



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 031 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, April 26, 2012

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Chair

Mr. David Tilson

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• (1535)

[English]

The Vice-Chair (Mr. Kevin Lamoureux (Winnipeg North, Lib.)): Okay, I'd like to call the committee to order. We have before us the minister and his staff.

First and foremost, welcome back to the committee, Mr. Minister. If you wouldn't mind, please introduce your staff.

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

Actually, we have so many staff, I'll ask them to introduce themselves, starting with Dawn Edlund.

Ms. Dawn Edlund (Associate Assistant Deputy Minister, Operations, Department of Citizenship and Immigration): Hi. I'm Dawn Edlund. I'm the associate ADM of operations at Citizenship and Immigration.

Ms. Jennifer Irish (Director, Asylum Policy and Programs, Department of Citizenship and Immigration): Hello. I'm Jennifer Irish. I'm the director for asylum policy and programs at Citizenship and Immigration.

Mr. Les Linklater (Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): I'm Les Linklater, the assistant deputy minister for policy at Citizenship and Immigration.

[Translation]

Mr. Daniel Thérien (Assistant Deputy Attorney General, Department of Justice): My name is Daniel Thérien and I am the Assistant Deputy Attorney General in the Department of Justice.

[English]

Mr. Michael MacDonald (Director General, National Security Operations Directorate, Public Safety Canada): Good afternoon. I'm Michael MacDonald, director general of national security operations at Public Safety Canada.

The Vice-Chair (Mr. Kevin Lamoureux): Thank you very much.

Mr. Minister, I understand you have 20 minutes to give some opening remarks.

Don't feel that you have to use it all, but you have 20 minutes.

Hon. Jason Kenney: I promise not to. Well, I'll try not to.

Thank you very much, Chair.

[Translation]

Thank you, colleagues for your study of Bill C-31, An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.

Canadians should take great pride in the fact that we are recognized around the world as a compassionate and generous country. Polls consistently demonstrate that a majority of Canadians, both those born in Canada as well as immigrants, view immigration as a positive contribution to our country.

[English]

Canadians recognize the many benefits that immigration brings to our country, but they have no tolerance for those who seek to take advantage of that generosity. People who abuse our generous immigration and refugee programs undermine the integrity of the entire system and public confidence in it.

It's clear that some people have taken notice of our country's generosity, and they have learned that they can use the immigration system to their advantage. The fact that Canada now receives more refugee claims from the European Union than it does from Africa or Asia is, I think, evidence of that, particularly given that virtually none of those European asylum claimants are found to be in need of our protection.

The simple fact of the matter is that we spend far too many tax dollars on applicants who are not in need of our protection, but who come here to access our social benefits because we do nothing to stop them or even dissuade them from doing so.

In introducing Bill C-31, our rationale is simple. By focusing the resources of our system on providing protection to those who genuinely need it, we will improve our ability to help those people. But we can only focus our resources on genuine refugees by fixing the system to make it clear that abuse will not be tolerated.

With Parliament's passing of the Balanced Refugee Reform Act in June 2010, we made some progress towards this goal, but gaps remain in the new system.

[Translation]

The arrival of the *Ocean Lady* and *Sun Sea* confirmed that Canada has also become a target for the lucrative criminal enterprise of human smuggling. Human smuggling is also suspected in the most recent tragedy, which involved the deaths of four passengers on board the *SV Tabasco 2* off the coast of Nova Scotia.

The crime of human smuggling is conducted by individuals whose only concern is their profits; they have no regard for human life or the safety of their passengers. As the Prime Minister has said, human smugglers are some of the world's worst criminals—people who profit from exploiting the miseries and aspirations of some of the world's most vulnerable people.

Bill C-31 will enable us to punish human smugglers and make it easy to prosecute them. It will create disincentives that will reduce the attraction of coming to Canada via a human smuggling operation, which will save lives.

Finally, it will ensure the government can fulfill its responsibility to ensure that foreign nationals who are inadmissible, or who may pose a threat to Canadians, can be properly identified and assessed for risk so that we can take appropriate action.

● (1540)

[English]

Let's be clear that Bill C-31 would allow Canada to maintain the most generous refugee system in the world. Right now we are a world leader in the number of convention refugees we resettle. Canada welcomes one of the highest numbers of refugees per capita, and this legislation will not change that. In fact, concurrent with these reforms to our asylum system, we are increasing our targeted number of resettled refugees by 20% so that we will be the number one recipient of resettled refugees worldwide. Of course, we're also increasing their integration support through the refugee assistance program.

Essentially this bill will make Canada's refugee system faster and fairer. It will speed up the process for deciding refugee claims. This will allow us to provide better protection more quickly to those who are truly in need of it.

Under the UN convention on refugees, our legal and moral obligation is clear. We have an obligation not to return people to a country where they have a well-founded fear of persecution due to race, national religion, political opinion, or membership in a particular social group. Under Bill C-31 we will continue to meet and exceed these obligations.

Let me quickly run through the major components of the legislation.

First, claimants from designated countries—those that reality and experience show do not normally produce genuine refugees—would have limited access to the recourse mechanisms that currently enable them to delay their removal from Canada for years. They would all continue to have access to full, fact-based hearings before independent decision-makers at the Immigration and Refugee Board on the unique merits of their claims, with no negative prejudice associated with their claims because they may come from designated countries.

This means that a claimant from a designated country who receives a negative decision from the IRB will not have access to the new refugee appeal division we are creating as a result of Bill C-11 in the last Parliament. They would continue to be able to ask the Federal Court to review a negative decision, but they would not benefit from an automatic stay of their removal during that time.

The United Nations has long praised Canada for the generosity of our current refugee system. The UNHCR has also recognized the validity of expedited processing for claimants from safe countries of origin. In fact, the former UNHCR representative to Canada, Abraham Abraham, said:

UNHCR does not oppose the introduction of a “designated” or “safe country or origin” list as...a procedural tool to prioritize or accelerate examination of applications

I would note that my department's data suggest that over that past three years the majority of failed EU claimants have not asked the Federal Court to review the IRB's negative decisions on their claims, because the vast majority have abandoned or withdrawn their own claims, indicating of their own volition that they do not need our protection.

[Translation]

This suggests that failed claimants would not even attempt to access the additional level of appeal provided under the RAD, even if they had access. And don't forget, should any EU country become a designated country, failed claimants could still seek relief from the federal court to appeal a negative decision.

On the topic of irregular arrivals and human smuggling, Bill C-31 maintains all of the measures contained in the former Bill C-4. Importantly, however, we have proposed a new measure that would exempt minors under the age of 16 from the mandatory detention provision.

I should also note that foreign nationals who arrive as part of an irregular arrival with the documents required for entry to Canada will not be subject to the mandatory detention provision, as long as they are not found to be otherwise inadmissible under the Immigration and Refugee Protection Act.

● (1545)

[English]

While detention could last as long as one year, designated foreign nationals would be released sooner should they receive a positive determination on their refugee claim by the IRB or if they apply for and receive release from the Minister of Public Safety based on exceptional circumstances. For individuals who are held up for up to 12 months, the IRB will review their detention at that point and regularly afterwards at six-month intervals.

Mr. Chairman, the protection of our borders and of Canadians is our highest obligation, and we are making these changes because they are necessary. The current detention review periods under IRPA were not designed to deal with mass arrivals or the sorts of cases involving complex human smuggling operations of the scale that have recently targeted Canada.

Sophisticated transnational human smuggling ventures are frequently launched from areas of the world where terrorist and criminal organizations are known to be active. Passengers on board these ventures often arrive without proper documentation. In these circumstances, the task of distinguishing legitimate refugees from those who may pose a public safety threat creates a serious challenge. The processing of irregular mass arrivals, therefore, takes a lot of time. Put into very simple terms, human smuggling operations are difficult to investigate.

I wish to underline that detention will allow for a full and proper investigation of a migrant's identity and a determination of whether an individual is indeed admissible to Canada, as well as any risks they may pose to Canadians. After all, it is the government's duty to assess whether those who seek entry to Canada are inadmissible for reasons of serious criminality, security, health, or other grounds.

The alternative is to release everyone into Canadian communities before we have identified them, conducted security assessments, or determined whether they are genuine refugees, and then hope that the bad guys, who are not admissible to Canada, show up for their hearings and don't simply disappear underground. That would be irresponsible.

The government's duty to protect the safety and security of Canadians has been recognized by the Federal Court, by the Supreme Court. In fact, in one of the cases following the arrival of the *Ocean Lady*, the Federal Court said: While the importance of not unduly detaining such persons cannot be forgotten, the protection of Canadians and Canada's pressing interest in securing its borders are also worthy considerations.... In cases of mass arrivals from some parts of the world it may well take several months for the Minister to complete an investigation, particularly where the identity of the individuals is in issue.

The proposed amendments respond to a harmful practice that has numerous negative consequences. Large-scale organized smuggling ventures like the ones that have targeted Canada in recent years threaten the integrity of our system. Smuggling ventures also jeopardize the health and lives of those smuggled into Canada.

First, smugglers make unfair and untruthful promises to those who are smuggled. In many cases, passengers hand over all of their life savings to their smuggler on the false promise that when they arrive in Canada their affairs will be in order. The smuggling journey itself can result in the death of some passengers. Every year thousands of people die in smuggling operations around the world.

I should be clear that in the case of the two large marine arrivals that have been the focus of public attention, we believe that in most cases people paid around \$5,000 Canadian as a down payment, with an obligation to pay up to \$40,000 upon arrival, over time—essentially in an indentured context—to the smuggling syndicate's representatives in Canada. To me that is where smuggling can actually turn into a form of trafficking.

Essentially, there are three principal challenges contained in this bill to address human smuggling. First, we would broaden the offence of human smuggling in two specific ways. We would further expand the offence to capture the various ways it can be committed. We also add the element of recklessness to the offence.

Under section 117 of IRPA, the offence currently states:No person shall knowingly organize, induce, aid or abet the coming into

Canada of one or more persons who are not in possession of a visa, passport or other document required by this Act.

I underline this because sometimes in debate we've heard people say that coming as a prospective asylum claimant through a smuggling operation is just a normal form of migration and not a problem.

No. It violates multiple laws, including IRPA in several respects, such as in section 117.

With our proposed changes, the offence would read that no person shall commit this offence either "knowing that, or being reckless as to whether, their coming into Canada is or would be in contravention of this Act". Broadening the offence of human smuggling will give police and prosecutors the flexibility they require to respond to all forms of human smuggling.

Secondly, this legislation would create mandatory minimum penalties that target the most egregious forms of human smuggling and that reflect the objectives I have already discussed. These mandatory minimum penalties send an unequivocal message that such conduct will not be tolerated.

Finally, we're taking steps to hold shipowners accountable by increasing the penalties for offences under the Marine Transportation Security Act.

These criminal law improvements are a critical component of our overall response to human smuggling, but they should not be considered in isolation. In order to be effective and adequately address the crime of smuggling, each of these amendments is designed to work together with the others.

• (1550)

[Translation]

With this bill, we also seek to discourage passengers from using the services of a human smuggler by introducing several disincentives. First, we would also impose a five-year ban on applications for permanent resident status for persons who are part of a designated irregular arrival. Without the ability to become a permanent resident for five years, these individuals would also be unable to sponsor their family members to come to Canada during that period.

[English]

I think this is probably the single most important element of the bill in deterring smuggling. It will change the economic calculation for prospective clients of smuggling syndicates if they realize they will not be able to have family members in Canada assisting them and paying off their debts to the syndicate.

We believe these changes are fair and are necessary to deter passengers from using this dangerous form of travel to Canada. I also wish to remind you once again that all eligible claimants would continue to be entitled to a fair and independent hearing before the IRB, without a negative prejudice associated with their claim.

At the same time I recognize that there have been some criticisms of this legislation and some of the provisions I've just described. As I indicated, as we move forward with this legislation I am open to considering all reasonable suggestions from the committee as to how we can improve the integrity of our system and focus it on legitimate refugees.

On that I want to say that in the last Parliament we demonstrated openness to reasonable amendments, but in my view those amendments have to achieve the objective of discouraging smuggling and false asylum claims.

Finally, as you know, the bill includes provisions for legal authorization for the government to collect biometric data from applicants for temporary residency status. I can address that at greater length during the question period, but we believe it will facilitate an improvement by orders of magnitude in our immigration security screening. It constitutes an essential element of the beyond the borders agreement signed between President Obama and our government.

Mr. Chair, I'm happy to take your questions.

In closing, I believe this bill strikes the appropriate balance between reinforcing the integrity of our system, dissuading those who seek to abuse it, but also ensuring protection for those who are bona fide victims of persecution, in the best traditions of Canada's humanitarian instincts.

Thank you very much.

The Vice-Chair (Mr. Kevin Lamoureux): Thank you, Mr. Minister.

We're going to start off with Mr. Menegakis. He'll have seven minutes for questions and answers.

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

Let me begin by welcoming Mrs. Sims and Monsieur Giguère to the committee.

Minister, thank you once again for joining us today. I want to thank the senior officials for being here with us.

Minister, most Canadians and I are very proud of our welcoming and generous nature. As you know, we have welcomed over one million refugees to Canada since World War II. I believe generally Canadians are very proud to be a safe haven for people in need, who actually face persecution, death, torture, and a number of other things in their country of origin.

However, the countless stories we hear of bogus refugees, criminals, human smugglers, and war criminals entering and re-entering Canada, sometimes rather easily, results in Canadians losing confidence in our system. This is a serious concern and one of the reasons I believe our government has introduced Bill C-31.

Can you please elaborate for us on the importance of Canadians not losing confidence in the integrity of our system and why Bill C-31 will go a long way to restoring that integrity in our immigration system?

Hon. Jason Kenney: Thank you.

As I said, one of the things I really value about this country is that we see quite a broad and deep public consensus across the political spectrum in favour of immigration and refugee protection. We need to only compare the debate in Canada or our levels of immigration and refugee resettlement to those in other developed democracies.

We have the highest per capita level of immigration in the developed world. We resettle one out of every ten resettled refugees worldwide, and we will, with the increase in refugee resettlement, have the highest per capita number of resettled refugees in the world. That's phenomenal when we look at other countries.

We don't, thankfully, have meaningful or significant voices of xenophobia or anti-immigrant, anti-refugee sentiment in our politics, and I want to keep it that way. I think it's hugely important. It's incumbent on all of us, regardless of our political persuasion, to maintain public support for immigration and refugee protection.

I believe that public support is largely conditioned on two factors: one, that Canadians see that immigration is serving the interests of Canada, and two, that Canadians see our system as one characterized by the consistent application of fair rules.

The sense I've gotten over the three and a half years I've been in this job, when reviewing all of the public opinion and meeting thousands and thousands of new Canadians especially, is that the perception of widespread abuse of our generosity, of queue jumping, fake asylum claims, human smuggling, etc., undermines public confidence for the broader system.

We saw that very pointedly following the arrival of the *MV Sun Sea* and the *Ocean Lady*. I recall polling within months after the arrival of the *Sun Sea* indicating, for example, that over 60% of the Canadians surveyed said that we should not allow smugglers' vessels like that to enter our territorial waters, and over half of Canadians said that if such illegal smuggled migrants were deemed to be bona fide refugees, they should be immediately deported. New Canadians were disproportionately more likely to take that position than native-born Canadians.

I do not think we can underestimate how strongly Canadians feel about a fair rules-based system that dissuades smuggling operations. That's why I think there's it's imperative for all of us to take this very seriously.

● (1555)

Mr. Costas Menegakis: Thank you, Minister.

Hon. Jason Kenney: I should also say that the same poll showed a decline in general public support for immigration following the arrival of those vessels, because I think people associated laxity in our immigration system with large-scale smuggling operations.

Mr. Costas Menegakis: Minister, Monday in the House, you mentioned the number of hours that have been given for debate on Bill C-31. You also mentioned the number of hours that we debated Bill C-10 and Bill C-4.

As an aside, let me say how much it we appreciate you and your senior officials making your time available here so many times to come to the committee.

Mr. Linklater, I'm beginning to think that you're a committee member you've been here so often. It just shows respect for the parliamentary system and the availability of the minister has just been absolutely outstanding for us.

Minister, can you provide the committee with some of those figures on the time we've spent debating Bill C-31, Bill C-10, and Bill C-4?

Hon. Jason Kenney: Sure.

Bill C-4 included many elements that are now before us in Bill C-31, and it has had six days of debate in this Parliament, spread over 18 hours and some 73 speeches. In addition to that, we've since had six days of debate over 23 hours with 83 speeches. So these provisions have had enormous parliamentary debate already.

Mr. Costas Menegakis: That's great.

How am I doing for time?

The Vice-Chair (Mr. Kevin Lamoureux): You have another minute and a half.

Mr. Costas Menegakis: Clearly, there's a problem with our current system.

Perhaps, Minister, you can tell our committee in what ways the current system is indeed broken, and why we left our immigration system open to abuse for this long.

Hon. Jason Kenney: It's broken in many respects, one of which is the length of time it takes because of backlogs. For example, it takes us 21 months to get an asylum claimant added to a hearing at the IRB, but it takes us several years for a fake asylum claimant to have run out of all recourse in our system and to be eligible for removal from Canada, which has created a pull factor.

The word goes out amongst networks that encourage or organize false asylum claims that Canada's generosity can be gamed. You can come here, make a claim, enrol for welfare, access public housing, and the interim federal health program—which has until now provided even more generous benefits than are typically available to Canadians—and you can get an open work permit. You can enrol in federal income support programs. This is a pretty good package, particularly if you're coming from an underdeveloped country or poor social circumstance.

Some say to us that we've almost invited this. I remember seeing new asylum claimants arriving at Pearson Airport and asking them why they came to Canada. They told me it was because they'd heard about the free monthly salary.

• (1600)

The Vice-Chair (Mr. Kevin Lamoureux): We'll stop at that. You had two seconds to go.

We'll go to Ms. Sims.

Ms. Sims, you have seven minutes.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Thank you, and welcome to the committee, Mr. Minister. We're here at the same time.

Minister, in 2010, you singled out one of my colleagues, Olivia Chow, who was our critic at the time, for her “remarkable diligence”

in working with you and the government to amend Bill C-11 and limit the number of fraudulent applications and reduce the backlog in Canada's immigration system.

Ms. Chow said at the time that “Canada will finally get a refugee reform package that is both fast and fair”. It seemed everyone was happy. We all put a little water in our wine and, to quote you, “found a very reasonable compromise”. In fact, it was described as nothing short of a miracle. The compromises made the government's legislation acceptable. These included establishing a panel of experts to determine safe countries, allowing access to appeal for designated nationals and those from designated safe countries, and having greater timelines to start the appeal process.

Bill C-31 repeals almost all of those compromises and it would seem that you have gone back on your word, Minister. So the question is what changed, Minister? Why is your government using its majority to undo this reasonable compromise that everyone agreed was working?

Hon. Jason Kenney: First of all, I'd like to congratulate Ms. Sims on her appointment as the critic for immigration and citizenship for the official opposition. I look forward to working with her and all of her colleagues.

I am proud of the compromise that we achieved in Bill C-11 in the last Parliament. I think it was a huge improvement over the status quo. However, we have now seen, since the adoption of that legislation, a continued and growing wave of unfounded asylum claims coming from democratic countries, which represents a fundamental threat to the integrity of our system. Since that time we've seen a growing escalation in the number of unfounded asylum claims coming from Europe. When I say “unfounded”, it's the claimants themselves who indicate that by not showing up for their hearings, in large measure.

So we came to the conclusion that we needed fast and flexible tools to be able to address large waves of unfounded claims from such jurisdictions. That's why we revisited some of the provisions in Bill C-11. This bill, Bill C-31, maintains the basic architecture of Bill C-11. It does maintain the refugee appeal division, which adds an additional procedural safeguard for the vast majority of failed asylum claimants. It does maintain a faster system. The system in Bill C-31 is faster and fairer. The main difference is a streamlined appeals process for people coming from countries that do not normally produce refugees. This reflects normal practice in other liberal democratic countries with respect to their asylum systems.

Ms. Jinny Jogindera Sims: Thank you, Minister.

I would just like to comment that just because a country is democratic doesn't mean it is without human rights violations, and we have examples of that around the world.

But let me get back to this. It was only two years ago, in 2009—maybe three years now—that the Auditor General slammed your government for bringing in huge legislative change to the immigration system without understanding the consequences. We're seeing a similar pattern here. We had just adopted a balanced bill last parliament, not that long ago, and now we're debating changes to the rules yet again. Every time these changes fail to get results.

Where's the plan, and does your department even understand the consequences of these changes?

Hon. Jason Kenney: Which changes are you referring to?

Ms. Jinny Jogindera Sims: I mean the ones that you have proposed in legislation.

Hon. Jason Kenney: We understand them very well.

I can tell you, when I became minister in October 2008, our officials briefed me on how they had spent years working on proposals to improve and reform our asylum system but how those proposals had never been pursued for political reasons.

Since that time, since 2008, I can tell you there has been relentless policy work and widespread consultation looking at international practices to come up with a system that's fast and fair. So yes, we understand the implications. The implications are very simple. The implication is that a bona fide asylum claimant under the new system will get protection within Canada in a couple of months—two to three months—as opposed to two years, and that fake claimants will be removed in less than a year rather than in four, five, or six years. The majority of claimants whose claims are initially rejected by the IRB will for the first time have a full fact-based appeal at the refugee appeal division.

So we do understand. The implications are that we will have a faster and fairer system, which, we are confident, will to some extent reduce the number of false claimants coming to Canada, particularly from designated countries.

• (1605)

Ms. Jinny Jogindera Sims: A strand flows throughout the legislation, Minister, and that is the concentration of more and more discretionary power in your hands. Why do you believe in concentrating excessive and arbitrary power in the hands of one person? Don't you think that transparent, publicly accountable laws should be the basis of our system? You said earlier that we needed fairness, openness, and transparency, and yet with this legislation there's going to more and more power in your hands.

Hon. Jason Kenney: I don't accept that characterization, Ms. Sims. There have been a lot of suggestions from some opposition MPs and others that the minister will be interfering in asylum decisions and arbitrarily rejecting them. Let's be clear. Every decision on every asylum claim will be made by an independent, highly trained member of the quasi-judicial IRB, either at the initial instance at the RPD or at the refugee appeal division. The vast majority of claimants will also likely seek access to the Federal Court.

At no stage does the minister intervene in the consideration of a claim. The only increase in the authority of the minister, who is accountable to Parliament for the exercise of such authority, is in the

designation of countries. We believe it's necessary to be able to respond quickly to emerging waves of highly organized false claims.

I'll give you one example. The Czech Republic had a visa exemption in 1995, followed by a huge wave of unfounded claims, which resulted in the reimposition of the visa requirement in 1997. We granted them an exemption in 2008, followed by another huge wave of unfounded claims and a visa imposition in 2009.

We would like to get back to a Czech visa exemption. We'd like to have a European-wide visa exemption to facilitate trade, tourism, and travel. But we won't be able to do so unless we can quickly put in place streamlined, accelerated provisions, such as through the designation power, and that's why we believe the minister needs that authority.

Oh, you're now becoming acting chair, are you? These are musical chairs.

The Vice-Chair (Ms. Jinny Jogindera Sims): Absolutely, minister. Thank you for your patience.

Now we'll turn to my colleague.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Madam Chair.

Mr. Minister, you've repeatedly said that there are no new powers in Bill C-31 with respect to the loss of protection of status and/or the removal of permanent residents. Many would interpret that as somewhat misleading and somewhat incorrect for an individual who comes in and is designated as an irregular. After being in Canada for three years and the circumstances change, they will lose their eligibility requirement to become permanent residents. Would you not agree that is a change from current practices?

Hon. Jason Kenney: Oh yes, it is from current practices, I'm sorry.

But this is reflective of legislation we introduced in the last Parliament. That's nothing new in Bill C-31. One of the most important aspects of the anti-smuggling provisions of Bill C-31 and its two prior bills is to indicate that if you get positive protection status as a smuggled migrant, having arrived as an irregular designated arrival, you will not get immediate permanent residency. Yes, you will have to wait five years for permanent residency.

One of the reasons we did this is from our having looked at the Australian experience. For several years they had what was called a temporary protection visa for smuggled migrants, during which period the number of smuggling boats that arrived in Australia went down dramatically. The moment they restored immediate permanent residency visas for smuggled refugees, the number of boats went up into the hundreds per year. So we thought this was the single, most effective way to dissuade people from paying smugglers to come to the country.

•(1610)

Mr. Kevin Lamoureux: One of the issues I've raised on numerous occasions during the debate is the whole idea of the advisory committee that would provide the recommendations as to what countries would be deemed safe countries. I think the different stakeholders had a fairly decent consensus, and there was a consensus at one time among all the political parties here in Ottawa.

What has changed or would the minister be prepared to accept an amendment that might look at bringing that back?

Hon. Jason Kenney: We would certainly be open to looking at and considering any constructive amendment, as has been the case in the past.

The reason we decided to streamline the designation process in this bill is that we were concerned that running the designation process through committee and a more lengthy process would make it more difficult for us to respond quickly to emerging waves of unfounded claims. It would also make it more difficult for us to designate a country the moment we provided it with a visa exemption.

Members of your party ask me all the time to get back to a visa exemptions for certain countries. If we want to do that prudently, in my view, we need to consider using the tool of designation quickly—immediately in some cases—based on the criteria.

I just want to close by saying that there are criteria—a country with at least 30 claims; a 75% rejection rate, meaning that 75% of the claims or more have been abandoned, withdrawn, or rejected; or one from whom 60% of the claims have been withdrawn or abandoned.

Mr. Kevin Lamoureux: I have one last quick question. When do you anticipate that biometrics will be put into place for countries such as India, the Philippines, and others, where visas are required to come to Canada to visit?

Hon. Jason Kenney: We'll be releasing the list of the initial countries included in the temporary resident visa biometrics program probably later this year. That has not yet been completed. I do not, however, anticipate at this point that those countries will be on that initial list. They would be at some point in the future. Eventually, we expect it to be a universal requirement.

The Vice-Chair (Ms. Jinny Jogindera Sims): You actually have another 45 seconds.

Mr. Kevin Lamoureux: That's a bonus.

We had the Canadian Association of Refugee Lawyers make a presentation. I think a number of them have taken offence to the fact that many of the Conservative members seem to see them as a biased group. Many of them are not actually practising lawyers, yet that's the assertion. I wonder if you would provide comment on that issue.

Hon. Jason Kenney: Generally speaking, immigration lawyers have the most direct pecuniary interest in the system. That is not to say that they don't have valid opinions. They are practitioners and know the details of the system, but they also make their living from it, typically. That's relevant context.

The Vice-Chair (Ms. Jinny Jogindera Sims): I hate to be rude, minister. Thank you very much. You were very succinct in your answer.

I'm going to turn it over to Ms. James.

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

Thank you to our special guests here today, and to Mr. Kenney as well, first and foremost.

I'm just going to ask you to tell us a little bit about the new refugee appeal division. I have to say that I have a bit of trouble understanding why the previous government, the Liberal government, opposed the creation of a new refugee appeal division. Having said that, I guess my question is really two-fold. First and foremost, I would like you to tell us a little bit about what this new body will actually do. Second, why did the previous government, the Liberal government, oppose this and its members probably still do.

Hon. Jason Kenney: The Immigration and Refugee Protection Act was adopted in 2002. It included legislative authority to create a refugee appeal division at the Immigration and Refugee Board to mirror or parallel the immigration appeal division, which takes appeals on negative decisions from the immigration division.

So the idea was that refusals on asylum claims that were made by the refugee protection division would be appealable to this new fact-based appeal system. Parliament adopted that in 2002. The previous government, however, decided quite pointedly not to bring the RAD into force. The public record of my predecessors under the previous government suggests they thought it would be irresponsible to create the new RAD, as contemplated by IRPA, until there was streamlining of the asylum system, because they realized the system was broken. They realized it was taking us years to remove even manifestly unfounded asylum claimants. They realized there were people, I think, abusing our generosity. They didn't want to further incentivize that by adding yet another step in a multi-step process, because here is how the status quo works.

If you lose an asylum claim at the RPD, typically you make an application to the Federal Court for a judicial review of the negative decision. That takes nine, ten, or twelve months. If that's a negative decision, you then typically will file a pre-removal risk assessment. That could take several months. If that's a negative decision, you then seek leave to appeal that to the Federal Court. If that's a negative decision, typically your lawyer will advise you to file a permanent residency application on humanitarian and compassionate grounds. If that's negative—and it will have taken several months—you then go back to the Federal Court. If that's negative, you might then, with a particularly aggressive lawyer, make an application for a stay of removal, and then you might come back with the second PRRA. This is why it has been taking us four, five, six, and in some cases ten years or longer to remove failed asylum claimants.

I think the previous government was responsible in realizing that you couldn't put in place the RAD as a new level of appeal unless and until you streamlined all these other administrative post-claim recourses. That's the basic architecture of these reforms. What they will allow failed claimants to do—claimants whose claims are rejected by the RPD—is to file an appeal to the RAD within the prescribed number of days. They'll be able to go before an independent, highly trained decision-maker for a full quasi-judicial evaluation; they can present new evidence if it has arisen; and a decision will be made at the RAD. That will be available to the majority of failed claimants. It will not be available to those who are coming from countries not known to normally produce refugees, such as designated countries.

•(1615)

Ms. Roxanne James: Thank you, Minister Kenney.

Canada, as we know, is the most fair and generous country in the world with regard to our immigration system. We're sometimes compared to other countries, for example, western countries or other countries such as the United States or Australia

I'm just wondering if you can speak to this. After the full implementation of Bill C-31, will our system still be more generous and be the best in the world, or will it be less generous than the other countries we are compared against? I wonder if you could expand on that, please.

Hon. Jason Kenney: How do you measure generosity? I would put it this way. To the extent that foreign observers have said that Canada's asylum system is a model from the point of view of procedural fairness and natural justice, it will be even more of a model because now we will have, for the first time ever in our system, a full fact-based appeal available and will be providing protection and certainty to bona fide refugees in about three months rather than two years, and we will be able to focus resources on bona fide refugees by hopefully deterring unfounded claimants through the faster removals process.

Ms. Roxanne James: Can you give us an idea of how other countries, such as the United States or Australia, actually handle or deal with refugee claimants compared to Canada?

Hon. Jason Kenney: Many of our peer countries, for example, have mandatory detention for all or most asylum claimants, whether or not they arrive in a smuggling operation. That's the case, for example, in Australia. In the U.K., all asylum claimants coming from designated safe countries are put under mandatory immigration detention, not just smuggled migrants. That's a very typical tool in the United States.

In some European countries, if you're a claimant coming from a designated country, you are given basically a pre-emptory paper-based review of your application—in some countries in something like 48 hours. I believe that's the case in Belgium, if I'm not mistaken, or in some of the western European countries. In Portugal, it's nine days.

By the way, António Guterres, who's the current United Nations High Commissioner of Refugees, is the former prime minister of Portugal who brought in an asylum system that has a nine-day turnaround on decisions for asylum applicants coming from designated countries.

I will not take any lectures from other democratic countries when it comes to the fairness of this asylum system we're proposing.

•(1620)

Ms. Roxanne James: Thank you very much.

May I ask how much time I have?

The Vice-Chair (Ms. Jinny Jogindera Sims): You have 32 seconds.

Ms. Roxanne James: Okay, I'm going to be very quick.

Constituents in my riding are very surprised, if not shocked, when they hear that the single biggest source of refugee claims here in Canada is a country like Hungary. Is it correct that Canada was the destination for nearly nine out of ten refugees from Hungary? If that is so, why do refugees want to come to Canada as opposed to countries like Australia or the United States, or for that matter any other country in the world?

The Vice-Chair (Ms. Jinny Jogindera Sims): Be very brief, Minister. The time is up.

Hon. Jason Kenney: I'd encourage you to invite the ambassadors of Hungary and perhaps the European Union to address those issues. They tell me that it's largely an economic draw. Incomes in Hungary are a fraction of what they are here, and there is information in certain networks in certain communities that people can massively increase their incomes and quality of life by coming to Canada.

There's no doubt that some of these asylum claimants coming from Europe are facing very difficult circumstances. If they want to have access to our asylum system.... However, most of them don't show up for the hearing.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

I really want people to try to stick to the time, please.

Now I would like to turn it over to Madam Groguhé.

[*Translation*]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): I would like to thank the minister and all the witnesses for joining us today.

As Ms. Sims said, a compromise had been found on Bill C-31, dealing with a fair reform program. It is unfortunate that Bill C-31 targets refugees to the same extent as smugglers and associates them with the smugglers.

Mr. Minister, you must know that, under the Geneva convention on refugees, the illegal nature of the method used by victims to flee persecution is not an obstacle to recognizing refugee status. Yet you have made it a major criterion in Bill C-31. Why?

Hon. Jason Kenney: Madam, I don't agree with your comment because, under Bill C-31, immigrants who came here through smuggling will have access to the refugee system in Canada. So there won't be any restrictions for immigrants, refugee claimants who came here through smuggling; they can still have hearings before the Immigration and Refugee Board of Canada. They will have access to the same decisions as all the other claimants, notwithstanding the way they came or their country of origin.

Mrs. Sadia Groguhé: On many occasions, the European Court of Human Rights has condemned the states for failure to respect the rights of refugees. The Council of State has done the same.

Will these legal decisions enable you to give some serious consideration to the reservations brought up by experts on the concept of safe countries of origin and to reconsider some of the measures under Bill C-31?

Hon. Jason Kenney: Yes, but I don't agree with your statement that all experts are taking that position. I would imagine that you will hear from many experts, including lawyers and academics, who will appear before your committee during the study and who are in favour of speeding up the processing of applications from designated countries, and the designation process.

Actually, I have heard a fair bit of criticism saying that our reforms are not ambitious enough. So I would say that there are some interest groups that would like to see a system that will last for years and years to come. I personally don't think that this would work for genuine refugees or that it would allow us to ensure our system's integrity.

Mrs. Sadia Groguhé: If I may, Mr. Minister, the expert witnesses or the civil society witnesses who will appear before our committee will give testimony, and based on that, we will be able to establish the merits of this bill.

• (1625)

Hon. Jason Kenney: The point I am trying to make is simply that there are experts on both sides of the debate. The friends of the New Democratic Party are not the only experts.

Mrs. Sadia Groguhé: No, all experts are always welcome.

[English]

The Vice-Chair (Ms. Jinny Jogindera Sims): We'll be hearing from everyone. Carry on.

[Translation]

Mrs. Sadia Groguhé: I would like to go back to the effects of detention, which, as we have described, are devastating on asylum seekers and society.

In Quebec, the Centre de santé et de services sociaux de la Montagne, which is a parapublic service, has been successful in terms of alternative detention measures. Could your department use this experience as an alternative to the automatic detention provided for under Bill C-31?

Hon. Jason Kenney: Unfortunately, I am not familiar with that program. If you have some information about it, I can consider it and discuss the matter with Quebec.

[English]

The Vice-Chair (Ms. Jinny Jogindera Sims): You still have 40 seconds.

[Translation]

Mrs. Sadia Groguhé: Bill C-31 proposes a new definition for human smuggling. What is the reason for this new definition?

Hon. Jason Kenney: It means that the Minister of Public Safety can designate irregular arrivals, since, as I said, those people often don't have their documents because they were destroyed. We need

tools to identify those people to be able to make sure that they are not posing a risk to the health and public safety of Canadians.

[English]

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you, Minister.

Now I would like to invite my colleague Monsieur Opitz.

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

The Vice-Chair (Ms. Jinny Jogindera Sims): You have five minutes.

Mr. Ted Opitz: Thank you.

Minister, I get a lot of constituents contacting me. So I'm going to ask you an Etobicoke Centre question first and then I'm going to move on to Mr. MacDonald.

I often get complaints from seniors about benefits. The issue for them is the social services that refugee claimants are eligible for under the current system. What is being done to ensure that the benefits that refugees receive are as fair as the benefits that a lot of Canadians get? They have a lot of concerns that they're not getting the same treatment as people entering this country as refugees. Would you say it's fair, equal, or less than?

Hon. Jason Kenney: I'd say two things. First, an urban legend is circulating that refugees generally get more income support than Canadian seniors. The truth is that resettled refugees can benefit from the refugee assistance program for up to a year upon their arrival or until they get a job in Canada. That's fairly modest. I think it's about \$1,200 a month on average, depending on the size of their family. But I think that the perspective you've articulated, Mr. Opitz, is a reasonable characterization of the interim federal health program. This has been a program since 1957 whereby we provide federal health insurance for asylum claimants or protected persons before they get permanent residency.

As I mentioned, it's taken us several years to be able to remove failed claimants because of the endless system. In all that time, they have access to this federally insured health program, which has been providing supplementary benefits that are not typically available to taxpaying Canadian citizens, such as eye care, dental care, pharmaceuticals, and so forth. I think your constituents are right to wonder why someone who is a manifestly unfounded asylum claimant, who has arrived in an illegal smuggling operation, should be getting supplementary benefits that they haven't got access to after a life of paying taxes in Canada.

That's why yesterday I announced a new policy with respect to interim federal health that will ensure that asylum claimants do not receive benefits that are more generous than those received by ordinary Canadians in their provincial health systems, and which will end health insurance—except for critical care for public health reasons—to asylum claimants once their claim has been rejected, as a further incentive for them to cooperate with their removal.

Mr. Ted Opitz: I'm going to turn to Mr. MacDonald because my next question is more of a public safety one in terms of refugees and trafficked people. The system under which people come in, if they're smuggled, are often disguised as trafficking events. I saw this in Europe when I served there. I have a friend who served on civilian police training boards in Kosovo and places like that, and he has seen this firsthand and how people get manipulated, tricked, and sent to a country and then often are essentially enslaved through human trafficking, drugs, and things like this.

So when these events happen, often it's not about people getting out of the country to a safer place, but often about the smugglers and the traffickers who are benefiting from this, and it's worse for the people to arrive on our shores because they're being taken out of situations where they probably would have been safe and happy and now they find themselves in dire situations as well as having issues of health and criminality. Often, criminals have been here several times: been deported, returned; been deported, returned. Can you comment on some of those things? I know I hit you with a lot but I have very limited time, sir.

• (1630)

The Vice-Chair (Ms. Jinny Jogindera Sims): You have a minute for your answer.

Mr. Michael MacDonald: I will be very brief.

You are correct. I think the way to approach this is to just generally talk about what we know about smuggling and what we've learned through various operations, through intelligence gathering and, let's face it, through experience.

Smuggling is not new. Smuggling and trafficking have been occurring for years. It is a worldwide business. It is a proven fact that it is a growing business. It is something that is done by criminals for pure profit, with no regard, or very, very minor regard, for the health, the safety and, quite frankly, the lives of the people who are in fact being smuggled. It endangers lives. As the minister has mentioned, we've seen deaths. Australia has experienced a significant number of deaths, with some of those deaths purposely caused by the smugglers themselves in regard to the people they were in fact smuggling.

Smuggling also brings threats to our country—

The Vice-Chair (Ms. Jinny Jogindera Sims): Could I just ask you to finish your sentence, please?

Mr. Michael MacDonald: Yes, absolutely.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

Mr. Michael MacDonald: Smuggling brings threats to our country, and that is something that border officials need to determine in order to ensure that Canada's borders are secure and our sovereignty is maintained.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you very much.

We're now going to go over to Mr. Weston.

You have five minutes.

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

While some of the things we do on Parliament Hill are esoteric, Minister, your being here is very real. The filled room says it. The fact that you've been directly in contact with people in British Columbia who I deal with on very concrete issues, like the ones we're talking about today, says it. The Canadian Tourism Commission, Tourism Whistler, and the B.C. task force on tourism have all benefited from giving input to you, which you're now reflecting.

I'd like to ask you a little more about biometrics, if I may. You've said that the department will be releasing the list later this year of countries for the temporary resident biometrics program. My question is, why will this program apply only to temporary residents and not to everyone coming to our country?

Hon. Jason Kenney: That's a fair question.

When we began the policy work on the biometric visa requirement, our initial idea was to do this incrementally, because it's a huge project, quite costly, and operationally complex. So I think we didn't want to bite off more than we could chew at any one time, which is why we'll be proceeding with an incremental application of the temporary resident visa biometric requirement on a growing number of countries, rather than universal application at once. This is following the incremental model of Australia and the U.K., for example. We'll start the system and then build on it, so there's an economy of scale there.

However, I think you raise an interesting question. I just think that this biometric requirement is going to improve our immigration security screening by light years, by orders of magnitude, particularly in the context of the enhanced information sharing agreements that we anticipate with the United States through the beyond the borders agreement. We will be able to much better identify individuals who might represent a threat to Canada's safety and will finally be able to screen out those foreign criminals who have come to Canada and have been deported in the past, who have too frequently re-entered on fake documents.

It's hugely important, and I think this should be applied in principle to permanent residence applicants as well. I mean, for goodness' sakes, if someone's going to come to live in Canada for their entire life, we should use reasonable measures to identify who they really are and whether they constitute a security risk. So I would be in favour, in principle, of expanding the authority in Bill C-31 to include PR applicants as well.

• (1635)

Mr. John Weston: Building on that, Minister, the chair and I come from a province where tourism is a large and growing foundation of our economy. That's probably true for all provinces, but we're especially sensitive to that, and the riding I represent certainly cares a lot about tourism.

Do you feel that this is going to speed up legitimate travel? In other words, we think about biometrics and keeping out the bad people, the kind of people that Mr. MacDonald was just referring to, but does it also enhance the travel of legitimate travellers to our shores?

Hon. Jason Kenney: Oh, absolutely. That's one of the more exciting aspects of the biometrics program. It's one of the reasons that the tourism industry so far has expressed support for it. I've met with the Tourism Industry Association of Canada and other stakeholders that support it because they understand that we will be able to better facilitate the entry into Canada of legitimate travellers by being more confident that they are who they claim to be and that they do not pose a security risk.

Right now, visa officers have to go on their gut a lot of the time, based on the evidence in front of them, but this will ensure that the visa officer knows that the application they're dealing with is that actual person and that person doesn't have a serious criminal record, is not on any kind of a watch list, and hasn't been deported before. That probably means over time, I'm guessing, a higher acceptance rate for TRVs, and we believe that it will also facilitate faster processing.

Mr. John Weston: It's a big win for our tourism industry.

You referred several times to the sharing of data through the agreement with the U.S. Can you comment a little more on how that information will be shared. I'm head of the Canada-Mexico Parliamentary Friendship Group, and we're meeting this evening. It would be interesting to know whether Mexico might be included sooner or later in that sharing scheme as well.

Hon. Jason Kenney: We regretted the necessity of imposing a visa on Mexico in the summer of 2009. We had, really, no serious option if we wanted to maintain our immigration laws because we were getting over a thousand asylum claims from that country every month, some 90% of which were deemed to be unfounded. We do hope to get back to an exemption at some point in the future, and these reforms will help us to consider that.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

I don't mean to be rude and interrupt. It's just that everybody's waiting to get their time in and I want to make sure that everybody gets the right amount of time.

Now I would like to go to Ms. Sitsabaiesan for five minutes.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you, Madam Chair, and I do have only five minutes.

There are serious concerns that the move to create irregular arrivals will create two classes of refugee claimants in Canada.

Mr. Minister, why should the way a refugee arrives in Canada determine their legal treatment?

Hon. Jason Kenney: As the United Nations High Commissioner for Refugees has said, it's entirely appropriate for an asylum system to accelerate the treatment of claims from countries not known to normally produce refugees. This is a standard feature of many other asylum systems in western liberal democratic countries. It's because in the asylum system you're trying to provide protection to people who need it. This system would do that. It would grant everyone access to a fair asylum decision. But when you sometimes face these huge waves of unfounded claims from particular countries, you need to be able to address them quickly and to start, frankly, sending the fake claimants back quickly to send a message that Canada won't be gamed, and that's why.

● (1640)

Ms. Rathika Sitsabaiesan: As you're aware, in article 31 of the United Nations refugee convention, it prohibits states from imposing penalties on refugees for illegal entry or presence. What kind of review has your department undertaken to analyze how the designation of irregular arrivals interacts with this section?

Hon. Jason Kenney: We don't see the enhanced detention provisions in this bill as constituting a penalty. To the contrary, the purpose is limited to being able to better identify individuals who have arrived in large-scale smuggling operations, because operationally it's very difficult when you have 500 or several hundred showing up at once, who have typically destroyed their documents, to identify them if at the same time you're constantly going back to the IRB for 30-day detention reviews. That really consumes the majority of our resources to keep arguing for ongoing detention, rather than on focusing on the people who actually are.

Maybe we could ask Mr. Thérien from the Department of Justice to comment further on this.

Mr. Daniel Thérien: I frankly have nothing to add. I think the minister's answer was complete.

Ms. Rathika Sitsabaiesan: All right, thank you very much.

Subclause 81(1) of Bill C-31 allows you, Mr. Minister, to designate groups as "irregular arrivals" retroactively for anyone who has arrived since March 31, 2009. This would include claimants who arrived on the migrant vessels *Ocean Lady* and *Sun Sea*. Retroactive punishment is actually prohibited in our charter with respect to the Criminal Code. Why do you think it is appropriate here? Do you think that this will actually invite court challenges that will tie up the legislation for years to come?

Hon. Jason Kenney: Firstly, I need to clarify, it's not the Minister of Immigration who would have the authority to designate irregular arrivals, but the Minister of Public Safety. Secondly, I reject again the characterization of immigration detention as a form of punishment. It is not. It is a necessary tool to assist us in identifying people and ensuring that they're complying with the immigration laws in respect to their actually being admissible to Canada. Thirdly, yes, I do anticipate that any changes we make to immigration laws may result in legal challenges, but we're confident that these changes are lawful.

Ms. Rathika Sitsabaiesan: A major concern is that designated claimants can be mandatorily detained on arrival, or on designation, with no review of their detention for a year. Why have you created a new detention regime that applies only to some refugee claimants?

Hon. Jason Kenney: First of all, smuggling operations are typically undertaken by criminal organizations. In the particular case of the two vessels on the west coast, they were used by criminal organizations who used to be involved in running arms in a civil war. These are dangerous organizations. We know that either criminal or very dangerous groups facilitate this.

Secondly, people are knowingly entering the country illegally. They're paying a criminal network to come here. I think that shows a certain amount of bad faith on their part, to say the least. They're not seeking to come through the normal means of acquiring a visa.

Finally, they typically destroy their documents. We need to be able to identify who they are, without constantly spending all of our resources on repetitive detention reviews.

I should underscore that smuggled migrants will still have access to the asylum system. If they are deemed to need Canada's protection they will be released from detention. Under the faster timelines in our new system that will typically happen two to three months after the referral of their case.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you. That timing was perfect.

I'd now like to turn to Mr. Leung for five minutes.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Madam Chair.

My question is also directed to the minister. Thank you, Minister, for being here.

I think there is a lot of misconception in the public, and certainly also in the opposition's line of questioning, about the detention centres. They seem to portray detention as being a jail, behind bars, in the worst of conditions. Perhaps you can elaborate for us what the facilities are like. Based on the ones I have visited, that is definitely not the case.

Hon. Jason Kenney: First of all, immigration detention is not a new concept. It's not a new power. It has always been a feature of our managed immigration system and that of every other country I know of. We use it far less often than peer countries as a tool for immigration integrity. This bill would really not change that fact.

The notion that it's a prison is ridiculous. People who arrive in Canada and are put in immigration detention are free to leave the country any time they choose to.

Finally, on the notion that they are prisons, I would invite people to actually visit our detention facilities managed by the CBSA. For example, the major facility we have in Toronto used to be a hotel. People have hotel rooms and fresh-cooked meals there every day. There are special facilities for families. It's what you would call a minimal security facility, with a fence around it to ensure that people stay on site.

The notion that this is Alcatraz or something is a ridiculous demagogic trick by people who really don't seem to care a whole lot about reinforcing the integrity of our system.

• (1645)

Mr. Chungsen Leung: Thank you.

As parliamentarians, one of our primary exercises is to safeguard the assets of Canadians and therefore spend their tax dollars wisely. On the assisted volunteer return and reintegration program, perhaps you can elaborate on how this program helps us save money and facilitates the return of those detainees to their countries of origin.

Hon. Jason Kenney: This is an idea that we picked up from other jurisdictions, such as the United Kingdom. Initially it will be a pilot project. If we find it to be effective we'll roll it out and apply it on a permanent and broader basis.

The idea is that when an asylum claimant has their claim rejected and they run out of their last recourse, the CBSA will sit down with

them immediately and say: You have two options. You can cooperate with us in a removal, and if you qualify for assisted voluntary removal we will pay your travel expenses back home. We will provide you, through the assistance of an agency such as the International Organization for Migration, with some kind of modest re-establishment stipend to help you re-establish an apartment or pay for initial expenses when they get back home. The consequences for you legally will be much less serious if you cooperate in this way. On the other hand, if you choose to go underground and seek to avoid removal, that will be used with prejudice against you if you ever hope to come back to Canada in the future under status. Things will be a lot more difficult.

We have found in other jurisdictions that this approach is very effective. It has a high take-up rate. It makes removals quicker and much more humane, because people are cooperating with their own removal.

Mr. Chungsen Leung: Thank you.

My final question has to do with how all of these changes affect our safe third country agreement, because Canada has this international obligation to handle refugees in the same manner as many other countries. How does the safe third country agreement impact that?

Hon. Jason Kenney: The safe third country agreement was negotiated about a decade ago. I think it came into effect in 2003, was it?

Mr. Les Linklater: It was negotiated in 2002.

Hon. Jason Kenney: Yes, that was in 2002, but it came into effect a couple of years later. This was to deal with a large wave of asylum claims on the Canada-U.S. border that was very disorderly. The premise of the agreement was that foreign nationals living in the United States who come to a Canadian border crossing had already had access to a fair asylum system in the United States, and we discouraged asylum shopping. So they are, in principle, ineligible to make a claim in Canada unless they benefit from one of the exceptions. This legislation does not change that.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you very much.

Now I would like to turn to my friend, Mr. Menegakis. Please excuse me if I am crucifying names. I will learn.

Mr. Costas Menegakis: You know what? You pronounced it excellently. Thank you.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

Mr. Costas Menegakis: Thank you, Madam Chair.

Minister, you've clearly identified some of the gaps that were found, which led to the conclusion that further reforms were needed. I have a series of questions here I'd like to ask, but just to begin, can you tell us what the projected savings are under Bill C-31?

Hon. Jason Kenney: We estimate that the savings under Bill C-11, which is the basic structure of the new asylum system, to be about \$1.8 billion over five years. Most of those savings are to be derived by the provinces, because they'll be paying less money in welfare payments to failed asylum claimants, who will be removed in a matter of months rather than several years.

The main savings that we generate are through the interim federal health program. Altogether, along with the scaled-down benefits that I announced yesterday, we estimate there will be about \$100 million in savings on the IFH program over five years, again because we're providing those benefits to people for a few months rather than several years.

Mr. Costas Menegakis: It seems clear to me that we can't keep going with the status quo.

Hon. Jason Kenney: It's \$1.6 billion, not \$1.8 billion. I'm sorry, I want to correct myself.

Mr. Costas Menegakis: Thank you.

Clearly we could not keep going with a status quo system that has created all kinds of backlogs and problems. We know because we did the backlog study. Over one million people are waiting in the backlog. We look at the refugees and we see people clogging up the refugee system, who, quite frankly, are being identified as not legitimate refugees and are then being returned. Applicants—people from democratically elected European countries, who have no legitimate reason for claiming refugee status—are trying to come through a faster channel, if you will, into Canada. What does that do? It clogs things up the system and keeps legitimate people from having an opportunity to come here, people who are really in danger of some sort of persecution in their country of origin.

Perhaps you can elaborate for us, Minister, on what the estimated total processing time for a refugee claim is today.

•(1650)

Hon. Jason Kenney: We estimate that is 1,038 days until someone in the current system has used all of their recourses—1,038 days. But it's actually often longer than that because of delays in removal, and it can take as long as 10 years or more.

Mr. Costas Menegakis: So what will be the change under Bill C-31? What do we project that to be?

Hon. Jason Kenney: For those we call fast-track claimants, those coming from designated countries of origin, we would see them exhausting all recourses in about 45 days. For those we call the normal claimants, those who are coming from non-designated countries, it would be 216 days, give or take, or a little over six months.

Mr. Costas Menegakis: It would take a little over six months. So we're taking people who are legitimately waiting to be recognized and accepted as having refugee status in this country, who are waiting in the system for 1,038 days, and we're cutting that down by some 75% to 80%. People who legitimately need—

Hon. Jason Kenney: Actually, I have a chart here I'd be happy to circulate. Here are the wait times with the processing times, minimum, in the current system; and here is the fast track under the new system.

Mr. Costas Menegakis: To me that tells the tale, Minister. There are people who really need to come into the country because they're in fear and in danger in their country of origin, and that amount of time is being fast-tracked so they can get in faster. We're weeding away the people who don't have legitimate claims and who are clogging up the system.

It's our obligation under the law, if I'm not mistaken, to assess every single one of those applicants, no matter where they come from. Is that not correct?

Hon. Jason Kenney: I'll give an example of what it basically means right now. You come off a plane, let's say coming from Iran via Europe, literally having fresh scars of torture on your back and compelling evidence of persecution.

You come up to the CBSA at the airport and say you're a refugee, and you clearly are. We say take a number, fill out a form, and we'll get back to you in 21 months.

In the new system we'll say fill out the form, come back for your hearing, and we'll give you status in a couple of months. That's one of the virtues of the new system.

I should point out that I find it strange that even though Canada is geographically remote we typically figure in the top four or five destinations for asylum claims worldwide, even though 64% of them are found not to be bona fide claims.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you, Minister.

Your time is up. It's more than up.

Mr. Costas Menegakis: Thank you very much, Madam Chair.

The Vice-Chair (Ms. Jinny Jogindera Sims): We gave you a few more seconds there.

Now I would like to hand it over to Mr. Giguère.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Good afternoon, Mr. Minister.

I would like to thank the committee for allowing me to ask these questions.

Right now, we have a detention centre in my city, in Laval. I have a lot of questions about it. Have you had the opportunity to visit this detention centre in Laval?

Hon. Jason Kenney: Not yet, but I intend to, since your colleague encouraged me to do so. I am planning to go.

Mr. Alain Giguère: Very well.

I just heard that my colleague Mr. Leung was able to visit a detention centre rather quickly. Would we be able to have quick access to the detention centre in Laval? It would be relevant if we needed to ask questions.

Hon. Jason Kenney: Yes, as members of Parliament, I am sure that the office of the Minister of Public Safety and the CBSA can arrange for access to the detention centre.

Mr. Alain Giguère: Very quickly?

•(1655)

Hon. Jason Kenney: I cannot speak for him, but I don't see why not.

Mr. Alain Giguère: Thank you very much.

The Canada Border Services Agency did some studies showing that the changes to Canadian legislation will increase detention and the deportation of bogus refugees, while changing the mandate of the refugee board.

Mr. Minister, based on your estimates, how many additional detentions will this new legislation entail?

Hon. Jason Kenney: There are two parts to the bill. In terms of the asylum system, we don't think that there will be an increase in the percentage of claimants who will be in detention. In other words, the percentage will stay the same.

As for the smuggling of illegal refugees, it is hard to predict, because we don't know how many immigrants will arrive under circumstances designated illegal.

[English]

Would CBSA like to complement that answer on detention?

Mr. Michael MacDonald: What the minister is saying is correct. Canada overall has a multi-phased approach to combatting human smuggling and the criminal networks overseas, and that whole idea is built on the pillar of prevention.

[Translation]

Mr. Alain Giguère: I am sorry, but you are not answering my question. I don't have much time and I cannot listen to a speech.

What is the expected increase? Can you tell us how many new detainees there will be?

Hon. Jason Kenney: We have estimates for the number of people who will be in detention under the new system. We can provide you with the figure, but I don't have it with me right now.

Mr. Alain Giguère: Thank you very much.

Hon. Jason Kenney: It is not a major difference.

Mr. Alain Giguère: What will happen if the number of detainees is greater than the number of spots available in the detention centres for immigrants? Is there a plan to send them somewhere else?

Mr. Les Linklater: Sometimes, if there is a movement like the one you have described, the Canada Border Services Agency gets the provinces and territories involved to determine whether there are enough spots in provincial facilities to accommodate that movement of people.

Mr. Alain Giguère: Have you consulted the provincial authorities in question? Have you told them that they might be called upon at some point as a result of Bill C-31?

Mr. Les Linklater: As the minister said, there is some flexibility. Under the current circumstances, it is difficult to predict when a situation like that will come up.

Mr. Alain Giguère: That does not answer my question.

Mr. Les Linklater: I understand, but the agency and ourselves are on good terms with the provinces and the territories. That will allow us to ensure that the provinces have the capacity to detain those people.

Mr. Alain Giguère: Have the provinces been consulted? For example, if a ship comes in with 500 refugees whom you decide to detain and you send 300 of them to the provinces, will the provinces be notified? Do they agree to take the extra people?

Hon. Jason Kenney: When we had 500 illegal immigrants on the west coast 18 months ago, the CBSA worked with the Province of British Columbia to place some of them in provincial centres. So we obviously have to work with the provinces.

Mr. Alain Giguère: Are the provinces reimbursed for that?

Hon. Jason Kenney: Yes. I think that the average cost is about \$150 per night.

[English]

The Vice-Chair (Ms. Jinny Jogindera Sims): I'm sorry, Mr. Giguère, but your time is up.

Now I will turn it over to Mr. Opitz, please.

Mr. Ted Opitz: Thank you, Madam Chair.

I'm going to go back to Mr. MacDonald, because we only had a short period of time with him before. I want to explore a little more some of the safety considerations from a public safety point of view in terms of fraudulent smuggling and trafficking events, and what they mean to our society, what they mean to the immigration system and its integrity, and certainly what they mean to those people I described earlier and the threats to them inside and outside this country.

The minister also said that some of the smugglers, when it's in their interest, will dispose of these people. Sometimes, when they are caught on the high seas, they simply throw the people overboard to cover their tracks. That's obviously inhumane and criminal. Can you further elaborate on some of the threats?

One thing we didn't talk about is the possible terrorist threat, as well. While 99.9% of the people, one way or another, whether they're coming here illegally or not, may want to try to come to Canada for ultimately good purposes, there's always that small percentage of people who don't, and they're here to do us harm.

Can you talk about that, sir?

• (1700)

Mr. Michael MacDonald: I can, and I will be brief.

Picking up on what we were discussing previously, what's unique about the organizations that smuggle people around the world is that they tend to operate and change their tactics very quickly. They're very adept at responding to any efforts that are made. So again, prevention efforts overseas are key. You take not just one type of preventive activity but multiple types. These are seasoned criminals.

Now, some of these networks are connected, and we believe that they are connected with certain terrorist organizations. The whole purpose of terrorist organizations is to move their individuals around the globe if they need to, and a smuggling network is a prime way to move them around.

The other thing about the smuggling networks that pose a threat to Canada and the integrity of our borders is that oftentimes the smugglers will recruit crew members. They will recruit various facilitators along the way. And at times, in the case of a mass arrival of vessels at the border, the crew, who are helping to commit a criminal act, will mingle with the refugee claimants, and it's very hard to distinguish who those people are.

Clearly, Canada has very strong law enforcement and intelligence relationships with our key allies and a lot of countries around the world. We've gained a lot of experience in how to conduct our prevention efforts overseas to attack the criminal networks and those who are aligned with terrorists, from, in particular, Australia. We routinely share information and intelligence about the networks.

What happens is that the smugglers ultimately decide where the person goes, despite what is ever promised up front. The smugglers can say that they will send someone to this location, but things happen on the high seas and things happen around the world, so the smugglers will send someone somewhere else. This has caused us to ensure that we have extremely robust relationships with a lot of the countries around the world, because these are joint threats. This is a global phenomenon. This is, in effect, a global threat. It threatens everyone's sovereignty in that regard.

Mr. Ted Opitz: In fact, referring to criminal network syndicates or whatever you want to call them, it was *The Globe and Mail* not long ago that pointed out that criminality across the globe is the world's twentieth-largest economy—criminal enterprise. That's incredible.

So what are some of the things we're doing, for example, with Thailand and the United States? What sorts of things are we doing with our allies to help prevent this and to share that data, let's say in Canada-U.S. terms?

Mr. Michael MacDonald: Actually, I would take it broader than Canada and the U.S.

Mr. Ted Opitz: Okay.

Mr. Michael MacDonald: I would take it with Canada and some of its key allies.

The networks, as I said, move, and ebb and flow. So the networks are very nimble. The facilitators fly around the globe.

What happens is that the networks use source and transit countries. The migrants will "make a deal" with a smuggler from a source country, they will leave that source country, and they may stage in another country right around the globe.

That has forced us to have a prevention strategy that moves our efforts, targeted around the globe, utilizing, for example, our existing relationships with others, utilizing our diplomatic missions abroad so we have a base from which to operate. We're trying to maximize Canada's limited resources around the globe.

International cooperation in capacity-building is a strong part of the prevention efforts, so—

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you so much for that, a perfect ending.

Oh, I'm sorry. You actually have two more minutes. I was looking at the clock as five minutes.

Go for it.

Mr. Michael MacDonald: Thank you.

International cooperation and capacity-building is the main part of the prevention strategy. Canada has invested money in helping countries build their capacity, their law enforcement capacity, their immigration capacity overseas, where those networks operate—oftentimes not just the source, but in the transit countries. That is key.

There's also investigation and prosecution of smugglers. Another part of the strategy is to aggressively investigate, invest in the investigations overseas through the liaison arrangements, and then move to prosecution of those who enter into smuggling, and even the crew members.

Lastly, quite frankly, is deterring the human smuggling ventures.

Those three pillars of our strategy are also reflected in the overall pillars of the human smuggling portions of this bill.

● (1705)

Mr. Ted Opitz: In my last 40 seconds, could I ask you if, when a mass smuggling event comes in and people are detained, in your opinion that would be in the best interests of Canadian safety and the Canadian public?

Mr. Michael MacDonald: Not only is it in the best interest, it's also required, because border authorities first have to determine identity upon arrival, and then they have to determine admissibility.

So there are legal requirements to be undertaken as well.

Mr. Ted Opitz: Thank you.

The Vice-Chair (Ms. Jinny Jogindera Sims): You actually have 30 seconds left.

Mr. Ted Opitz: Oh.

A voice: Do I have anything else to add...?

Voices: Oh, oh!

Mr. Michael MacDonald: No, I'm fine.

Mr. Ted Opitz: I think we're good to go. I'll catch up with all the extra time you gave others.

Thank you, Madam Chair.

The Vice-Chair (Ms. Jinny Jogindera Sims): Okay. Thank you very much. That was very, very kind of you.

Actually, I'm the next speaker. I have seven minutes—

Mr. Ted Opitz: And 30 seconds.

The Vice-Chair (Ms. Jinny Jogindera Sims): —and I'll make sure that I stick to the clock very, very closely.

Minister, as you know, clause 19 of the bill grants you the power to revoke a refugee's permanent resident status. The reasons for which the refugee sought asylum may change in their home country, and I can imagine from reading this that it will give people a lot of concern and instability.

Are you aware that this could throw into question the permanent residency of thousands of people in Canada? And if that was not the intent of the clause, will you be amending the bill to remove this additional power?

Hon. Jason Kenney: Let me be clear: As I said at my last appearance before this committee, it is not our intention has never been our intention to put into doubt the permanent residency of bona fide refugees in Canada if, for example, there's a change of country conditions.

Just to be clear, the reason for the amendment was to streamline what is currently a two-step process for cessation of protected person status and revocation of permanent residency. If, for example, someone clearly has demonstrated after the fact that they obtained their refugee status illegitimately, or fraudulently, we do want to reserve the right, in some limited number of cases, to go back and say, "Sorry, we've since found out that you fooled the system. We're not going to let you profit from it."

But we clearly do not want to throw into question the permanent residency of bona fide, good-faith refugees. That is why I certainly would be open to amendments to this section of the bill—

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

Hon. Jason Kenney: —that would clarify that if there is, for example, a change of country conditions that's not the result of anything the refugee did, they would not be at jeopardy of losing their PR.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you, Minister. I hope you will indulge me with my next question.

Recently you made an announcement about returning all skilled worker applications received before 2008 in order to eliminate the application backlog. But it's not fair to simply press the delete button on these potential new Canadians, when your government and the previous one helped create these backlogs in the first place. How is this going to build trust in Canada's immigration system if the government of the day—and it could be any government, not just yours—can simply decide at any time to send back the applications of people who played by the rules and have been waiting for years and have changed and built their lives around that expectation?

Hon. Jason Kenney: We would suggest that people not build their lives around an expectation: No foreign national has a right to immigrate to Canada. We invite people here; it's a privilege to come to Canada. We don't believe there should be any expectation of a guarantee of immigration by any foreign national to Canada, and we believe it's important to have an immigration system that serves the country's interests. These reforms will allow us to do so by, within 18 months, getting to a real-time immigration system that admits people within months of their application, rather than years, if they are qualified.

I would finally say that if there were anything injurious to Canada's international reputation in our immigration system, it was the seven- and eight-year wait times, which meant a lot of the brightest young prospective immigrants wouldn't even consider coming to Canada. Now they will be able to do so.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you, Minister. I'm sure we will continue to debate this one over the weeks

to come. At the same time as we're trying to move things more toward real time and becoming more efficient, there's been an announcement that all of these immigration centres—19 regional immigration centres—are going to be shut down. I can imagine that is certainly going to have an impact on servicing.

Getting back to the legislation, which I know you would like me to return to...

Ms. Roxanne James: I would just like to remind everyone that we're here for Bill C-31, and I think this may be a point of order because you're talking about something completely out of the context of this bill and the purposes of this committee meeting.

The Vice-Chair (Ms. Jinny Jogindera Sims): When the health care situation was raised, I thought it gave me an opening, but thank you very much.

• (1710)

Ms. Roxanne James: Okay, and as you're also sitting as the chair at this point in time, I don't know whether you can rule on that point of order yourself.

Voices: Oh, oh!

Ms. Roxanne James: There might be a bit of a conflict of interest sitting in that chair.

The Vice-Chair (Ms. Jinny Jogindera Sims): I will move on to deal with the bill right now anyway, just as soon as I can get to the right page again.

Minister, Bill C-31 also allows you to designate a group of refugees, the ones who arrive in groupings as you said, as irregular arrivals. If their refugee claims are accepted, they'll be designated foreign nationals and will have to wait five years before they can apply for permanent residency—and we know that the waiting lists after that could be another five. So isn't that a very long time for bona fide refugees to be separated from their children and families? It could be a husband, a wife, or little children, but children definitely could be involved.

Hon. Jason Kenney: I'll be blunt. We do hope that prospective customers of criminal smuggling syndicates take precisely that into account before they decide to hand over cash to a criminal syndicate to be brought to Canada illegally. We do hope and expect that fewer people will make that decision because of that consequence.

Finally I would point to many other democratic jurisdictions, such as Germany, that do not grant permanent residency to protected persons. Again, that is a privilege, and we will restrict the privilege for five years to people who have come here illegally through a smuggling operation.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you, Minister. It just seems so un-Canadian for us to allow either a child or a parent to languish in a refugee camp for five years.

My other question for you right now concerns the fact that every other detention review regime in the Immigration and Refugee Protection Act includes a mandatory review of detention within 48 hours. Your bill mandates that the immigration division cannot conduct a review in the case of a designated foreign national until at least a year has passed. Why are you denying detainees the right to a review?

Hon. Jason Kenney: In designated arrivals?

The Vice-Chair (Ms. Jinny Jogindera Sims): Yes.

Hon. Jason Kenney: It is because when we get hundreds of people in one large-scale arrival, people who typically have destroyed their documents, it takes time to identify who they are, whether they're admissible to Canada, whether they're eligible to make an asylum claim, and whether they pose a risk to public safety or health.

We can't do that overnight. It's very, very difficult to do it, if we're constantly running back to the IRB trying to make a case every 30 days for an extension of detention.

That's why we believe it's operationally necessary in large-scale smuggling operations to have an enhanced detention provision.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

Hon. Jason Kenney: Let me say, Madam Chair, I'm really impressed. You have only been on the job for a week, but you're on top of the files.

Congratulations.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you very much. I've had a great deal of interest in this file for a long time, as you can imagine. You know the riding I come from. They keep me busy on these issues.

Thank you.

Now we're going to go over to Mr. Lamoureux for five minutes.

Mr. Kevin Lamoureux: Thank you, Madam Chair.

I want to get something really clear in my own mind. I look at the minister's bill and I do believe the minister has set a framework to establish a double tier of refugees.

To highlight that, I'm going to emphasize that the 1951 refugee convention, of which Canada is a signatory, states that countries like Canada cannot impose penalties with regard to how a refugee obtains entry into a country, because it is recognized that refugees often breach immigration laws.

Does applying a five-year ban on obtaining permanent residence and, consequently, travel documents to those deemed as designated foreign nationals but found to be genuine refugees under the convention not amount to a penalty?

Hon. Jason Kenney: No. Absolutely not.

Our decision not to grant a privilege to people is hardly a penalty. Our decision to ensure that we can identify who legal migrants are by maintaining their detention is not a penalty.

If these are penalties, then virtually every other western democratic country is in contravention of the convention. I do not believe they are.

Mr. Kevin Lamoureux: If you are a bona fide refugee coming to Canada through the normal means, you can sponsor a relative virtually immediately upon arrival. Correct?

• (1715)

Hon. Jason Kenney: Yes. That's a privilege we grant to people who follow the rules.

Mr. Kevin Lamoureux: That's right.

If a person arrives and you, as a minister, make the determination that this is an irregular arrival, that person is going to be put into detention and is not going to be able to be a sponsor for at least five years. Correct?

Hon. Jason Kenney: If someone comes in as a designated arrival, they could be subject to the enhanced detention without review for up to a year. However, if they are deemed to be a bona fide claimant by the IRB, they could be released as soon as they get protected status, or earlier, upon the discretion of the minister.

But once they get protected status, they would not be eligible to file an application for permanent residency and subsequently sponsor family members for a period of five years. That's to send a message that if you want to come to Canada, don't pay a smuggler.

Mr. Kevin Lamoureux: The other message you're sending is that there is a double standard. It does on the surface appear as if it's in violation of the 1951 refugee convention.

Surely you can understand why some people would see it that way. Right?

Hon. Jason Kenney: I think the vast majority of Canadians see human smuggling and cooperation with it as a serious crime, a violation of the integrity of our system. It undermines public confidence in our tradition of refugee protection.

I must say I'm surprised that I still haven't heard, in two years of this debate, a single constructive idea from opposition parties about how else to address the phenomena of widespread human smuggling operations.

This is our best effort to respond to it. If someone has constructive ideas about how else we could do it, we're all ears, but we still haven't heard those ideas.

Mr. Kevin Lamoureux: I think one of the fundamentals is recognizing the importance of the 1951 refugee convention and that we are in fact establishing a two-tier system.

Hon. Jason Kenney: The core of the convention is this: It's a commitment of non-refoulement. That is to say, if someone is deemed to have a well-founded fear of persecution on the enumerated grounds, they will not be sent back to their country of origin.

The reforms we propose, whether for smuggled migrants or those coming from designated countries, would absolutely respect the non-refoulement principle. There would not be two-tier treatment for people in that respect.

Mr. Kevin Lamoureux: Mr. Minister, you can't have it both ways. You can't say that there's no double standard and implement this type of legislation. There is a double standard here.

Hon. Jason Kenney: The convention is not about permanent residency or citizenship or family sponsorship. It's about non-refoulement of people who face risk.

We absolutely respect that obligation in these reforms.

Mr. Kevin Lamoureux: Let's change topics and get back to the biometrics, because it think it's going to have a fairly significant impact going forward. If you take a look at what it's doing within the legislation, again it's setting a framework where we're potentially going to be moving forward on biometrics.

You made reference to it being implemented in two time spans, one that will take place this year—

The Vice-Chair (Ms. Jinny Jogindera Sims): I want to give the minister 20 seconds to answer.

Mr. Kevin Lamoureux: When do you anticipate the second part being implemented?

Hon. Jason Kenney: I didn't say two time spans. I said there will be an incremental increase in the biometrics requirement. We anticipate that as of 2013 we will begin the biometrics requirement for an initial tranche of higher risk countries, and then over the course of the next few years it will gradually be rolled out for all other countries.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you, Minister.

I'm really going to get a little stricter with the times, because we want to be able to get a couple more speakers in. I know people are very anxious.

We'll go over to Mr. Weston for seven minutes.

Mr. John Weston: Thank you.

This has to be one of the most engaging discussions we've had in this committee. Thank you, Minister.

We heard the term from the chair that there were some un-Canadian aspects to some of the models used. If anybody here for a minute believed that what we were doing was un-Canadian, we would be stopping, we would be reviewing, and we would be challenging it. We're all keen to better understand what's in the bill.

My assessment of what we're doing here is that it's really, among other things, in the name of compassion. What we're doing is making it easier, better, and faster for legitimate claimants to come to our shores.

You used the example of the Iranian who comes with the scars on his or her back. I'd just like you to elaborate on that. Are we getting it right and we're in fact expanding our trademark compassion around the world?

Hon. Jason Kenney: I hope so. I regret that the critics of our approach have not even bothered to give a nod in the direction of our enhancement of refugee protection that is part of this broader package. When we launched Bill C-11 I announced a 20% increase in the number of resettled refugees that we would accept worldwide.

We already accept one out of every ten. We're going to be the number one destination for resettled refugees worldwide per capita following this increase. We're increasing the refugee assistance program by 20%, and that's not coincidental. We're doing that concurrently with these reforms to the asylum system to send the message that we, as a country, can do more to help bona fide refugees, real victims of persecution, ethnic cleansing, and warfare, if we focus our resources on real refugees and not those who seek to abuse our generosity.

Second, we are for the first time creating a full fact-based appeal that will be available to the vast majority of asylum claimants who are rejected at their initial hearing. That means that for claimants from countries generally known to be or could be sources of persecution, those who don't get positive decisions initially will have a full fact-based appeal. This is what so-called refugee advocates have long demanded. This will take what is already considered a model system and add even additional protection for those who might have a negative decision at first instance.

I don't just "think" this, but objectively I believe this reinforces our longstanding humanitarian obligation to refugees.

• (1720)

Mr. John Weston: From my experience, I know this is not a theoretical exercise for you. You know many of the people who are waiting in those camps. When I was in Iraq, I was hearing about your knowledge of the refugees who were in other countries waiting to come here. So this is something specific and categorical—

Hon. Jason Kenney: We have a colleague here who has talked about how I highlighted the smuggling operation on the *MV Sun Sea*. Absolutely, that was because we have to take a zero tolerance approach to that dangerous commerce of smuggling.

But I can tell you this. On dozens of occasions, I have visited with resettled refugees we have welcomed to Canada, like the 4,000 Karen Burmese whom we resettled, and the some 4,000 Iraqi refugees who have come to Canada each year in the past three years. I've visited with literally thousands of resettled refugees who have benefited from this country's generosity.

Mr. John Weston: Minister, we're talking about real-time assessments, and let me give you a real-time response to some of what you're saying. This is from the head of Tourism Whistler. While you were speaking earlier, I asked whether she supported biometrics. Her response was that she was in a meeting with Tourism Vancouver but they discussed their collective position, which is that, yes, biometrics is good as long as it speeds up processing time rather than slowing it down. So that's a very real-time response from them.

We are about to interview more than 60 guests who will be speaking about the bill. I wonder if you have any thoughts on the kinds of things that would help you in terms of the kinds of questions we should be asking witnesses, who will come from every imaginable kind of corner.

Hon. Jason Kenney: This goes back to the earlier answer I gave. I would strongly encourage you to consider inviting representatives of some of the European countries that have become the major sources of asylum claims in Canada to get their sense about what's going on and how we can address those patterns. You may also want to invite representatives of the Government of Ontario. The European governments believe that the fact that claimants can immediately qualify for welfare benefits upon arrival in Ontario is one of the major draw factors. I have asked the Ontario government to consider putting in some eligibility period before foreign nationals can collect welfare payments in this province. I would be happy to ask other provinces to do the same. Removing some of the pull factors will go a long way to stopping large waves of unfounded claims.

Mr. John Weston: You gave a very interesting, specific example of compassion for the Iranian refugee claimant. What about some examples of people who are part of the criminal element and whom we might have excluded had we had engaged biometrics when they sought to come to Canada?

Minister, if you would prefer, we could defer that to Mr. MacDonald.

Hon. Jason Kenney: I have a list of some examples I should share with the committee later, with nine cases I think of people like Mr. Esron Laing and David Wilson, known as the Yo-Yo Bandits. They were convicted of armed robbery and forceable confinement. Each of them was deported three times and kept coming back.

There's Anthony Hakim Saunders, who was convicted of assault and drug trafficking. He was deported 10 times. That's 10 times. He kept coming back into the country either illegally, through fake documents, or both. Edmund Ezemo was convicted on more than 30 counts, including theft and fraud. He was deported eight times, which meant he kept coming back.

The biometrics requirement will mean that criminals like them can't cheat their way back into the country with fake documents.

• (1725)

Mr. John Weston: So we have specific examples of where the system can be improved by biometrics on the compassionate side and the security side. I'm really looking forward to seeing more about this bill.

Again, thank you for being with us today.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you very much. I'm now going to go over to Madame Groghué.

[*Translation*]

Mrs. Sadia Groghué: Thank you, Madam Chair.

I would still like to clarify something about refugees. I just wanted to mention that not all refugees have scars and that, in some designated countries, people have made different choices in terms of gender or sexual orientation.

How will Bill C-31 cater to those refugees?

Hon. Jason Kenney: If someone seeks asylum on the grounds of well-founded fear of persecution because of sexual orientation, they will be entitled to the same hearing, on the merits of their claim. If there is valid evidence that their fear of persecution because of sexual orientation is justified, they will be accepted into Canada. There is no change to the bill in that respect. I have to add that I work with gay and lesbian organizations to assist gay and lesbian refugees from around the world, especially from Iran, to settle in Canada.

Mrs. Sadia Groghué: Under section 27 of Bill C-31, the minister may, on request of a designated foreign national, order their release from detention if, in the minister's opinion, exceptional circumstances exist that warrant the release.

What are the exceptional circumstances that warrant the release? Could you give us some examples?

Hon. Jason Kenney: The minister would look at each case individually, on the request of the immigrant, if there are urgent or humanitarian reasons, for example. The minister would then consider a claim for release from detention. But the real purpose of detention is to identify the person. If the person is identified, there is no real reason for extending their detention.

Mrs. Sadia Groghué: Under the provisions of Bill C-31, even if the claim for refugee protection of a foreign national is accepted and they are declared refugees under the convention, they may not apply to become permanent residents.

So what will the status of designated foreign nationals be if they are recognized as refugees?

Hon. Jason Kenney: They will have the status of protected individuals, which means they will have legal status in Canada. They will have access to some social services and to a work permit, but they will not obtain permanent resident status for five years, after the IRB makes a positive decision.

[*English*]

The Vice-Chair (Ms. Jinny Jogindera Sims): You have one more minute.

[*Translation*]

Mrs. Sadia Groghué: A designated foreign national who receives refugee protection will have to meet with an immigration officer, in compliance with the regulations.

Why would designated foreign nationals who have just received refugee protection have to meet with immigration officers?

Mr. Les Linklater: When individuals have temporary status and the conditions in their countries of origin change, the intent is to send them back to their countries of origin. In other words, there needs to be a framework under which those individuals can describe their personal circumstances to the CBSA officers so that they can be sent back to their countries of origin if the situation changes.

[English]

The Vice-Chair (Ms. Jinny Jogindera Sims): You have 35 seconds.

[Translation]

Mrs. Sadia Groguhé: In terms of losing refugee status because of a change in circumstances, the Abdullah case ruling by the Court of Justice of the European Union stresses the idea that the change has to be durable and lasting.

Which neutral body can decide on the lasting nature of the changes and what action will the claimants be able to take?

• (1730)

Mr. Les Linklater: As I understand the question, Madam Chair, if the conditions in the country of origin change, for example, from civil war to reconciliation once peace is restored, the conditions may improve to such an extent that it would be possible to return to that country.

[English]

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you very much. Your time is up.

I'm going to adjourn the meeting. I want to thank my colleagues for their patience. This is my first meeting as vice-chair, and I've done the best I can.

I also want to thank the minister for coming before the committee and the colleagues he brought with him. I certainly hope, Minister, if we should happen to need further clarification from you, you would be willing to come back at a future date.

Hon. Jason Kenney: My officials will be back on Monday already, and I'm always happy to share my time with your committee.

Thank you very much.

The Vice-Chair (Ms. Jinny Jogindera Sims): Thank you.

Now I get to say that the meeting is adjourned.

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