case management systems would enable it to better track and prioritize removal cases to help ensure the consistent and timely removal of priority cases at the national level.

[Translation]

The Agency's policies and standards for detaining individuals are broad and give substantial latitude for decisions. We found that the Agency does not adequately monitor whether individuals, regardless of their location, receive consistent and fair decisions on their detention or release. Nor does it monitor compliance with its standards for the conditions and treatment of individuals detained.

A memorandum of understanding (MOU) between the Canada Border Services Agency and Citizenship and Immigration Canada clearly articulates their respective accountabilities in detentions and removals. At the time of our audit, both organizations were in the process of determining whether improvements were needed to better support program delivery.

In the majority of cases, the Agency manages the removal of individuals on the basis of risk and has made progress in recent years. However, the backlog of individuals to be removed from Canada, who may present a lower risk or whose whereabouts are unknown, continues to grow. This growing number of individuals who might still be in Canada illegally undermines the integrity of the immigration process.

• (1535)

[English]

In our chapter we recommended that the agency improve its analysis of progress on detentions and removals to ensure that risks, situations, and individuals are treated in a consistent manner. You may wish to request that the agency provide an update on its action plan to address our recommendations.

Mr. Chair, that concludes my opening statement. We will be happy to respond to the committee's questions.

The Chair: Thank you very much, Mr. McRoberts.

Now we're going to hear from Mr. Rigby, the president of the agency.

Mr. Stephen Rigby (President, Canada Border Services Agency): Thank you very much, Mr. Chair.

I appreciate the opportunity today to address the committee on our progress in addressing the Auditor General's observations and recommendations on our responsibilities for the detention and removal of individuals from Canada.

In today's uncertain world, Canada is respected as a welcoming nation and a haven for those seeking a new, safe, and better life. Canada accepts about 250,000 new immigrants each year and thousands of additional claims for refugee protection. This, together with the more than 97 million travellers processed by the CBSA in 2007-08, makes for a very active border operation.

[Translation]

In discharging our mandate to enforce Canada's immigration laws, the Canada Border Services Agency's central challenge is to strike the appropriate balance between facilitating legitimate flow of persons and closing our doors to people who are inadmissible.

[English]

The detention and removals programs are key to maintaining the integrity of the immigration program and to protecting the safety and security of Canada.

The Immigration and Refugee Protection Act provides the authority to detain an individual who is believed to be inadmissible and who poses a danger to the public, who is unlikely to appear for immigration proceedings, or whose identity has not been established. This responsibility falls to the CBSA.

The CBSA's removal priorities continue to be focused upon individuals who pose a threat to the security of Canada, such as those involved in terrorist activities, organized crime, and crimes against humanity. In order to protect the integrity of Canada's immigration program, the CBSA also removes refugee claimants whose claims have been denied and other inadmissible persons.

In her report, the Auditor General outlined a number of key issues, such as the growing number of illegal persons who may still be in Canada, the need to improve monitoring of detentions and removals to ensure that risks, situations, and people are consistently treated, and the need to improve data and data analysis to manage programs and costs in a better fashion.

The report also recognized that the CBSA has made considerable progress in its ability to identify risks, track people for removal, and focus removal efforts on higher-risk individuals.

The government accepted the Auditor General's findings and recommendations, and in the past nine months the CBSA has undertaken a number of actions to respond.

With respect to the issuance of temporary residents' permits, the CBSA and Citizenship and Immigration Canada have reviewed existing procedures and agreed on the need for clearer policy direction, enhanced training, and a monitoring framework as the means to improve on the quality of this program. Implementation of these changes is expected to commence early in March 2009.

The Auditor General also noted that no national procedures exist to address excess capacity at detention centres. Accordingly, the CBSA undertook a review of regional procedures adopted in the event that capacity is reached and ascertained best practices upon which to develop national procedures. The target date for implementation of these national procedures is June 2009.

Additionally, a national reporting requirement has been implemented to record when detention capacity has been exceeded. This reporting mechanism will assist in monitoring how well regions adhere to the national procedures and in turn whether national procedures regarding excess capacity require adjustment.

• (1540)

[Translation]

To better monitor regional adherence to our national detention standards, the CBSA has developed a quality assurance plan which is targeted for implementation in September 2009. In addition to existing agreements with British Columbia and Alberta, the CBSA is also negotiating agreements with the provinces to govern the terms and conditions under which high-risk immigration detainees will be referred and detained so as to promote consistent treatment and cost effectiveness. Agreements with Ontario and Quebec are expected to be concluded this year (2009), and the remaining agreements concluded by 2011.

[English]

To ensure consistency across all regions in carrying out the removals program, the CBSA has reviewed and revised its removal policy manuals to ensure they are relevant and up-to-date.

The agency has also launched a process monitoring framework, which identifies removals and detentions activities to be monitored for consistent application. Regional reporting began late in 2008.

We are also conducting a pilot project in early 2009-10 to track individual removal cases and costs in our greater Toronto region, with a view to implementing such a tracking mechanism nationally. The objective is to compare the costs of different removal cases, to identify best practices, and promote better program management nationally.

With respect to the removals warrant inventory, the Auditor General noted inconsistencies in warrant cancellations across the country and limited investigative efforts to find individuals under warrant.

In response, the CBSA is revising its warrant issuance and cancellation policies. The new policies, based on investigative merits and risk management principles, will encourage a more consistent approach and a more accurate and manageable warrant inventory.

We are also improving our investigative capabilities by enhancing data mining of additional databases to better detect the whereabouts of individuals under warrant.

As noted by the Auditor General, due to delays in systems upgrades beyond our control, the CBSA's ability to track detentions and removals cases has been limited. However, the restricted development imposed on the national case management system was lifted in June 2008, and some improvements have since been made. By June 2009, for example, we will be able to provide detailed reports on those individuals in detention as well as on the associated costs.

In the longer term, the CBSA is conducting an in-depth architectural review to identify additional systems changes required to address the remaining findings and recommendations of the Auditor General's report.

We will assess these upgrades in light of our current budget constraints and in light of other systems requirements within the agency.

[Translation]

In summary, Mr. Chair, the findings and recommendations of the Auditor General's Report have been valuable in allowing the CBSA to better manage the detentions and removals program, and we will continue to implement measures such as those I have outlined today.

[English]

These issues and efforts are critical to the success of Canada's immigration program.

I thank you for the opportunity today to discuss this progress with you.

The Chair: Thank you very much, Mr. Rigby.

We're going now to the first round, which is seven minutes each.

Ms. Ratansi, you have seven minutes.

Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you all for being here.

As you aptly mentioned, Canada has a very open policy on immigration and refugees. And the world is in conflict, so there are a lot of issues we address, or try to address, through our humanitarian efforts. Sometimes we don't get it right. Sometimes we get it very right.

My question is on detention and removal, and this is in regard to permanent residents and foreign individuals who are illegally in Canada. The agency's policies and standards for detaining individuals are broad, the Auditor General states, and allow for latitude for decision-making. Could you explain to me whether this latitude has led to any unavoidable circumstances? Has it led to some risks being posed, or has it led to any unfairness or improper detention?

Number two, it says that the agency does not carry out certain aspects of detention and removal with due regard to cost. Could you explain what you mean by that? Because you say that few controls are in place to ensure that decisions to escort individuals being removed to their destination countries are based on risk. Could you explain that to me? Then I will proceed with other questions. Thank you.

My question is for Mr. Stock.

• (1545)

Mr. Gordon Stock (Principal, Public Safety and Emergency Preparedness Canada, Justice, Office of the Auditor General of Canada): Thank you, Mr. Chair.

On the first one, on the latitude for decision-making, when an individual comes to a port of entry, the officers may ask questions, and if they do not receive correct answers and are unable to determine the identity of the individual, they may detain the person until they have the answers. In other cases, if they believe that the individual does not pose a risk, they may release the individual with a promise to appear at a later date. So there is latitude in between, and that can be a broad range, in some aspects.

Ms. Yasmin Ratansi: So it's subjective rather than objective. Is that what you're trying to say?

Mr. Gordon Stock: It depends on the individual officer, but each individual officer receives quite a bit of training to try to ensure that there is a consistent approach. But there is a range of responses, depending on the individual's actions.

Ms. Yasmin Ratansi: Okay. In the second instance—from page 2, again—it says that it doesn't carry out certain aspects of detention and removal with due regard to cost. What do you mean by that?

Mr. Gordon Stock: Basically, as we state in the chapter, there are different areas, especially on the subject of escorting individuals. While those decisions are made based on the risk the individual may pose and on restrictions the airlines or airports may have on the transfer of those individuals, the regional offices may adopt slightly different approaches. What we found in our audit was that they did adopt slightly different approaches, depending on the number of people being removed and on the number of officers. Because of that, one office might send three people, whereas another region might send one person.

Ms. Yasmin Ratansi: Your flow chart on page 6 identifies the complexity of the detention process. For your audit—generally you take a sample for an audit—did you take a sample from the land portion or the air portion?

Mr. Gordon Stock: We examined both land border entry points and airports.

Ms. Yasmin Ratansi: Which one poses a lot more risk? As I look at this chart—and I am a consultant by background—which is my major point of risk? Perhaps Mr. Rigby can also answer that. Where do you feel the major exposure to Canada comes from for illegal immigrants or undesirables or whatever? And how do you mitigate those risks?

Mr. Gordon Stock: Our audit did not examine whether land border points posed greater or lesser risks than airports.

I would suggest that Mr. Rigby might be in a better position to answer that.

Ms. Yasmin Ratansi: Fair enough.

Mr. Stephen Rigby: In terms of people arriving at either the land border or at airports, our officers would conduct the same level of rigour, the same sorts of questions, and make the same sorts of determinations in terms of how we are going to treat refugee applicants, as an example

In terms of the comments the Auditor General has made, I think there are some improvements we can look to—and that we have made up to now—in assuring that we are looking at consistent policy, consistent procedures at a couple of our land border points, and I think most notably that we're doing the right sorts of monitoring. In the nine months since the auditor has concluded her report we've made some inroads on that front.

In terms of where the risk lies, that will depend quite honestly on the location. We know that at certain locations in southern Ontario and the southern Quebec border, for example, we see more refugee claimants coming in. On a volume basis there tends to be a higher consequent risk that goes with that.

We also see a lot of refugee applications from Mexico coming in through the Trudeau Airport in Montreal. Again, on a volume basis we try to align our program and the number of officers and officer training to make sure we have the right sorts of skills and response to deal with the volumes we face at those individual places.

We also see time trends, quite honestly, where the level of refugee claimants will go up and fall. I think we have to be able to ensure that we can move resources to those locations to respond to the flows we see at any given point.

• (1550)

Ms. Yasmin Ratansi: I have two more questions.

The Chair: You have 30 seconds, regardless of how many questions you have.

Ms. Yasmin Ratansi: I thought there was a policy change whereby airlines were not supposed to let people embark on their airlines unless they had a visa. So where is this risk?

And number two, when you were talking about costs you said that there was a risk that the airlines wouldn't take them.

You can answer my questions because he'll give you the time. He'll give you the time, but not me.

Mr. Stephen Rigby: Thank you.

Not all countries have visa requirements. Mexico, for example, is one of those countries. Nonetheless, we do work with both visa and visa-exempt countries through what we refer to as our migration integrity officers. We have officers posted abroad who work with the airlines to try to determine who's getting on the flights and whether they are properly documented, etc.

At the same time, if airlines allow people on the plane with improper documentation, there is an onus on those airlines to pay for their removal from Canada back to their country of origin. One of the points raised by the Auditor General is that we have to make sure

we're tracking and assigning those costs properly. There are improvements that we've made in that regard.

There's a significant difference, obviously, in terms of how we do our business and the responses we have between countries that have a visa requirement and those that don't.

The Chair: Thank you very much, Mr. Rigby.

Thank you, Ms. Ratansi.

Monsieur Desnoyers.

[*Translation*]

Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ): Thank you, Mr. Chairman.

First, you say that the Agency deported approximately 12,600 people from Canada, including 1,900 criminals, in 2006-2007. In another connection, it says here that some 22,000 individuals are being monitored, while 41,000 are not. Could some of those 41,000 be high-risk individuals?

Does that mean that the Agency is lacking major resources to monitor these people? This is a net that is being opened; we're leaving the door wide open. Other countries can criticize Canada for all kinds of things; they say it's a kind of sieve. If we're the cause of that, I believe that's important.

I also want to go back to paragraph 7.29, concerning holding cells. The Toronto facility is overcrowded. There are 10 individuals in a cell that can hold three. I find that a bit dramatic, even if these are refugees or individuals who are not necessarily high risk. Our detention centres have non-standard criteria. Why?

Once again, are we lacking resources in terms of infrastructure? We talk about Kingston, which is about to shut down because there's virtually no one there. What is the Agency going to do with that building, whereas institutions are glaringly overcrowded elsewhere?

Institutions should meet the standards of the Canadian Red Cross. Have you checked to see whether we're at least meeting that kind of standard? We're talking about the availability of beds, accessibility and provincial holding centres. What's being done with the 41,000 individuals who are walking around? Perhaps they've left the country; we don't know where they are.

• (1555)

[*English*]

Mr. Stephen Rigby: Thank you very much.

First of all, on the issue of the 40,000 warrants, for the most part these are individuals who have been in the immigration system and at an appointed time they have not presented themselves for a hearing or some other process within the normal immigration process. So when they do not present themselves appropriately and legally, we issue a warrant for their arrest. The vast majority of them would subsequently be removed, although there are some who would be found, arrested, and then brought back into the immigration system.

What we have done in looking at this situation is three things. First of all, we conducted a pilot study in our northern Ontario region to determine what exactly the demographic potentially of the 40,000 has been. What we found was that in the sample we looked at upward of half of the sample were individuals who had left Canada. It is very difficult for the CBSA to make these determinations, as the Auditor General has said, in the normal course of events absent exit controls, because there is no requirement for anybody to present themselves upon exit from Canada. So we have a very large potential component of the total inventory who in all likelihood have left Canada for the United States, or back to their home country, or to another country.

Second, we have begun to look also at how we examine the demographic constituent parts of the total inventory. For example, if you have somebody who is 75 years old, it may well be that sustaining a warrant for them is not the most cost-effective approach for the agency to take, so we're looking at what we refer to as our warrant cancellation policy.

Hopefully as we complete this work it will give us a more structured view of what the really core number is within the total warrant inventory of 41,000 that we have before us now. We know for a fact that within that warrant inventory approximately 2,800 to 2,900 of these individuals have some criminal affiliation. And criminal issues, organized crimes issues, etc., people who fall into gang affiliations when they come into Canada, are consistently our priority in looking at where we can find these people, how we find them, and making them a priority in terms of our removals.

If you look at the 12,000 or so removals we have consistently done over the last two or three years, you'll see that about 16% to 17% of those removals are consistently people with a criminal background.

We've also initiated the pursuit of a couple of other things. Number one, we need to work more acutely with our American colleagues to make determinations as to when people have left Canada for the United States. We believe there is some fertile ground there that we can pursue in terms of getting information from the Americans for people who have entered the United States so we can basically take them off our inventory.

At the same time, we want to make our investigative techniques a lot more acute. When we get down to that refined number in the total gross inventory we want to make sure that we're doing proper data mining. We want to make sure we are contacting the proper authorities, working with law enforcement, working with provincial authorities, working with municipal authorities. For the most part, these people have dropped out of public view.

[Translation]

Mr. Luc Desnoyers: You didn't answer my question on the holding centres. In some centres, 10 people are put in one cell, whereas Kingston is virtually empty. In other places, people are piled up—I won't say like cattle—but it's nevertheless questionable.

[English]

The Chair: Please give a brief response.

Mr. Stephen Rigby: Certainly, Mr. Chair.

For the most part, it is our belief that situations where you have ten people in a cell for three are an extreme exception. I'm not saying that doesn't happen, but we don't believe it happens frequently.

We have a couple of other things. Number one, we have a new national policy in terms of what the managers of these holding centres are to do when they exceed capacity. Number two, we are working more acutely with all of the provinces to get arrangements in place so that we can transfer high-risk individuals into their holding centres, which will reduce the stress on ours. Finally, we do work with the Red Cross and we do work with the stakeholders in the refugee community to make sure the standards that we are adopting are consistent with their expectations.

● (1600)

The Chair: Just before we go to Mr. Christopherson, I encourage all members of the committee to keep your questions short and precise and to the point, and the witness to keep the answers again short, brief, and relevant to the question.

Mr. Christopherson, you have seven minutes.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you very much, Chair, and thank you all for attending today.

I'd like to follow up on the Bloc question. I heard you say you made a priority of those whose whereabouts you don't know and who have a criminality in their background, but you said 16% to 17% of those who are removed fit this category. This didn't seem to me to be much of a priority list, 16% to 17%.

Mr. Stephen Rigby: There are a couple of things, Mr. Christopherson. First, we use the resources that we have to target the higher-risk cases. Wherever we can locate somebody, using probably a disproportionate number of the resources on those cases, we remove them. We've been able to keep that level at about 16% to 17%. We hope to actually raise that level.

At the same time, though, we have to keep in mind that we need to keep a reasonable amount of our resource effort on the normal immigration stream. The immigration community is very sensitive internationally to any signals that a country such as Canada might be doing less to remove normal low-risk, non-criminal individuals if they are not admissible to that country. What I think you would see is a consequent impact on the number of people who would be coming to Canada and attempting to utilize and possibly exploit the refugee system.

Mr. David Christopherson: I'm still having some trouble understanding.

I'd also like you to address why the number is growing. Again, things that certainly get my attention are when we have previous audits and problems are found, and we do another audit and the problem is not solved. That, to me, is the most egregious type of unacceptable conduct, and these numbers are going up. So you're not even getting a lid on it, let alone making any gains.

Then you say those with criminal backgrounds are your priority. You said it again: 16% to 17%. I would have thought the answer would be that something like 80% of the people you do reach would be on this priority list, but it's 16% to 17%. That doesn't give me a lot of comfort.

Maybe you can address also the issue that the numbers are going up every year. Is it strictly resources? If you had enough money, would these people be gone?

Mr. Stephen Rigby: Let me address your point with regard to why the number is going up. The prime correlation between the number of warrants going up is the number of refugees making applications to Canada, and that number has gone up systematically over the last three years. It's gone from 22,000 to 28,000 cases in the most recent reporting period, to about 37,000.

Mr. David Christopherson: Are the percentages coming down? I understand the numbers get bigger, but is the percentage coming down?

Mr. Stephen Rigby: The percentage of what?

Mr. David Christopherson: The percentage of people you lose track of.

Mr. Stephen Rigby: No, I think generally speaking the percentage of people we have to issue warrants against is in rough correlation with the growth in the number of people who are seeking access to the refugee system in Canada.

Mr. David Christopherson: So at best, you're still falling behind.

Where are you making some gains? Where are you making improvements? Where are the improvements?

Mr. Stephen Rigby: I think where we're making improvements is by having a better sense of what's in the total inventory and trying to have a more acute sense of where we're going to target the resources that we have, both in terms of people who are still in Canada and people who fall into the high-risk criminal demographic.

Mr. David Christopherson: I'm sorry, but wouldn't that have been discovered in the 2003 audit? That doesn't sound to me like anything new. It sounds to me like something you would have thought of as a response to the first go-round, and now we're on the second go-round. My sense is, if we sit here and nothing changes, in another five years another committee is going to get another report and they're going to see the numbers still going up. So I'm asking what you're doing to change what you've been doing, since what you've been doing isn't working.

Mr. Stephen Rigby: Everything I've described to you over the last couple of minutes has been new things that we have begun doing over the last six or seven months, so I am hopeful that they are going to pay dividends and respond to some of the issues raised in the audit.

I take your point. This issue has been somewhat systematic since the 2003 audit. The first thing I'm doing before I look to the issue of whether resources are appropriate is to make sure that the resources I have are being spent properly. I think that's an obligation I have, and that's what I'm going to do right now and probably over the next 12 months.

Mr. David Christopherson: With regard to cash bonds, I noted on page 12 in the report that 368 of 2,038 cash bonds posted were forfeited. The agency located 178 individuals, of whom 146 were removed, but you don't know the whereabouts of the remaining 190 individuals who forfeited their cash bonds. I'm reading, "The Agency has identified 18 of the 190 individuals as having a history of criminality."

What's the problem here? Is this discretionary decision-making that's not good? Does the policy need to be refined? The whole idea is that you're making a judgment, as I understand it, on these 2,000-plus people that they don't fit, but with certain conditions, we'll let them. Somebody has made a judgment that a cash deposit would do in this case, and then, with 368 individuals, it didn't. Some of these have criminal backgrounds, and now you can't find some of them. How are you addressing that?

• (1605)

Mr. Stephen Rigby: The first thing I would say is that when you refer to criminality, there's a—

Mr. David Christopherson: I didn't. I'm referring to the auditor's words.

Mr. Stephen Rigby: When one refers to criminality, there are a number of stratifications that can be made. The people that we would release on terms and conditions, including a bond, would be people who, according to the evidence and in our judgment, represent minor criminality for the most part and who we are reasonably confident would abide by the terms and conditions of the bond.

That is not always the case. I would agree with the Auditor General. The numbers they have cited are not entirely acceptable to me, so I think what we have to look at is whether or not the sorts of risk assessments we are doing on the sorts of people we are releasing on terms and conditions are appropriate. We are doing that.

Secondly, I think that as we get more fulsome arrangements in place with the provinces, that will give us a little bit more capacity to refer people, on an organized basis, into provincial facilities, which will relieve some of the tension on our immigration holding facilities in each of the regions.

Mr. David Christopherson: I'll be interested to see follow-ups on those kinds of numbers, because that will give us a sense of it.

But you made a nice segue for me, and I appreciate it: on the agreements with the provinces, there were two of them—

The Chair: Thirty seconds, David.

Mr. David Christopherson: Thanks, Chair.

You're about to conclude agreements with Ontario and Quebec at the end of this year and the remaining ones by 2011. What takes so damn long?

Mr. Stephen Rigby: Not that I want to punt the question, but I'll ask my colleague, Ms. Johnston, to comment. She's been handling a lot of these discussions.

Mrs. Kimber Johnston (Vice-President, Enforcement Branch, Canada Border Services Agency): Thank you.

I would just point out that the approach we've decided to take with the remaining provinces is to target the two provinces where we have the most capacity. Obviously, Ontario and Quebec are where we have the biggest crunch when it comes to detention capacity, so we wanted to conclude those agreements first.

We already have agreements with the provinces of British Columbia and Alberta.

With respect to the remaining provinces in the prairies and the Atlantic, if you look at our detention rates, they're actually very low in those provinces, so what we decided to do was target Ontario and Quebec first. Because the remaining provinces have low detention capacities versus the number of provinces, that's the way we decided to approach it.

We've targeted 2011, but we will certainly make every effort to conclude the agreements with those remaining provinces as soon as possible. We were just looking at targeting time.

Mr. David Christopherson: The priority wasn't my issue. It was that it takes so long to get an agreement. You made my case. The smaller provinces have fewer cases. Getting an agreement ought to be that much easier. I couldn't understand why it's taken years and years and years to get an agreement with provinces.

Thanks, Chair.

The Chair: Thank you very much, Mr. Christopherson.

Thank you, Ms. Johnston.

Mr. Saxton, you have seven minutes.

Mr. Andrew Saxton (North Vancouver, CPC): Thank you, Chair.

First of all, I'd like to thank all of you for coming before the committee today.

This chapter shows us some serious concerns, but it also shows some areas of improvement. I know that Minister Day was concerned and acted on this report. I also know that Minister Van Loan is picking up where Minister Day left off.

I was encouraged by your presentation, Mr. Rigby. I noticed that the last time the CBSA was before this committee, Alain Jolicoeur was the president. Could you just share with us how long you've been in this position and what you did before you had this position?

Mr. Stephen Rigby: Certainly. I've been in this position for a little longer than six months. Prior to that, I was the Associate Deputy Minister of Foreign Affairs. Prior to that, I was the executive vice-president of the agency for a period of about 18 months.

Mr. Andrew Saxton: Thank you. Congratulations on your position.

• (1610)

Mr. Stephen Rigby: Thank you.

Mr. Andrew Saxton: In Mr. Jolicoeur's comments before this committee, he noted that this is a new organization, created overnight by putting together three pieces of different organizations with a new mandate. This is quite an undertaking. Coming from the private sector, I'm sometimes quite amazed at the complexities in overlapping jurisdictions. I think the flow chart on page 6 demonstrates what I'm referring to.

Can you comment on how the CBSA is working with its partners to simplify and coordinate policies? In particular, speaking of the TRPs, the temporary resident permits, how are you working with Citizenship and Immigration Canada to improve the efficacy of this program?

Mr. Stephen Rigby: Certainly.

We have a very robust and fairly sophisticated relationship with CIC in the co-management of this program. The Immigration and Refugee Protection Act actually shares responsibilities between the ministers for immigration and public safety. When we got the recommendations regarding the temporary resident permits, we did sit down with Citizenship and Immigration Canada and we defined the action plan that we're pursuing as a result of this chapter.

I think, generally speaking, there's been agreement between us, both in terms of tightening up and revising the policy and the procedural guidance that our officers will follow in issuing these permits at the border, and in terms of focusing on the kind of monitoring framework that I think the Auditor General pointed out has been lacking in the past.

Finally, we did reach a fairly rapid and complete agreement with CIC, I think, in terms of making improvements to the extent to which we've been properly documenting the issuance of and the reasons for the issuance of these permits.

Mr. Andrew Saxton: I know that one of the problems we have in administering this program is that in Canada we don't track people exiting the country. I lived in Asia for a number of years, and most Asian countries, and I'm sure other countries around the world, do track visitors or residents when they leave the country. Is this an option that is being considered?

Mr. Stephen Rigby: There are countries around the world that do this: Australia and New Zealand are a couple of examples. I was just in Belgium, and Brussels has an exit program as well. A couple of perspectives: to the extent that Canada wanted to adopt this program, it would be a significant policy decision on the part of the government. I think it would require careful consideration and close scrutiny.

That said, we have had ongoing discussions with our colleagues to the south, in our sister agency in the United States, on the possibility of implementing a program that would basically see at the land border our entry system used as their exit system and vice versa. There has been consideration of how it might work. It would be a lot more streamlined and probably a lot simpler at airports. It would simply be another stop on your way to the gate. I think we have a sense of how it could work, and as and when the policy discussion on this occurs, I think we'd be ready to give some advice on that.

Mr. Andrew Saxton: It seems that our best line of defence is the people at the border, the CBSA officers in the front lines. Can you explain what kind of training there is, if any? I assume there will be extra training to help improve the situation.

Mr. Stephen Rigby: I'll ask my colleague, Barbara Hébert, to comment on that.

Ms. Barbara Hébert (Vice-President, Operations Branch, Canada Border Services Agency): Good afternoon, Mr. Chair.

We do have an extensive program to recruit and train our officers. When we are going to recruit officers, we have them go through a variety of tests, essentially skill tests, behavioural tests, and we make sure they have other credentials such as first aid and are able to handle the enforcement responsibilities they would be asked to undertake.

Once they pass that screening, then they go to what is currently a nine-week training program at our national training centre in Rigaud, Quebec. There is extensive testing done when they are there, and they must pass two tests along the way. When they graduate from that nine-week training, then they will be deployed to their particular ports of entry.

Once they get to their ports of entry, we have what we call a follow-up in-service training program. That would constitute training that is more applicable to their particular geographical situation, to the kinds of clients with whom they might interact, and also to the responsibilities that they will undertake. As an example, some officers may work their entire career and never actually deal with complex commercial matters if they're in a small port of entry that is more focused on traveller processing. So if you're going to work in a commercial environment, we'll make sure that we give you that kind of training.

In addition to all of that base training, as I'll call it, we continually have other kinds of training available for our officers. If, let's say, someone is from a legacy organization, such as customs, and we would like them to become more comfortable at administering our immigration responsibilities, we will make sure that they are cross-trained in order to do that. The same situation would apply with the breadth of our responsibilities.

We also make sure that our officers are given, if necessary, linguistic training and values and ethics training; there's a whole host of efforts that are being made.

• (1615)

Mr. Andrew Saxton: Thank you.

One thing that comes up to me from my constituents in my riding—and most of them are from Asian countries—is that often the border guards are not friendly and make them feel intimidated. Maybe that's something you could also add in your training. I think it's important, since they are the first face that people coming to this country see, and obviously we want to give a positive impression.

The Chair: Go ahead, Mr. Rigby.

Mr. Stephen Rigby: It's a priority of mine, sir. I think it's extremely important, and I've asked Barbara to make it a priority of hers. I've travelled reasonably significantly since I came into this job, and I promote that idea constantly.

The Chair: Thank you very much, Mr. Saxton. Thank you, Mr. Rigby.

Before we go to the second round, there's one issue I want to clarify with Mr. Johnston or Mr. Rigby. I know you have a tremendously important and challenging job. The public wants everything to go quickly at the borders and the trade to flow, but they don't want anything bad to happen. You've got these conflicting demands facing you, and it is certainly very challenging.

Speaking as a member of Parliament, I find the one aggravating issue that does come up in my office quite frequently is that of people getting held up or turned back for offences I consider to be in the strata of minor criminality. I know you can't speak for the American border officials, but it happens going both ways. I'm talking specifically of possession of marijuana, in some cases 20 or 25 years ago—and at that time it probably was a criminal offence—

as well as impaired driving, DUI in the United States. Some of these offences are quite old. These people have led exemplary lives. It happens going both ways.

There are two issues. One, I know it's an assessment of risk, but is there any way of dealing with these so they don't happen? More importantly, is there any way people can find out? People come into my office and they have an impaired driving charge that's 20 years old. They ask me if they would be allowed to go to Florida. My answer to them is I don't know. They don't want to buy a ticket and embarrass themselves by getting caught in an airport and being sent back. Is there any way they can go to an Internet site and find out exactly what the situation is? This is an inquiry we get every month, and it's becoming more and more frequent.

It happens on the border every day but with no consistency. In most cases they don't ask, but when it does happen it's very embarrassing. I've got situations where very successful business people have an old charge and there's no way you can expunge it. They won't accept the pardons in the States. You just don't get anything at all. It is a big issue.

Mr. Stephen Rigby: I will ask my colleagues if they can comment on the situation in the United States. I'm less familiar with that.

On the situation in Canada, I'm very familiar with that because I suspect I get as many overtures on this issue as you do, Chair, or perhaps more.

It's an issue of great sensitivity. As you say, a lot of people who come to the border, northbound certainly, are regular and exemplary citizens who have an issue in their background that renders them inadmissible.

I guess I'd say a couple of things quickly. We endeavour to make sure our officers have the best guidance and the best training to effect a decision on a temporary residence permit, if that's applicable. Generally speaking, I think the bigger challenge for us is to make sure those decisions, point to point, are consistent. We often hear stories of people coming up saying they couldn't get in, yet the year before they got in, they had been given a permit. I think our challenge is to make sure we are doing all we can to ensure consistent processing of these decisions.

The one thing we're trying to do through tourist associations and other fora is to ensure people know what the requirements are when they're coming into Canada. If they contact us in advance, we can make sure they get good, full consideration of their case and a proper and due-deliberate decision regarding the issuance of a temporary residence permit. In the event that we do not find we're able to issue the permit, they are at least spared the embarrassment and hassle of potentially being turned away at the border.

I'll just ask whether either of my colleagues could comment on the U.S. situation.

• (1620)

Mrs. Kimber Johnston: I would only comment that I know it's different but I don't know the particulars of it.

The Chair: The next round is five minutes. Ms Crombie, you have five minutes.

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Thank you all for appearing before us today.

As I read through the material, I just wanted to acknowledge that you have had some significant challenges, and I'm glad to hear you're slowly working your way through them as well.

I'd like to focus on two areas. One is the need for fair and consistent policy and procedures. I also note that, as was brought up by my colleague across the bench, we need better data for exit controls. We also talked about better monitoring of individuals who are released, better resource allocation, more effective information management, and consideration to costs and risks.

Specifically, you've had some challenges with lack of procedures and lack of controls, the lack of clear roles in accountabilities between CIC and Border Services, and the lack of consistency in decision-making with respect to the detentions. So there has been a lot of latitude in decision-making on detaining persons who pose a risk. How do we know whether those policies are being applied fairly and consistently across Canada? Is there an effort to put more procedures and policies in place? I acknowledge you've said there has been.

Have the decisions been based on experience, or on risk assessment, or sometimes just on capacity and limitations? What about this monitoring framework that's been discussed? Is it in place, and do we have quality assurance checks?

Mr. Stephen Rigby: Thank you for those questions.

One of the things that I've made a separate priority is making sure our national programs are armed with three things primarily: clear policy based on the legislation, procedures that flow from the policy, and monitoring to make sure those policies and procedures are being applied equitably and consistently. The fourth thing I might mention is training to make sure that people understand the policies and procedures we've got in place.

I think we've made some headway on these things. There's more work to be done, but we have amended and tightened the policies and procedures in a number of the areas that are touched on in this audit. The program monitoring framework you referred to is something we have deployed. It is not completely evolved yet, but I'm satisfied it's going to provide the kinds of information that I think we need at the national level to make adjustments to the procedures that are out there, the resources that we deploy, and the actions of our officers.

The other thing I would say is that the flow of information that's available both to management and staff is pivotal in making some of the gains we've undertaken to making in response to this audit.

So the work we're doing now in the national case management system, which is the data and statistical underpinning to our work going forward, is going to be fairly pivotal to our success here. We've identified about 40 specific areas where we would like to make some changes in NCMS. We've done about 20 of them and we have about 20 more to go. At the same time, we're looking at our complete architecture to see how the long-term evolution of NCMS or its replacement will be situated among the suite of systems that CBSA administers, and there are about four dozen of them.

Mrs. Bonnie Crombie: The next theme is on risk to the public. We've talked a little bit—Dave Christopherson already spoke briefly on cash bonds—and I just wanted you to reiterate quickly on our concern about whether these people could pose a risk when released back into the general population. How are these individuals tracked and monitored while they are waiting for status?

Another related theme on risk to the public that's of specific interest to people in my community is the failed refugee claimants, if you want to address that. PSAT funding was received in the greater Toronto area, and 8,200 people had been deported—and in Quebec as well, but it sounds as if Quebec is no longer operating the program. I just wanted assurances that it's still operating in the GTA. Where else might it be across Canada, and who monitors and controls these failed refugee claimants? What happens to them? Do they just get absorbed into the general population? Do we ever find out where they are, and do they ever get deported?

Thank you.

• (1625)

Mr. Stephen Rigby: Generally speaking, on the issue of the terms and conditions, as I said to Mr. Christopherson, we try terribly hard to make sure we make acute and sharp risk assessments whenever we release somebody and attach terms and conditions to them. I think for the most part people we release in this fashion abide by the terms and conditions. Some of them do not. Some of them disappear into the ether, and they become part of the warrant inventory that's mentioned in the report.

Again, you can get people who are perfectly acceptable and legitimate presenting themselves for refugee processing, and for reasons that are unclear to us at the time they present themselves on the first arrival in Canada, they go into criminal activity or they find themselves in social situations that lure them into criminal activity once they're in Canada. There's a certain amount we can do in terms of what we know about them, but we can't always predict what they're going to do once they're here.

In terms of the resources you're referring to, we continue to have pretty robust efforts going in the GTA, for sure. One of the things we do in the GTA, for example, is a program that tries to work with people who have to be removed and to make sure they're given good support for their removal, that they are counselled properly, and on occasion are provided with financial support to guarantee they are going to go when they say they are going to go or when they need to leave.

The Chair: Thank you very much, Mrs. Crombie.

Mr. Kramp, five minutes.

Mr. Daryl Kramp (Prince Edward—Hastings, CPC): Thank you, Mr. Chair, and welcome all.

Just following up on Mr. Murphy's concern, I don't think there's a member of Parliament who isn't faced with a number of constituents in their offices all the time. They have no idea; there's no consistency whatsoever on both sides of the coin. And I find it quite unacceptable when we asked what the American situation is and you said you can't comment on it. Is there no communication whatsoever between the different agencies? Does the left hand not know what the right hand is doing? Where is the communication? Do you have systems to work compatibly together, or is there any integration whatsoever? Can you give me an update on that?

Mr. Stephen Rigby: I don't want to mislead you, sir. There's constant and robust communication with our colleagues in the Customs and Border Protection Service about all aspects of our business, from the strategic to the tactical.

Again, I didn't mean to try to duck the question. What I do know about the American regime is that generally speaking, they're more emphatic about denying these things at the first point of decision-making and then providing an avenue for appeal afterwards, whereas we tend to provide more latitude in the first decision-making point and place more emphasis on the decision of the officer. Typically speaking, as I understand it—and if I'm misspeaking here, I'll write to the committee—I believe the American process is based on saying if you have a criminal background or if you have these sorts of issues present, in all likelihood you are not going to be permitted access to the United States, but you can have access to an appeal process.

Mr. Daryl Kramp: If we wish to address this problem a little bit further down the road so we have some consistency, should we be dealing with this on an agency level or on a political level?

Mr. Stephen Rigby: I think the best thing that I could do is undertake to get clarity on the issue and make sure I'm not misspeaking or providing you with an incomplete answer. I would say the hierarchy of engagement here should be at my level. I'd be happy to engage my interlocutors to see what the Americans are doing versus what we do, and see whether there's any cooperation that we could use.

Mr. Daryl Kramp: Hopefully, with the committee's suggestion it might move forward that we could enlist your help in trying to get at least some form of consistency so that our traveling public on all sides of the border would at least have an idea of what's in store for them when they approach the border.

Mr. Stephen Rigby: I'd be pleased to have that conversation.

Mr. Daryl Kramp: Thank you very kindly.

I have just another quick point. One illegal is one too many; however, we all recognize humanity for what it is. You mentioned you've done a fair bit of traveling lately. How do we stack up in comparison to other jurisdictions? With the U.S., of course, we know they have literally millions of illegals, just proportionately compared to us. But what about Australia, Britain, other countries? How do we stand up in the matter of a shop-around list for you?

Mr. Stephen Rigby: It's a slightly partisan answer, but I think we stack up fairly well. The one thing I would say about countries such as Australia, New Zealand, and Great Britain is that they're islands, so their border management tends to have a different dynamic from a country like ours that shares 4,000 miles of border with the world's most powerful country—and all that goes with that.

• (1630)

Mr. Daryl Kramp: What about numbers? If we're sitting at 40,000, how many would be in England?

Mr. Stephen Rigby: In terms of warrants? I couldn't tell you. I can endeavour to get some information on that if you'd like it.

Mr. Daryl Kramp: Okay. It would just be nice to have something we could relate to, so we could actually do a realistic comparison. I recognize they have different factors affecting their rate, but it just would be nice to know.

Mr. Stephen Rigby: I don't want to misspeak, once again, but I would hazard that the American situation with illegal immigration on their southern border would far outstrip any challenges that I'm facing.

Mr. Daryl Kramp: I couldn't agree with you more.

Mr. Rigby, I'd just like a little bit more information on one statement that you made. You said, "As noted by the Auditor General, due to delays in systems upgrades beyond our control..." The thing is your capacities within your department have been limited with situations that are beyond your control. Are they within Parliament's control? What are those "beyond your control" systems, and how might we best address that?

Mr. Stephen Rigby: I think the issue is now back within our control. What had happened was that the national case management system, which is our prime data system for detentions and removals, had been brought within the ambit of something called the global case management system, which is a large infrastructure project being managed by Immigration Canada. Due to a re-scoping exercise that occurred last year, NCMS has been removed from the GCMS game plan and is now back with us. To a certain extent, we were waiting on GCMS to deal with a number of the systems issues we had and we were hoping we'd get remediation through that effort. Now that NCMS has been brought outside that game plan, we've taken steps already to begin doing the sorts of things we need to do in the NCMS system. We've done a certain amount up to now, and we'll be doing a certain amount over the next several years.

The Chair: Thank you very much, Mr. Kramp.

Madame Guay.

[Translation]

Ms. Monique Guay (Rivière-du-Nord, BQ): Thank you, Mr. Chairman.

Welcome to the committee.

I'm not an official member of this committee, but I've listened to your entire presentation. I sincerely have to tell you that I wanted more. In fact, I've been here in this House for more than 16 years, and, when you meet people of your calibre, who know their files, but who can't give us answers when they come to meet us once a year or every two years, we expect more. I don't feel we're getting enough information. For example, you told us that you had deported 12,617 persons. Where were they? We'd like to have a more detailed report on that.

You referred to 1,996 criminals. Where did they come from? Could we get that information so that we can have some idea? Do they come from Quebec, Ontario or British Columbia?

There are services in Quebec, for refugees and immigrants, among others, whose purpose it is to help them integrate or to provide a temporary welcome when they file their claims, so that they don't wind up piled on top of each other in cells. We have that back home. There should be more services or this should be known. For it to be known, we have to know how many we have here. We have to have a complete report. And, in my view, this report isn't complete.

It was also mentioned that there are 40,000 individuals working without any status in Toronto alone. These people are taking part in economic activity. They are earning wages; so they are taking part in the economy. What are we going to do with these people? Do they have status somewhere? It's up to you to tell us that because we aren't specialists in the field.

There's also the entire question of the appeal division that we're very keen on. We've been working on that for a number of years. My colleague has previously introduced a bill to enable refugees to file appeals when their applications are dismissed. It was reintroduced by Thierry St-Cyr, of the Bloc Québécois. These people have to be able to be represented and to appeal their cases. It's possible, but it isn't being enforced under the act. I'd like to hear what you have to say on that point.

By introducing these kinds of tools, we would be improving matters; we would be moving matters forward more quickly, and we would be able to resolve a lot of cases. People who come here don't necessarily come to do harm, but because they're often really in danger in their country or because they have chosen an immigration country where they can be well-off, happy, where they want to work, earn a living, raise their children and take part in economic life.

You still have a lot of work to do. I—and my colleagues as well—would like there to be a lot more information, a more complete report focusing on each province, because people don't necessarily do things the same way everywhere. I know that this is done differently in Quebec.

•(1635)

[*English*]

Mr. Stephen Rigby: Thank you very much.

We can certainly provide the committee with more details in terms of the constituent elements of the number of removals that we do in a year—perhaps the most recent year, and perhaps as much information as we can generate in terms of where they fall across our various regions.

In terms of who's in the 12,000 or so that we might remove in any given year, probably the largest amount will be failed refugee claimants. These are people who have been through the system and have not been granted refugee status and are being asked to leave Canada as a consequence of that.

In terms of the number that enter into so-called criminality, a large number of them would be people who have come to Canada, have lived in Canada while they are awaiting assessment of their status—refugee or otherwise—and for one reason or another have turned to criminal activity while they're living in Canada.

A number of them will enter the criminal justice system and we have to wait for them to exit that system. We try to track them very,

very carefully so that when they do leave the criminal justice system, we generally try to get them, detain them, and then remove them appropriately so that they're not lingering in Canada after they've left the criminal justice system.

In terms of the 40,000, these are generally people who have come to Canada, they've entered into the immigration refugee process and then they have failed to pursue the process appropriately. So they've failed to present themselves for some aspect, either a hearing or an interview. They've basically gone truant on the system and it's our obligation to then find them.

The situation—

[*Translation*]

Ms. Monique Guay: Why not give them a second chance then?

[*English*]

Mr. Stephen Rigby: In some cases we do.

[*Translation*]

Ms. Monique Guay: Appeal division?

[*English*]

Mr. Stephen Rigby: In some cases we will find them as a result of an investigation in pursuit of the warrant and they will re-enter the program or the process regularly, but they had good reason for not having presented themselves and they are not automatically removed. So a proportion of them do get what might be viewed as a second chance.

The Chair: Thank you, Madame Guay.

Mr. Shipley, for five minutes.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you, Mr. Chair.

Welcome.

Mr. McRoberts, the audit was done in May of 2008, but it was produced and substantially completed in December of 2007. What years does it really reflect? Just help me a little bit.

Mr. Hugh McRoberts: It basically reflects the situation in the agency prior to December 2007, going back about 18 months, roughly.

Mr. Bev Shipley: To Mr. Rigby, if you wouldn't mind, I'm interested in the actions following the May 2008 audit, which isn't that long ago, I guess. I know that Minister Day and Minister Van Loan have taken some steps on this.

I read in your presentation that on the temporary resident permit, the CBSA and Citizenship and Immigration Canada are working together. There's approval in terms of a monitoring framework, which is now coming out in early March 2009. That's the direction that has been taken.

The Auditor General noticed that “no national procedures exist to address capacity”. We talked a little bit about that. You talk here about target dates of implementation for a procedure, again for June of this year.

I'm looking at number three, which is a reporting requirement. This again has to do with detention capacity, where it has been exceeded. It appears to me that you're developing a quality assurance program for implementation in September of 2009, which is just six months or so up the road.

In number four, your agency has negotiated, and there was discussion by my colleague Mr. Christopherson about the length of time taken to reach the agreements. It would appear that those are going to be concluded in 2009, and then with the remaining provinces, hopefully—and I think Ms. Johnston referred to this—by 2011. In the past, although there have been fewer numbers, these don't always make it easier to negotiate, because each province has its own issues to deal with, I would suspect.

In number five, the agency has launched a process to monitor the framework and identify key removals and detention activities. I think this is a key one, to be monitored for consistent application. That reporting began just at the end of 2008. Then you are conducting a pilot for 2009 to track individual removal cases. Is that the one that will try to get a handle on the exit of those who leave? You targeted Toronto as a pilot project area.

Now for my two questions. Are these a result of the concerns that have obviously come about from the AG, and on which you're now moving ahead? And second, has Toronto been picked for a particular reason?

Then I have a question about page 10 and the pre-approval programs to speed up the entry of low-risk people. I think these are good, but is there an increased risk of people slipping through the cracks when you have a preregistration or a pre-approval program? Does it raise that risk?

I'll leave it at that, Mr. Chair.

• (1640)

Mr. Stephen Rigby: The dates for the action plan have certainly been focused and inspired by the recommendations and observations of the Auditor General. We have said, and I truly believe, that these have pointed out some weaknesses, which we are trying to remediate. What I have sought to do is to have action going on everything they have touched on, and I think we have that.

Some of the things are taking a little bit longer. They involve negotiation. They may involve system changes, they may involve pilot projects, and they may involve testing the policies to make sure we don't put them in the field before they're ready for officers. This takes a little bit of time, but I'm reasonably satisfied that the dates we've set here are fairly aggressive in relative terms.

In terms of why we chose Toronto, it is the location of what we refer to as GTEC, the Greater Toronto Enforcement Centre. It is our largest immigration enforcement centre, and probably the nexus of our attention for enforcement activities, certainly in central Canada. We feel that it provides the largest, richest environment for us to test a number of these things.

The Chair: Thank you, Mr. Shipley.

Mr. Christopherson, you have five minutes.

Mr. David Christopherson: Thank you, Chair.

You had raised, Mr. Rigby, the issue of the national case management system and the global case management system. I'd like to visit that a little more closely.

The GCMS was supposed to replace the NCMS in 2005, and you held off doing a lot of things, believing that the system was going to come in. And then it didn't happen, and now you're in some ways starting over.

On April 22, 2006, *The Toronto Star* ran an article that reads as follows, under the headline "Computer Revamp Costs Soar. Program Goes Up 25% and Lags Far Behind Schedule. Immigration and Border Officials Scrambling".

The article says, in part:

A \$48 million increase in the cost of a federal computer project is raising the spectre of another financial fiasco sadly reminiscent of the infamous gun registry. Bureaucrats in the three departments are whispering about the political cash and career implications of a massive program that has risen 25% to almost \$243 million, won't deliver all that was originally promised and lags far behind schedule. Not surprisingly, immigration and border officials are losing confidence in the Global Case Management System while their superiors are struggling to contain what is even by Ottawa standards a mess.

In April 2007 the government cancels the program, or at least cancels it in terms of your participation in it. It's obviously wasted money, wasted time, wasted staff effort, wasted work, and continuing risk for a longer period of time than was necessary.

Please tell me why this failed, why the decision was made to not go with the GCMS and to return to the NCMS, how much more it is going to cost, how much money you have spent so far, and how long it is going to take until you get up to where you should have been had the government gone ahead with the original plan of 2005.

• (1645)

Mr. Stephen Rigby: Thank you, Mr. Christopherson, for those questions.

I can only comment to a certain extent. The project is essentially the responsibility of Citizenship and Immigration Canada. The Canada Border Services Agency was a participant in it by virtue of the fact that we have front-line enforcement responsibilities for immigration issues. The reason, in broad-bush terms, it was descoped was, in essence, that they were trying to amalgamate and replace 12 front-line and overseas systems with one integrated system. And I think that at the end of the day, a number of decisions that had been taken over the life of the project, including the switch from a customized solution to something referred to as a "customs office off the shelf", proved to be incapable of delivering the original vision of the project.

In terms of the NCMS aspects of it and the FOSS aspects of it, the two systems we're most interested in, yes, there were delays that were caused by virtue of the fact that we were waiting for the GCMS to give us the sort of upgraded capacity—

Mr. David Christopherson: It was four years—four years.

How much money was wasted, sir? Can you get me that dollar figure?

Mr. Stephen Rigby: I have no idea how much. I could ask my colleague to provide that number.

Mr. David Christopherson: Thank you.

Is there anybody here from the Department of Citizenship and Immigration? Maybe we can ask them why this program was reduced in scope and why this money was wasted.

The Chair: We'll wait for the response from Mr. Rigby. You're going to get back to us with a fulsome response on that.

Mr. Stephen Rigby: Yes, I can undertake to provide a response to the committee.

The Chair: Thank you.

Mr. David Christopherson: Do I have time for a quick question?

Public Safety and Anti-Terrorism, PSAT, was funded in 2005-06 and 2006-07. Toronto used this money. Part of it was that they developed their own system of evaluating risk, which causes me concern, because it means that we have different evaluations happening in different parts of the country.

I'm curious as to why Quebec got out of the program. If it's not working, why is it still in Toronto? And if it is working, why did Quebec say no?

Mrs. Kimber Johnston: Thank you.

Actually, the reason Quebec is no longer implementing the program is because the funding ceased in 2006-07. The funding also ceased for Toronto. So the funding was only for 2005-06 and 2006-07. As a result of that, what Toronto did was integrate the approach it had taken, with that special funding, with its ordinary daily activities within its existing resource levels, whereas the Province of Quebec felt that it couldn't do that without the additional funding. That's why you see the disparity.

Mr. David Christopherson: How much money are we talking about? Do you know, roughly? What's the ballpark? Is it \$10 million, \$50,000? Give me a working number, somebody in this room, please.

Nobody?

Mr. Hugh McRoberts: No.

Mrs. Kimber Johnston: We don't know. I'll get back to you on that.

Mr. David Christopherson: Whatever the number is, my concern would be what other things they decided not to do, given that one of the reasons you haven't been able to achieve all the goals you've set out for yourself is limited resources.

So what in Toronto did they have to give up in order to do that while maybe in Quebec they decided they weren't going to make that trade-off? Again, inconsistencies in the application of all of this is a real problem.

I'm going to be very anxious to see what the reports are that we asked for from them, the updates and what they tell us in the next couple of years as to how many of these files are moving in the right direction. But thank you for your answers today.

The Chair: Thank you, Mr. Christopherson.

Before we move to Mr. Weston, I want to clarify that there were a number of undertakings given this afternoon, Mr. Rigby, so let's say three weeks. Is that sufficient time for your department to get back to us?

Mr. Stephen Rigby: I think three weeks is reasonable, Chair.

The Chair: You can file them with the clerk, in both official languages, and we'll distribute them to committee members.

Mr. Weston, five minutes.

• (1650)

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): A couple of my colleagues and I went to the wrong room, so please forgive us for that.

Mr. Chair, I would like to follow up on Mr. Saxton's comment.

I travel back and forth across the border a lot and I travel internationally. It is purely anecdotal, but consistently my wife and I have observed that in crossing to the American side there's a professionalism but a friendliness, and crossing to the Canadian side a professionalism. I don't know what the training difference is, but there's a clear difference after tens and hundreds of anecdotal experiences. So it is just something for you to consider.

My question goes to the enforcement side. I see in the Auditor General's report that the CBSA is primarily responsible for the enforcement provisions of the act in section 7.3. Then in your remarks, Mr. Rigby, you say at page 3:

The CBSA's removal priorities continue to be individuals who pose a threat to the security of Canada, such as those involved in terrorist activities, organized crime and crimes against humanity.

You've mentioned that there have been 2,800 to 2,900 who have gang or criminal connections.

What is the status of the carrying of firearms by our border guards? I recall that this was something new. It was brought in certainly since 9/11. There is no mention of this in the Auditor General's report or in your remarks.

Mr. Stephen Rigby: The project to deploy armed officers is one that will span approximately ten years in total. At this stage we're into starting our third year, and we have about 720 officers deployed with weapons. The bulk of them are at the border, but some of them are inland officials. These would be officers who would deal with a lot of the cases we're responding to here.

So when people go to a residence to find somebody who may be there, arrest them and remove them, often times there can be some difficulty and occasionally some violence that's associated with that. So we are interested in making sure that as we deploy the weapons over the coming years we have a good blend between front-line officers and inland enforcement officers.

I think I can tell you that we are on time and on budget in terms of the deployment schedule. We are often asked why it is taking so long. Part of the reason is that in the fullness of time we'll arm approximately 4,800 officers, but in order to train them we have to bring them off the front line, send them for significant firearms training, use-of-force training, make sure that they pass the appropriate qualifications, and then get them their weapon and deploy them.

We cannot remove officers from the line in huge numbers, obviously. We are doing that in a very systematic way that responds, we think, to prudent risk management but also ensures that the highest-risk ports and the highest-risk areas of our program get the weapons first.

Mr. John Weston: In an increasingly dangerous world, I think it's a good thing that we're doing this. It was very controversial when it began. I was just surprised that the auditor's report didn't touch on that, because it seems to be an important thing, especially given the allocation of responsibility between Parliament and our bureaucrats.

The other thing I am going to point out is that in many of your plans I don't see timelines there. I noted, for instance, on page 4 of your report, Mr. Rigby, that it says, "The Auditor General noted that no national procedures exist to address excess capacity at detention centres." We talked about that a little bit. There is a timeline target date for implementation of June 2009.

Flipping over to the next page, it states that the CBSA is also negotiating agreements with the provinces, and you mention Ontario and Quebec. We touched on that a little bit in answer to another question. It just seems to me that it would be easier to understand what was happening and for a future committee to follow up if there had been timelines.

I know you put your neck out when you do that. In several cases, I would have liked to have seen some sort of a target date for what you're doing. I also realize that because you only have six months under your belt, that perhaps may have been a bridge too far.

Mr. Stephen Rigby: Certainly we have tried wherever possible to specify a timeline. A number of the things that I've spoken to today are complete, and when you get into issues such as negotiation with the provinces, as we've said to Mr. Christopherson, the vagaries of the ebb and flow of the negotiation and the fact that we are the *demandeur* in this matter make specifying a target date difficult for us. But suffice it to say, we are going to try to have all those things done as far in advance as we can of the latest date that was specified in our plan.

•(1655)

Mr. John Weston: Thank you.

The Chair: Thank you very much, Mr. Weston and Mr. Rigby.

Ms. Ratansi, you have five minutes.

Ms. Yasmin Ratansi: Thank you.

I have a few questions. The Auditor General found that though the two departments, CIC and CBSA, have a memorandum of understanding, they have not come to an agreement on the consistency and quality of information supporting decisions to issue temporary resident permits.

I used to chair the Standing Committee on the Status of Women. With the Vancouver Olympics coming, we have a huge problem with trafficking, and as people come to the border there is a subjective decision made by border guards. What protocols have you put in place that will ensure the safety and security in terms of those trafficked women or children? I think the minister said that if we think they are trafficked, we will give them a temporary resident

visa. But what do you do with the person who is trafficking? That's the first question.

The second question is how do you gauge what you're going to do? It's a tricky question. It's very judgmental, but I'd appreciate your input into this.

Secondly, there was a project "Hide and Seek". Could you explain how much that project cost? Is it still active? How many people were on the unwanted list? How many have disappeared? Have they gone underground, or have they gone to the U.S.?

That is where I'll stop.

Mr. Stephen Rigby: If I may, Chair, I'll deal with "Hide and Seek" first. That was a project run out of our northern Ontario region last year. I cannot tell you today how much it cost, but I will undertake to provide the committee with that information.

Basically it was a targeted sample of 45 cases involving criminality, and the findings of the pilot effort were twofold. We found that approximately half of the cases had departed Canada, after discussion with interlocutors in other countries; and a significant number of recommendations, probably a couple of dozen, were made as a result of the pilot project to improve our processes and procedures, the bulk of which we are trying to act on right now.

In terms of your issue around Vancouver, the coming Olympics, and the issue of trafficking, perhaps I could ask Ms. Hébert to comment quickly on the sorts of things that we have been doing in the past.

Ms. Barbara Hébert: There is no doubt that the Canada Border Services Agency is working very hard to prepare for the 2010 Olympics and Paralympics. We have several things under way from the point of view of operational planning and making sure we have the right number of staff, making sure that our facilities are able to process the expected volumes of travellers and athletes that will be coming. We want to make sure that we have contingency plans for unfortunate environmental or security issues. We want to make sure that our staff are properly trained, and that probably relates more directly to the question that is being asked related to temporary resident permits and working with our colleagues at CIC.

We work extremely closely with our colleagues at CIC. As I think was mentioned earlier this afternoon, we are working on making sure that we have very clear and consistent policies and practices that are well known to all our staff. We have consistent dialogue with them, at both the national and the regional level. We have consultative committees on which we both sit to make sure that all our policies in fact are well understood and that we are working shoulder to shoulder as we move forward. That applies not only to the Olympics but certainly holistically to all the programs that we administer.

As for the question related to trafficking in particular, there is no doubt that over the last little while all management and staff at CBSA are very sensitive to this issue. Our officers are much more aware of the implications of this, and we try to make sure that they are looking for this.

Our primary responsibility from an immigration perspective at ports of entry is to determine admissibility to the country. For human trafficking as well as some other issues, that would probably unfold much more in an investigative and subsequent prosecutorial process, not so much at a port of entry.

• (1700)

Ms. Yasmin Ratansi: But you didn't answer my question, Mr. Rigby. There was an article that said that 1,973 foreign criminals out of 2,000 have gone away somewhere. Have they gone underground? Are you sure they've gone somewhere else?

Mr. Stephen Rigby: We know, in the case of the "Hide and Seek" sample, that they have left. So in the case of that particular sample, and the approximately 50% that we identified as having left, they have left Canada.

Ms. Yasmin Ratansi: Fair enough. Thanks.

The Chair: Thank you, Ms. Ratansi.

Mr. Young, for five minutes.

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

I was just doing the math on that number of 41,000. I have to say, on the face of it, it sounds like a pretty big number.

But I was looking at the number of travellers you process: 97 million travellers. That's a phenomenal number. And in the big picture, your authority is over the world's largest country, a half a continent with 5,000 kilometres of border, between two of the freest societies on earth. And after following the U.S. election, we know that they don't know if they have 10 million illegal immigrants or 20 million illegal immigrants. And you have this huge trading partnership that's the largest in the world, with billions going back and forth across the border weekly.

I have to say, under the circumstances, I think you're doing a pretty good job. So I want to say something positive before everybody goes home tonight and goes to bed.

Mr. Stephen Rigby: Thank you, sir.

Mr. Terence Young: But it can always be better, and I think we would agree that it should be better.

What do you need to improve the situation?

Mr. Stephen Rigby: I would say, in the near term, we need time to implement this plan. We're asked regularly if we have sufficient resources to pursue this problem or that problem. And I can say, without reservation, I have a wide range of problems that I have to address. This is one of the most significant.

The thing that's most important to me, as the incoming president, is that I assure myself that the expenditures I'm making today are being made most efficiently, targeting the highest areas of risk, and before I had any conversation with the government about the need for additional resources that I could give assurances that we were getting good return on the investment we're making in this program, and indeed all the programs.

Mr. Terence Young: So you're not asking for any more money?

Mr. Stephen Rigby: I am not asking for any more money at the current time.

Mr. Terence Young: It's amazing.

In 2006-07 you removed 12,217 persons, including almost 2,000 criminals, and you're saying the number of refugee claimants appears to be pretty well in sync with the number of people that have sort of disappeared into society.

Why does the number of refugee claimants go up every year?

Mr. Stephen Rigby: Well, I don't wish to be simplistic about it, but it's an increasingly uncertain and difficult world. Mexico's an interesting example. It's probably our highest-volume source country for refugee applicants. People who are facing difficult economic and social situations at home look to Canada as a country that really represents a wonderful opportunity, both for them and their family. I think we are simply seeing the byproduct of people viewing Canada very positively and wanting to take advantage of the immigration opportunities and refugee opportunities that might exist.

Mr. Terence Young: Right.

The assistant AG says you've improved processes to track people for removal and for focusing on high-risk individuals. How did you do that?

Mr. Stephen Rigby: I think it's a function of a couple of things. Number one, it's making the improvements that we want to make to the national case management system. I think the AG also highlighted a number of areas where we need to have better data. We've started that process. The more information we have, the more incisive and acute we're going to be in the decisions we make.

The other thing we are trying, as I said a little bit earlier in the discussion, is to focus in on what we refer to as data mining. It's the issue of going into federal, provincial, and municipal law enforcement databases and seeing if we can do a better job at investigating the sorts of people we're looking for. A lot of them, quite honestly, are hiding in plain sight. They are simply there; they have failed to report. So we need to assure ourselves that we are doing the obvious things to look for them if they are just sitting there under their proper name and residing somewhere in Canada.

Mr. Terence Young: In the January 2006 election I was a candidate. I didn't prevail, but there was a new government in Canada. About a month later there was a story on a Portuguese cable TV channel. There's a big Portuguese population, about 5,000 people, and there was a story about this family at the airport that was being deported that had been in Canada for ten years. There were tears because one young lady was just finishing high school—she had three weeks to go—and of course somebody broke the rules ten years ago and they were paying a big price ten years later. It's a sad situation. Since there was a new government, I was getting the heat as if it was something that we did within four weeks. Everybody was still looking for their new offices and where the washrooms were in Parliament.

I'm wondering what we can do to help avoid those situations. Is there clemency for people in those situations, or can they formally request clemency?

• (1705)

Mr. Stephen Rigby: Yes. We often see such situations as a result of the length of time it takes to process people through the full rigour and available recourse in the immigration system, where they will have been in Canada for many years before the final disposition is made. In that time you will see situations where people actually marry and raise families—

Mr. Terence Young: You said in plain sight. They're in plain view.

Mr. Stephen Rigby: That is correct.

There is clemency available. There is a range of issues. The best one that I might cite is that application can be made to ministers for what is referred to as a humanitarian and compassionate decision to allow certain people to remain in Canada.

The Chair: Thank you very much, Mr. Young.

Madame Faillie.

[Translation]

Ms. Meili Faillie (Vaudreuil-Soulanges, BQ): Thank you, Mr. Chairman.

I'm really sorry that I didn't hear all your statements. However, some people in the room know that I sat on the Immigration Committee, where I had the honour of hearing these speeches on undesirable persons on a number of occasions.

For my colleagues, I would point out that we're putting a great deal of emphasis on refugees; we always come back to the refugee question. However, as you are no doubt aware, the board, the IRB, is short of board members. The number of people waiting for decisions is currently increasing. Unfortunately, the government has been immobile for a number of years and is not appointing or renewing the terms of the IRB members quickly. That's a bit of an answer to Mr. Young's question concerning the number of people.

As you are also aware, there have been regulatory changes regarding the borders between Canada and the United States. It's entirely normal, when there is a change to regulations, that there is an increase in the number of applications. People are afraid that the legislation doesn't provide for any transition. These people are also arriving at the borders more quickly than expected. So we have to manage a larger number of newcomers.

I've had the opportunity to visit the places where people are held temporarily, sometimes for a little longer. Action has previously been taken to make the agency aware that pregnant women were being held for long periods of time and that there were a number of deficiencies in that regard, such as access to physicians, access to translators. You are well aware of that situation.

In addition, my colleague spoke about the number of travellers: 97 million travellers; that's enormous. He also added that we're having trouble locating 41,000 individuals or that we've lost all trace of them. It should be pointed out that a removal order can be issued against a person for a number of reasons, and that those

41,000 individuals are not necessarily criminals, although some of them are.

According to Minister Day's statement, we are probably right to be concerned about the large number of these individuals because they are harder to find. It's always a challenge to find people when you let them go. On the other hand, most of them aren't criminals, even though they are ineligible.

In those cases, we find people, like students who haven't renewed their permits or who are waiting for a permanent residency decision. Sometimes, the file is lost in Vegreville. In other cases, the person has forgotten to renew his temporary work permit. In the system, there's a human factor that must remain that way. In fact, if we consider the people in the field, whether they be immigration lawyers or people working with refugees, or even the Canadian Bar Association, on the whole, they think you're proceeding with removal too quickly in a number of cases, and they would like to have more time to intervene.

I simply wanted to clarify that point because, based on our understanding of the issue, you have to be aware of all those factors that reflect the complexity of the immigration system.

• (1710)

Mr. Stephen Rigby: Thank you.

[English]

The Chair: That's a long question.

[Translation]

Mr. Stephen Rigby: Perhaps I can start with the last subject you raised.

[English]

Your point is absolutely well taken. It's important to make a distinction between the warrant cases and regular removals, people who are failed refugees.

The warrant cases are people who have left the system and are at large. We have to find them, and we have to make the appropriate response. There are a large number of other people who leave Canada voluntarily. Often they come back and they will try again to make refugee claims, or they might make permanent residence applications, etc. But your point is absolutely well taken. There is a distinction to be made.

In terms of the holding-centre conditions, a number of members have commented on this. We consider this to be very important. Obviously we pay close attention to the advice we get from the Canadian Council for Refugees, the Red Cross, etc., in terms of those conditions. We try very, very hard to make sure that overcapacity is handled properly and only in very short-term situations.

Concerning border changes, the major border change this year will be the implementation of the western hemisphere travel initiative at the land border, which will be the enhancement of documentary requirements in the United States. We have worked very closely with our American colleagues to prepare for this implementation, which is scheduled for June. But you're right, when these changes do occur they can have an impact on how the immigration process proceeds.

And finally, on the issue of Immigration and Refugee Board members, I think it is recognized that there has been a shortage of members. I can't comment for the board, but it is my understanding that steps are being taken to name new members now.

The Chair: Merci, Madame Faillie.

Colleagues, that concludes the second round.

Mr. McRoberts, are there any closing comments you want to make on behalf of the Office of the Auditor General?

Mr. Hugh McRoberts: Thank you very much, Mr. Chair.

I would note that the agency has agreed with the recommendations we have made. They have indicated they are taking action to address them. We are encouraged by that, and we are looking forward to coming back and seeing the progress they have made.

Thank you very much, Mr. Chair.

The Chair: Thank you, Mr. McRoberts and Mr. Stock.

Do you have any closing comments, Mr. Rigby?

Mr. Stephen Rigby: Only to say, Chair, that we have formulated what I hope is an effective action plan. Mr. Christopherson's comments are very well taken. There are a number of chronic issues here, which I take very seriously. It is my hope that a number of the initiatives we have under way will begin to break the chronic nature of some of these issues.

The Chair: On behalf of the committee, I want to thank you very much for your appearance today. Dealing with an agency, as you said, with 97 million crossings, and I think it's \$1.5 billion worth of trade every day, certainly makes for many challenges when you go to work in the morning. You perform a very important and challenging role for all Canadians, and we want to thank you for that.

Colleagues, I want to make a couple of announcements.

Do you have something, Mr. Christopherson?

Mr. David Christopherson: If I may, number one, I want to thank you, Mr. Rigby, for your demeanour and your answers. I wish you the best of luck. We need you to do well.

And Mr. McRoberts, do you have any idea when a follow-up audit may take place?

Mr. Hugh McRoberts: Right now, I don't. We have planned to schedule follow-up work, but my guess is that probably we would want to allow at least two to three years for Mr. Rigby to get things done and in place. That just gives you a concept of the timeframe. We'll put that in our plans.

Mr. David Christopherson: I appreciate that.

Chair, that seems a little long, given some of the files we've talked about here. I wonder if there isn't something midway that we could receive from Mr. Rigby. I say that without having a whole lot of specifics in front of me. I could go through them if you wish.

• (1715)

The Chair: We can put it in our report, Mr. Christopherson.

Mr. David Christopherson: Maybe the clerk would be good enough to make a note of that.

The Chair: Okay. I have a couple of points of information before I adjourn the meeting.

I want to bring to everyone's attention that our next meeting is Thursday afternoon. It's in Room 237. I think a few people were confused as to the location of this meeting. They do move us around, so you have to check your notice. In fact sometimes we may be in the building on Sparks Street.

So it's back in Room 237 on Thursday afternoon, and the meeting is in camera. We're going to deal with two reports. Those reports have been prepared by the analyst. They have been translated in both official languages, and they're being circulated to all members electronically, either later today or first thing tomorrow morning. You'll have them by tomorrow morning.

I urge everyone to come on Thursday. For the benefit of the new members, we go paragraph by paragraph. I'd urge everyone to read them and ask yourself whether that reflects the mood and decisions of this committee.

Those are the items on the agenda for Thursday afternoon. We may try to do another report, depending on how we get along, but that will be our first effort with respect to reports.

If there is nothing else, I will adjourn the meeting.

The meeting is adjourned.

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