



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 065 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Monday, December 3, 2012

—
Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

Monday, December 3, 2012

• (1550)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):
Good afternoon, ladies and gentlemen.

This is the Standing Committee on Citizenship and Immigration, meeting number 65. This meeting is televised.

Pursuant to Standing Order 108(2), we are here to discuss a study of our security system, “Standing on Guard for Thee: Ensuring that Canada's Immigration System is Secure”, to which we have come back after a long hiatus.

We are winding down finally, and we have remarks from the department. We have met pretty well everybody here, so I won't go through it again.

Mr. Linklater, I understand you have a presentation of up to 10 minutes, if you could commence.

I thank you and your colleagues for coming.

Mr. Les Linklater (Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration):
Thank you, Mr. Chair.

Good afternoon, members of the committee.

My name is Les Linklater. I'm the assistant deputy minister of strategic and program policy at Citizenship and Immigration. I'm joined by my colleague, Dawn Edlund, who is the associate assistant deputy minister for operations; Peter Hill, who is the director general of enforcement at Canada Border Services Agency; and Geoff Leckey from the operations sector of the Canada Border Services Agency as well.

I would like to first thank the committee for providing CIC and CBSA with this opportunity once again to contribute to this important study.

[Translation]

When CIC officials last appeared to address this study, we spoke to some of the recent measures we have introduced to help safeguard the security and integrity of our immigration system.

Throughout the course of this study, concerns have been raised about two of our most significant initiatives—beyond the border, the Canada-United States Action Plan for Perimeter Security and Economic Competitiveness, and the use of biometrics.

[English]

In recognition of some of these concerns, I would like to speak about these two initiatives in more detail. Increasing application volumes, changing travel patterns, and a growing prevalence in sophistication of identity fraud pose significant challenges to maintaining the integrity of Canada's immigration system. The perimeter action plan and the use of biometrics in the temporary resident program are important initiatives that will increase our ability to address serious security concerns. At the same time, they will enable us to further facilitate the flow of legitimate travellers and trade across our borders.

• (1555)

[Translation]

Here's how.

Next year, we will begin using biometric technology to screen visitors from certain countries who require a visa. The use of biometrics, by way of photographs and fingerprints, will bolster Canada's existing measures to reduce immigration fraud.

The reason is that biometrics will help us to prevent known criminals, failed refugee claimants and previous deportees from using a false identity to unlawfully obtain a Canadian visa and enter our country under false pretenses.

The use of biometrics will also help us to facilitate legitimate travel.

[English]

It's a key challenge for any immigration program to identify applicants accurately each time they apply. For example, names can be changed; typing errors may be made; applicants may have similar names; or people can deliberately conceal their identity. Biometrics will help us modernize our visa services and give our visa officers greater certainty to confirm the identity of legitimate travellers to Canada.

Furthermore, collecting biometric information each time a person reapplies for a visa will make it easier and faster to confirm their identity. We anticipate that the use of biometrics will therefore lead to a quicker visa issuance process.

I would like to note that the Government of Canada has no plans to collect biometrics from Canadian citizens. Also, every applicant's privacy will be protected in accordance with Canada's Privacy Act. To ensure this, CIC has been working closely with the Privacy Commissioner and her office so that adequate privacy protection safeguards are in place to protect an applicant's personal information. In fact, at each stage of development of both biometrics and perimeter action plan initiatives, CIC has recognized the need to balance the safety and security of Canadians with individual privacy rights.

[Translation]

For example, CIC worked closely with the Office of the Privacy Commissioner during a biometrics field trial conducted between October 2006 and April 2007. During this field trial, CIC and the Canada Border Services Agency tested the use of biometrics in Hong Kong and Seattle, and at the Vancouver International Airport, the Douglas/Pacific Highway border crossing and Toronto's refugee processing centre. The field trial demonstrated that biometric information is highly effective in confirming identity, while ensuring applicants' privacy is protected.

The use of biometrics will put Canada in line with many other countries that are now using, or preparing to use, biometrics in immigration and border management. These include the United Kingdom, Australia, the United States, New Zealand, other countries in the European Union and Japan.

I would also like to remind the committee that the use of biometrics is not new in our immigration system. For example, CIC has collected fingerprints from refugee claimants, detainees and persons removed from Canada since 1993.

[English]

A challenge for our current immigration system is that some inadmissible individuals have been able to re-enter Canada using false identities. As I stated earlier, the use of biometrics will help prevent this scenario from happening in the future.

As part of the perimeter action plan, another screening tool we plan to implement by the spring of 2015 is the electronic travel authorization for nationals of visa-exempt countries, except for travellers from the U.S. We discussed this in the context of the review of Bill C-45 last week. As members are aware, this will establish a common Canada-U.S. approach to screening travellers prior to their departure for North America. Like the use of biometrics, this tool will help us to fulfill our goal of preventing inadmissible individuals from travelling to Canada while facilitating travel for low-risk travellers.

Once an application for an ETA has been submitted, a risk assessment will include queries against applicable databases. We anticipate that authorization will be received within minutes, in most cases, as this has been the experience already in the United States.

[Translation]

An important consideration is that the eTA may provide Canada with more flexibility to lift visa requirements, as it may deter inadmissible applicants from coming to Canada if they know that their information will be verified prior to travel. It is also expected to

reduce the need for visas because it would focus on at-risk individuals, not countries or territories.

Also starting next year, we plan to have in place systematic biographic information sharing with the United States on immigration issues. This includes information on all temporary resident and immigration applications, inland asylum claimants, overseas resettled refugees and deportations. By 2014, we will build on this when we start sharing biometric information with the United States.

• (1600)

[English]

To date, we have had great success in sharing biometric information with our five country conference partners. For example, this has uncovered individuals who have used multiple identities, inconsistent immigration histories, and criminal records. This has demonstrated the value of increased information sharing, and we hope to continue this success by increasing our information sharing with the U.S.

CIC and CBSA will also share information with the U.S. on the entry and exit of travellers who cross our shared land borders. In support of this, CIC will establish a universal requirement for all individuals entering Canada to present approved travel documents.

I wish to assure the committee that Canada will retain its sovereignty in making admissibility decisions. I wish to also remind members that the U.S. will not have direct access to Canadian databases.

[Translation]

As with our other security measures, information sharing with the U.S. will help us to better detect fraud and improve public safety, through better detection of persons who have criminal histories or pose other risks to the public. It will also facilitate the flow of legitimate travel across our borders.

Once again, Mr. Chair, I wish to thank you for inviting me to appear today. I hope that my remarks have been helpful to the committee and I would be happy to answer any questions. Thank you.

[English]

The Chair: They have been of help, Mr. Linklater. Thank you again for coming.

Ms. James is going to have some questions for you.

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

Thank you for appearing before our committee again as witnesses and officials.

When a previous witness, John Amble, appeared before this committee, he said:

...immigration and border control policies should form a mutually supportive relationship with the work of law enforcement agencies at all levels to provide the maximum degree of security against threats of homegrown terrorism.

That was a direct quote from that particular witness.

In your opening remarks you mentioned that CIC and CBSA share information with the U.S. on entry and exit of travellers. I know we're moving towards a system where we can share information with more countries than just the United States, but we also have to look at how we share information within our own departments.

I am going to ask for some information in reference to this particular issue. First and foremost, can you tell us about the relationship between other departments when it comes to information sharing? For example, does CIC share information with CBSA and Public Safety, and vice versa?

Mr. Les Linklater: The short answer is yes, we do share information between agencies. In fact, since the creation of the Border Services Agency in 2003, this has been essential to ensuring that Canada's security remains protected at all times and that we are making the appropriate decisions about the admissibility of individuals who apply to enter Canada.

CIC is the overseas front line in handling all applications for temporary resident visas. In certain cases, we make referrals to CBSA for onward analysis related to potential inadmissibilities. The CBSA, in turn, works with other security partners in providing a broader overview of security and criminality issues related to admissibility.

Perhaps I'll ask Mr. Hill or Mr. Leckey to expand on that.

Mr. Geoffrey Leckey (Director General, Intelligence and Targeting Operations, Canada Border Services Agency): Thank you, Les. I'll expand on your comments.

In the course of processing visa applications, we certainly do exchange information with our two closest security partners, the RCMP and CSIS. CBSA is the hub, if you like, of the security screening process. It's where the applications come, after referrals have been made from CIC. Then it's CBSA that's responsible for compiling information, which will include open-source and classified information, and information from RCMP and CSIS, and possibly other security partners relevant to the particular circumstances of the application.

CBSA then prepares either an admissibility report or an inadmissibility report.

•(1605)

Ms. Roxanne James: Thank you.

You've indicated that we've been sharing information since 2003, but is there any effort currently under way to improve that process, to get the information more quickly or to expand on the information we can share between those groups? You mentioned the security partners, those particular departments.

Mr. Geoffrey Leckey: Yes, is the short answer.

There was a chapter of a report from the Office of the Auditor General last year called "Issuing Visas". It noted that there were potential shortcomings in our access to all the information we might

have access to, so we've taken steps to address that. We've also developed some new tools that we believe will help us to access more relevant information more quickly.

We're developing the area of our open-source information and analysis. We're developing into the fields of data analytics, and we're developing, in short, more access to more databases with more potentially relevant information.

Ms. Roxanne James: You said "potential shortcomings". Are we talking about legislative, regulatory, or other barrier-specific...? What do you mean by potential shortcomings?

Mr. Geoffrey Leckey: No, not legislative or regulatory. The Office of the Auditor General was not convinced that the CBSA, in carrying out its role in screening visa applicants, had access to all possible relevant government information.

Ms. Roxanne James: Thank you.

Now, you've mentioned that we do share some information within our security partners, and you've mentioned the RCMP and CBSA and so forth. But I am wondering whether we expand that outside of the security partner scope. For example, do we have any type of information-sharing agreement with CRA that would assist the RCMP and CBSA to find individuals who have failed to pay their taxes or are collecting social assistance without legal status in Canada?

I'm trying to figure out the scope of information we have. Does it go past our "security partners"?

Mr. Les Linklater: At this point, we don't have a formal arrangement with the CRA in line with the question you've asked. I think that would certainly require us to look at privacy considerations, if that were a direction to be pursued.

Ms. Roxanne James: Is it something that has been considered or contemplated or discussed?

Mr. Les Linklater: Well, in the past, there have been queries on the potential for doing that. To my knowledge—and we would have to verify this—my sense is that some initial conversations have taken place with the CRA, to understand what the potential benefits might be, but we've not pursued anything formally at this point.

Ms. Roxanne James: We all hear stories about people—organized crime or individuals who avoid paying their taxes—and I would imagine that if we have illegal immigrants in the country who are also involved in that type of activity, they're also avoiding paying taxes. That's why I brought that question to you.

I just wonder, offhand, do you know of other countries that actually allow departments such as CIC or Immigration to talk with their departments that deal with taxation as well? Do you know of other countries that are successful in that, and if so, could you comment on what their experience has been?

Mr. Les Linklater: I'm not personally aware of any such arrangements, so I really can't comment on whether or not it's something that would be particularly effective.

The Chair: Thank you.

Ms. Sims, go ahead.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Thank you very much.

I want to thank you for coming.

Mr. Linklater, I think you've become a regular here. You'll soon be declared a sitting member of this committee.

I have some questions around detention. We've heard some conflicting testimony on whether the refugee system really constitutes a significant security threat, yet I know that's the narrative we're hearing from across the way.

One study, based on 11 years of Canadian refugee data, found that fewer than 100th of 1% of refugees were excluded because of terrorist concerns. A 2012 global detention project report also lists Canada as one of the only western countries that actively and increasingly detains asylum seekers.

My first question is, in your opinion, what security threats justify detaining refugees?

• (1610)

Mr. Les Linklater: Mr. Hill is prepared to respond to questions related to detention.

Mr. Peter Hill (Director General, Enforcement and Intelligence Programs, Canada Border Services Agency): Thank you for the question.

The CBSA's mandate for detention, as you know, is set out in the IRPA. There are three grounds that allow CBSA to detain individuals: their identity is unknown; they represent a danger to Canada; or they represent a flight risk—in other words, they're unlikely to appear for an immigration hearing or process.

That's the foundation for the CBSA's detention program. The program, as you know, is subject to the review of the quasi-judicial Immigration and Refugee Board that ensures that detention decisions are reviewed on a regular basis and that individuals are detained only when strictly necessary in the protection of the safety and security of Canada.

Ms. Jinny Jogindera Sims: Under the new legislation, as you know, the parameters for detention are being expanded.

My next question is, what data do we have to support detention based on security concerns?

Mr. Peter Hill: I can provide additional information to the committee on the number of cases involving security and detention.

Ms. Jinny Jogindera Sims: As you said, you can provide that, so maybe that could be provided through the chair, and then we will all have access to it.

The Chair: To the clerk, actually.

Ms. Jinny Jogindera Sims: Sorry, Chair.

What limits and guidelines would you incorporate into a refugee detention system if you were designing it from scratch?

Mr. Peter Hill: We have a very robust detention regime upon which we continue to build and refine, so we have a very sound legislative basis. We have the office of the United Nations High Commissioner for Refugees, which has recently updated their detention guidelines. They updated the 1999 guidelines in 2012. Those guidelines inform the detention standards that CBSA has.

Ms. Jinny Jogindera Sims: Thank you.

Now, we've also heard from different witnesses that other countries do use alternatives to detention. We heard testimony from various witnesses about alternatives, which suggested that these alternatives should be used more often. The Toronto bail program, a community-based supervision program for foreign nationals, is just one example. Electronic monitoring and women's shelters were other viable alternatives discussed in committee.

Has CIC or CBSA studied alternative strategies besides detention, and if so, can you share your findings with the committee?

Mr. Peter Hill: Absolutely, the agency is quite active in assessing options for detention, including a range of alternatives. You have highlighted a number of important ones. The Toronto bail program is recognized globally as a best practice. Electronic monitoring has been used by the agency primarily in relation to individuals subject to security certificates, but it has been ordered used by the IRB in a limited number of other cases. Of course, we have terms and conditions that are imposed by the IRB so that any threats or concerns are mitigated in conjunction with the release of an individual from detention.

Ms. Jinny Jogindera Sims: Thank you.

A recent article published in *The Guardian* sheds light on the lobbying efforts private operators of immigration detention facilities have been undertaking right here in Ottawa. In March 2012, MP Rick Dykstra and the Parliamentary Secretary to the Minister of Justice, Kerry-Lynne Findlay, met with executives from Serco, one of the biggest players in the private immigration detention business worldwide. Minister Kenny also toured two Serco-run detention centres in Australia back in September 2010, and stated that he had "learned a lot". The article highlights various concerns with privately managed detention centres, including riots by detained asylum seekers held at a Serco-run facility in Australia in protest of prolonged detention.

Has CIC or CBSA studied the issue of public versus private detention, and if so, what were the key findings?

• (1615)

Mr. Peter Hill: Indeed, we have undertaken a number of assessments in the past, and we are currently quite active in terms of assessing options for detention. We exchange information with our five-country conference partners—Australia, the U.K., the U.S., and New Zealand—to be familiar with the kinds of approaches they're using. We take that into consideration, in terms of the Canadian context.

Ms. Jinny Jogindera Sims: Peter, just to get to it, have we looked at asylum centres here in Canada being run by private enterprise?

Mr. Peter Hill: We haven't formally undertaken a study that's aimed at that. We're working quite closely with our Correctional Services of Canada portfolio partners, looking at a government solution or government options to advance our detention practices.

Ms. Jinny Jogindera Sims: Okay, thank you.

The Chair: Thank you.

Mr. Lamoureux.

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

I want to go back to biometric technology. We're starting to implement that with regard to visiting visas or all temporary visas. It's supposed to start in 2013.

Mr. Linklater, can you indicate which countries this is going to apply to?

Mr. Les Linklater: As we discussed earlier in previous appearances, we are now working on the list that will be established through regulations, we think in the next number of weeks. At that point we'll be able to move forward with our implementation plan, with a view to start collecting biometrics from nationals of those countries, likely starting in September of 2013. That's correct.

Mr. Kevin Lamoureux: But there's no state secret here. We know which countries we're going to be having it rolled out into. When are the Philippines and India going to be required to go through biometrics?

Mr. Les Linklater: At this point, Mr. Chair, subject to approval of the list of countries that will come out through the regulatory process for prepublication, I can't indicate at which point in time certain countries would be subject to the biometrics requirement.

Mr. Kevin Lamoureux: What's the process, or who's involved in making the decisions as to which countries would be rolled out, and when would be the last date in which all countries would be expected to be on site?

Mr. Les Linklater: Essentially what we've done, in terms of working with our partners, and, again, subject to approval, is we've looked at countries that require a visa to enter Canada in the first instance. Within that population we've looked at the number of immigration infractions that we see relative to that population. We also look at issues related to criminality and those countries where we already do have fairly detailed security screening requirements. We're also consulting across government on bilateral and multilateral considerations that would perhaps have an impact on the imposition of biometrics. I would also remind you that this is going to be a limited rollout in this phase, and it will not cover all countries that are subject to visa requirements.

Mr. Kevin Lamoureux: I'm thinking that the Philippines is Canada's number one source country for immigrants nowadays. There are a lot of visiting visas going through that country. Chandigarh, India... India is a country where there's been a great deal of concern raised in regard to getting visas approved.

Can you indicate clearly whether or not those two countries will be in the first rollout in 2013?

Mr. Les Linklater: As I said, Mr. Chair, the list of countries has still not been approved for release through regulations, so it would be inappropriate to comment at this time.

Mr. Kevin Lamoureux: What about in terms of the anticipated cost? Now you're going to be requiring a live picture. Are you expecting them to go down to the embassy facilities where the picture and fingerprints are taken? What sorts of costs can the consumer expect to pay for this?

Mr. Les Linklater: In terms of service delivery, Canada is not present in all countries where we actually have a visa requirement, so we have been working to expand the network of visa application centres that are essentially service providers. That will be the focal point for the client to visit to provide their fingerprints, have their

photo taken, and to also submit their application, which is then scanned and uploaded into our global case management system.

In terms of setting the fee, again, because of the user fee exemption, this is subject to the regulatory process. When the regulations do come out, the fee will be set in the regulation, but it will be competitive with what other countries are charging.

• (1620)

Mr. Kevin Lamoureux: When can we expect to hear something? In the next two months? Because 2013 is quickly approaching.

Mr. Les Linklater: Right. Subject, as I said, to approvals, I would suggest that that information will be available by the end of the calendar year.

Mr. Kevin Lamoureux: Thank you.

The Chair: Mr. Weston.

[*Translation*]

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

Thank you to our witnesses.

I have four questions. The first two have to do with Mexico. Last week on the news, we heard about the swearing in of the country's new president, Pena Nieto, and his visit to Canada.

You mentioned the beyond the border initiative, which concerns the perimeter security and economic competitiveness of Canada and the United States. My first question is why was Mexico not included in the agreement.

What's more, Mr. Linklater, you said something very interesting about Mexico. An important aspect of electronic travel authorization is that it will give Canada greater flexibility to lift visa requirements. Could that flexibility apply to Mexico, which is an increasing source of tourism for Canada?

Mr. Les Linklater: Thank you.

I would say first that the agreement between Canada and the United States remains a bilateral agreement.

[*English*]

But I would add that Mexico and the United States also have a bilateral agreement around management of the U.S. southern border. At this point, there has been no discussion about bringing the two together. The issues tend to be unique to either the northern or southern U.S. border. From this perspective, while a NAFTA partner, each country is pursuing individual initiatives with the United States.

With regard to the application of the ETA to Mexico specifically, I think it's interesting to note that, as I said in my opening remarks, the ETA does give CIC and CBSA a more flexible tool to be able to look at specific countries and to move from a broad-based blunt instrument of a visa, which addresses risk at a national level, to focus on risk at the individual level. From a CIC perspective, looking at this potential—much as Australia has done through essentially a universal visa requirement, but as an ETA—has helped facilitate legitimate travel from a number of countries, while ensuring that there is screening done to protect Australia's safety and security.

With the ETA, we feel that where there are countries where there may be significant risks that can be mitigated by shifting to an individual assessment, those countries would be areas where we would want to assess the feasibility of using ETA in the first instance, and then rolling it out if in fact it's found that the risk could be managed through the ETA as opposed to a visa.

[Translation]

Mr. John Weston: Are you saying that Mexico is such a country?

[English]

Mr. Les Linklater: Each country brings specific challenges to us. I would say that where the refusal rates for visas are really quite low, there are some countries, the Czech Republic, for example, where the refusal rate is less than 5%. That may be an area where we want to focus our efforts. But at this point, the focus is on initially rolling out the ETA to visa-exempt countries, and the next step then would be to see where the flexibilities would exist to apply it to countries where we do have a visa requirement.

[Translation]

Mr. John Weston: Staying on the topic of tourism, which is very important to the country and to the riding I represent. Our government has issued more than 500,000 visitor visas this year. In 2010, we issued over 920,000. That was a 13% increase over 2005. It's no surprise given that more and more people want to visit Canada.

Under these new measures, how will it be possible to find a balance between making tourism easier and protecting the country? Keep in mind, we do want to attract tourists.

•(1625)

Mr. Les Linklater: The ETA is a tool that will make things easier, especially in terms of security. We expect that visitors will be screened somewhat more rigorously at ports of entry than they are today, given that they will have undergone risk assessments before leaving, while on the plane and upon arriving in Canada.

This process, or tool, enables us to address abroad half the risk travellers may pose before they leave for Canada, while still overseas. Because people in possession of an ETA who travel to Canada relatively often will have undergone a risk assessment and have provided data, we can respond more efficiently once those people are in Canada.

Mr. John Weston: In other words, the ETA will not have a negative impact on tourism.

Mr. Les Linklater: No, because we anticipate that the ETA will be available online and that the decision will be made in minutes, in the vast majority of cases. It is really well suited.

Perhaps my colleague can add to that and comment on the tourism aspect.

[English]

Ms. Dawn Edlund (Associate Assistant Deputy Minister, Operations, Department of Citizenship and Immigration): I would add to Les's remarks. Currently, in terms of temporary admission to Canada, whether it's visitors, workers, or students, both CIC and CBSA are quite heavily involved with the federal tourism strategy and examining what the federal government can do to

ensure that visa requirements don't become a problem in relation to the important economic interests that are at stake in the tourism industry and with Canadian universities, Canadian employers, etc.

We've been working quite hard with them, monitoring processing times for visa applications, for example, to make sure we're trying to stay as competitive as we can, and also coming up with new and interesting ideas of how we can work together with the tourism industry to reach the goals.

The Chair: Thank you.

Madame Groguhé.

[Translation]

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Thank you, Mr. Chair.

Thank you to our witnesses for being here today.

Mr. Linklater, you mentioned the growing prevalence of identity fraud, in your opening statement. Have you been able to quantify those cases? Do you have an idea of how many we're talking?

Mr. Les Linklater: I don't have the exact figures with me, but I can check with my colleagues and provide the information to the committee through the clerk.

Mrs. Sadia Groguhé: Thank you.

Beginning in 2013, certain temporary resident visa applicants will be required to provide biometric data. Has the initial list of countries subject to the requirement been finalized?

Mr. Les Linklater: As I mentioned, we are in the midst of seeking approval for that list. I expect we'll have the approved list by the end of the calendar year.

Mrs. Sadia Groguhé: So we have an idea of how many countries will be affected.

Mr. Les Linklater: Not yet.

Mrs. Sadia Groguhé: The list isn't done yet.

Mr. Les Linklater: As I said, it's not yet done.

Mrs. Sadia Groguhé: Very good.

Given the computer security flaws that have come to light as far as our information infrastructure goes, how will we protect the biometric records in the database?

Mr. Les Linklater: Under our implementation plan, the biometrics program is designed to provide a dedicated channel for the information exchanged between applicants and our case management system. The computers in our application centres around the world will not be hooked up to the Internet in any way. That approach will enable us to combat threats or potential cybercrime.

•(1630)

Mrs. Sadia Groguhé: Fine.

As far as biometrics and the ETA are concerned, some witnesses have expressed concerns over the ability to correct a record, if necessary.

Has that aspect been thoroughly examined, and if so, what solutions were proposed?

Mr. Les Linklater: I can give you more detailed information on that.

In situations where the data we receive is problematic, clients are given a notification. In the case of an ETA, for instance, applicants who do not receive a favourable decision online right away will be advised to contact the visa office in their country to speak with a Canadian officer. Under the ETA system, we anticipate that cases where an immediate response cannot be provided will automatically be referred to a triage centre in Ottawa, which will check the information against other databases. The purpose will be to determine whether a manual clarification is possible with the help of our partners.

If it is not possible to give the client a favourable decision within 72 hours, the individual will be invited to an interview with an officer overseas, in order to seek further details and determine whether things can be clarified and the problem straightened out. If so, the officer will grant the ETA. Otherwise, the client's application will be rejected, as is currently the case for some visitors. The reasons for the rejection will be shared with the applicant, who will have an opportunity to provide further information to an officer overseas.

Mrs. Sadia Groguhé: So the client has some recourse.

Mr. Les Linklater: Absolutely.

Mrs. Sadia Groguhé: Very well.

From what you said, service standards were used to measure the processing time for these applications. You mentioned 72 hours.

Do you have a sense of how long these will take to process?

Mr. Les Linklater: As regards this system, we were fortunate in that we were able to look to the experience of our Australian and U.S. counterparts. I believe their standard is to resolve issues or clarify inaccurate information within a 72-hour period. Given how important it is to facilitate tourism and the entry of foreign students, I imagine we will establish a comparable service standard.

[English]

The Chair: Thank you.

Mr. Opitz.

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

Thank you all for coming again. I can see that a lot of great work is going into this from the different departments and that you are looking at the years ahead as biometrics and everything finally get rolled out.

As we know, in Bill C-31, our friends across voted against biometric provisions.

Les, can you tell us why biometric information is important and how it's going to help with the protection and safety of all Canadians overall?

Mr. Les Linklater: Biometric information is a real game changer in terms of allowing departments and agencies like ours to be able to lock in the identity of individuals who present themselves for a service. Given the advances in technology and the fact that fraud and malfeasance are becoming equally developed in terms of the use of

technology, locking in identity is really central to being able to provide efficient client service and facilitation, as I mentioned at the outset, but also to ensure we are able to manage the risks as efficiently as possible through the use of technology.

With biometrics, our vision would be that once an individual has provided their biometrics and a visa is issued—or an ETA well in the future, but starting with the visa issuance with biometrics—and when that person applies again for another Canadian visa, we'll be able to lock in their identity through the provision of biometrics with that renewal application. It should make the issuance of the document that much easier, if there have been no infractions in Canada or no adverse information has come to light since that first application. It should make the assessment of applications that much easier, and for clients, again, at a level of client service and facilitation that we can't always accommodate now, given the need, in many instances, to actually invoke an interview to ensure that we're actually dealing with the same person we have dealt with previously.

• (1635)

Mr. Ted Opitz: In your experience, because you did do your research—and I think you mentioned it in one or two instances—for the countries that employ this now, are you finding that their results generally have been good and positive?

Mr. Les Linklater: Absolutely. I think from a facilitation angle, as Ms. Edlund has mentioned, there are a number of interests, including some in the tourism industry, that would actually applaud the use of biometrics in a number of markets, because it does then allow them to manage, with certainty, the travel of individuals to Canada because we are able to lock in their identity.

Mr. Ted Opitz: That, by the way, I like, because you're looking forward into industries that do affect Canada, like tourism, and you're taking that into account within the whole system. I think that makes a tremendous amount of sense, and obviously it's a lot of good work on your part, so thank you for that.

On exit control, what do you think of the consequences of Canada not having an exit control system overall?

Mr. Les Linklater: It's been interesting in the past to see a number of criticisms from the Auditor General, for example—I think in her 2009 report, or 2008—signalling that this is a gap in our enforcement tool kit, not knowing how many failed claimants were still in Canada, for example, or who had not been removed.

As well, with entry and exit information from an immigration enforcement perspective, it's just understanding how many temporary foreign workers or students are here who are still in status or who may be overstaying. Again, I think that helps CBSA in particular understand just what the situation is on the ground.

More generally, the minister has been quite active in terms of talking about investigations into citizenship fraud, based on residency and the fact that individuals have not been physically in Canada for an extended period of time prior to a citizenship application. Entry and exit information in full deployment will allow us, from a CIC perspective, to ensure that individuals who are applying for citizenship are actually meeting residency requirements and therefore have formed, in our view, an attachment to Canada that would then allow us to move forward with the citizenship application.

Mr. Ted Opitz: Okay.

How are we screening high-risk countries presently, and how are we mitigating any risks to us today? Perhaps you can make the comparison on how we will be able to accomplish this. What do you think the overall impact will be once all of the measures are in place and implemented? How will our screening processes differ and improve?

Mr. Les Linklater: I'll start and then ask colleagues from CBSA to fill in.

Essentially, as I said, CIC is the first line overseas in terms of receiving the visitor visa application. Under protocols that we have with public safety agencies, there are requirements for mandatory referrals of a number of types of applications that take a certain amount of time. CBSA, as the focal point, works with partner agencies to conduct those checks and then provides advice back to CIC for the officer to make the final determination and decision.

Right now that does take time, and in some countries, if there are spikes in volume, service standards suffer. Our view would be that as we move to more electronic means—locking in identity through biometrics, for example, improving our electronic connections with and between the public safety partners—we'll be able to turn those decisions around much more quickly.

I'll ask my CBSA colleagues to add to that if they have anything to offer.

Mr. Geoffrey Leckey: Thanks, Les.

Yes, high-risk countries tend to have a visa requirement. When a visa application is received, the first thing to happen is that the CIC immigration officer overseas makes an assessment of whether the applicant appears to meet certain indicators that might suggest suspicion of membership in a criminal or terrorist organization, or whether there is any other reason why a person might be excluded from Canada.

Those indicators are developed together with our security partners, led by CBSA. An ongoing working group examines country by country the indicators that apply in that country that might suggest a person needs to undergo closer security screening. This would then become a referral to CBSA. Within the last year, we've updated our country indicators for 16 high-priority countries, and 10 more are on the list for this year.

• (1640)

The Chair: Thank you.

Mr. Leung, you have time for one question.

Mr. Chungsen Leung (Willowdale, CPC): My question has to do with information sharing. Right now we share information with the Five Country Conference. Are plans in place for other countries like Japan, Hong Kong, and Singapore? As those countries come on board, will we also be sharing countries with them, like Germany or France? I was just wondering which direction we're heading in.

Mr. Les Linklater: We do share information with the Five Country Conference partners. It is on a fairly circumscribed and limited basis, 3,000 records a month, to a server that Australia hosts. Essentially, what we share are the biometrics. If there are matches, then there are case-by-case follow-ups. Our databases are not accessible to other countries directly, and vice versa.

Our first priority is fulfilling the commitment under the perimeter strategy to ensure systematic, biographic information sharing with the United States. This is simple tombstone data in the first instance, moving to biometric sharing once biometrics is up and running. But at this point, given the privacy principles announced as part of the perimeter strategy provisions of the Privacy Act, this is where our work on information sharing is going to pause for the time being.

Mr. Chungsen Leung: Perhaps you could comment on temporary status. There will be a lot of people coming in. If we look at even 10% of, let's say, China's population, that will be about 15 million people. I'm just wondering whether you have technology to handle the volume of data that needs to be in our database.

Ms. Dawn Edlund: I can speak to that.

We have seen a large increase of tourism business from China compared with that of last year. We're up in the neighbourhood of 35% over the number of applications we had last year.

We've been taking a number of steps with our global case management system to share work across our network. Offices in Hong Kong may not be quite as busy as those in Beijing, so Hong Kong is picking up some of the work for Beijing.

Where people have gone to visa application centres, those applications are transferred securely by electronic means. Work is done to prepare the file to get it decision-ready in Ottawa while Beijing is sleeping. Then, when Beijing wakes up the next morning, it has a raft of files ready to work on. So we've been using technology to that extent.

We are looking forward to, in not too long a time, just another couple of weeks, e-applications being available for temporary resident applicants. That will be another game changer for us. The more we can get the information and the applications in electronically, the more we will be able to shift the work around.

The Chair: Thank you.

Ms. Sitsabaiesan.

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

The Auditor General's report highlighted concerns with CIC and CBSA. The report states that there is little training or formal training curriculum. Furthermore, the report also states "...there was little stability at the senior levels to provide coaching and on-the-job training".

There was also a lack of coordination of efforts between the departments, and no quality assurance framework or performance reviews, so you were not working together as much as the Auditor General would like to have seen.

When it comes to securing our borders, we are changing the law today without addressing the problems, which have been identified over and over again, that currently exist in the administration of the law. The government needs to address the lack of training and resources, integration of information, and monitoring technologies within the responsibilities of our public service agencies.

When the minister appeared before this committee on October 24 he stated:

I take seriously the recommendations of the Auditor General. My department has accepted them all and either has already started to implement or will implement the recommendations that she made.

Can you share the details of the progress that has been made by your agency in addressing the AG's concerns with regard to training, quality assurance, and performance reviews?

• (1645)

Mr. Les Linklater: I will start and then Mr. Hill will have more substantive comments to add.

Essentially, the minister's comments are completely accurate. The two departments have agreed to a management response and action plan in response to the recommendations of the Auditor General. Quite a lot of detailed work between the two departments has taken place to address them. Many of the issues have already been addressed.

Specifically, a regular governance structure has been put on top of the management of the relationship and the memorandum of understanding between CIC and CBSA, with complete renegotiation and updating of all the annexes that form the specific coordination of activities between the two agencies.

Mr. Hill is prepared to add more detail.

Mr. Peter Hill: Thank you very much.

Just to follow what Les said, under the MOU a very robust initiative is under way to establish joint dashboards for senior management and management at all levels to track the performance of the programs, to track the indicators of program performance, and to feed that reporting into management decisions on future strategies, whether it's for legislative change, policy improvements, or program improvements.

A lot has been done across the board in the areas that you mentioned since the Auditor General assessed our activities. For example, there are now well-established quality assurance programs and processes in a number of important areas highlighted by the Auditor General. For example, the detentions program is now subject to a quality assurance program. Similarly, the criminal investigations program has a cycle of program assessments in the regions to ensure that priorities are being addressed, that resources are being devoted to highest-risk areas, and that performance on case management is being tracked regularly.

Ms. Rathika Sitsabaiesan: I'm going to interrupt you for a second because it seems that a lot of work has been done.

Mr. Peter Hill: A lot has been done.

Ms. Rathika Sitsabaiesan: This is good to hear, because we know the AG's reports over time have been making similar recommendations over and over again.

If you have the AG's recommendations written down, and the changes that have happened since then, could you give them to us? I'm a very visual person, and for me it's much better on paper. Are you able to give that to the clerk?

Mr. Peter Hill: Absolutely, that undertaking was made last time, and I know that written documentation is being prepared and will be submitted.

Ms. Rathika Sitsabaiesan: Okay, that's fabulous.

Is the MOU publicly available? It is? Okay.

Thank you.

The Chair: Mr. Aspin, it's good to have you on the committee. I hope you're enjoying yourself.

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): I sure am.

The Chair: You have five minutes.

Mr. Jay Aspin: Thank you, Chair.

Welcome to our guests. My questions would be relevant to the CBSA folks.

Do the CBSA, RCMP, and CSIS officers receive specialized training regarding names and cultural variations of names? For example, are they trained to search in the system for someone with four or five names, which order the names should be in, in what circumstances an individual might change the order of the names, etc.? If not, are there any plans to provide such training? Why, or why not?

Mr. Peter Hill: I can confirm that there is such training. Our national case management systems are being improved and updated, and these are the kinds of adjustments and improvements that are being made to ensure that very complex names based on different cultures are factored into the way data is collected. Training is provided in association with the use of our information technology systems.

• (1650)

Mr. Jay Aspin: Thank you.

In your opinion, would the electronic travel authorization, or ETA, and the entry/exit provisions in the perimeter agreement prevent foreign criminals from abusing our generous immigration system?

Mr. Peter Hill: I strongly believe that. I believe that the entry/exit program that's being piloted will strengthen national security and law enforcement. My colleague has mentioned examples. It will help to track the fact that removals have been confirmed. It will allow us to track whether there are overstays. It will enhance our ability to ensure that residency requirements are being met. These are very fundamental capacities that have not been part of our management suite. We believe they're a strong addition to our ability to ensure the integrity of our borders.

Mr. Jay Aspin: Will the government be able to know every single time someone makes an entry or exit between Canada and the United States, even at a land crossing?

Mr. Peter Hill: Indeed. The entry/exit program is set up so that the entry information for one country becomes the exit information for the other country at the land border. This program will enhance our ability to track the movement of individuals who cross our borders, to confirm who is coming and whether they're legitimate, and to prevent the system from being abused by those who are conducting illegal business or who are otherwise trying to abuse our systems.

Mr. Jay Aspin: In your opinion, will this help our government crack down on residency fraud and on people who want Canadian status without living here or paying into the system?

Mr. Peter Hill: I do believe it will.

Mr. Jay Aspin: Would you say that an electronic travel authorization, or ETA, will help CBSA and CIC officers do their job?

Mr. Peter Hill: Indeed, we believe it will. It will allow us to manage and mitigate risks as far away from our geographic borders as possible and prevent inadmissible people from entering Canadian territory.

Mr. Jay Aspin: Thank you.

If I have any time left, Mr. Chair—

The Chair: You have a minute.

Mr. Jay Aspin: —I'd like to share it with Mr. Weston.

Mr. John Weston: Thank you, generous new colleague.

This might not be so complicated a question, but we've been doing this study, I think since January, and we've covered different types of people—people coming to study in Canada, people coming for tourism, people coming for permanent residency. We have touched on various provisions regarding increased security. I'm wondering if one or the other of you could give us a matrix, or at least paint a matrix in our minds, as to which of these provisions touch which groups of those who desire to come to Canada. I have the impression that not all of the security provisions we're talking about touch all of those who want to come.

Mr. Les Linklater: I'll attempt to do it in less than a minute.

Essentially, we have two broad groups of people who travel to Canada as tourists, visitors, business people, or foreign students. Some require a visa and some don't. Under the ETA, we will require those who don't require a visa today to obtain an ETA before they come to Canada. U.S. citizens will be exempt in the same way Canadian citizens are exempt from the U.S. ESTA program.

As for the biometrics program, we will be asking for biometrics from a certain subset of nationals from countries that do require a visa today, as I said, based on our assessment and analysis of risks that those populations present to Canada. So of the 150 countries that require a visa for entry into Canada, there will be a subset that will be required to submit biometrics as well. For citizens of the 50 or so countries exempt from the visa, all except American citizens will be subject to the ETA.

The Chair: Mr. Dykstra, you have four minutes.

• (1655)

Mr. Rick Dykstra (St. Catharines, CPC): Thanks, Chair.

I'd like to pursue a bit further the whole issue around the electronic travel authorization—this committee spent up to two meetings discussing it—in terms of the direction the government is taking with respect to our budget bill, and the implementation. One of the concerns that has been brought forward is the intended use and purpose of the authorization.

Could you expand a bit on your earlier response to Ms. James in terms of how exactly this will be used with respect to those travelling into the country?

Mr. Les Linklater: At the present time—and colleagues from CBSA may want to add to this as well—individuals from countries and territories that are exempt from the visa requirement are only examined by a Canadian official once they arrive at a port of entry. At that point, it's very difficult for Border Services officers to be able to ask people to leave Canada, if they are improperly documented or found to be otherwise inadmissible. Once they are on Canadian territory, individuals can make claims for refugee protection, which puts them into a different stream of activity. We then move them through that process, depending on their eligibility.

With an ETA, we will be able to address the majority of those threats and risks from visa-exempt nationals before they board the plane to come to Canada. As Mr. Hill said, it's pushing the risks as far away from our actual physical geographic borders as possible. In the case of refugee claimants, under the new system we will save Canadian taxpayers about \$29,000 a year for a failed claimant.

With regard to the other side of the coin, the facilitation side, once we've been able to assess an individual who is travelling to Canada, say the president of a multinational corporation based in Europe, and they've secured an ETA, we will be able to facilitate their travel to Canada. We will know they are bona fide, legitimate, that they have business interests or frequent travel to Canada. That would allow our Border Services officers at the port of entry where they arrive to give a very light touch, as opposed to the type of examination that's carried out now.

We look at this as pushing risks offshore, but at the same time ensuring that, for those legitimate travellers who receive the ETA, their travel to Canada will be facilitated to the extent that is possible.

I'll ask CBSA whether they have anything to add.

Mr. Geoffrey Leckey: Mr. Linklater suggested that his CBSA colleagues might have something to add, but I think his answer was pretty good.

Voices: Oh, oh!

Mr. Rick Dykstra: Don't tell him that in public, for Pete's sake.

The Chair: Thank you.

I have one question.

What measures can be taken to identify and screen out people of concern who appear to be bona fide visitors or students because they have come to Canada via multiple countries?

Mr. Les Linklater: Essentially, if an individual wishes to come to Canada under the new regime and they're visa-exempt, with the ETA we will be required to have a record. They will be required to provide us with their information so we can do an initial screen before they arrive in Canada, regardless of the country they have applied from. It will have to do with their nationality and the passport they carry. If we are at that time made aware of any issues, as I said, they can be referred to the nearest Canadian visa office for a follow-up interview with a CIC officer. That would be to determine whether or not an ETA should be issued, regardless of where they are physically—if they're in transit, or what have you.

From that perspective, being able to manage the flow of travellers to Canada...eventually with the rollout of the ETA with CBSA's interactive advance passenger information system, our ports of entry will know who is coming before they leave the airport their flight originates from. Right now we do get advance passenger information, but it's after the wheels are up. At that point, it's too late to make a board/no board decision. With an ETA, we'll be able to work with airlines to ensure that people who are of concern, who don't possess an ETA, don't actually get on the flight to come to Canada.

• (1700)

The Chair: They simply wouldn't arrive.

Mr. Les Linklater: Yes.

The Chair: Ms. Freeman.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Thank you, Chair.

Thanks to our witnesses for being here.

During the study we heard several witnesses express their concern with our current system of inadmissibility on security grounds, arguing that our security provisions are overly broad and this ends up capturing the wrong people, with possibly devastating consequences to their lives. One of the key findings of the Auditor General's November 2011 report concluded that visa officers did not have access to updated tools to help in their inadmissibility determinations. Some of the challenges discussed in committee included the lack of timely information, the lack of danger assessments prior to inadmissibility determinations, and an inconsistency between the indicators of admissibility and actual security threats to Canada.

My first question is, could you please comment on these gaps in our current admissibility system?

Mr. Les Linklater: I believe Ms. Edlund will be able to respond.

Ms. Dawn Edlund: I think where I would start is with the concept of the bilateral irritants that have been caused in relation to our inadmissibility provisions. We know that our provisions are broad. They were deliberately drafted to be very broad, and with a fine mesh net, so we could make sure people who were inadmissible on grounds of genocide, hate crimes, espionage, etc., couldn't slip through. But because of the membership provisions, largely, that has resulted in capturing people for whom some would say, "How on earth could that person be inadmissible?" Nelson Mandela, for

example—how on earth could Nelson Mandela be inadmissible to Canada?

In the fall of 2010 Minister Kenney issued a new public policy that allowed us to have another facilitation measure for individuals such as Mr. Mandela, were he to apply. Yes, technically, he's inadmissible under the legislation, or someone like him, but because it's in Canada's national interest to be able to admit that person, under that public policy a temporary resident visa can be issued to an applicant, instead of what we used to use, which was a temporary resident permit. We knew that people were quite offended by getting a temporary resident permit before, so this has now facilitated admission to Canada. They get a regular document that looks like that of every other traveller, despite being technically inadmissible under our broad provisions.

Ms. Mylène Freeman: What's the process for making that happen, essentially?

Ms. Dawn Edlund: The process is similar to what colleagues have described. Applications are received and initial looks are done using the security indicators we've been updating. If a file needs to be referred for a further inadmissibility look, then that goes from the visa officer to the Canada Border Services Agency. They give us their advice and recommendation as to that inadmissibility, and if there is an inadmissibility found and we have that national interest component, then we go ahead and issue a public policy TRV.

Ms. Mylène Freeman: One witness during the study suggested that the decisions on admissibility on security grounds vary depending on what visa officer is making the decision. What measures are in place to ensure consistent interpretation of the provisions?

Ms. Dawn Edlund: We have ongoing training for our officers, both in Canada and overseas, to make sure they're getting a degree of consistency in the way in which they approach the provisions. We work very closely, obviously, with CBSA and other security partners to make sure we're all on the same page—what that provision means and how it is applied in practice with real-life cases.

Ms. Mylène Freeman: How can we ensure that CIC and CBSA have the resources they need to keep out individuals who are actually posing a threat to security in Canada without casting such a wide net? We are obviously worried that we could be unintentionally harming people and going through a procedure that sometimes might be a bit long and may put people at risk. How can we ensure that these resources are available without spreading such a wide net?

Ms. Dawn Edlund: I would say that, at least for the public policy temporary resident visa process—I'm personally involved in those because I actually authorize them—it can be a pretty quick process in terms of a case being identified, a quick look by CBSA, and then the paperwork being done to have that person be allowed to come to Canada. Frequently, they have actually no knowledge that behind the scenes this is what we've done to make sure they end up with a temporary resident visa. But there are going to be some cases in which it simply takes a lengthy period of time to complete the risk assessment.

• (1705)

The Chair: Thank you.

Ms. James.

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

I'm happy to have another time slot to ask more questions.

The Chair: You have a whole seven minutes.

Ms. Roxanne James: That's even better. Thank you.

In my first round of questioning I was talking about information sharing, and we were able to determine that we do currently share amongst our...I believe you referenced them as security partners, so CIC, CBSA, and Public Safety. So we do have that capability. We do not necessarily have the same capabilities when we talk about CRA tax agencies, which I think is an issue that we need to look at.

I have another question. I didn't get a chance before, so I'm glad I have this chance now. It has to do with how the provincial and federal jurisdictions fall into place. With respect to provinces or territories, do we have any information-sharing agreements between federal and provincial agencies?

Mr. Les Linklater: We do, in fact. We have a rather systematic approach to the sharing of information—administrative data, largely, between CIC and provinces and territories, so admissions data, category by category, that sort of thing, gender, province of intended destination, etc. These are long-standing arrangements that we have to ensure that our provincial and territorial colleagues have access to data relevant to migration to their particular jurisdiction, and also on temporary foreign workers and international students.

Ms. Roxanne James: I'm actually trying to determine whether we have any arrangements with provinces or territories with respect to provincial-territorial social service providers. I'm going to give you an example.

Obviously we've done a lot of bills within this committee. We've looked at a lot of initiatives to crack down on welfare fraud and so on. But we've heard from witnesses and there have been cases where someone has come to Canada and they've put an address on their application, and later on that application is denied for whatever reason. I'm not going to talk about a specific stream or anything else, but lo and behold, that person may or may not reside at that address. It may be a fictitious address. In fact, we may not even know if they're still in the country.

I come from Ontario. Scarborough Centre is my riding, and welfare is administered by the Ontario provincial government.

At the same time, this individual has applied for Ontario welfare, and the address they may have used on that application is not the same one they came to Canada with—at the federal level we know that from the application. So although they've been deemed to be illegal or inadmissible, or they've been asked to leave, they're still collecting welfare cheques somewhere. Whether or not they're still in the country—it's going somewhere, to a relative, a friend, an organized crime ring, or whatever the case is.

I guess my question is, do we have any information-sharing agreements with provinces or territories with respect to this specific area that I'm concerned about?

Mr. Les Linklater: The short answer is yes, we have the authority, and we actually have been sharing with Ontario a considerable amount of information around the status of claimants, largely spurred by the Ministry of Community and Social Services, in terms of querying CIC about the status of individuals who are applying for Ontario Works.

As we moved forward with Bill C-31, Protecting Canada's Immigration System Act, we have redoubled efforts initially with the Province of Ontario, given that about two-thirds of all refugee claimants in Canada are found in Ontario. We've been working with the province to ensure that our ability to share information between CBSA, the IRB, CIC, and the Ministry of Community and Social Services is as agile as it can be under our current legislative parameters. And we are working to have in place a more systematic approach to information sharing that would respect privacy rights and principles, but would get at this issue that has been raised around individuals who have received negative decisions or should have departed Canada, that they are no longer eligible to collect social assistance.

Ms. Roxanne James: Thank you.

I just want to get comments as well from CBSA. I know you've appeared before us as witnesses, and I know you've stated a figure for how many people may or may not be in Canada—we don't know if they're still here; we can't track them down; we've asked them to leave; they haven't left; we don't know if they're here, etc. I'm just wondering if you could also answer that question with regard to how many people are out and about who we don't know about, who obviously we're very concerned about, but who may be involved in activities such as welfare fraud. Let's face it, this is welfare fraud.

• (1710)

Mr. Peter Hill: On the initiative that my colleague has just described with Ontario, the CBSA is a partner with CIC in that effort. So that is a priority for the agency as well. We have warrants for arrest for individuals who have absconded. In other words, they have not shown up for an immigration process.

There are currently about 43,000 or 44,000 warrants for individuals' arrests. By and large, 80% to 90% of those are failed refugee claimants without any criminality, without any security concerns. Nevertheless, they do represent a challenge for the CBSA that will partly be addressed through the implementation of entry/exit. We have done pilot projects in the past where we have confirmed that upwards of 20% or more of those individuals who have a warrant for their arrest have in fact left the country.

We're working very closely with the RCMP and our U.S. counterparts to deal with this particular challenge.

Ms. Roxanne James: May I ask a specific question?

With regard to sharing with the provinces, if you're looking for someone and the address we have at the federal level, through the immigration application process, is not a valid address—they're nowhere to be found—can you obtain the alternate address that they've used with regard to Ontario provincial welfare payments? Can we access that information to help you track down these individuals, or people and/or connections who may know where they might be? Do you have access to that information?

Mr. Peter Hill: I believe the current arrangement is a kind of case-by-case approach. We can obtain the information. We may not be able to obtain it as quickly as we would like if we had a systematic exchange. So we're working—

Ms. Roxanne James: You see this as an area for improvement with respect to that?

Mr. Peter Hill: Yes.

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

The Chair: Thank you.

Ms. Sims.

Ms. Jinny Jogindera Sims: Thank you very much.

Thank you for sharing that number with us, those people who are unaccounted for, as you said.

I was thinking how this system would help. As you said, the vast majority of those people came here, claimed refugee status, didn't get it, and then disappeared after that. That's my understanding. If that is so, how would having an exit system help with that? If they're going to hide and go underground, they will do that even if we have an exit system, will they not?

Mr. Peter Hill: We'll collect biometric data through the entry/exit program when they leave the country. We'll be able to confirm whether they have left the country or not. Twenty percent of that figure is a significant number. It means that the CBSA can then devote its resources to more focused priority areas for law enforcement.

I would say that the number itself is also very comparable on a per capita basis with the United States. This inventory is, in fact, with the Canadian Police Information Centre, which allows a sharing and a leverage to identify these individuals during the course of police and regular business law enforcement.

Ms. Jinny Jogindera Sims: Just so you know, we've had a number of witnesses appear before us who have really been concerned about the psychological impact of incarceration of would-be Canadians, because many of these people who arrive as asylum seekers are doing exactly what the United Nations accepts. We are signatories to that. We will take asylum seekers. Until the refugee claim is rejected, they are here to seek refuge, be they called asylum seekers or not. Yet, under the new regime that could be implemented—the two-tiered refugees from so-called safe countries—we're looking at increasing incarceration.

A comment was made by Janet Cleveland, who is a psychologist at McGill University in Montreal and studies the effects of detention on asylum seekers. She said:

We have a very strong position saying people should not be incarcerated when they're not criminals. Incarceration is absolutely unjustified because there's essentially no flight risk.

These people aren't going to go anywhere.

Many countries have looked for other ways—people having to report in, all kinds of ways to tackle this—and yet we're sort of moving toward a system whereby a growing number of people are going to be incarcerated.

At the same time as that is happening, we're also hearing from different groups about the lack of resources that our border security people currently have in order to do due diligence, in order to do the kind of homework that needs to be done.

My question goes back to you. Specifically, what other means could we use that would be an alternative to incarceration?

• (1715)

Mr. Peter Hill: I think you've already identified several. The Toronto bail program is an excellent example. We've assessed the possibility to expand or to create a Toronto bail-like program in other jurisdictions. Electronic monitoring, as you know, is something that is being assessed. We use terms and conditions for many cases where there are reporting requirements or bonds. That allows a person to be in contact with CBSA outside of detention. These are some of the measures.

I would contest the assertion you made that we're going to be having more people in detention. I don't think that is the intent of the reforms that are being put in place. Currently, the average detention is 19 days, and about 50% are released from detention within 48 hours.

Ms. Jinny Jogindera Sims: Thank you.

But you also know that irregular arrivals from so-called safe countries will be incarcerated, at the beginning.

Mr. Peter Hill: You're referring to irregular arrivals—

Ms. Jinny Jogindera Sims: Yes.

Mr. Peter Hill: —that the Minister of Public Safety would designate?

If there's a suspicion that the arrival has been undertaken in association with human smuggling for profit and in association with organized crime or terrorism—that very specific measure is designed to deal with that population. Those individuals would be subject to detention, where they would have an independent review at 14 days and then a second review at 180 days.

Ms. Jinny Jogindera Sims: You've said something really important and I want to have it clarified.

Let's say a boatload arrives; a group of people get themselves onto a boat and land in Vancouver. Are you saying that only if the minister can prove that boat was assisted by organized crime would those people be incarcerated? Or would they all be incarcerated because they arrived in a group and they're considered irregular arrivals?

Mr. Peter Hill: The legislation establishes two criteria: one, that the volume of arrivals through this irregular means overwhelms resources; and the second—

Ms. Jinny Jogindera Sims: I'm just trying to understand it for myself. We did try to get a number, and it actually wasn't made definitive. It could be more than two or three people arriving together. So for me, when you're going to start designating in such a way, then the number of people incarcerated is going to increase, because all those people, in that circumstance, would be held in a detention centre.

But let me carry on to something a little bit different.

The Chair: I think you're out of time.

Ms. Jinny Jogindera Sims: How could that be?

The Chair: When you're having fun, it just speeds right by.

We have Mr. Lamoureux next.

Mr. Kevin Lamoureux: Thank you very much, Chair.

I want to go back to this whole 44,000—and I really appreciate that this is probably a guesstimate, and I can understand why.

When you think of that 44,000 people, what percentage—again, a guesstimate—would be people who have overstayed visas versus refugees versus workers? Can you give us a ballpark guesstimate?

• (1720)

Mr. Peter Hill: Our best assessment is that about 80% to 90% are failed refugee claimants. In terms of overstays, I can't be specific on the estimate, but it would be a relatively small percentage, for sure.

Mr. Kevin Lamoureux: So you're talking about maybe a few thousand, potentially. It's hard to say.

Mr. Peter Hill: It's hard to say.

Mr. Kevin Lamoureux: I want to go right to the detention centre.

The committee, and myself, Mr. Dykstra, the chair, actually made it to all three facilities, which was really of great benefit. One of the things I noticed at the Vancouver detention centre, if one wants to call it a detention centre, is that they are there for only 48 hours, I believe. They can stay overnight. The average stay is 17 days.

Mr. Peter Hill: It's 72 hours.

Mr. Kevin Lamoureux: So for all intents and purposes, the real detention centre in Vancouver would in fact be the provincial jail. Would that not be the case?

Mr. Peter Hill: In the case of Vancouver, yes, we have to rely on provincial corrections for our detentions.

Mr. Kevin Lamoureux: Now, if I list the three facilities we have, I thought the Vancouver one—it's not a reflection on staff—was virtually irrelevant as a detention centre. Then we went to Montreal, and the Montreal one had some excellent programming and was a decent facility. Then you go to Toronto, which has a decent facility. It had a wonderful program in the Toronto bail program. One would have thought, "Well, here's a great idea. Let's have it apply at least to Laval." I would think they're fairly easy to duplicate.

My question for you is this. To what degree is the department today looking seriously at changing the way we detain people?

Vancouver seems to be more wasteful than anything else...or build a real detention centre.

Can you tell the committee what's happening in the next four or five years in capital infrastructure for detention centres?

Mr. Peter Hill: I can confirm that the agency is very seriously looking at detention and the detention strategy, as well as the proposed options for going forward to ensure that CBSA has the infrastructure and the strategy to ensure much greater consistency in its detention practices. A robust business case is being developed to consider how we can improve the fact that we are limited today because of our infrastructure constraints—that's something very much at the top of our priority list.

Mr. Kevin Lamoureux: Do you know what it would cost to keep someone in detention for more than 14 days in Toronto versus Vancouver?

Mr. Peter Hill: Yes, we do. We're looking very seriously at our costs. We're also benchmarking our costs against others. We're also benchmarking our costs—

Mr. Kevin Lamoureux: Mr. Hill, would it be safe to say that the cost would be considerably higher in Vancouver than it would be in Toronto, because they're going to a provincial jail?

Mr. Peter Hill: No, I would say they're comparable.

Mr. Kevin Lamoureux: They're comparable, okay.

What about Montreal and Toronto? Are they comparable?

Mr. Peter Hill: Yes, they're comparable.

Mr. Kevin Lamoureux: Okay.

In terms of the overall number of people in Canada who are in detention, is it increasing over the last number of years or is it relatively stable?

Mr. Peter Hill: It's actually relatively stable. It's about 9,000. Last year, in fact, we had 9,900 detentions. The year before we had 8,800. The year before that we had about 9,500, but going back to 2008, we had 14,000.

Mr. Kevin Lamoureux: Could you give us some encouraging words by saying that we are in fact, as a department, looking at the Toronto bail program to implement that on a national basis?

Mr. Peter Hill: We're looking very much at the Toronto bail program. In fact, we assessed the Quebec region specifically for the purpose of trying to create a similar program there, but it was found to be not feasible. One of the major features of Ontario is the volume of cases, as well as the unique not-for-profit organization that is in Ontario.

I would say that alternatives to detention are very much a pillar of CBSA's strategy on detention going forward. So we are looking for alternatives in combination with immigration holding centres that are administered by the CBSA.

• (1725)

The Chair: Thank you, Mr. Hill.

Mr. Dykstra, go ahead.

Mr. Rick Dykstra: Thank you, through you, Chair.

Mr. Hill, I don't want to get into a detailed discussion around cost, but I have to disagree with one of the comments you made in answer to Mr. Lamoureux's questioning, and that is the cost of detention on a daily basis for an individual in Montreal versus the cost of detention in Vancouver and Toronto, in Rexdale.

Rexdale, Toronto, is about \$140 a day, as we were told. In Vancouver, based upon the structure of that arrangement, if they remain in detention, they're not at the airport facility very long; they end up in a provincial facility, and the costs there are somewhere in that neighbourhood. When we were in Montreal and we did a cost breakdown, we were told that it was between \$400 and \$500 per day per detainee. So I do find that quite a significant difference. You said they were comparable. I don't know if I would agree.

I would agree that Vancouver and Rexdale are comparable, but I wouldn't agree that Montreal and Rexdale and Vancouver are comparable.

Mr. Peter Hill: I think we would have to look very carefully at the elements that are considered part of the costing exercise, and I think that might be one explanation for the great variation that you've cited, but I'd be happy to provide the committee with additional information, if that would be helpful.

Mr. Rick Dykstra: Sure. That would be great.

One of the other questions I have—or perhaps a comment that I would like to get your thoughts on—is that the detention aspect of this came up on a regular basis, both from witnesses and from questions from committee members.

It seems to me that it's important, and it was noted when we agreed to the study and to what the parameters of the study would be—reviewing the detention facilities currently available in the country

in those three locations, coming back based on the fact that we heard from witnesses and experts, and having had the chance to view the facilities—that we include within our report some recommendations in terms of overall direction.

I understand your comments about coming back with a strategy, and it would seem to me that it may be helpful to have the committee's feelings, through recommendation and through the report, as to some of the direction that you may want to consider when looking at the restructuring of detention facilities.

Mr. Peter Hill: We would certainly welcome the recommendations of the committee.

Mr. Rick Dykstra: Thank you.

Perhaps I could ask the same question of both Dawn and Les. The parameters within the structure that we have for this report would include some recommendations with respect to detention facilities and future direction. Are you comfortable that it would be of some assistance to the ministry?

Mr. Les Linklater: Yes, definitely.

The Chair: Thank you. That concludes our time today.

Mr. Linklater, Ms. Edlund, Mr. Hill, and Mr. Leckey, thank you very much for coming and assisting us in this final stage of the report.

Unless something strange happens, we will be meeting on Wednesday to give instructions. That meeting will be in camera and it will be here.

This meeting is adjourned.

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

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

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

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

SPEAKER'S PERMISSION

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

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

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

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

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

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

PERMISSION DU PRÉSIDENT

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

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

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

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

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