



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# Standing Committee on Citizenship and Immigration

---

CIMM • NUMBER 006 • 1st SESSION • 41st PARLIAMENT

---

EVIDENCE

**Thursday, October 27, 2011**

—  
**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Thursday, October 27, 2011

•(1200)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Good afternoon. This is meeting number six of the Standing Committee on Citizenship and Immigration on Thursday, October 27. The meeting this afternoon is televised.

Pursuant to Standing Order 108(2), this is a study of the immigration application backlogs in light of the action plan for faster immigration.

We have three sets of guests. I think the first person isn't here yet, but we'll start, and we hope he will arrive soon.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Mr. Chair, we were initially supposed to be having other witnesses come before the committee this morning. I wonder if we could be provided with an explanation as to why those witnesses are not coming and when we can anticipate they will be coming.

**The Chair:** That's a good question, sir.

We had an e-mail from.... He's called the senior adviser. I don't want to spend too much time on this. I'll try to give you as concise an answer as possible, but I don't want to get into a lengthy discussion because I don't want to take time away from these witnesses.

We got an e-mail from a fellow by the name of François Harvey, who is the senior advisor, parliamentary affairs. He sent an e-mail to the clerk and said:

Due to unforeseen circumstances, CIC officials, including Immigration Program Managers from missions in New Delhi, Manila and Chandigarh, will unfortunately not be able to appear before the Standing Committee on Citizenship and Immigration tomorrow.

That was the message. Unfortunately, that was received late in the morning yesterday. There wasn't enough time to arrange for other witnesses, so unfortunately we had to cancel the first hour.

Representations have been made to Mr. Harvey as to when these witnesses will be able to appear, and at this point he hasn't responded.

**Mr. Kevin Lamoureux:** Mr. Chair, if I may, I do find it is highly disrespectful in terms of the manner in which this has unfolded. The committee would be doing a service, I would ultimately argue, to send a strong message. These are civil servants and I would have expected them to make a presentation.

If it's in order, Mr. Chairperson, I would like to move that the immigration officials from Manila, New Delhi, and Chandigarh be asked to provide an explanation as to why they were not able to

present before the Standing Committee on Citizenship and Immigration.

•(1205)

**The Chair:** My concern is that when you make a motion such as that, we could conceivably get into debate. We have an hour to deal with these three sets of witnesses.

The subcommittee is meeting at one o'clock, if you wish to discuss it then, but honestly, I don't want to take time away from these witnesses.

**Mr. Kevin Lamoureux:** That sounds fair. I'll raise it then.

Thank you, Mr. Chair.

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

We have three witnesses. The first is Warren Creates.

I hope I'm pronouncing your name correctly, sir. You're an immigration lawyer.

**Mr. Warren Creates (Immigration Lawyer, As an Individual):** Thank you. Yes.

**The Chair:** Thank you.

We have with us Ms. Katrina Parker, who I believe is also a lawyer; Ali Mokhtari, with CanPars Immigration Services Inc.; and Michael Atkinson, who is the president of the Canadian Construction Association.

As I understand it, Ms. Parker and Mr. Mokhtari, the two of you are somehow connected—

**Mr. Ali Mokhtari (CanPars Immigration Services Inc., As an Individual):** We'll be splitting our time.

**The Chair:** —and you'll be splitting up to eight minutes.

**Ms. Katrina Parker (Lawyer, As an Individual):** Exactly.

**The Chair:** Mr. Creates, you will have up to eight minutes to make a presentation.

Mr. Atkinson, you will also have up to eight minutes, after which time we'll have questions and comments.

Mr. Creates, you may go first. Thank you for coming in this morning, sir.

**Mr. Warren Creates:** Thank you for having me. It's always a great honour and part of our responsibility as Canadians, I think, to have a chance to speak to parliamentary committees. I've had the great privilege of doing this several times before today, so it's nice that your clerk and your committee asked me to return.

Today I'll speak from the point of view of the private sector, obviously, and the interests of my client base. I've been practising for 26 years. I'm a specialist certified by the Law Society of Upper Canada in the three areas of immigration, citizenship, and refugees. If members of your committee want to ask me questions on any of those three parts of Canada's program, I'd be happy to field them.

I'd say that 50% of my practice is corporate immigration, which includes, of course, a very heavy emphasis on work permits, temporary status, business visitors, and NAFTA cases, but that also often logically leads matters of permanent resident status and then citizenship for those who want it.

The other 50%, of course, is made up of individuals and family members who are prosecuting their own cases or trying to reunite with family members. Some of your committee members might have interests that relate to corporate immigration, the transfer of executives, for example, or other things, and some of your committee members or their constituents may have questions or concerns about family reunification, which I know is a big concern for most of you.

One of the four messages I wish to deliver today is that the greatest concern of our clients is processing time. They haven't seen that shrink; they've seen it increase. There seems to be nothing any of us can do about that. Obviously, it takes resources.

There's obviously more screening taking place, and there's greater interest in security and fraud these days than there ever has been, and that's a good thing. I'm not demeaning it at all. They need to pay particular attention to those parts of the immigration program and they need to collaborate with other agencies outside the Department of Citizenship and Immigration. The bottom line, of course, is that the processing time is getting longer, due in part to the backlog, but also because of the scrutiny that each of these cases now receives.

I think there is some value in considering differential processing fees, as the Americans do. I don't see why we haven't been more serious about evaluating the opportunity, because immigration is often thought of as a challenge, but many of us at this table and beyond view it more as an opportunity than as a challenge.

I think there will be greater opportunity if you can get the talent we need into Canada. There's a consensus, I think, on the need to have talent in Canada. The foreign worker program is now producing about 190,000 temporary foreign workers, which is a staggering number, but that's symptomatic, I think, of our economy and the need to have temporary foreign workers fill gaps in the labour market.

So why not have higher processing fees, since there seems to be an inelastic demand for immigration and so on, and there's a growing cost associated with it? The idea might be unpopular, but any of us who have studied economics will clearly see that if your costs go up and demand doesn't go down, then there is inelastic demand, which is what we have in our immigration program.

My clients would not be against the raising of processing fees provided they got reasonable and fair service in a reasonable period of time. Many of those clients, I think, would be prepared to pay higher fees if it meant expedited processing such as exists in the

United States. I think it's something we should be talking about and considering here and beyond.

● (1210)

The very public debate in the last couple of years has been about conditional permanent resident status for members of the family class, or what we call FC1 cases, which are marriages, common-law spouses, and conjugal partner applications. I don't think there's anything particularly wrong with imposing a conditional visa on such applications. It will, I think, facilitate the genuine ones, and will be a barrier for those that are not genuine, that are fraudulent.

Not all marriages work out, obviously, including those in Canada, so there's going to need to be flexibility on how officers report conditional permanent resident status when the immigrants are no longer together after a period of, let's say, two years. I don't think it should be more than two years. I think two years is the right amount of time. There needs to be flexibility to accommodate those marriages that just genuinely don't work out.

The courts have been very good at adjudicating disputes involving family law cases, so why can't the Immigration and Refugee Board do the same thing? I see no reason why they can't have that jurisdiction and that expertise. They do it already.

What may be the final point I have has to do with the possibility of cutting immigration during periods of economic recession. As we all know, Canada has done very well compared to other countries during these economic times. Economics is cycles. Our economies are in a cycle. What the immigration program does I think very well for our country is invest in the future of our demography. Economic cycles are short term, and for permanent resident status leading to citizenship, I think cutting immigration levels is short-sighted. I'm not a supporter of that. Unless for temporary foreign workers, it could be done there....

The balance that exists now in our immigration program is probably as good as it has ever been, and as I said, I've been doing this for 26 years. I don't have any issue whatsoever with the balance that's there now in all the streams of immigration: the economic immigration, the family reunification, the temporary foreign worker, the refugee, the humanitarian and compassionate grounds, and so on, all of the various different elements that together make up the 280,000 visas, let's say, that were issued last year. I don't object to it. I think it's as good as anyone could make it.

I think our program is excellent overall, and I think we should be concerned about fine-tuning it to make it better. There's no heaven on earth, but I think there are opportunities that haven't been properly or fully explored.

A related point has to do with educating Canadians—

**The Chair:** Mr. Creates, I'm afraid—

**Mr. Warren Creates:** The eight minutes are over?

● (1215)

**The Chair:** I have to stick to the rules in this place, unfortunately. I know you have a lot of important things to say. Perhaps they'll come out in questions.

**Mr. Warren Creates:** Sure.

**The Chair:** Ms. Parker.

**Ms. Katrina Parker:** Thank you for having us and also for having me. It is a first for me, so I will start right away because I only have four minutes—

**The Chair:** You're doing fine so far.

**Ms. Katrina Parker:** Excellent.

I'm a lawyer and have been working exclusively in immigration for the last 12 years. I've been working alongside Mr. Mokhtari for the last three years. I've been dealing on a daily basis with hundreds of federal skilled worker applications. Most of these applications represent general practitioners and medical specialists.

Overall, we have about 515 applicants and files that we've submitted between February 2, 2008, and June of 2010, which is under the first list of ministerial instructions. It's important to underline that out of the first set of ministerial instructions, these applicants were told that their applications would be processed in 12 months maximum. That was very clear on all the acknowledgments of receipts that were received by our applicants at the time. Only 4.47% got processed under this promised date. My colleague will address this issue a bit more in detail.

Then came along the second set of ministerial instructions, which represented 29 jobs. What is very crucial to underline is that out of this first set and second set, we found 18 professions that were exactly the same on both lists. So we're a bit concerned by how Citizenship and Immigration Canada replied to every one of our applicants, as follows: "Because the second set of ministerial instructions reflects Canada's current market needs, federal skilled worker applications under this set of ministerial instructions, effective as of June 26, 2010, are processed on a priority basis, and we are responding to the most urgent labour market needs first".

That to us is a bit of a concern. As I said, we are representing medical practitioners. How is being a doctor before 2010 and after 2010 different? How do they not meet the same urgent market needs? We have a specific case that Mr. Mokhtari will address.

Before I conclude, I would like to bring to your attention the fact that we'd sent several correspondences and inquiries to the ministry. We got two separate correspondences, actually one day apart, in May 2011, where again we were told: "It is important to note that applications are processed in the order in which they are received. Procedural fairness dictates that it is not possible to process one person's application ahead of those who have applied before them".

How can this statement be made in May of 2011 when it is a well-known fact that applications are not being processed on a first come, first served basis? It's a bit of a contradiction on that issue.

I think it's more than time to get back to supporting Canada's reputation as an immigrant-welcoming country.

I'll leave the rest to Mr. Mokhtari.

Thank you.

**The Chair:** You have about four minutes, sir.

**Mr. Ali Mokhtari:** Thank you for having me. It's a pleasure to be here to talk about such an important issue.

My name is Ali Mokhtari. I'm a member of the Iranian Tehran Bar Association as a lawyer in Iran. I've also been a certified immigration consultant in Canada for the last four years. I also run a company called Canpars Immigration Services, offering immigration services to a huge number of people.

I represent hundreds of clients in different federal programs and have submitted 514 federal skilled worker completed applications within the first ministerial instruction since 2008. Up to now, only 23 of these 514 applications have been processed—or 4.4%. When it comes to the Damascus office it is even worse, because I have 506 completed applications filed in that visa office, and only 15 of them have been processed. That is just 2.9% of the total files I submitted.

Another point is that it is not only about the Damascus office and it's not about Iranians. Sometimes Mr. Kenney talks about Iranian files. In an interview I remember, he mentioned that it's because of security background checks or whatever. It's not about that. Those processed were done so in a timely manner within the timeframe he offered—between six and 12 months—and also, after the first ministerial instruction, I filed around 250 files, and more than 10% of them got processed within a 12-month period.

The other thing I want to mention is that they didn't process any file in the Damascus office with the AOR date of March 2 and later. You cannot find a single file with the AOR date of March 2 or after that has been processed.

I also have 144 GPs among those first ministerial instruction applications that were never processed and are on the shelves of the Damascus office. I want to mention a very interesting comparison between two cases. I have a brother and sister from the same family with the same educational background and experience. They are both doctors. The sister applied on February 6, 2009, and she received her medical papers on February 17, 2010. The brother applied on September 15, 2009, and he is still waiting to have his file processed.

I have all the documents here. I have a list of all my clients. As you can see, it's 12 pages long. For all these, the blue means they have been processed, so it's only 2.9%.

The other issue I want to raise—

• (1220)

**The Chair:** Perhaps you can wind it up, sir. I'm sorry.

**Mr. Ali Mokhtari:** Do I have to stop?

**The Chair:** No. You have a few seconds.

**Mr. Ali Mokhtari:** I have a website, parsCanada.com, that receives between 10,000 to 15,000 clicks a day. I feel that Canada's image has been severely damaged by this policy of keeping people waiting in Damascus and not processing their files.

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

You mentioned some documents. I would worry about you presenting them to the committee, because there are probably names there and that would cause problems with our privacy legislation. In questions from the committee members, perhaps you can speak in general terms.

**Mr. Ali Mokhtari:** Sure.

**The Chair:** Mr. Atkinson, you have up to eight minutes. Thank you for coming this morning.

**Mr. Michael Atkinson (President, Canadian Construction Association):** Thank you, Mr. Chair, for the opportunity to present before this committee.

The Canadian Construction Association has approximately 17,000 individual member firms from coast to coast in Canada. Construction accounts for some 7% of Canada's GDP. Our members are involved in the non-residential sector of the industry. Essentially, they build everything but single-family dwellings. They build Canada's infrastructure, both private and public.

Before specifically addressing the backlog situation, I'd like to set the stage with some of the context we're looking at.

As many of you know, our industry experienced chronic skilled labour shortages in many regions of this country prior to the onset of the recession. While these shortages were somewhat lessened during the downturn in 2009, employment within the construction sector is again back at historic highs. In fact, in July of this year, we set a new record for overall employment within the sector and have surpassed our pre-recession recorded highs.

An international study just this past year projected that Canada's construction market will be the fifth largest in the world by 2020, behind only the U.S., India, China, and Japan. Not surprisingly, our future labour supply is becoming a primary concern—if not the major concern—of our industry going forward.

The Construction Sector Council, which provides labour market information for both Human Resources and Skills Development Canada and Citizenship and Immigration Canada, estimates that the construction sector will be short some 325,000 workers, due to retirements, by 2019. Less than 50% of that needed amount, it projects, will come from traditional domestic sources.

In other words, we're going to be short by some 50%-plus, and we're going to have to look for those workers to come from abroad. Doing the math on that, if you project out to 2019, it means we're going to have to find approximately 20,000 new foreign skilled workers annually through immigration.

According to the Department of Citizenship and Immigration, there are approximately a million applicants presently involved in the backlog. The decision to cap levels under that program should be viewed as a temporary measure only. We're of the strong view that if additional resources are required to free up that backlog, that is what Canada should be investing in, to try to address that backlog. Indeed, we feel so strongly about this issue that we presented before the House of Commons Standing Committee on Finance as part of the pre-budget consultations and made that one of our three points.

But expedited processing is only part of the solution. I would say that the other part, and probably the most important one, involves reforming the existing system. Here is where I'm going to sound a bit contradictory. While on one hand we are saying "let's expedite the backlog under the federal skilled worker program", I'm now about to tell you how the federal skilled worker program doesn't work for our industry currently. The primary reason for that is the current points system. Frankly, because the majority of the points are given for post-secondary education and language proficiency, the kinds of

workers we are looking for just won't get the 67 out of 100 points they require.

Now, there are consultations under way right now to improve that. The minister has gone on record as wanting to make changes to the points system to make it more trades-friendly. But frankly, the system right now doesn't work. and as a result of that, our companies are looking to use the temporary foreign worker program. They're looking to stream those temporary foreign workers into the provincial nominee programs using the Canadian citizenship class, etc. The federal skilled worker program is just not a current option for them.

The other point that I think is extremely important here is that, despite the fact that we are relying heavily on the temporary foreign worker program, our projected skill shortage into the future is not a temporary problem. The simple math shows that it is not a temporary problem. It will not, to any great degree, go away with the ebb and flow of the economy.

• (1225)

With a fertility rate in Canada of approximately 1.5 to 1.6, we're just not replacing the population that is retiring or that we're losing from the workforce. The international guideline is a fertility rate of about 2.0 or 2.1 in order to replace your population; currently, Canada is around 1.58 or 1.6. The mathematics alone suggest that we need to look abroad for our future workforce.

I have some recommendations for our current system. First, we need to ensure that the backlog under the federal skilled worker program is dealt with. If resources are needed, let's apply the necessary resources. Secondly, we need to take a hard look at the eligibility requirements under the point system to ensure we are not turning away the workers that our country needs in the future, not just in the construction industry, but in a number of other industries, particularly in the area of skilled trades.

Given the large amount of infrastructure Canada needs to build in the next five years to keep pace with the growing international demand for our commodities, for our natural resources, let alone replacing our aging public infrastructure, which is also a priority, the challenge is no longer theoretical. We must act today to secure a labour market for Canada's infrastructure to be competitive and productive in the world.

In conclusion, we encourage the government to take a hard look at expediting the backlog under the federal skilled worker program and make necessary reforms so that workers who are needed for our future labour market are not turned away, despite the backlog. There is also a need to ensure that under the provincial nominee program—and in other areas where in fact industries like ours are using these particular programs—we do not hinder their ability to bring in workers, particularly when the federal skilled worker program is not working for industries like ours.

Mr. Chair, that concludes my opening remarks. I look forward to questions. Thank you for your time.

• (1230)

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

I know there will be some questions.

Mr. Menegakis has up to seven minutes.

**Mr. Costas Menegakis (Richmond Hill, CPC):** Thank you.

Thank you very much for being here with us today and for sharing your thoughts and your concerns with us. This is necessary and valuable information for us as a committee as we move forward with our recommendations to the minister and to the government.

Canada, as you know and as we all know, is one of the most welcoming countries in the world. Last year, we let in a record 280,000 people. Having said that, there is a backlog. We don't see that backlog getting better unless something is done.

Mr. Mokhtari, you mentioned the number of hits you get on your website. There were 43 million hits on Immigration Canada's website in the past year. That's 120,000 an hour. Of those hits, 56% are from international sources and 44% are internal, so there are an awful lot of people who are interested or are showing interest in coming to Canada, and we just don't see the demand getting any smaller.

I think we can get bogged down in talking about numbers and statistics. We can speak about and debate those issues and the processing times and so forth, but quite often we focus on the quantity, and I don't know if there's enough focus on the quality, which is a point I've made before in this committee and outside of this committee. It's not just about the sheer number of people we let in; it's about making sure that the immigrants who come here are able to integrate, join the workforce, and fully participate in the economy and the community.

I represent the riding of Richmond Hill. It's one of the most diverse ridings in the country, with, I might add, a very dynamic and progressive Iranian community. I think the government has shown that integration of new Canadians is one of our key goals. Would you agree?

Also, can you please expand, from your perspective, on what the practical limits are as to how many people Canada can welcome every year? The question is for all four of you.

**Mr. Warren Creates:** The question is how many...?

**Mr. Costas Menegakis:** No. Would you agree with that assessment that we need to focus on the quality as well, and on our ability to integrate new immigrants into our infrastructure, our health care, and so forth?

Also, can you expand on the practical limits for us here in Canada as to how many people we can welcome every year? There are practical limits as to how many people can come.

**Mr. Warren Creates:** I completely agree with you. It's not just about the number.

The debate has been about the number and about the kinds of immigration. It has always been that way. It will always be that way.

We seem to have done a pretty good job. It's experimental, right? Canada accepts more immigrants than does any other western country in the world, so the society ultimately built by doing so is a bit of an experiment. But I think we would agree that the experiment

has been a great success so far. Let's hope that continues, but let's not take it for granted.

I know that the department does a statistical evaluation whereby they seek information from the Canada Customs and Revenue Agency to look at how the cohort is doing compared to how the host community is doing. I've read that the average income of the newcomers over the last eight years, let's say, is not what it used to be. It's not as good as the income of the host community. It's not as good as it used to be.

There needs to be a constant refinement of the quality of applicants we're seeking. I'm referring mostly to the economic stream, of course, not to the family reunification stream, because you really don't have any control over that stream, as there's no assessment for education, language ability, age, or any of those things.

I agree with you: there needs to be a constant focus on that. It's very hard to speculate because it takes two, three, or four years to go through the pipe to get a federal skilled worker here, and what are the economy and the needs in the labour force going to be like by the time that person is here? If they are 24 when they apply, but 28 by the time they settle... Also, initially, they might not settle very completely. They might go back to their country.

The permanent resident card requires them to be here only 40% of the time, so there's a lot at play here to develop a mixture. I think the department should have very good demographers and economists working with them to achieve this. I'm not an expert in that field. I'm a carpenter, if you will. Give me a client and I can get them into Canada, but I don't really focus on the quality side. The department needs to have a really full gaggle of demographers and economists, I think, to study that very point.

• (1235)

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

Mr. Atkinson, and then Ms. Parker.

**Mr. Michael Atkinson:** Your question is a valid one. I think that one way our industry has tried to deal with this is by having good, accurate labour market information. Heretofore, we've been partnered with HRSDC and CIC in order to produce that. You need that seven-, eight-, or ten-year look forward in order to ensure that the people you are bringing in will have jobs, that they will have employment, and that they will receive the necessary training.

In our industry, at the trades level it takes four years to go through an apprenticeship, so we have to be thinking long range. Having a snapshot of what it looks like today is not going to help whatsoever. That's why this is important. Quite frankly, that's why it's so important for federal government departments to continue to be partners with industry in this area. That is key. I do know that Minister Finley has announced a new program with respect to labour market information, which tries to get at that.

The other point is implicit in your question. It intrigues me and I'd like to hear some discussion on this. It implies that it is the provincial governments, perhaps, that should have a say here. After all, if the immigrants are not employable, it will fall upon the provinces, upon their social welfare programs, upon their rolls, to take care of those new Canadians or those newly landed immigrants. That begs the question, at least in our industry: if we are pushing employers to have to use the temporary foreign worker program and then the provincial nominee program, rather than having people come through the federal skilled worker program, it is pushing it more on the provincial level.

**The Chair:** That issue has been raised before. I thank you.

Ms. Parker.

**Ms. Katrina Parker:** My opinion is also a lot like Mr. Atkinson's.

In order to respond to the quality, I think we need to focus maybe a bit more on the urgent labour market needs. Maybe doing that means issuing more work permits, having these people come in more quickly, and processing their permanent residency applications inside Canada in order to reduce the backlog overseas and really focus on these market needs.

I agree with what Mr. Atkinson was saying about our selection grid not permitting that. If it's urgent, you can't wait three or four years to have a doctor come in.

**The Chair:** Please be brief, Mr. Mokhtari.

**Mr. Ali Mokhtari:** I totally agree. As a government, you have to constantly work on this issue of who is suitable for our society, and we have to say that it is in the long term.

In some areas there is no doubt that we have needs. These needs have been announced before. Based on that, we approved some rules, and these rules have been announced to people. People put their hope in the future based on those applications. It's not fair to change the policy and keep them backlogged because we are not sure what we really need.

The backlogs were at 600,000 before Mr. Kenney came to office, and he says it is one million. So for domestics only, here's my question: what were they were doing for the last three years? Why those areas...? People with specialization in those areas, people who we need, have to wait there, and we are not sure.... Maybe we are not sure about all the areas, but there are some areas in which we know we need people.

• (1240)

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

Mr. Davies.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Thank you, Mr. Chairman.

I'd like to welcome all the witnesses to the committee—

**The Chair:** Do you have a point of order, Mr. Menegakis?

**Mr. Costas Menegakis:** I have a point of information.

**The Chair:** I don't know what that is. We only have points of order.

**Mr. Costas Menegakis:** Then I have a point of order. I want to correct the record. When Mr. Kenney came into office—

**The Chair:** No, you can't do that. We're not going to get into that.

Mr. Davies.

**Mr. Don Davies:** Thank you, Mr. Chairman.

**The Chair:** You'll have your chance eventually, Mr. Menegakis.

**Mr. Don Davies:** Mr. Chairman, I hope that didn't count against my time.

**The Chair:** I'm giving you extra time.

**Mr. Don Davies:** Thank you.

I'd like to welcome all the witnesses. In particular, I'd like to thank you for taking time out of your busy lives to share your expertise with us here today.

Of course, we're here to study the backlog. Minister Kenney—and I think I'll be fair to what he said—has said on numerous public occasions that when the Liberal government came into power in 1993, they inherited an immigration system in which decisions were rendered in a few months' time and the backlog in applications was manageable.

Mr. Kenney says that when the Liberals left office in 2006, they left—thanks to their mismanagement, he said—a backlog of some 640,000 applications for the federal skilled worker program, and some 850,000 applications generally. I think that corrects it. But now, since he's been in office for five years, the backlog total has grown to over a million. I don't think Mr. Kenney would agree with me that it's his mismanagement, but the backlog has certainly grown.

What Mr. Kenney and I think the government are proposing is that we impose caps on applications as a means of dealing with the backlog. They point to the experience in the skilled worker class as an example of success.

Ms. Parker and Mr. Mokhtari, do you consider the ministerial instructions, what the government has done in the skilled worker category, to have been a success?

**Mr. Ali Mokhtari:** I don't think so.

What I think is that Mr. Kenney closed down all the federal programs by doing this. Actually, he left the backlog and put on a cap of 1,000, and then 500. He processed some of them from the first ministerial instructions, and then again, in the second and the third, it is just a show, I'm sorry to say. I have 15 speeches from Mr. Kenney in different immigrant communities. He's walking around and talking about reducing the backlog and reducing the processing time. But it is not the case. It is not what we see on the ground.



We have a backlog of 24,000 in the federal investor program. This is what he officially says. The new program required an investment of only \$800,000. They announced it in November 2010. They started receiving the applications in January or late December, because of the forms. I filed some of them in January and February, and they were never processed. They had 3,000 visas a year and they said 2,000 were allocated to the previous program. This was with a \$400,000 investment, with 1,000 for the new program. My files were never processed until now, which is at the end of the year. How could they use that 1,000? That means it's closed down—it is finished.

**Mr. Don Davies:** Let me go into that so we can understand this. There was a backlog of 640,000 skilled worker applications. In 2008, they brought in an instruction saying that they were going to do what...?

Ms. Parker, what did that first ministerial instruction say?

**Ms. Katrina Parker:** It said that they were bringing in 38 professions.

**Mr. Don Davies:** One of them would be, say, doctors.

**Ms. Katrina Parker:** Exactly.

**Mr. Don Davies:** They also said that applications received after February 1, 2008 would be processed first.

**Ms. Katrina Parker:** Exactly.

**Mr. Don Davies:** That was over and above the 640,000 that were already there, correct?

**Ms. Katrina Parker:** Absolutely. That answers your question about the caps. Those caps, in the end, are not in any way fixing the backlog prior to 2008.

**Mr. Don Davies:** A doctor who was waiting in the queue before 2008 saw their application thrown aside while an application by a new doctor made after 2008 was processed first?

•(1245)

**Ms. Katrina Parker:** Exactly.

**Mr. Don Davies:** I also understand that people got letters after 2008 saying that their applications would be processed within 12 months. I have tabbed here Mr. Kenney's speeches as well, where he said 12 months, six to 12 months, and seven to eight months, and then that the majority of them would be within six months. How long are those applications filed after 2008 taking to process? Do we know?

**Ms. Katrina Parker:** Mr. Mokhtari has his own list. I believe that the last AOR and the last one processed was in February 2009.

**Mr. Don Davies:** So what does that mean? How long would those take to process? Would they have been processed in 12 months?

**Mr. Ali Mokhtari:** No, never.

**Ms. Katrina Parker:** No. We're over two years.

**Mr. Don Davies:** Okay. So then in 2009, Mr. Kenney issued a second set saying, I would argue, that the first one didn't work and that we're now going to cut those occupations from 30—

**Ms. Katrina Parker:** It was cut from 38 to 29.

**Mr. Don Davies:** Doctors are still on the list, right?

**Ms. Katrina Parker:** Absolutely.

**Mr. Don Davies:** But then they were going to impose caps. They were only going to take 1,000 applications worldwide for any particular occupation. Is that correct?

**Ms. Katrina Parker:** Exactly.

**Mr. Don Davies:** Then a third ministerial instruction came after that, which cut it to 500. Is that right?

**Mr. Ali Mokhtari:** Yes.

**Ms. Katrina Parker:** Exactly.

**Mr. Don Davies:** Let's say there were crane operators who were in the queue from 2004 or doctors who were in the queue from 2004. What happened to their applications as a result of these ministerial instructions? Have they been dealt with?

**Ms. Katrina Parker:** After the first set, there was a second set, in 2010, and then a third set.

As soon as you come out with the third set of ministerial instructions, the other ones are completely forgotten. We start over again every time a new set of ministerial instructions comes in, even if, on the first and second lists, as you mentioned, 19 professions were exactly the same.

**Mr. Don Davies:** How is it fair for a crane operator or a doctor who applied in 2009 to be processed before an application that was submitted three years earlier?

**Ms. Katrina Parker:** It's absolutely against procedural fairness, and that's what—

**Mr. Don Davies:** But that's what Mr. Kenney's instructions required.

**Ms. Katrina Parker:** Absolutely.

**Mr. Don Davies:** I'd like to ask Mr. Atkinson a quick question.

Mr. Atkinson, you said that projected skill shortages are not a temporary problem. I agree with you. Do you agree that temporary foreign workers who come here, once they're trained and settled with an employer, should have greater opportunities than is presently the case to apply for citizenship, so that they can stay and continue working with those employers?

**Mr. Michael Atkinson:** Yes, we'd certainly like to see that. We'd like to see a number of other changes to the temporary foreign worker program as well, including issuing LMOs to multiple employers instead of to just a single employer on a regional basis. The temporary foreign worker program is currently running a number of pilot programs that are very advantageous to our industry, including allowing applicants under the NOC C and NOC D applications, which is very important for us.

Quite frankly, I'd be surprised to see a crane operator in the list under the federal skilled worker program. They're obviously not getting very good advice.

**The Chair:** I'm sorry. Even with extra time, we're out of time.

We'll go to Mr. Lamoureux.

**Mr. Kevin Lamoureux:** Thank you, Mr. Chair.

I'm sure that the witnesses are familiar with the current system in which you can log on to the Internet and get a kind of e-client update. Assuming you're familiar with that, I'd appreciate it if you could please advise the committee if you find that it is accurate, to the best of your knowledge. What I'm thinking of, again, is if that is so especially when you click on the average processing times. Can you provide comment on that?

**Mr. Ali Mokhtari:** Actually, there are two services online. One is e-CAS, which you can use to find out what's going on with your file. It is totally unreliable, and this is one of my problems with my clients. They go there to see what's going on with their files, and they receive fake information. For example, one of my clients who we had just sent the AOR to, called me and said that it was on the website that they had already received his medical documents, which was not true. It was impossible. He never received any papers to go to a designated doctor.

**Mr. Kevin Lamoureux:** Is that a common thing that occurs?

**Mr. Ali Mokhtari:** Yes, it's very common. I can tell you that 30 out of 200. Thirty per cent is inaccurate, absolutely.

**Mr. Kevin Lamoureux:** Ms. Parker, you can lead a response on this. Specifically, they say they don't want you to correspond with the immigration officers abroad if in fact you're within that processing time. Let's say, for example, that they'll say your processing time is 11 months. They don't want to hear from you within that 11 months. To what degree do you feel that is accurate?

Ms. Parker, did you want to start off?

• (1250)

**Ms. Katrina Parker:** In regard to the Internet aspect of it, on every file that was processed or submitted after February 2008, or after the first set of ministerial instructions, all the actual information on timeframes or processing delays is vague. There's actually nothing that can be found. As you mentioned, you're not supposed to be writing to program managers overseas. You're not supposed to be corresponding. When you were promised 12 months, as you said, and it has been well over 12 months—we're talking about another 24 months afterwards—then there's a definite problem.

**Mr. Ali Mokhtari:** In the AOR letters, it was indicated that if it took more than one year, 12 months, to please contact them directly. Every single applicant who received the AOR and applied within the first ministerial instruction had this letter that mentioned that if you didn't receive any contact or any message or any updates from them within 12 months, to please contact them directly. That's something that's common. But the timeframe they are announcing on the website moves. Sometimes it's going down or sometimes it's going up. It's increased or decreased and it doesn't make any sense at all.

**Mr. Kevin Lamoureux:** The other area that I want to briefly comment on is in regard to the occupations and the list. We all know that health care professional is one of the top ones. We all know that the construction area is one area where there are a lot of deficiencies.

To what degree are your clients who are health care professionals and coming here getting their credentials recognized? What do you believe is the greatest barrier to their getting that?

You have to make it really short, because I only have two minutes to go.

**Mr. Ali Mokhtari:** The big problems are with doctors. We have nurses that can get into the system more easily, compared to doctors. Doctors are struggling too much because they have to pass three exams and then they have to find a position.

**Mr. Kevin Lamoureux:** So if you were to guesstimate, roughly how many doctors would you have brought into the country yourself through your firm in the last five years? How many of them would actually be practising medicine today? Could you give us a ballpark guess?

**Mr. Ali Mokhtari:** I can't tell you exactly how many because many of them are still in processing. I can tell you that only 1% to 2% of them could manage to get into the system.

**Mr. Kevin Lamoureux:** Mr. Atkinson, did you want to comment in regard to the trade component? You made reference to the crane operator. Here we have a lot of doctors, apparently about 90%-plus, who are not practising medicine. Do you think they can operate cranes?

**Mr. Michael Atkinson:** I hope so, because we're going to need them.

**Voices:** Oh, oh!

**Mr. Michael Atkinson:** They're probably paid better too.

**Mr. Kevin Lamoureux:** In regard to the provincial—

**The Chair:** I'm sorry, sir. You're getting into a good area, but we're out of time.

**Mr. Kevin Lamoureux:** Okay.

**The Chair:** Ms. James, you have the final word.

**Ms. Roxanne James (Scarborough Centre, CPC):** I'm going to allow Mr. Dykstra to take my time.

**The Chair:** Mr. Dykstra has the final word.

**Mr. Rick Dykstra (St. Catharines, CPC):** Thank you.

Mr. Creates, do you have clients who applied under the foreign skilled worker program?

**Mr. Warren Creates:** Yes.

**Mr. Rick Dykstra:** I've heard for the last hour from Ms. Parker and from Mr. Mokhtari. How do you find the new system versus the old one?

**Mr. Warren Creates:** It's a lot clearer now than it ever was, because there are now quotas. If you don't come within the quota you shouldn't file an application. If you do, it will be sent back to you.

This is an attempt by the government to prevent a new backlog from being created, and I don't object to it. I think it's probably right, because you know ahead of time, unless you're looming towards the deadline by which the quota is being filled up, which happened to us recently. But there's more certainty in it. There's faster processing. It's going to prevent the new backlog. It's a good thing.

**Mr. Rick Dykstra:** It's interesting. We have two witnesses, and both tell different stories.

Ms. Parker and Mr. Mokhtari, have you advised any of your clients who were in the backlog prior to February 2008 to withdraw their applications and apply under the new system because it would be much quicker?

**Ms. Katrina Parker:** This suggestion is being done by Citizenship and Immigration Canada.

**Mr. Rick Dykstra:** Are you doing that? Are you recommending that your clients withdraw from the old system? Because, as you've indicated, it's a very big backlog and takes a long time.

• (1255)

**Mr. Ali Mokhtari:** There's one very important issue here.

**Mr. Rick Dykstra:** Okay. I don't have much time, so I just need a yes or a no. Are you advising your clients who are in this backlog, yes or no?

**Mr. Ali Mokhtari:** Yes, but there is a big but.

**Mr. Rick Dykstra:** I'm sure there is.

**Mr. Ali Mokhtari:** Listen, when you apply for a program and they tell you that your application will be processed in 12 months, and the 12 months start from, let's say, January 2009 because they started receiving AORs then, it means that January 2009 to January 2010 is the timeframe in which you logically have to wait, okay?

So no one thinks there's any problem. Then Mr. Kenney didn't correct the problem and continued, and even the annual reports mention that six to 12 months of processing time. But the second ministerial instruction was in June 2010, so many of them still were not 12 months.... So we couldn't recommend them.

**Mr. Rick Dykstra:** Okay, I understand you that have a personal issue with respect to the timeframe: it takes you that much longer. I think there's a couple of reasons why.

First, I wish the federal government had the authority to do the foreign credential research on our own and approve who could practise medicine in this country. That jurisdiction belongs not only to the provinces, but obviously to the associations who would then approve the individuals, so I think it's unfair to say that the processing times are part of the problem of the backlog. They are not.

Part of the problem is that we have a backlog. We have people applying into the process or into the system who need to be approved as professionals by the associations in the particular provinces they are going to move to. So I'm not surprised to hear—the base load of your clientele is Iranian—that doctors from Iran are not necessarily qualifying on a very quick basis. If, for example, you were to look to South Africa in terms of the medical associations there, we have the medical associations in Alberta and Saskatchewan approving doctors very, very quickly, and in fact, well within the processing time of the six to 12 months.

Also, you made a sweeping statement regarding the comments that Minister Kenney has made with respect to the new system post-February 2008: that those processing times are much longer than the six to 12 months that he has indicated in a number of speeches that he's given. I would ask you to submit to the committee the documentation you have to prove he isn't telling the truth. You may have a couple of situations, but I doubt very much that you have all the documentation to prove that across the country that's the case.

**Mr. Ali Mokhtari:** Yes, I have a list. I also have the link of the CIC website. All his speeches are there.

But responding—

**Mr. Rick Dykstra:** I'm not talking about the speeches. You made a sweeping statement. You're allowed to do that. You're here as a witness. You've been invited to do so.

But when you make those kinds of comments, you have to provide the evidence and the proof that what the ministry is saying on its website, what the minister is saying in his speeches, and what the government is saying with respect to honouring the timeframes that we committed to in February.... If you're saying that's untrue, then I ask you today to submit to the clerk to distribute to all the members of this committee the proof that this is the case.

**Mr. Ali Mokhtari:** Sure. I have it with me. There's no problem.

**Mr. Rick Dykstra:** Okay, great.

**Mr. Ali Mokhtari:** But to respond to your point about—

**The Chair:** If I could interrupt at that point, sir, if you could provide that information to the clerk, she will distribute it to the members.

**Mr. Ali Mokhtari:** I'll do that.

**The Chair:** Thank you.

**Mr. Ali Mokhtari:** As to the point he mentioned, it is not required for Immigration Canada to make sure that.... If a physician is from Iran or South Africa, the qualifications of the degree are not a part of the job of Immigration Canada.

**Mr. Rick Dykstra:** Right.

**Mr. Ali Mokhtari:** I'm talking about the processing. They didn't even touch these people—about 500 cases and 144 physicians. They never opened their cases to see if they are physicians or not.

**Mr. Rick Dykstra:** We can't get into specifics about cases, and I caution you about waving those around, because if they end up on camera—

**Mr. Don Davies:** Mr. Chairman, I have a point of order.

**The Chair:** Point of order, Mr. Davies.

Stop the clock, please.

**Mr. Don Davies:** Mr. Mokhtari is not getting into specific examples. He raised a number of 140 physicians. For Mr. Dykstra to say that we're not getting into specifics.... The witness is not getting into specifics. He's trying to testify about his experience on a statistical basis.

• (1300)

**The Chair:** Mr. Davies, to be fair, I think Mr. Dykstra is concerned that he's holding up a document and that the camera might be able to pick up names. That's all.

**Mr. Rick Dykstra:** Yes, that's exactly what I'm concerned about.

**The Chair:** Mr. Dykstra, please continue.

Start the clock again.

**Mr. Rick Dykstra:** Mr. Atkinson, you laid out very well the position and the difficulties that your industry is going to be facing over the next number of years. Are you satisfied at least with respect to the changes we made in February, 2008? I mean, this whole study that we're doing here is specifically about reduction of backlogs and trying to work through them. Processing time is an issue unto itself. We're trying to deal with the backlog, and in regard to one of things that I think we did in February 2008, we've reduced that number by a little over 50% since that time. In getting specific with the areas where we're trying to bring professionals over here, are we on the right track?

I understand that we need to do more, I understand that we need to do it more quickly, and I understand that we need to respond to the needs of the industry. The previous action certainly didn't indicate a reduction in the backlog, but I would like to think that we're on the right track and moving forward.

**Mr. Michael Atkinson:** To the extent that you are identifying occupations under demand or under pressure that require immediate and urgent action, yes. To a great degree, that's what's being done in other areas of immigration as well, with expedited LMOs under the temporary foreign worker program to try to ensure that we are addressing our labour market needs.

But again, I want to stress the fact that you can only do that if you have accurate and dependable labour market information that looks at it over a five-year to ten-year period, and if you aren't doing it, sir, in a reactive way or a knee-jerk way, or doing it based on a snapshot of where we sit today. I think that's very important. No matter how

we massage these programs, we have to make sure that industry and government are working together, that governments are working together, to ensure we are relying on the best information we can get in that area.

**The Chair:** Mr. Dykstra, I'm afraid the time has expired.

Mr. Atkinson, thank you.

I'd like to thank all of you.

Mr. Creates, I think you were here for Bill C-35 before and I thank you for once again attending.

Ms. Parker—

**Mr. Rick Dykstra:** He's wearing the exact same tie.

**Voices:** Oh, oh!

**The Chair:** Oh, my.

I'm not going to get into that, Mr. Creates. It's a lovely tie, by the way.

Ms. Parker, Mr. Mokhtari, and Mr. Atkinson, thank you very much for coming in and making your presentation to us. We appreciate it very much.

Before I adjourn the meeting, I want to remind members of the subcommittee that we will be meeting in camera as soon as this meeting has been adjourned.

This meeting is adjourned.

---







**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*  
Publishing and Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5

*En cas de non-livraison,  
retourner cette COUVERTURE SEULEMENT à :*  
Les Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5

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

### **SPEAKER'S PERMISSION**

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Additional copies may be obtained from: Publishing and  
Depository Services  
Public Works and Government Services Canada  
Ottawa, Ontario K1A 0S5  
Telephone: 613-941-5995 or 1-800-635-7943  
Fax: 613-954-5779 or 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Also available on the Parliament of Canada Web Site at the  
following address: <http://www.parl.gc.ca>

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

### **PERMISSION DU PRÉSIDENT**

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

On peut obtenir des copies supplémentaires en écrivant à : Les  
Éditions et Services de dépôt  
Travaux publics et Services gouvernementaux Canada  
Ottawa (Ontario) K1A 0S5  
Téléphone : 613-941-5995 ou 1-800-635-7943  
Télécopieur : 613-954-5779 ou 1-800-565-7757  
publications@tpsgc-pwgsc.gc.ca  
http://publications.gc.ca

Aussi disponible sur le site Web du Parlement du Canada à  
l'adresse suivante : <http://www.parl.gc.ca>