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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Thursday, March 1, 2012**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Thursday, March 1, 2012

• (1530)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Ladies and gentlemen, we'll call the meeting to order. This is the Standing Committee on Citizenship and Immigration, meeting number 24, Thursday, March 1, 2012.

This meeting is televised. Pursuant to Standing Order 108(2), we continue our study on "Standing on Guard for Thee: Ensuring that Canada's Immigration System is Secure".

We have two witnesses. Regarding our first witness, I see an empty chair. Apparently he has gone to the wrong place. So we'll proceed with you, Professor.

At the moment we have one witness, who is Professor Dauvergne. Am I pronouncing that correctly?

**Dr. Catherine Dauvergne (Professor, Canada Research Chair in Migration Law, University of British Columbia, Faculty of Law, As an Individual):** Yes. Thank you.

**The Chair:** She is the Canada research chair in migration law. Her most recent book is *Making People Illegal: What Globalization Means for Migration and Law*.

Thank you, Professor, for coming to speak to us today. If you could have up to ten minutes for an opening statement, we would appreciate it.

**Dr. Catherine Dauvergne:** Thank you very much. It's really an honour and a privilege to have this invitation. I'm grateful for it.

Given the ambit of the study, I would like to use my opening statement to talk about five points in the hopes that these points will cover some areas that will be of interest to the committee.

The areas I will talk about are a recent study on refugee exclusions, immigration detention in Canada, gender in Canadian immigration law, human rights in the security context, and lessons from Australia.

Prior to coming to the University of British Columbia a decade ago now, I was for five years a faculty member at the University of Sydney, where I also taught immigration law and refugee law. I completed my PhD as well in Australia.

Before I continue, can everyone hear me?

**The Chair:** We can. Thank you very much.

**Dr. Catherine Dauvergne:** Okay. Perfect.

Starting with the refugee exclusions project, last year I published the results of a study of 11 years of Canadian refugee decision-making. The focus of the study was the data available from both CIC and CBSA as well as Federal Court decisions about refugees.

The central questions in this study were, first, how many people have been excluded because of concerns about terrorism, and has the exclusion because of concerns about terrorism changed given heightened enforcement effort and heightened enforcement dollars since 9/11?

There are really two main findings of this study. One, the numbers of potential refugees who are excluded because of terrorist concerns are infinitesimally small—less than 0.01%—given the high number of claimants who come into the country every year. We did find, however, that the understanding of what counts as terrorism has grown considerably since 2001, so that a number of people may now be captured in the category of a potential terrorist when they are not involved in any activity or in any formal membership.

So despite growth in the category, the growth in numbers is very small. The highest number of exclusions in any year was in 2004, with 114 exclusions, and only a smaller number of those were related to terrorism.

One of the inferences that comes out of this study is that a relatively easy-to-access refugee claims system like Canada's enhances our security because it provides an incentive for people to come forward and identify themselves to the state. In Canada we have a comparatively small amount of clandestine migration compared with the United States and the United Kingdom. One reason for this is that many people who might otherwise go underground or disappear in the country because they don't have immigration status are attracted to the possibility of having a successful refugee claim. So this provides an opportunity to have a very clear identity picture of those individuals and to perform security checks upon them. That was not directly a focus of the terrorism study, but was one of the points that was made as we conducted the study over a two-year period.

I have, as part of my speaking notes, some of the precise figures from that study. If committee members are interested and would like to follow up during the question period, those are available. I can also make the study available to you later.

The next topic that I thought I would touch on, because of the strong security linkages, is the role of immigration detention in Canada. Immigration detention in Canada is an area where, I think it's reasonable to say, we simply do not have granular-enough data to have a clear picture of how immigration detention here is used.

For example, while we know the numbers of people who are detained and the average length of detention, which is not terribly long at around 20 days, we don't know, for the most part, and can't differentiate in those statistics at present whether those people are asylum seekers, whether they're failed refugee claimants, whether they're people slated for removal from the country, and, if they're slated for removal, which category they're being removed under. So there's quite a lot about immigration detention that we simply don't know, and it would be very useful to instruct the CBSA to enhance its data collection in these areas.

One of the things that is recorded in our current data is the reason for people being detained. We know that just under 6% of all people in immigration detention are there because of some kind of security concern. What accounts for the other 94%? Well, the two main reasons for detention are that people don't have proper identity documents when coming into the country or they are considered a flight risk. In other words, they are considered not likely to want to show up for the next immigration proceeding they are facing, whether that's a hearing or a removal proceeding. So the majority of people in immigration detention are not convicted or suspected criminals in any way.

We do have some children in immigration detention in Canada. Just over 500 children were detained last year, mostly with their parents.

• (1535)

There are specific immigration lock-ups in major Canadian cities, but a significant number of people in immigration detention are actually just in provincial jails.

We also know that detention of refugee claimants is not authorized by international laws, so just because somebody is making an asylum claim doesn't provide any legal basis to detain them, either in international law or in Canadian law at this point. Another basis is needed.

We do have quite stark data on people who arrive on boats. The people who are boat arrivals tend to be detained for about 15 times longer in terms of days than are people who arrive in the country any other way. So whether they're regular or irregular arrivals, boat arrivals attract the highest rates and length of detention. This is despite the fact that there is very little to differentiate those arrivals in terms of the eventual outcomes. That is, when we have gone through an episode of a boat arrival, and all the processing is done, those people do not necessarily raise any greater number of security concerns than do people who arrive in the country in other ways.

On the whole, I have to say the detention review scheme operated by the Immigration and Refugee Board at present is a very good and successful scheme. It tends to have clear priorities and a very clear and effective regulatory mandate, and it tends to work very well to ensure that immigration detention does not continue for an unduly long time.

There are two areas of immigration detention that are probably appropriate for attention in your study. One is that our detention system doesn't cope very well with mass arrivals. Certainly on the legal representation side it is very hard to get people appropriate legal representation when 200 or 300 people arrive at once. So the

question of the appropriate response to a mass surge is a live question that needs study.

There's also another pocket, a very small pocket, which is what to do when people are found to be unremovable from the country for whatever reason. There's only a handful of these people, but Canada doesn't have a very good record in comparison with relative countries like the United Kingdom or the United States. We are still prepared to keep people in detention indefinitely, whereas both the United Kingdom and the U.S., with the exception of Guantanamo Bay, have found ways to release people from this kind of immigration detention.

I think I have about three minutes left.

• (1540)

**The Chair:** Actually, you have a minute left.

**Dr. Catherine Dauvergne:** Okay, so I'll tell you a few things about women in the Canadian immigration system.

About one-third of refugee claimants are women, but women are 5% more likely to be successful than men are at making a refugee claim. Women are more likely than men are to be excluded under the safe third country agreement because of their mode of arrival. Women's refugee claims are more likely than men's to be negatively impacted by a "one size fits all" speeding up of refugee claims, although of course speeding up that process is a good policy objective overall. Women are more likely than men are to come from countries that would generally be considered to be safe, because of the nature of gender-related persecution.

I'll leave it at that. I would be happy to answer questions about any of those topics or other areas I could possibly assist you with.

Thank you.

**The Chair:** Thank you, Dr. Dauvergne.

Our other witness has appeared...I hope. Has he?

**A voice:** Yes.

**The Chair:** He's not on the screen.

Dr. Petryshyn, are you there?

**Mr. John Petryshyn (Lawyer, As an Individual):** Hello.

**The Chair:** You're there. I can see you.

**Mr. John Petryshyn:** Excellent. It's John Petryshyn.

You know, Mr. Chairman, maybe security is an issue, but the House of Commons communication is one hell of an issue. They sent me to the wrong place. This place has not been functioning on Notre Dame Avenue since July.

**The Chair:** We've been talking about that all week, sir.

Mr. Petryshyn, you're a practising lawyer in Winnipeg, and I'd like to welcome you to the committee. You have up to ten minutes to make a presentation to us.

**Mr. John Petryshyn:** Thank you so much, Mr. Chairman. It's a pleasure to be here.

**The Chair:** Yes, indeed.

**Mr. John Petryshyn:** Briefly, in addition to simply practising immigration law in Winnipeg, I was born in Berlin, Germany, during World War II—in April, to be exact—and I spent three years in a DP camp in Germany until my family was allowed to enter Canada in 1948. Since that time, I've been very much interested in immigration and refugee matters pertaining particularly to people from eastern Europe, and now, in my law practice, from all over the world.

Another important issue is in terms of the worldwide desire to enter Canada. I've read some of the material from the previous hearings and you can see the number of people who have been turned down. Nevertheless, there's a tremendous desire to come to Canada, and the various categories come into play.

I know that from time to time the government is very much concerned not only about those coming here under certain circumstances—such as refugees—but I do believe there are even issues pertaining to family class, such as spouses who do not intend to cohabit with a spouse upon arrival. That is an issue, and I think the government's concern should be to deal with it, but simply to send the person back if they do not cohabit or if they leave the marital home does not take into account a potential danger to the spouse while cohabiting. It's rare, but it does happen. Just simply to remove someone *carte blanche* because they no longer cohabit with their spouse leads to all kinds of difficulties.

However, Mr. Chair, I want to go on to a particular area in which I deal with clients who are immigrants who set up businesses in Canada: the transport business. The transport business hires transportation drivers, long-haul drivers. These people have a tremendous ability to help us out in Canada. There's a tremendous shortage of long-haul truck drivers in Canada.

Up to now the status has been—maybe your committee is better aware of this than I am—that there are three processes. There are the P and P program put on by the Canadian government and called Partners in Protection; C-TPAT, put on by the U.S. customs and clearance security system; and FAST, also put on by the U.S. program agency. It requires a time of three years to a month and that then takes into account inspecting the firm that may have been involved in applying to obtain a driver. They take a look at the actual yard where the motor vehicles are placed and where they are parked, and there is a monitoring of who enters the premises. This is a security-intense system in the sense of the possibility of drug trafficking and other kinds of things that can be put on trucks.

So there is this process that is similar or akin to the NEXUS program. If you enter U.S. airports, this is allowed and is being monitored, allowing an expedited processing of trucks. You hear quite often about the amount of time it takes to clear a border. Well, here are three programs—one Canadian and two American—to try to facilitate the expedient entry of truck drivers and trucks into the United States and into Canada.

Also, in addition to the security of trucks entering and exiting, they particularly monitor the kind of load the truck is carrying. Is it mining, explosives, high tech, or perhaps munitions? You will even have, for example, motor vehicles from security forces travelling behind or in front of a truck that is entering Canada or the United States.

So that is sort of a background as to what is in place now pertaining to an attempt to provide security in the system of expediting transportation across our common borders.

Secondly, Mr. Chairman, there's the entry of foreign workers into Canada. As all of you are probably aware, the Canadian employer obtains from Services Canada, HRSDC, the right to hire one or more workers as may be necessary. The foreign worker applies overseas, obtains a work visa based on his or her credentials, and the employer does a telephone interview or uses some other means to validate the driver coming to Canada.

Then there is the approval of HRSDC for the worker to enter Canada. The person goes to a consulate to obtain a visa. He or she arrives in Canada. My clients tell me, "John, sometimes they don't show up". Therefore, Mr. Chairman, the employer contacts HRSDC and says, "This person did not come, and I have the opportunity to hire four, so therefore that leaves me one more person to hire".

• (1545)

The loophole in this is that the employers rarely, if ever, phone Immigration.

Mr. X has arrived in Toronto, he's bound for Winnipeg, and he doesn't even bother calling. The employer doesn't do anything about it. He just goes out and gets somebody else. Where is this person? Who is this person?

So that's an issue that should be taken into account. There should be a cross-section, or an opportunity to deal with the issue, between HRSDC and particularly Immigration when the person obtaining the visa has landed at a point of entry.

Another point that arises, my clients tell me, is that on the other side, if someone does come in, they will receive a call from the point of landing and be asked, "Where is your company? We've Googled it, and your head office is in some house. We don't know who the president is." And so on.

It becomes a bit of a problem if people weren't anticipating being telephoned or weren't notified in advance, or at least given 24 hours' notice, that they would have to provide information. I say that because not everybody has a big office or a big international conglomerate of trucks. Some operate out of their homes as their corporate headquarters. They still may have 10 or 15 long-haul trucks, but that's where they operate out of. If you don't find them on Google, they find many a time that there's....

Well, the word "harassment" was used. I wouldn't go that far, but a great deal of information is being requested of the employer right at the point of landing, when the perspective employee is standing there and it's difficult to reach all that information at the same time, and yet clearly it is necessary to do so.

I'm not sure about my available time, Mr. Chair.

I have discovered, and my clients tell me, that the issue is about arrivals of qualified foreign workers who do not show up at their place of employment. The employer doesn't track them down and Immigration has little or no input to try to locate them. I don't know if they even make the list of people who eventually have to be tracked down.

Those are my brief comments.

• (1550)

**The Chair:** Thank you, Mr. Petryshyn and Dr. Dauvergne. Your comments are very helpful to the committee.

We will now have some questions from members.

Mr. Opitz, a member of the government, is first.

**Mr. Ted Opitz (Etobicoke Centre, CPC):** Thank you, Mr. Chair.

Mr. Petryshyn, hello to you. You began talking about spouses arriving in Canada and not cohabiting with the spouse. Can you elaborate on that a little more? I was a little confused at the front end when you started talking about that issue.

**Mr. John Petryshyn:** Well, it's a family class sponsorship, and many a time, depending on the nature and the background of some nationalities, they may have met only briefly, or for the first time, when they got married. Therefore, let's say you go through a process of sponsoring the person to Canada and this question arises: the person comes, discovers that he or she is not compatible, does not like the other spouse after a very brief time together of maybe a week or two, and the immigrating spouse to Canada—not the sponsor, but the applicant coming to Canada—says, “He's threatening me”, or whatever the circumstances are, and they leave, or they charge the spouse with assault and so forth. At times, I have had both sides of the street, within a very short period of time—sometimes even a week or two—where the spouses have not cohabited and one leaves the other.

I know there's an issue pertaining to how we'll address this issue. I've heard, or at least I've read in the media, that if they do not cohabit, then the spouse who came to Canada, the applicant, the sponsored spouse, may be removed from Canada because he or she is breaching the terms and conditions of their coming to Canada as a sponsored spouse to begin with.

I say that's a possibility, and I don't discount that, but you really have to take a look at the fact that at times there is abuse, there is assault, or there may be a problem with drugs or alcohol. If that's an issue the government has considered, fine, but please take a look at other issues that may ameliorate that person not being able to live with that sponsoring spouse.

**Mr. Ted Opitz:** But what you're really discussing is basically arranged marriages, which doesn't really lend itself to a long-term, bona fide relationship. So isn't this a situation that could lend itself very clearly towards marriage fraud, and therefore fraudulent immigration?

**Mr. John Petryshyn:** Arranged marriages in certain cultures are the norm. You can go back to, and I can take you to, clients who have an arranged marriage, met each other for a week, and ten years later are living together, with children and so forth. That's the nature of that certain culture. You can't just discount arranged marriages.

What I'm saying is that before someone is removed, we should be taking a look at the circumstances, at why that spouse or that person coming to Canada left. Is it a fraudulent one? The person may never have intended to live with the person, and that is a fraudulent marriage. However, if they did intend to live, but circumstances

arose where there was danger to the spouse coming to Canada—or something—that should be taken into account.

**Dr. Catherine Dauvergne:** Mr. Opitz?

**Mr. Ted Opitz:** Yes. If you want to weigh in on that, please go ahead.

**Dr. Catherine Dauvergne:** I totally agree with my colleague in Winnipeg about arranged marriage, but there is an issue of forced marriage, which is something that has received increasing attention in a number of European countries. The U.K. and Scandinavian countries have really taken quite stringent steps in their immigration law over the past decade to try to sort out the question of young women in particular being forced into marriages and how to distinguish those from arranged marriages. It's something that immigration law in Europe has really tackled, whereas the Canadian approach so far has been simply to say that's not a problem for Canada.

I don't know very much about Canadian research, but that seems unlikely. Given the great range of countries from which people come to Canada, this probably is an issue in Canadian family class migration as well, and it's something we haven't paid sufficient attention to yet. There's a lot of data in other countries that could be helpful to us on this point.

• (1555)

**Mr. Ted Opitz:** I agree. Marriages of convenience are something we're looking at and we need to examine very closely, for all the reasons you outlined, because we certainly don't want a spouse of any gender falling into a situation that is harmful to them. I think we can all agree on that.

I want to shift to foreign workers and back to Mr. Petryshyn for a second.

You talked about truck drivers coming in.

How much time do I still have, Mr. Chair?

**The Chair:** You have about two minutes.

**Mr. Ted Opitz:** Okay, wonderful.

When the sponsored truck driver comes into the country, why wouldn't the sponsoring employer be responsible for trying to find this individual? I'm a little confused as to why you would say that they can't find the guy and then they just give up on the guy after having gone through all that effort.

**Mr. John Petryshyn:** If an employer were here, I would ask the same question and so would you: “Look, you went through this whole process and took six months to get a truck driver here, and suddenly he was to appear and never showed up. What do you do to track him down?” And the employer would say, “How much time and money do I have? I don't know. If he was coming here, we interviewed him from Qatar, from Dubai, or wherever, and he was supposed to be here. He's not. Human Resources allowed me four truck drivers. He's not here. I have a list of 20 others. I'm going to contact the next person and get him here.”

The question then becomes that maybe that should also be an issue, not just an isolated one of immigration but one for Human Resources when they approve the employer. If these people do not attend or if someone is identified, here's what your recourse should be. And I think having notification of immigration, last known address, etc., would be incentives for the employer to get back and try to locate that person, because there might have been a miscommunication, as happens in Winnipeg sometimes, or maybe the person is genuinely not a truck driver but is here for some nefarious purpose. I think that should also be dealt with by our friends over at Human Resources.

**Mr. Ted Opitz:** I'm sure I have only a minute left.

**The Chair:** You have 30 seconds.

**Mr. Ted Opitz:** What are your views—and I'll ask either of you to weigh in—on getting skills of those such as pipefitters, steam fitters, plumbers, bricklayers, and others into this country? Can you comment on the requirement for more immigration of skills-based individuals?

I'll start with John.

**Mr. John Petryshyn:** In Manitoba we have the skilled worker program, a great program that has been in effect with the federal government, contracted by the Province of Manitoba, through various different political parties that have formed the government. That has helped a place like Manitoba that is bereft of immigration, and yet we do require skilled persons. So that is something we have to take a look at.

But, my dear friend, one of the biggest problems is accreditation. A person can come here as a drafter or some other professional, or, let's say, they are not a journeyman, and the various provincial associations cause them problems. So what are the criteria in Manitoba? How do you write a journeyman's test from some other country?

**The Chair:** Thank you, Mr. Petryshyn. We have to move on. I'm sorry.

Mr. Davies, who's the critic for the official opposition, has some questions.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Thank you to both witnesses for being here.

To you, Dr. Dauvergne, I understand you got your Ph.D. in Australia. As I'm sure you know, part of this study is to look at detention in a security context, particularly mandatory detention, as an issue. This government, through Bill C-4, which was introduced in this Parliament, and its reconfigured form as Bill C-31, proposes to introduce a mandatory detention regime in the context of regular arrivals designated by the minister.

I'm just wondering. I'm aware that Australia has had a mandatory detention scheme in place for some time. Could you comment on whether there are any lessons for us from Australia in that regard?

**Dr. Catherine Dauvergne:** Thank you very much for your question.

Australia has had a mandatory detention scheme in place since 1992 for anybody who arrives without a visa. It has been incredibly politically contentious, and exceptionally costly, but in terms of

asylum seeker outcomes, I think probably the most significant thing is that mandatory detention has not really affected the number of arrivals in Australia or the security and criminality mix of the people who are actually arriving. Just knowing that people are going to be detained has not in itself seemed to act as a deterrent, nor has it acted to enhance security.

One of the things that mandatory detention in Australia has achieved is that it has really driven the processing priorities. People who are detained have hearings because of all the liberty rights infringements with detention. That mandatory program has taken over all other types of processing. People who get in detention have their claims settled more quickly.

That is, of course, the correct legal outcome, but it does mean that detention is controlling who is in what queue rather than other government objectives that might reasonably be expected to control processing times.

• (1600)

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

Is there any difference in law, Dr. Dauvergne, between a refugee who arrives at a country's shores through an irregular means versus a refugee who is settled through the UNHCR process?

**Dr. Catherine Dauvergne:** There's no difference at international law between the entitlements that are available for both those categories of refugees. Indeed, the international refugee convention quite explicitly, of course, understood that there was not going to be a way for refugees fleeing persecution to necessarily obtain a visa to travel somewhere. So that international law commits all countries—147 countries around the world—to ensuring that people do not face any penalties for their mode of arrival in a country. Indeed, it's a breach of international law to attempt to charge people with illegal entry or to otherwise punish them.

So the proposals that were in Bill C-4 and that are now reproduced in some part in Bill C-31 are a direct contravention of the international refugee convention on this point.

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

You mentioned in your testimony, Dr. Dauvergne, that we don't really know who is in detention, although you gave us some figures that about 94% of them are not in detention for security concerns but, you indicated, for the reasons of not having proper identification, or being thought to be a flight risk perhaps.

Are there any numbers or statistics, in terms of flight risk, on people who actually have been incarcerated for that reason and who actually end up engaging in flight?

I don't know if I'm being very clear on that. Do you understand my question?

**Dr. Catherine Dauvergne:** I think I understand what you mean. You're asking how many people actually disappear and go underground.

You know, that's really an area in which it would be great to encourage CBSA to collect that kind of data for. You can, of course, get data from the IRB about the number of people who are no-shows for IRB hearings, but they wouldn't all be people who had been in detention.

For those questions, we have not instructed these agencies to collect data in such a way that we can provide a good answer.

**Mr. Don Davies:** Okay.

I also want to give you a chance to talk about human rights protections in the security context. The flip side of security, of course, is that it engages, in a democratic country like Canada, questions of concerns for people's rights.

Do you have any comments to make to the committee about the human rights protections in that context?

**Dr. Catherine Dauvergne:** I think the most important concern for parliamentarians here, at this juncture, is that it's really important to incorporate human rights considerations into up-front planning of security regulation. The main reason for this is that by incorporating human rights concerns at the front end of designing security directive legislation, that will leave Parliament in control of those provisions.

If Parliament passes legislation that isn't attuned to what its human rights obligations possibly are, then there will almost certainly be legal challenges. Those matters will go to the courts, and then the courts will be in a position of deciding what the law is going to look like. So in issues such as the detention provisions in Bill C-4 and now Bill C-31, by taking the initiative and making human rights-attuned adjustments at this stage, Parliament has a better chance of being in control of what the outcome is.

• (1605)

**Mr. Don Davies:** Do you have any advice to give us in terms of any particular human rights considerations we should be paying attention to as we consider this issue and this legislation?

**Dr. Catherine Dauvergne:** Both international law and the Supreme Court of Canada have made it very clear that if people are going to be detained in an administrative context, that is, if we're detaining people who have not been tried or convicted of anything at all, that detention needs to be narrowly targeted and needs to have close time limits.

Also, it needs to be regularly supervised by the courts. The current supervision schedule is a review at 48 hours, at 7 days, and at 30 days. The Supreme Court of Canada has intimated that if you adjust that review schedule so that you aren't reviewing detention regularly, you will probably run afoul of Canadian constitutional protections.

Another key thing to keep in mind at the front end is that Canada already has more stringent security detention provisions than many other countries, so we are already quite close to the line in terms of international legal breaches in this area.

**The Chair:** Thank you, Dr. Dauvergne.

**Mr. John Petryshyn:** I would—

**The Chair:** I'm sorry, but we have to move on, Mr. Petryshyn. Unless someone else asks you a question....

**Mr. John Petryshyn:** All right.

**The Chair:** Mr. Lamoureux, who is a critic for the Liberal Party, is next.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** I thank both presenters for their presentations. I do have a few questions that I'm hoping to get off.

First, to continue with what Mr. Opitz was referring to, Mr. Petryshyn, you talked about the employer and how there is no obligation for the immigrant or the worker to actually contact the employer. Equally, there's no obligation, from what I understand, for the employer to make contact, whether it's with Human Resources or the Department of Immigration.

Outside of the transportation industry, if we take a look at the temporary workers that are coming to Canada, there really is no recording system...? Can you elaborate? Are you aware of any recording system so that we can say, out of the 100,000-plus workers coming to Canada, whether or not they're actually working where they were initially meant to be working? Can you provide a comment on that?

**Mr. John Petryshyn:** The only thing is that when they do come to a port of entry, they then are recorded as to whether they have proper documentation—a student visa, a worker visa, or a visitor visa—or whether they are a permanent resident with all the requisite documentation. If they simply come in here.... Don't forget, the last step in the whole process of obtaining the worker permit is that your employer already has been approved in Canada to qualify to hire a foreign worker.

In Manitoba, (a) they're registered with the Province of Manitoba, and (b) they go through the whole list of advertising for workers in that field who have certain skills. They have to do it online in the Job Bank. They have to provide a list of all the people who have applied for that job in Canada and have been turned down for one reason or another. Only then does Service Canada permit the employer to offer employment to a foreign worker overseas, who, with his or her application, applies and comes to Canada.

It's a long process.

**Mr. Kevin Lamoureux:** That's right.

**Mr. John Petryshyn:** That was referenced by a previous member of Parliament in regard to the government trying to expedite it—and God, I hope you do expedite it—because this goes on forever.

Then, at the end of the day when the person shows up at the border, there may be harassment of the employer; they want all these other requirements to back it up, but the employers don't have that available because they simply didn't anticipate the guy coming at that time. Or, at the end of the day, he doesn't show up and there's no documentation. Like I say, Human Resources and Immigration should work hand in hand, as opposed to isolated—

**Mr. Kevin Lamoureux:** I'm just going to stop you there for a second. Again, what I'm trying to get at is that there appears to be no system when a worker comes to Canada, or once that working visa has been issued, there's no system that shows the worker actually came to Canada, where it's recorded.... Even for the employer, there is no obligation for them to say to Human Resources or Immigration that they have arrived, correct?



**Mr. John Petryshyn:** That's correct, Mr. Lamoureux.

**Mr. Kevin Lamoureux:** In regard to the marriages of convenience, you make reference to the fact—and I'm familiar with the policy that the government was talking about—that there's the status quo and that's really caused a great deal of concern about marriages of convenience. Are you aware of other possible options that would address the issue of marriages of convenience and that the government would actually be able to look at as a policy?

• (1610)

**Mr. John Petryshyn:** What could be similar, which was cut off a few years ago, was that fiancées were considered members of the family class, and they were able to be sponsored to Canada, on the proviso that within a certain period of time they must marry the person who sponsored them to Canada. If they failed to do that, they would be removed from Canada.

The only difficulty was that upon coming to Canada, the fiancée was conditionally landed and had all the benefits of the courts and legal process and could say, "I don't like the way he parts his hair"—or whatever it was—"so I'm not going to marry him." That's where the problem came in. But I raise that by way of the fact that if you issue the conditional landing, regardless of the family background—whether it's a marriage of convenience or a marriage that was contracted, and today some people even get married by telephone under some religions—you would therefore allow the spouse to come to Canada on condition that the immigration department would be satisfied that the people are still cohabiting. Then you could interview both of them, as opposed to doing an interview of a spouse overseas and asking, "Do you intend to live with your spouse in Canada?" This way you could say, "Okay, where do you live? Do you live together?"

**The Chair:** I have to stop. We've run out of time.

Mr. Menegakis.

**Mr. Costas Menegakis (Richmond Hill, CPC):** Thank you, Dr. Dauvergne and Mr. Petryshyn, for joining us today.

I have a couple of questions. Hopefully I'll be able to get them in within the allotted time.

Our government has announced that it is developing an entry-exit data system with the United States. It is to begin in September 2012, with the exchange of information on third-party nationals and permanent residents at select entry points. The goal, of course, is to expand it to air travel by 2014. What is your opinion of this strategy?

Can we start with you, Dr. Dauvergne? And then we'll go to Mr. Petryshyn.

**Dr. Catherine Dauvergne:** I think the question of entry-exit data exchange is one that needs to be dealt with very carefully. I think it's important to develop a regulatory framework to ensure that data collected for the purposes of entering the country are not put into a generally accessible databank. I think that comes very close to the line of infringing upon individuals' privacy rights, and it's not clear what benefits will derive from the system, aside from having a massive pool of data for which the uses are really not clear.

I think there are a lot more details about that proposal that really need to be spelled out and dealt with so that we can ensure that

individuals' rights—privacy rights essentially—are adequately protected in the program. There are some ways, but it's hard to see how you could build enough protections into that system to outweigh the risks. There's always a risk when government is collecting a massive amount of data, and a huge cost that goes with administering that data, just for no particular reason. The reasons to have that data would need to be very carefully articulated in the law and scrutinized by the public.

Thank you.

**Mr. Costas Menegakis:** I have the same question for you.

**Mr. John Petryshyn:** The issue is that we're dealing with Canadian and American entries and exits. Let's leave aside our good friends in the United States and just look at it from this point of view. Here we are in Canada, and we have documentation of people entering Canada. We don't have any documentation of them exiting Canada, unless there is removal by way of a deportation order, so that person is put on an airplane and removed. If it's a voluntary departure, you don't know if he or she has gone. Never mind tying ourselves to the U.S.; we don't have our own ducks lined up in Canada. When we know that someone has a three-month visitor's visa and they apply for a six-month extension and don't get it, nobody follows up and says, "Hey, maybe he's still here." That's where the problem lies, that we ourselves don't do any proper documentation.

**Mr. Costas Menegakis:** Do I still have some time, Mr. Chair? Thank you.

What we're studying here in the committee at this time is security, particularly as it relates to immigration, to people coming into our country. Really, I'd like to get your views on that. What are your views or some of the recommendations you might have that strike the right balance between the security of Canadians and their civil liberties?

• (1615)

**Mr. John Petryshyn:** One of the most simple ways to deal with it is that if you have, for example, a six-month visitor visa, you should report to an immigration office or service and identify yourself as still being in Canada or not being in Canada. Or, if your time has expired, you may have been deemed to have overstayed, and you would put on the list that you are subject to removal.

People don't come in and expect to be simply in Canada without any documentation. Some people might consider that—

**Mr. Costas Menegakis:** Mr. Petryshyn, I have limited time, and I really want to get to the bottom of my question.

**Mr. John Petryshyn:** Yes.

**Mr. Costas Menegakis:** My question is simply this. We're exchanging information with our other partners, with other countries, so that we can gather as much information as possible about people who want to come to this country. This is to protect Canadians, to protect Canada, to ensure that the people who are coming here are the right people who should be coming to Canada. So there is some concern about privacy infringement and so forth, but there has to be a balance between people's civil liberties and the right of our country to ensure that the right people are coming here.

Dr. Dauvergne, you alluded a little bit to the privacy issue. Would you care to comment further on any recommendations you would have so that we can strike a balance that's fair to everyone?

**Dr. Catherine Dauvergne:** In the interests of time, I think the Maher Arar report is directly on the point of how we decide which information to exchange about.

Now, keep in mind that entry and exit information will predominantly be information about people who already have a right to live in Canada—Canadian citizens and permanent residents. The Arar report was a good example. I think we should only be tracking people where we really have some grounds to suspect there's actually some sort of issue. Otherwise, it's a tremendous public expenditure with enormous risks, which is not justified, in my mind.

**Mr. Costas Menegakis:** But aren't the risks even greater if the wrong people come to Canada? I mean, it's a question that can't be answered very easily.

How's my time, Mr. Chair?

**The Chair:** You have a minute.

**Mr. Costas Menegakis:** Okay.

What are ways in which the government can fairly distinguish between those who come legally and illegally into Canada? Would you care to comment on that, on some ways of distinguishing between someone coming legally and illegally?

**Dr. Catherine Dauvergne:** Anybody who is crossing at an organized port of entry is probably coming legally or they'll be turned back at that point, so I guess your question is about clandestine border crossings...?

**Mr. Costas Menegakis:** Well, let me delve into it differently. The issue of biometrics is something that's been discussed quite extensively. How do you feel about biometrics and the type of information that can really identify who the person is who is trying to come through the border crossing?

**Dr. Catherine Dauvergne:** Okay. That's helpful.

I think a lot of countries around the world have gone to some sort of biometric screening. The real issue that concerns me there is what we do with that data once we get it.

I think Canada has done an excellent job of reducing its clandestine population. The figures are absolutely striking at how low the illegal population is in Canada compared to Europe, the United States, and even in some.... It's not the same in Australia.

Largely we've achieved this through having a refugee system that encourages people to identify themselves to the state. The

fingerprinting, the photographing of people coming over the border, which is currently done for many—you will have seen it going into the United States—is a big resource strain for a very small yield.

So I think resourcing our intelligence agencies so that we know who we're looking for is probably a better use of scarce dollars.

**The Chair:** Thank you.

Mr. Kellway.

**Mr. Matthew Kellway (Beaches—East York, NDP):** Thank you, Mr. Chair, and through you, thank you to our witnesses for appearing here today.

Dr. Dauvergne, you had discussed very briefly the issue of mass arrivals. I found your point interesting, that there tends to be no difference in security outcomes or incidence of security concerns in those arrivals. The issue seems to come down to an administrative issue. The government, certainly in the context of Bill C-4, has talked about and justified the detention of so-called irregular arrivals on administrative grounds.

I'm wondering if you have any recommendations, and can perhaps point to other examples around the world, with regard to how other countries handle mass arrivals administratively so that people don't have to be put into detention.

• (1620)

**Dr. Catherine Dauvergne:** I think the clearest example here is probably what happens in Australia. In Australia there are quite a lot of irregular arrivals, and in much greater numbers than in Canada because of the structure of the Australian immigration system. There are two primary devices used, even in the context of the Australian system, to ensure that people are detained for the minimal amount of time required.

The first of those devices is that there is a massive system for legal support and representation for people who are detained, and there are extensive government contracts for lawyers to work in Australian migration detention centres—that's a little-known feature of the Australian mandatory detention system.

There's also a priority, for anybody who is detained, for those people to be processed first, before anybody else. One of the problems encountered by the refugee bar in British Columbia, where a number of these boat arrivals have occurred—the most recent boat arrivals have all been out here—is that the refugee bar just doesn't have the resources to give people the proper legal representation to allow these things to move quickly.

So thinking about how to resource that will really ensure that detention is at a minimum, as will also looking at some other alternatives to detention, such as the kinds of conditions on which individuals get bailed into the community in the United States. There's also a significant detention scheme there that's not as blanket as Australia's and involves alternatives to detention, such as having people regularly report into an immigration office, having some monitoring, and accommodating people in designated areas at state expense. Often in a mass arrival situation, people don't have anywhere to live, and they don't know where to live. One way to keep tabs on them is to provide them with a place to live, for example.

So there are a few ideas that will address the same kind of issue that the government is chasing in Bill C-4.

**Mr. Matthew Kellway:** Okay.

Very briefly, Dr. Dauvergne—I think I have a minute left, or you have a minute left—on the issue of the detention of children, you mentioned that there were about 500 kids in detention last year through refugee claims. I'm wondering if there are any studies or if there is any evidence about the impacts of detention on families and on children themselves. Is there any useful information in advance of the potential passage of Bill C-31 and this extended period of detention it contemplates?

**Dr. Catherine Dauvergne:** The best and most detailed study is by the Australian Human Rights Commission, which has demonstrated that there are devastating effects on children held long term in migration detention. One of the changes between Bill C-4 and Bill C-31 is that the new legislation does not call for mandatory detention of children. But it does not address the question of what will happen to children whose parents are mandatorily detained.

Currently, much detention of children is considered to be optional or is detention that is chosen by their parents. I think this is an issue that really needs to be tackled head-on. It's simply unreasonable to say that we're only going to allow people to be detained when their parents make that choice for them. We know that detention is very detrimental to children, and we also know that parents who have arrived in a foreign country and who have no family, no resources, and no connections are not going to choose to have their children separated from them.

So this is an inevitable consequence of that legislation, on which we've made some progress, but not enough.

• (1625)

**The Chair:** Thank you.

Mr. Weston.

[*Translation*]

**Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Thank you very much, Mr. Chairman.

[*English*]

Thank you to our guests. I hope you're able to see and hear us well.

I was intrigued, Dr. Dauvergne, by your comment that the information we have is not granular. You then proceeded to show some great mastery over the information that was available, so let me put my first question to you.

You commented that the detentions of people who arrive by ship tend to be 15 times longer than the average detention. Better pre-screening was one of the recommendations made by another witness who we heard from. Pre-screening would enable the government to identify everyone on a ship or plane destined for Canada before they reached Canadian soil. What's your opinion on Canada's current pre-screening measures and how they can be improved?

**Dr. Catherine Dauvergne:** This is a good example of how information working in one category flows over into another category. We currently have reasonable capacity to pre-screen

individuals who are coming to Canada in some acceptable category of immigration. However, we don't grant visas to people to come to Canada to seek refugee status. You can possibly be a resettled refugee and you can be extensively pre-screened in that way. Those people who are government-assisted refugees are probably subject to the highest screening of any group at all. Mass arrivals on boats—to come back to where your question started—are the groups of people about which we're going to know absolutely nothing before we start. One way we could think about gathering information about those individuals would be to create a visa category that allowed people to come to Canada to seek refugee status. That would be something.... I've only ever heard of one other country in the world—I think there are limited opportunities in the Swiss system for this capacity. That would allow pre-screening of people who were going to seek asylum in Canada.

Aside from that, it's not a question of the kind of information we seek in advance but rather that we don't provide any way for people to get into an immigration category. Those people we are most concerned about are the ones who existing pre-screening is least likely ever to get to.

**The Chair:** I'm sorry. We've come to the end.

Dr. Dauvergne and Mr. Petryshyn, we appreciate your taking the time. Your answers to our questions have been outstanding, and we thank you very much for your time.

**Dr. Catherine Dauvergne:** Thank you for your time and attention. It's been a privilege.

**Mr. John Petryshyn:** Thank you so much.

**The Chair:** We will suspend.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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**The Chair:** We will call this meeting to order. We have two witnesses.

The first witness is before us here in downtown Ottawa. Rajesh Randev is an immigration consultant.

Welcome to the committee, sir.

By teleconference from British Columbia, we have Dr. Joe Greenholtz, who is an immigration consultant and adjunct professor in the Department of Educational Studies at the University of British Columbia. He has also served at the Canadian embassy in Tokyo.

Welcome to both of you. Thank you for coming to the committee.

Mr. Randev, we'll give you up to 10 minutes to make a presentation to the committee.

• (1630)

**Mr. Rajesh Randev (Immigration Consultant, As an Individual):** Thank you, Mr. Chair.

Good evening, Mr. Chair and members of the committee. Thank you for inviting me today.

My name is Rajesh Randev. I am a regulated Canadian immigration consultant and a member of ICCRC.

Today I would like to shed light on some of the emerging immigration issues that need to be addressed on a priority basis to improve our current immigration system. The discussion topics concern the challenges faced by the applicants for temporary resident visas, in particular the case of visitor visas, and the functioning of overseas visa posts. Later I would like to put forth some practical solutions to the problems faced by the applicants, which will improve our current system.

First of all, I would like to discuss the opening remark that appears on the CIC website:

Visitor visas allow people to stay in Canada temporarily. For tourists, whether you are looking for nightlife in a large cosmopolitan city or vast natural park land, the country offers something for everyone!

True indeed: our beautiful Canada has a lot to offer, with amazing landscapes, national parks, and great tourist attractions. Our people share diverse cultures, and their roots stretch far across the globe. People want to visit Canada for weddings, tourism, ceremonies, funerals, and to connect with families, but they face high visa rejections. This has discouraged people from applying for similar sorts of visas for Canada, and they prefer other countries over Canada for travel and pleasure.

The recent report in *BC Business* this year shows a sharp decline in international tourism from the period of 2000 to 2010. According to a report from the Canadian Chamber of Commerce, the contribution of international travellers to Canada's total tourism revenue has dropped from 35% in 2000 to only 20% in 2010. One of the primary reasons for this decline in tourism is the high refusal rate in visitor visa applications overseas.

The CIC website further says the following:

Visitor visas also allow people to connect with family who have immigrated to Canada.

I am not fully convinced by this statement, since eligible families often face refusals even in the case of funerals or emergency situations. For example, the majority of immigrants of Indian origin in Canada are from Punjab, and the visa post is in Chandigarh. From Chandigarh, the refusal rate is 53%. The situation is quite similar in other visa posts. The actual figures for visitor visas alone are quite shocking; rejection rates go as high as 80%.

I doubt that families can stay connected if the majority of the applications are refused with pre-set refusal grounds. The applicants are frustrated not only because of the rejection but also because of the unclear refusal grounds, which sound generic for several rejections. Although every case is unique, the cases processed in such visa posts are treated with a generalized opinion rather than with a case-by-case analysis.

I will brief you on two of the numerous cases that reflect the anomalies of our existing system. Three years back, Mrs. Kaur was suffering from cancer. Her last wish was to see her mother from India. Unfortunately, her mother's visitor visa was refused. Mrs. Kaur died before seeing her mother in Canada. In another case, Mr. Enbo Cui, an only child and an accounting student in Australia, was twice refused a visitor visa to attend his mother's funeral. His mother was stabbed to death while she worked in a restaurant in Toronto. Cui was not granted a visa until this was published in the *Toronto Star* and other media, when it caught the attention of immigration

authorities in Canada. Unfortunately, there are several other unpublished cases that suffer from the same kind of problem, where those at visa posts make cold decisions.

I'd now like to discuss some irregularities happening in visa post operations overseas. If a person is paying \$150 Canadian for a TRV application and the application is refused, I think the applicant has a right to know, and it is the visa officer's duty to give, the detailed reason for their refusal.

• (1635)

**Mr. Rick Dykstra (St. Catharines, CPC):** Mr. Chair, I have a point of order.

**The Chair:** Excuse me, Mr. Randev.

Mr. Dykstra.

**Mr. Rick Dykstra:** Mr. Randev, I apologize. I truly didn't want to interrupt you, but this is on a point of order.

I know you are certainly making the presentation on behalf of those who have not gotten visas to come to Canada. I just wondered if you could clarify how this will lead to getting advice on the purpose of what we're discussing and trying to do with respect to security in this report.

**Mr. Rajesh Randev:** After this I am going to offer some practical solutions to these problems, and I hope Mr. Chair and the members of the committee will like my solutions.

First of all, I would like to present—

**The Chair:** Just remember we're talking about security, sir, but we appreciate your coming and giving us your words of wisdom.

**Mr. Rajesh Randev:** Yes.

There are a lot of irregularities happening in the visa posts. For example, in the case of work visas, even if the applicant has strong ties with India and he is financially well to do in that country, the visa is refused because the person will not come back.

In cases where the applicants have already applied for permanent residency for Canada, such as for family class, the applicants are denied visitor visas and told, "You have dual intent and you will not leave Canada".

Why would a person who has applied for permanent residency jeopardize their chances of permanent residency for the sake of temporary status? Maybe the reason for their temporary visit is to explore Canada and to develop social ties and finally settle in Canada.

The visa officers, whether in Canada or overseas, do have some guidelines from the government, but these guidelines must be reviewed from time to time. Between the time I became an immigration consultant and now, I can distinguish what I have learned from experience and client interactions. The same applies to all professions, including that of visa officers overseas, who must be trained and be given proper experience in order to make decisions on something as important as uniting a mother with her child.

Now I am going to present solutions to these problems.

My first solution to this problem is that there should be a good faith bond. Let's say there is a scenario involving an overseas applicant who has weak or strong ties but is financially sound. An optional good faith bond for applicants would assure compliance with the terms and conditions of their temporary stay in Canada. If asked by the visa officer, the applicant could enter into a contracted bond for a certain amount with the visa issuing authority. The good faith bond's value could be determined based on the applicant's financial grounds. The applicant could explore, learn about, and visit Canada and the bond would remain collateral for his or her lawful visit.

During the 41st parliamentary session, Mr. Sabourin, vice-president, operations branch, CBSA, mentioned in his testimony that the average cost to remove a person varies, starting from \$1,500 and, in the worst case, going up to \$15,000.

If we had a good faith bond from the overseas applicant in case that applicant tried to violate the terms and conditions in Canada, that good faith bond could be used to remove that person from Canada. This kind of provision is already being practised in provincial nominee programs and in the case of detainees. If a detainee leaves here, then he is released on certain conditions by putting up a bond. In certain provincial nominee programs, such as the Saskatchewan provincial nominee program, applicants are asked for a \$75,000 good faith bond, and if the applicant doesn't comply with the conditions, the \$75,000 bond is forfeited.

My main concern is, if that kind of provision exists in those kinds of programs, why does it not in visitor's visa cases where we are losing a lot of revenue that we could raise from this industry?

The second scenario is humanitarian grounds. As I mentioned earlier with regard to the two cases in which family unification is important, in such cases visa posts must make a decision based on their actual circumstances, as in the case of Mrs. Kaur and Mr. Cui. The decision-makers must empathize with the applicant and thoroughly investigate with due diligence the reasons for the visit. Doing so would help avoid erroneous decision-making and unnecessary embarrassment for the authorities. In exceptional cases where a visa officer is still not satisfied with the humanitarian grounds, then the visa officer may ask for a good faith bond at the applicant's disposal.

When the visitor arrives in Canada, there is another option, which is CBSA monthly monitoring. Under this provision, if an applicant arrives in Canada, at the port of entry a visa officer may impose conditions such as monthly monitoring or attendance at the visa office if they find it is a necessity for a particular case. A condition may be imposed upon an applicant such that he would have to inform and update CBSA about their stay and/or intentions. In exceptional cases, CBSA may hold the passport of the foreign national.

● (1640)

I have another practical solution for refused cases. The solution is an appeal process. A person, when he is denied overseas—

**The Chair:** Perhaps you could speed it up, sir. We're running out of time.

**Mr. Rajesh Randev:** There must be an appeal process to challenge the decision of a visa officer at the designated visa post. This would be an appeal procedure similar to the one available at the visa post level for the U.K. and Australia. The current system allows an applicant to appeal to the Federal Court of Canada, which is an expensive and tedious process and is not in the best interests of all the applicants.

The appeal process will make the system more transparent and will avoid lineups of rejected applications at the Federal Court. The new appeal process must be posted on CIC's website to educate the applicant and will reflect the fairness in the Canadian immigration system. The CIC may charge a nominal fee for this service for applicants who wish to appeal.

I would like to conclude with the following. The integrity of our immigration system can be maintained if the proposed changes are implemented so that every person is treated fairly and equally in the immigration process. The implementations will help develop an efficient system that would prove to be a win-win situation for Canada and the applicant. This will help in the growth of our economy by promoting a multi-billion dollar tourism industry and will allow applicants to recognize the natural justice in the system.

If we don't act now, it will be too late to save our tourism industry, which can hamper our growth as a nation. For the visa posts overseas, I would request that they analyze each application exclusively with an open mindset and provide a proper explanation for every rejected case.

Since the visa officer has the ultimate authority in decision-making, I would suggest that they would be wise to use the authority with great responsibility and control.

I thank you all for giving me the opportunity today.

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

Mr. Greenholtz, it's your turn.

**Dr. Joe Greenholtz (As an Individual):** With no further ado, I hadn't fully appreciated the extent to which the focus was on security, so I'd like to read you—

**The Chair:** We're pretty loose here. We let anything go, but we try to keep fairly close to security.

**Dr. Joe Greenholtz:** Okay. I'm very happy to hear that.

All right. I will do my best. The point I wanted to raise and the reason that I think I ended up here—through conversations with Don Davies—is a problem with TRV processing. It has practical aspects and it has social policy aspects.

The processing of TRVs is something that is done quite quickly and without attention to the details that one would consider important in terms of security, i.e., public safety, health considerations, or criminality. The TRV processing at post is a fairly cursory examination of the application.

I recall that when I was serving in Tokyo in the early nineties, the visa post in Taiwan made a unilateral decision to issue a visa to everyone who applied, because they were publicly—well, at least within the departments—throwing up their hands and saying that they had neither the resources, nor the staff, nor the time, to do any justice to the vetting of the applications, so there seemed to be no point in making arbitrary decisions about which ones to accept and which ones to reject.

We held our collective breaths. This was not long before the visa requirement was removed from Taiwan, so I imagine that the decision was already imminent and made the decision to stop actually vetting these applications in Taiwan much less scary, at the very least.

But it does speak to the value we get as taxpayers from having visa applications looked at by foreign service immigration officers overseas. Much as I hate to begrudge my colleagues those postings, given the various backlogs that exist within the immigration system and given the shallowness of the processing of TRVs, one wonders whether that's the best use of resources.

On the policy issues, while these applications are getting a fairly cursory treatment, they are violating standards of procedural fairness, and I think bringing discredit to the immigration system. Similarly, the reason that I arrived here was a couple of cases that came to me via an MP's office, via Don Davies' office.

The reason given for refusals is basically that you've failed to convince the officer that you have sufficient ties to your home country. It becomes a process of trying to guess what's in the visa officer's mind and how one could possibly satisfy unknown criteria as to what constitutes sufficient ties to one's home country. On top of that, you have the supporting family in Canada, and, in this one instance, Canadian taxpayers: six Canadian taxpayers who submitted their notices of assessment and letters of financial support for a single applicant that they were trying to have come to Canada for a wedding.

If six Canadian taxpayers submitting financial documents is not sufficient to convince a visa officer that the visitor will financially be taken care of, then what is the point of asking? Or what are the clear

guidelines on an aggregate amount of income—I mean, we couldn't be LICO, I don't think—that would satisfy a visa officer? Financials aside, the considerations that go into sufficient ties to one's home country are entirely opaque.

In my submission.... I don't know if I submitted it early enough for you to have received it translated...? I've lost my train of thought... where was I?

• (1645)

**The Chair:** Sir, it's okay.

Thank you, sir.

**Dr. Joe Greenholtz:** It's an imposing committee and I'm—

**The Chair:** No, no.

We have a report, but I'm not sure that it has been translated. It has been translated?

**A voice:** Yes.

**The Chair:** Then all members of the committee have your report, sir.

**Dr. Joe Greenholtz:** Okay. I will ask you, then, to refer to the sections on procedural fairness.

Our TRV process is such that I'm given to understand by former colleagues of mine that a visa officer at a busy post has about five minutes to assess an application. This means that all of the time and the efforts that go into trying to make a case for something like ties to one's home country are basically ignored: boxes are checked and an invitation is made for the applicant to apply again if new information comes to light.

We are discrediting Canada's reputation for fairness, I think, as well as our immigration system, in pursuit of a process that really doesn't satisfy any of our basic security concerns or even concerns about overstaying in Canada during the visa process. So one wonders what the point of continued processing overseas is, given the two sins that it's guilty of, in my opinion. That's basically the gist of my submission.

**The Chair:** Is that it, sir?

**Dr. Joe Greenholtz:** Yes.

**The Chair:** Thank you very much.

We have some questions from the committee.

We appreciate your introductory comments, both of you.

Ms. James has some questions.

**Ms. Roxanne James (Scarborough Centre, CPC):** Thank you, Mr. Chair.

Thank you, Mr. Greenholtz and Mr. Randev.

I appreciate both witnesses being here, either by teleconference or in person.

I'm a little miffed, though. Our study is actually on border security, so I'm not sure where the miscommunication was on how you're here to speak about visas—

• (1650)

**The Chair:** Actually, Ms. James, it is relevant. It's in the terms of reference.

**Ms. Roxanne James:** Okay.

I have a series of questions that actually deal with border security and biometrics and so forth, so I'm going to forge ahead. Hopefully, one of you can answer some of my questions. I'm not sure if that's your area of expertise.

I'm going to start with Mr. Greenholtz.

We're actually studying inadmissibility. In previous committee meetings, I've been asking various witnesses about how we determine inadmissibility and so forth. I'm just wondering what kinds of proposed changes you would suggest to existing inadmissibility provisions. We can talk about permanent residents, people applying to come here to Canada, or even refugees or asylum seekers.

**Dr. Joe Greenholtz:** I actually think that the inadmissibility provisions in the Immigration Act are fairly comprehensive and fairly useful. As the Auditor General pointed out, inadmissibility in medical terms might be a bit behind the times in the conditions that are tested for and their likely impact on Canadian society. But in terms of criminality—crimes against humanity and security concerns—I think our grounds for inadmissibility are quite reasonable.

**Ms. Roxanne James:** Thank you for that answer. I'm just going to reference something that the prior witness said in the last hour. It had to do with mass arrivals of people coming to Canada. The witness actually talked about people arriving by boat. There was a kind of implied suggestion that we need to process those mass arrivals much faster. But in actuality, in a past committee, we had someone here who said that he had reviewed the cases of 25 terrorists and suspected terrorists who would enter Canada and found that almost two-thirds of them had come in as refugee claimants.

My concern, or my question to you, sir, Mr. Greenholtz, is, in your opinion, do you think the safety and security of Canadians and Canadian soil should be trumped by people coming to Canada in mass arrivals without any documentation? Should we be integrating those people in society and more quickly releasing them, or do we really need to do a thorough investigation to make sure their stories are correct and to make sure who they really are?

**Dr. Joe Greenholtz:** It's a fairly loaded question; terrorists don't necessarily arrive en masse. They sometimes come one at a time, so the question is a bit disingenuous in terms of focusing on mass arrivals.

Mass arrivals do put the spotlight on processing times and the amount of scrutiny those cases get. So in terms of the publicity they attract, they're certainly more significant than solitary arrivals, but I don't think the security issues differ with the mode of arrival.

But having said that, I don't think the Canadian public.... I personally don't have an issue so much with the measures that are taken to scrutinize arrivals and mass arrivals. I think that if there is

an issue, it is how people are treated during their detention and during their waiting periods, in regard to how detention is decided, what safeguards are in place in terms of reviewing the necessity for a detention, and the length of detention. I think those are issues. I personally—

**Ms. Roxanne James:** Thanks. Sorry, I just wanted to.... You were questioning why I referenced the mass arrivals. The prior witness actually indicated that for people coming in as refugees or asylum seekers there is very little risk. There are few exceptions or exclusions. That's why I was talking about the mass arrivals. But certainly people who do come here fraudulently are trying to get into Canada multiple times.

I was just referencing the prior witness who stated that the people he had interviewed who were terrorists or suspected terrorists had actually come into Canada as refugee claimants. That's why I was talking about the mass arrivals, but I do thank you for your answer, sir.

I just want to switch over to biometrics, fingerprints, and photographs. I'm going to direct my question to Mr. Randev.

Are you familiar with the biometrics and—

**Mr. Rajesh Randev:** Yes.

**Ms. Roxanne James:** —with the fact that Canada is forging forward with that?

**Mr. Rajesh Randev:** Yes, we're changing over to biometrics.

**Ms. Roxanne James:** It's the same with other countries, such as Australia, the United Kingdom, the United States.

I think you may have mentioned it, or someone mentioned it here today, that when people are here illegally or fraudulently, it sometimes can take four to five years and, I think someone mentioned, \$1,500 to \$15,000 to try to remove someone.

**Mr. Rajesh Randev:** I mentioned that, yes.

**Ms. Roxanne James:** I'm just wondering whether you agree that the strategy of moving to biometrics so that we can stop the person from actually crossing Canadian borders and being here in Canada is a good thing to do. Is it a good strategy for Canada? I'll give you the example of someone who has come here multiple times with fraudulent documentation, who has changed their name multiple times, etc. Do you think biometrics will stop that kind of person from getting back into Canada?

• (1655)

**Mr. Rajesh Randev:** I'm totally in favour of biometrics. As you mentioned, I am aware of the biometric mechanisms where we take a person's fingerprints and a live picture of that person. In my view, that will definitely help in protecting our security system.

If a person comes here multiple times, for example, and we have that same person's information already in our system, if that person tries to enter Canada again by some other way—changing his or her identification or something—then definitely biometrics will help in checking for that kind of person.

**Ms. Roxanne James:** Thank you very much.

The Privacy Commissioner actually claims that there is a failure rate of 1%, which is common to the biometrics system. I'm just wondering what remedies, if any, you think should be available to people who are erroneously matched through biometrics—so a mistake.

**Mr. Rajesh Randev:** In that case—I'll put forward my opinion here—even when the applicant is asked for a security check overseas, that person usually goes directly to the security authorities. In India, for example, if the visa officer asks for a police clearance certificate, it is already done by the authorities in that particular region. That is submitted to the visa post. Why don't we make it so that the visa post asks for the security check from the concerned authority directly in that country? That way, the information being provided by the applicant will be correct, and that way, we will be directly connected with the officials of that country—

**The Chair:** I'm sorry, we have to move on.

**Ms. Roxanne James:** Thank you, Mr. Chair.

**The Chair:** Mr. Davies.

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

Thank you to both witnesses for being here.

I'll be sharing my time with Madame Groguhé.

I just want to reassure the witnesses that, as the chair pointed out, visas are part of this study. Although we're studying the general security of the system, visas are part of it.

I want to focus a bit on something that Mr. Randev pointed out and that I know Mr. Greenholtz has experience with.

You mentioned that the rejection rate in Chandigarh is 53% of everybody who applies for a visitor visa. Now, we're often told that the reason for that is security—i.e., there's a lot of fraud around Chandigarh, there are forged documents, there may be security concerns, or there's a fear that the people who come to Canada won't return.

We know that we don't have exit controls in Canada, so we really have no idea, when people come to Canada, whether they stay or leave. I just want to know what your comment and experience is in that regard.

I'll lead with my experience, which is that I have a lot of people who come into my office—I think a lot of MPs do—and particularly Indian families; they're not security risks, and there's no fraud or forgery or any of those things involved at all. Their relatives are simply denied visas. It leads me to believe that maybe a lot of people are being rejected for visas under the grounds of security, but those grounds are not necessarily real.

Mr. Greenholtz, I know that you were an immigration officer in an overseas embassy. I think you did process visitor visas.

I'd be interested to hear comments from both of you. Are people being turned down for visas in large numbers for reasons other than security grounds, in your experience? And if so, do you have any suggestions to the committee?

**Mr. Rajesh Randev:** Yes, Mr. Davies.

I don't think security is the primary reason they are rejecting all the visas. In my view, there is a generic view among all the visa officers in that region. They have some general opinion regarding all the applicants who are applying, that there might be forged documents along with applications, and so on. In my opinion, this is not the case. There are families. There are well-to-do families. There are rich families. They have properties in Punjab, and they have good ties with their home country.

Even then they have the same generic form, the same template they take over and over again: "I'm not satisfied that you will come back after staying in Canada." I don't really understand how a visa officer can judge a person without proper analysis of that case and a proper interview with that person. The majority of the cases are being rejected even without interviews.

I doubt the visa officers' decisions, because, particularly in that region, there's a general view in the mind of visa officers that they have to reject an application without going through it properly.

● (1700)

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

I just want to say, Mr. Greenholtz, before we turn to you, you mentioned that someone was taking maybe five minutes to determine. Martin Collacott appeared before this committee on Tuesday, and he felt it would be advisable to have a face-to-face interview between the immigration officer and a visa applicant. Is that something you think would help?

**Dr. Joe Greenholtz:** I think it would absolutely help. The point I was trying to make was that the system we have in place now is unfair and not really worth pursuing, because it answers neither security questions nor any actual questions about the applicant. A procedurally fair and useful system would require a much closer examination of the application. And if there were concerns, under the conditions of procedural fairness, that system should include an interview in order to give the applicant a chance to refute or to satisfy whatever concerns the officer had. That is an incredibly expensive and cumbersome system, so what we have is a compromise that really doesn't satisfy any of our requirements.

[Translation]

**Mrs. Sadia Groguhé (Saint-Lambert, NDP):** Thank you for your comments.

My question is for Mr. Greenholtz. In your document, you refer to a systemic problem, which would mean that these rejections are recurring. You also mention procedural fairness.

Could you tell us more about that concept, but taking into account the security aspect, please?

[English]

**Dr. Joe Greenholtz:** I can link procedural fairness with security and the question that Don asked just a minute ago. Procedural fairness requires that the criteria that an applicant must meet be made explicit and clear, and that the applicant have a chance to answer or refute any concerns the visa officer has. That could be done through documents, but it's more thorough with an interview.



The process we have now violates procedural fairness, and at the same time it doesn't accomplish our security or other screening goals, because the applications get only a cursory look-through. To satisfy both procedural fairness and our security and other concerns, Mr. Collacott's suggestion that everyone be interviewed is an excellent one. Unfortunately, the resource implications are huge, so some decision needs to be made on that point.

**The Chair:** You have one minute.

[*Translation*]

**Mrs. Sadia Groguhé:** Does your concept of national profiling refer to the fact that some parts of the world are more subject to rejections than others? Does it also embrace that aspect?

[*English*]

**Dr. Joe Greenholtz:** I don't have the statistics, so I shouldn't be rash, but I would imagine that it does in this instance.

As Mr. Randev said, there are very few Federal Court challenges of visitor visa refusals, because they're seen as low stakes. I was able to find one case. That's at the end of my submission. The judge basically said that reasonable decision-making must take place.

The case I've cited in here involves a woman who was 60 years old, spoke no English, had never travelled overseas, had just retired, had been married for 30 years, had three adult children and four grandchildren—this is rural China we're talking about—had a pension, had joint property, and had siblings within walking distance of her home. This person was rejected because she had “insufficient ties” to her home country.

I would ask any reasonable person to judge whether that set of circumstances represents sufficient ties to one's home country. That's where national profiling comes in.

• (1705)

**The Chair:** We're way over. Sorry.

**Dr. Joe Greenholtz:** There can be no other explanation for these kinds of rejections.

**The Chair:** Thank you.

Mr. Lamoureux.

**Mr. Kevin Lamoureux:** First and foremost, I do appreciate the two of you and the presentations you made. You reaffirm many of my thoughts and beliefs.

As I'm sitting here and listening, having had the opportunity to read a little bit more of your presentation, Mr. Greenholtz, what came to my mind is how wonderful it would be to have individuals from Chandigarh and some of these other embassies actually listening to what is being said. I don't think you're alone. You'll find that many members of Parliament get that same sense of frustration as to why it is that we're getting so many temporary visas being denied for individuals who should be approved, quite frankly. They want to come here for funerals and for weddings. There are all sorts of wonderful, great reasons why they should be allowed to visit Canada. It's sad that we have these numbers of individuals who get turned down.

Having said that, I do want to pick up on this whole idea of procedural fairness. Is there a better way to allow for individuals

who are having to apply for visitor visas, a way that would make it not only efficient but fairer? There's a suggestion by some, for example, that we should allow for the application to be received via the Internet. If it's rejected, the individual then would be afforded the opportunity to visit an embassy to make a presentation. Do you have any thoughts on that particular idea or on anything else that could allow for this sense of fairness that doesn't seem to be there today?

Maybe Mr. Greenholtz, and then Mr. Randev, if you don't mind, could comment.

**Mr. Rajesh Randev:** First of all, I'd like to mention a few things here. I don't know what kind of security concerns there are if Ms. Kaur has cancer and wants to see her mom at the last moment. I don't see a visa officer looking at any security concerns. In the second case, when Mr. Cui's mom was murdered in Toronto...I think this is just their pre-set mindset. Visa officers just want to put on a stamp for the refusal. I don't see any security concern there. He's looking into those particular humanitarian grounds cases.

On the other side, if an applicant applies to visit Canada to visit his family or for tourism, as I told you, we can put in some options here. It should be optional. There should be another option whereby the visa officer can ask for a bond. If the visa officer is not satisfied, he can say, okay, I want a \$15,000 or \$20,000 bond, and when you come back, here's your money.... If the applicant doesn't comply with the conditions, the bond will be forfeited. My concern is—

**Mr. Kevin Lamoureux:** I'm going to stop you there, because I only get five minutes,

Mr. Greenholtz, if you don't mind, could you provide a comment on it, if that's okay?

**Dr. Joe Greenholtz:** I think what we're looking at is a question of this being efficient versus effective. The efficient system we have now is a fairly low-cost system, and it's efficient because there's no appeal. A visa officer can quickly check off the boxes for insufficient ties to home country, for concerns about finances, and for having never travelled abroad, and quickly issue the refusal, erring on the side of caution, as it were: it's better to keep out even one potential visa overstayer than grant visas to 99 legitimate applicants, to turn the traditional logic on its head.

In order to have an effective system, you have to put more resources into it. There are a lot of different ways that it could be configured. There could be the option for an interview in the case of every refusal. There could be a beefing up of the back end in terms of exit controls and CBSA's resources to deal with visa overstayers and other concerns. Those kinds of details require a more thorough policy analysis.

But I think we have opted for efficiency. We have a very efficient system. It's fair to no one. It frustrates very many people. But it's not an effective system.

• (1710)

**Mr. Kevin Lamoureux:** That's it.

Thank you, Mr. Chair.

**The Chair:** Mr. Weston.

**Mr. John Weston:** Thank you, Mr. Chair.

Thank you, Mr. Randev, for being here with us, and also Professor Greenholtz.

I guess we have three things in common: strong ties to British Columbia—I'm the MP for West Vancouver—Sunshine Coast—Sea to Sky Country—a career partly in Asia, and we're both good friends of Don Davies.

**Voices:** Oh, oh!

**Mr. John Weston:** I wanted to address my questions on this pre-screening, as I'm not following your logic. I'm sure it's me and perhaps no one else in the room.

Better pre-screening has been recommended by another witness. On the one hand, I think you're saying that better pre-screening could be fairer; I think you said that, but I'll get you to respond in just a second.

I know that in the case of Mexico, pre-screening has been an essential step forward in eliminating a bogus refugee problem. We had some 10,000 unsubstantiated refugee claimants come from Mexico over a three-year period, leading up to July 2009. A visa requirement was put in that inherently meant there was now pre-screening, and therefore we eliminated that problem. We have saved, I believe, something like \$140 million in processing unsubstantiated refugee claims. Meanwhile, while it's not ideal to have a visa requirement, the visas are being processed with increasing efficiency.

To Mr. Greenholtz, perhaps you would explain your view on better pre-screening. Would that enable our government to identify everyone on a ship or a plane destined for Canada before they reached Canadian soil, something that clearly was the motive behind the new rule vis-à-vis Mexico in July 2009?

**Dr. Joe Greenholtz:** As I've understood you, you've conflated a couple of things. Imposing a visa is a form of pre-screening. It works much in the way that visa applications in India and China work. The applications are given a cursory look-over, and the majority of them are refused.

Putting a visitor visa requirement on Mexico was a very effective way of staunching the refugee claimant flow, because those people just didn't get visas to come to Canada to make the claim. It's not because the legitimacy of their claim was in any way evaluated; it's just because the nature of imposing a visitor visa on a country means that very many fewer people will be showing up at the border.

So in terms of—

**Mr. John Weston:** Mr. Greenholtz, most of the applicants for visas are accepted. The acceptance rate is in the high 80% range, or even 90%. But we've accomplished one of the goals of pre-

screening, and that's eliminating who we don't want to come to Canada, as a Canadian people, right?

Again, I think you're agreeing that better pre-screening is a goal, but you're saying the current pre-screening isn't fair. Is that your position?

**Dr. Joe Greenholtz:** I'm saying that in such countries as particularly India and China—perhaps our experience with Mexico is too young to make a final judgment of that—there is no actual screening of the individual. Decisions are made on the basis of profiling.

So we're not adding any layer of security or protection to Canada with the current visa process. That's what I'm saying.

**Mr. John Weston:** Okay, so let me ask it in a different way: what's your opinion of those who take advantage of our generous immigration system by obtaining fake passports to get entry to Canada? How do you suggest we eliminate that trend?

**Dr. Joe Greenholtz:** Well, you're speaking to a former immigration control officer, as you know. They're now called "MIOs", I think, migration integrity officers. They're stationed overseas at departure gates of flights for Canada. There they do actual screening, mostly in terms of the legitimacy of the documents.

I did that job for two years. In Narita I prevented hundreds of people from getting on planes to Canada. I have no misgivings about that whatsoever, because those people were perfectly capable of making a refugee claim in Japan, where I happened to be stationed, and none of them did.

So in terms of measures that actually screen, I'm entirely in favour. There are resource implications, but the current cursory review of a paper application that constitutes our TRV is not, I'm saying, actual screening.

• (1715)

**Mr. John Weston:** What kinds of questions should officers who interview applicants face to face be asking, again with a view to protecting international security?

**Dr. Joe Greenholtz:** I would hesitate to give you a list of questions. We have established protocols.

As an immigration control officer, I was concerned with the validity of the document and the legitimacy of the person's routing to Canada. Those were usually the two markers of someone who was trying to get to Canada to make a refugee claim.

Our brethren at CSIS could give us an idea of what sorts of questions to ask if security were our primary concern. And our brethren in the medical department could give us questions to ask if medical conditions were our primary concern. It depends on what it is exactly that we're trying to uncover in that interview.

**Mr. John Weston:** As someone who actually worked at the Canadian trade office in Taipei before it had any visa-issuing authority, I was intrigued by your comment about the change in policy towards Taiwan. As you've mentioned, those coming from Taiwan do not need a visa. Do you have any comment on the security considerations for countries that don't need visas, places like Taiwan that now don't need a visa?

**Dr. Joe Greenholtz:** Instances of security, terrorism, or people who wish Canada harm are sometimes associated with national profiles but are basically concerned with individuals. We have decided, through long and hard policy thought, to make visas necessary for some countries and to make other partners visa-free. I think only a historical analysis can justify those decisions. Our track record is pretty good. Our experience, prior to the lifting of the visa with Taiwan, was that it was not problematic.

**The Chair:** Thank you.

Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP):** Thank you, Mr. Chair.

My first question is for Mr. Randev.

You mentioned that the denials of temporary resident visa permits have an impact on our tourism industry, and you mentioned the specific city in British Columbia where you come from. From working with your clients and from the experiences you've had, can you describe some of the impacts on Canadian families when a family member is denied access to come visit on important occasions such as a funeral, as in the example you gave? Could you expand a little bit on some of those examples?

**Mr. Rajesh Randev:** Thank you for asking the question.

You asked first about the tourism industry. You know, I'm really feeling sad here for Canada, because we are down to number 15 in the world now. In the year 2000, we were in eighth place. Now we are not in the top ten: we are in 15th place and going down and down. As for the main reason behind this, people want to visit Canada and explore Canada, but they are not being given the opportunity to explore Canada, to come here and spend money. The refusal rate is so high that people are getting discouraged.

One of the opinions in their minds is that if Canada refuses their visa, the U.K. and Australia will refuse their visas. That's why they don't even go for Canada, just to try to see if Canada will issue them a tourist visa or not. In this way, we are losing a lot of revenue in this industry. Also, just for security's sake, if we were disturbing the other industries, if we were losing billions of dollars in other industries.... I don't think it's fair treatment that in the name of security the visa officers are refusing these applicants.

In terms of families, as you know, families in Canada have their roots overseas. They have their families and their friends who want to visit Canada. In those cases, they should be given an opportunity to visit Canada. I don't know what kind of integrity we have in our system when a son cannot attend his mother's funeral or a woman cannot see her mom in her last stages.... We are not known for this kind of integrity in the world. Our standards are going down. That's why it's time to act now; otherwise, it will be too late.

If you see this report by the Canadian Chamber of Commerce, you will see that they asked people's opinions of what they knew about Canada. Do you know what the answer was? This is what was said:

When I've travelled abroad, few people in other hemispheres have any clue about Canada's tourist destinations. Their view is that the entire nation is snowy tundra with polar bears and caribou roaming the mostly unpopulated countryside.

They have no clue as to what Canada is, so we have to promote the visitor visa so that people can visit. I totally understand that security is also one of the issues, but on the other side, we are also affecting the other industries.

• (1720)

**The Chair:** You now have a minute.

**Ms. Rathika Sitsabaiesan:** Thank you.

Apparently I have a minute, Mr. Greenholtz, so now I'm going to ask my five-minute question.

**Voices:** Oh, oh!

**Ms. Rathika Sitsabaiesan:** Five minutes doesn't seem like a very long time to evaluate an application, so we could actually be letting in people who probably shouldn't be granted visas into our country. As you said, the false positives could be many.

What recommendations would you make, to make the system more effective, considering the infringements on resources or the lack of resources that you said you experienced as a visa officer and that people are probably continuing to experience?

**Dr. Joe Greenholtz:** I think that thought needs to be given to the enforcement versus facilitation equation. It's difficult for a visa officer, under the best of circumstances, to make judgments on a person's intentions. Visa officers are meant to be mind readers, and it's a very difficult task.

So if we are particularly concerned with catching our mistakes, so to speak, then I think the emphasis needs to be on "in country", on giving more resources to CBSA, and perhaps it's achieving exit controls. As much as I enjoy Canada's open system, if security is the concern, then these are the kinds of measures that need to be taken. I'm not necessarily advocating that, but I think it's—

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

Thank you.

Mr. Opitz.

**Mr. Ted Opitz:** Mr. Dykstra is going to take this round.

**The Chair:** Mr. Dykstra.

**Mr. Rick Dykstra:** Thanks.

Mr. Greenholtz, I was just reading an article that you wrote a bit ago. It was in the *Richmond News*. Do you recall it?

**Dr. Joe Greenholtz:** It's nice to have a fan on the committee. What was it about?

**Mr. Rick Dykstra:** I follow you, sir. You're a great writer.

I found it fascinating. One part of your article was about how vigorously we probe through questions on personal, legal, medical, and family matters, as well as those on financial histories, in such intimate ways it would make a proctologist blush. I found that kind of humourous, and I got your point very quickly and succinctly.

“But”, you said, “nowhere do we ask them about their value systems and their beliefs.” I’ve been listening to what you’ve been saying today, and I think you made that comment based on your experience and the work you did as an officer, and also, obviously, on the work you’re doing now. So I wonder if you could expand a little on that to say why we should...because obviously the difficult part of all the interview process is trying to get face to face.

You bring up a very intriguing alternative to the face-to-face interview, and that is to get into the questioning of values and beliefs. I wonder if you could expand on what you mean by that and how we would possibly...because I do think, whether it’s agreed or not, it certainly would allow for a further undertaking and understanding of security.

• (1725)

**Dr. Joe Greenholtz:** I have to confess it wasn’t my intention to suggest that we add questioning of values and beliefs to the processing. What I was saying was that we check out people in various ways, but we don’t ask them whether they’re going to set aside their home values, their home country values when they come to Canada and wholeheartedly adopt Canadians values.

I guess I’m not a particularly good writer if I failed to convey that accurately. The way we look into people’s belief systems is through their associations right now—and that referred to permanent residence applications, not to visitor visas. We ask people to detail for us all—

**Mr. Rick Dykstra:** Joe, our whole review is not just on visas. I’m not even referring to visas. I’m referring to exactly what you’re talking about, and that is the security of those who want to come to this country to call it home. Because you spent the other half of the article actually....

In fact, I think the way you wrote this, that sentence actually becomes the thesis upon which you have constructed this article. The rest of the article goes on to defend why we should in fact talk about values and beliefs based on the murders that took place. You give some very good examples from the Shafia case and the trial and their convictions.

You really build a strong case that in fact values and beliefs should be questioned when going through the interview process, whether

for permanent residency or any other part of immigration it might consist of, and that it’s a fair question to ask. At least, that’s what you’re suggesting.

**Dr. Joe Greenholtz:** I have to apologize again, because in my mind I’ve mixed two articles that I’ve written. I didn’t realize you were talking about the one that ended with the honour killings question.

I don’t think that kind of probe is consistent with democratic values, and I think our democracy demands that we treat people as innocent until proven guilty and not try to discern their motives or perhaps punish them for motives that go unacted upon. So, again, if I conveyed the wrong impression in the article, I apologize, but—

**Mr. Rick Dykstra:** I don’t want to discredit you as a witness here—you’ve brought testimony—but it strikes me as a bit strange that you wrote an article and you’re kind of backing away from that article, or at least assuming that what you wrote wasn’t quite what you wanted to get across.

**Dr. Joe Greenholtz:** No, the context of the article was that we were talking about Chinese signage and the adopting of Canadian values and things like that. What I said was that when we bring people to this country, we don’t ask them those kinds of questions. But that doesn’t mean we should be cultural relativists and accept every practice that every other country engages in.

What we should be doing is saving our heavy ammunition for cultural practices that are truly odious, such as honour killings. The point I was trying to make in the article was that we don’t screen for cultural values. That doesn’t mean we, as Canadians, have to abandon our right to make judgments and that we shouldn’t exercise that right in the most serious of circumstances.

**The Chair:** Mr. Greenholtz and Mr. Randev, we have come to the end. Thank you very much for your presentations.

On behalf of the committee, thank you for coming and talking to us.

**Dr. Joe Greenholtz:** Thank you.

**The Chair:** Ladies and gentlemen, next week we will continue on with the report, with witnesses. On the 13th, we will have estimates with the minister for an hour and the staff for an hour.

**Mr. Kevin Lamoureux:** The minister and staff. Who comes first?

**The Chair:** The minister will be first.

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

**The Chair:** The meeting is adjourned.







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