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Chair

Mr. David Tilson

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• (1145)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): I call the meeting to order.

Good morning, everyone. This is the Standing Committee on Citizenship and Immigration, meeting number eight. It's December 3, 2013. This meeting is televised.

We're meeting, pursuant to Standing Order 108(2), to study temporary resident visas for visitors.

Mr. Cash has a comment.

Mr. Andrew Cash (Davenport, NDP): Thank you, Mr. Chair.

I'm wondering if we might have unanimous consent to extend the meeting for the full schedule of two hours.

The Chair: Is there unanimous consent?

An hon. member: Mr. Chair, most of us have other meetings.

The Chair: There's no consent, Mr. Cash, so unfortunately we can't do that.

What I'm suggesting is that we will divide the time in half. Already we're late, so we'll probably have the first group stop at 12:20.

Madam Clerk, what are you suggesting for the time that the speakers have?

The Clerk of the Committee (Ms. Julie Lalonde Prud'homme): They have eight minutes.

The Chair: Eight minutes each?

The Clerk: Yes.

The Chair: That will leave approximately one round of questions. We will limit the times for questions. The first speaker would be from the Conservatives. They would have four minutes. The second speaker would be from the NDP. They would have five minutes. The third speaker would be from the Liberals. They would have three minutes. Then the fourth speaker would be from the Conservatives. They would have another four minutes. That's what I'm proposing, unless someone feels very strongly about that.

We will start with the meeting. We have three presenters.

We have the Canadian Airports Council, Daniel-Robert Gooch, who is the president. Good morning to you, sir. We have Betsy R. Kane, who is an immigration lawyer. We have the famous Richard

Kurland, who has been here many times before, who is a policy analyst and also a lawyer.

We will start off with Mr. Kurland. You have eight minutes, sir.

Mr. Richard Kurland (Policy Analyst and Lawyer, As an Individual): Thank you, Mr. Chairman. Again, I feel a deep honour and pleasure at being here today.

In 2012, some 206,000 people were refused temporary resident visas. Likely more than half of the 206,000 individuals fully merited a refusal based on a lack of documentation accompanying the TRV application or on having insufficient ties to home country or an absence of employment or ties to education. You can't blame the visa officers for at least 50% of those refusals. It was the right thing to do in the appropriate TRV applications.

My focus today is on 35,000 to 40,000 people who would constitute borderline cases of refusal. That's in one year.

As members of Parliament fully know, TRV refusals affect the working capacity of the MP office system. What I'm recommending today is consideration of a review, by a review officer who would take in refused temporary resident visa applications and would have the authority to send back for redetermination or to approve a TRV application, and importantly would be allowed to request, for a finite visit to Canada of 90 days' or less duration, something that already exists and is contemplated in our statute: a sponsorship bond or cash bond payable by credit card.

Here are the benefits. The costs will follow.

The benefits are that for some cases related to urgency, such as a funeral, or a wedding, the problem is that the existence of that function or event cannot be verified in a timely manner by our overseas personnel, and people are wrongly refused during a difficult period in their lives. Certain countries present low risk for refugee claims, and because our government has adjusted the refugee determination system to strip out delay, when contrasted with the situation five years and ten years ago, the potential for refugee claims is no longer a practical risk in the assessment of a TRV application.

What is at stake is whether or not the person will comply with the terms and conditions and return home at the end of their visit in Canada.

What is wrong with Canadian families providing affidavits and a credit card performance bond to guarantee the departure of their relation within a visit of 90 days or less? Over time, calculate the entries and exits from the system. My guess is that you will see compliance in extremely high numbers. If over time there is a compliance issue, percolate the bond amount upward or downward.

• (1150)

In terms of the costs, I would recommend what this committee decided in connection with the biometric provisions of a recent upgrade to our immigration rules, whereby the fees for biometrics were not subject to the User Fees Act and not subject to section 19.1 of the Financial Administration Act. This system can be entirely user pay. Our technology, our immigration computer system in which we've invested over \$1 billion can readily and easily allow for an upload in PDF form of the required documentation, including payment for these revision cases. The revision officer need never see the individuals.

So we have a need. We have the technology. We have the will, and certainly we should provide relief to 30,000 to 40,000 people a year. There is a way to do this, and I'm hoping that this may be a consideration in the near future.

Thank you.

The Chair: Thank you very much.

Ms. Kane, you are next. Thank you for coming. You have up to eight minutes.

Ms. Betsy Kane (Lawyer, Capelle Kane Immigration Lawyers, As an Individual): I'd like to thank the committee for inviting me to appear before you today.

I would say generally that I think the visitor visa system in Canada is working well. I reviewed the testimony that was presented to this committee in advance and I want to highlight some of the issues that I saw from the testimony and also to comment on my colleagues' testimony this morning.

It always has struck me that with the TRV application, CIC is not transparent and forthcoming as to what is required to get over the hurdle of a TRV application. The CIC website gives guidance as to what is involved in a letter of invitation, but there is no form, no template, as there is for every other type of application or submission to CIC.

One of my recommendations is that CIC develop a thorough and complete form that is PDF fillable and can be uploaded within the system setting out all of the details for a letter of invitation.

As lawyers, we often get requests to prepare these letters of invitation on behalf of Canadian hosts. When we explain to clients the amount of documentation and information that should go in those letters of invitation, clients often balk and say that they think it's another cash grab by lawyers. But to do a proper letter of invitation and to prepare the proper comprehensive supporting documentation that's required, a lot of thought has to go into the process.

One of my recommendations today is that CIC look to improving their transparency and create two new forms to accompany the TRV

application. One would be an actual letter of invitation that sets out all the information that CIC is looking for to assess these applications, as well as the accompanying documents that may or must be included, such as tax returns, proof of status in Canada, proof of family in Canada, proof of assets in Canada.

The other thing which I think, from looking at our peer countries, would be helpful for CIC is there is such a thing as getting an undertaking or a sponsorship from those family members in Canada, similar to the undertaking and sponsorship agreement that we have for family class applicants. Of course, it would be a much shorter and simpler form. The person would be sponsoring or undertaking to support, in the same way that Mr. Kurland recommended affidavits of support or proof of support, whether it be by credit card or bond or whatever. We would have actual forms and a way to streamline the information into our system such that CIC would have a complete picture and would not have to re-review and potentially approve 48% of second-time applications.

Another practical matter that is not visible for someone assessing the TRV application process is that many times Canadian hosts are not prepared to disclose their financial and business information to their family members directly. What happens, when you give a letter of invitation, is that you are giving it to your family member in India, who must include it with their application or upload it. Many times Canadian hosts do not feel comfortable.

The way to get around this situation to date is to potentially get a copy or proof of the application that has been filed, with a number, and advise the immigration office or the visa office by submission or letter saying, "My cousin is coming, and I want to support his application by showing you my T4 slips for the last three years." The person may not want to show his cousin his T4 slips, because that may result in some other family issues or simply a loss of privacy.

From an online point of view, having the sponsor log in to the CIC account and upload their sponsorship and upload their letter of invitation and upload as an attachment their notices of assessment, their proof of finances, their bank statements, their proof of property, and their profile, if you will, that will be accompanying this application, would be very helpful.

Now that all TRV applications are an online application and can be done via the VAC, the visa application centre, or online, there should be a way to have a separate portal for sponsors, just as there are separate portals for lawyers to go to in order to augment these applications.

• (1155)

This is where I see us being able to improve our TRV application process, in the case of family sponsorships or in family-related visits.

One of the things I've been asked to discuss is whether it is practical and effective to introduce a full appeal mechanism. The answer, in my opinion, is no.

Our current appeal mechanism is already bogged down with delays and is under-resourced at the immigration appeal division and the refugee appeal division at the Immigration and Refugee Board. I do not think adding to that bureaucracy will assist.

The U.K. had a family class appeal mechanism with a full appeal, and it has been terminated as of June 2013. Obviously it wasn't working; otherwise they would have maintained that appeal process.

The other thing I've been asked to discuss is the way CIC communicates its refusal letters. We all are tired of seeing those boilerplate letters, which are completely useless. We all know that the only real way to find out why the visa was refused is to either do an access to information request or to go to our members of Parliament. If CIC were more transparent on the front end and either had a larger boilerplate letter or had the opportunity to put in a few lines similar to what they're already putting in the GCMS, at least the applicant would have knowledge as to why they were refused and would stop burdening members of Parliament with requests just to verify why they were refused.

In the United States there is no appeal mechanism; you simply have to reapply, just as here in Canada. The only difference between the United States and Canada is that the United States actually presumes you to be an immigrant, while Canada allows you to have the dual intent.

New Zealand, for example, has the opportunity for a sponsor to come forth and sponsor a temporary resident visa. There are limited appeals, it appears, in New Zealand.

Australia has an appeal mechanism, which appears to be highly cumbersome and quite expensive. From my calculations, it costs about \$1,600 to lodge an appeal in Australia, and the processing times can run anywhere from 90 days to 18 months to resolve the issue. That is not going to address the immediate issues for people looking to come to Canada temporarily.

Generally, I find the TRV process in Canada to be working.

The other area of concern is business immigration and TRVs that are refused on the business side. I don't have time to speak to that subject, but some of the same issues that we see for families also present in business cases. This is also hurting Canadian economic development.

Thank you for your time.

The Chair: Thank you for your presentation, Ms. Kane.

Mr. Gooch.

Mr. Daniel-Robert Gooch (President, Canadian Airports Council): Mr. Chairman, members of the committee,

• (1200)

[*Translation*]

thank you for this opportunity to provide some comments on the policies and procedures around the provision of Temporary Resident Visas, or tourist visas.

I am Daniel-Robert Gooch, president of the Canadian Airports Council.

[*English*]

The CAC represents 46 members who operate airports throughout the country, including most of the major airports that you will be familiar with. They actually handle about 95% of our passenger traffic.

At Canada's airports we have come to realize over the past few years that visas have a tremendous, but perhaps underappreciated, impact not just on aviation but also on Canada's trade and tourism dependent economy. They impact Canada's competitiveness as a tourism destination, but also the attractiveness of our international airport hubs for connecting traffic, which I'll speak to a little bit later, the viability of potential new international routes, and the capacity, traffic volume, and competition on existing routes, both international and domestic.

Visas are increasingly relevant to our aviation sector because, as David Goldstein outlined last week, some of our biggest opportunities for both tourism and trade are with countries whose residents require a visa to visit Canada.

I want to briefly be clear on a couple of points. At the Canadian Airports Council we appreciate that visas do play an important role in Canadian security and controlling who comes to Canada. There are countries with tremendous tourism potential for Canada from which we currently require visas, countries like Brazil, China, Mexico, Turkey, and India. Of course, we would love to see visa-free travel from these countries, but we recognize that visa requirements are in place for valid reasons.

There is a balance involved. We believe the right balance is in place, but that through greater use of technology and taking advantage of international best practices we can be a little bit more precise in facilitating trade and tourism without sacrificing security, and in a fiscally conservative manner.

It also is important for us to note that we do see progress being made today. One hundred and thirty visa application centres are being opened, bringing visa services closer to applicants and helping to reduce application errors in important markets like China. We now have 10-year multiple entry visas, and visa requirements were just lifted for the Czech Republic.

The electronic travel authorization, ETA, requirement, a little bit different from temporary resident visas but just as relevant to us, we understand will be coming into effect in 2015. It will require new steps for visitors from countries that currently require no visa today. This is a concern of course. That ETAs be low cost and low hassle is imperative to soften their impact on travel demand, but they also represent an opportunity if we can use ETAs as an intermediate screening tool that can allow for formal visa requirements to be lifted from some lower-risk markets.

There are still ample opportunities for improvement when it comes to visas. The application process today is cumbersome, as my learned colleagues have outlined. It asks for a lot of information; is paper based in many cases; requires a traveller in many cases to surrender their passport, and I'll speak to this; and may entail long-distance travel for interviews, if they have to take place in person. Delays are an issue, particularly for business travellers. Business travel often needs to be arranged within days, not weeks or months. That's the speed in which business operates. We like to say that a visa delayed is essentially a visa denied, particularly when it comes to business travel. Surrendering of passports can be a non-starter, especially for frequent travellers.

As a result, we hear stories from foreign airlines, governments, and travellers themselves about how visas are impacting business and leisure travel, and our reputation abroad. I personally encountered this recently when I tried to help a friend of mine, who is a public elementary school teacher, come to Canada to visit our country for a week from Turkey. While he was able to very quickly get visas to visit the U.S. and the European Union, and he spent two weeks in the United States this summer, the process took months for Canada and his passport was held by Canadian officials while he waited. My colleague, Ms. Kane, spoke rather eloquently to a lot of the experiences we had in trying to get this to happen. Ultimately it didn't go through. I'm not going to expand on what she and Mr. Kurland had to say, but I do want to speak a little bit about the surrendering of the passport.

We have been advised by officials at the Department of Citizenship and Immigration that if the visa application is originated online, a passport is only required for issuance of the visa upon approval, whereas apparently at visa application centres they are surrendered immediately, which can mean that a person is without a passport for a month or two months. Apparently the official has some discretion, but this is not information that is going to be known to an applicant in a foreign country. It wasn't really known by me.

Surrendering a passport for weeks, as I mentioned, is a non-starter for frequent travellers. It's all rather inconsistent and confusing, and it can leave a really negative impression of Canada with the individuals we want to come here, have a great time, and hopefully come back. Travellers will choose other markets, and instead of Canada those other markets will get the economic benefits and jobs that result from the increased tourism and trade opportunities.

Anecdotes, of course, are not indicative of the bigger picture, but surely there are ways we could be doing this better.

You heard from the Tourism Industry Association of Canada last week. They recently issued a report that talks about the impact of visa restrictions on travel. They estimate that it negatively impacts inbound visits by up to 30% in markets for which a visa is required. That means there would be about 250,000 fewer visitors a year, from Brazil, China, India, and Mexico alone. Considering that the average long-haul visitor spends nearly \$1,600, this would mean an additional \$375 million in foreign spending in Canada from just these four countries, if we can improve things on the visa front.

We believe there are ways to improve visa processing. Improvements should include increased reliance on electronic visa application processing and issuance. Australia is often held up as a country that we could work to emulate. We'd like to see procedures that allow applicants to keep their documents regardless of the application method, and improved foreign language services. It all goes to better communication, as Ms. Kane spoke to as well.

We also should consider taking a different approach to potential visitors who have been screened by other countries. Visitors should be able to transfer Canadian visas to a new passport, for example. While we appreciate that Canada evaluates potential visitors to our country based on different risk factors from other countries—and we're not going to get into whether those risk factors are right or not; that's not our area of expertise—a visa or permanent residency, or long-term residency—

● (1205)

The Chair: You have one minute, sir.

Mr. Daniel-Robert Gooch: —to the United States or the European Union demonstrates a certain amount of pre-screening. We think that should be a consideration for a less complicated entry into Canada.

As an example, does it make sense to treat a Chinese student studying at Harvard, who would like to visit Montreal for a weekend, with the same process we would apply to a potential visitor who has never travelled outside of his country? I think not.

I also want to talk about the transit without visa program. It's a program that allows travellers from certain Asian countries and cities, who are visiting the United States on certain airlines, to transit through Canada without a visa. The program has been successful, and there have been very few abuses or violations of the program, but there's a lot of room for its improvement.

Travellers connecting through Canada may not seem like they're a direct benefit to Canada and our economy, but they make viable international routes that may not otherwise be viable. On existing routes, they grow demand, which can grow capacity and competition. New routes bring more capacity and competition, which brings more travellers—

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

It's the time limit of the votes. You can blame our whips for doing this.

Mr. Menegakis has up to four minutes.

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

Thank you to our witnesses for appearing before us today.

Let me also apologize. We have no choice when there are votes; our time in the committee gets somewhat shortened.

Mr. Gooch, I wonder if I could start with you, sir.

It is evident that your organization has similar interests to the Tourism Industry Association of Canada, which appeared before us last week. In their testimony, they explained that the visa application centres have greatly improved the visa system, especially in markets like the one you mentioned frequently in your presentation, Brazil.

Would you agree with that, sir?

Mr. Daniel-Robert Gooch: We would.

It's still playing itself out, but certainly these application centres are bringing the visa application process closer to our potential tourists, potential travellers. I also understand that they're serving as a bit of a check and balance against the applications themselves. Individuals sometimes don't fill out the applications properly, or information is missing. Language can be a complicating factor. We understand that the visa application centres are doing a lot to help fix an application before it goes in and is denied for reasons that could be easily fixed.

Mr. Costas Menegakis: There's a 25% increase in international travel demand.

Can you share with us what you think Canada could do to stay competitive, specifically in regard to the visa process?

Mr. Daniel-Robert Gooch: I think there should be increased reliance on electronic measures, as David spoke to last week. I haven't experienced the Australian system, but I understand that it's much more user friendly. If the visa application centres are proving to be as useful as we believe they are, we should continue that.

We should also be looking at segmenting travellers in different ways. I spoke to someone who's been allowed into the United States for four years to study. They probably represent a lower risk if they're coming to Canada for a weekend. We need to look at people in different ways.

• (1210)

Mr. Costas Menegakis: TIAC also mentioned things like ETA, the electronic travel authorization, and getting things into the airport infrastructure electronically. Things like the transit without visa are very beneficial.

Can you expand on some airport infrastructure systems that will greatly improve our Canadian travel system?

Mr. Daniel-Robert Gooch: Transit without visa is a great program. It's very limited in places today. There are other countries in Europe where people going from points east to points west do not require a visa to travel through an airport as they might if they were planning to stay. We currently do. We have a short list of places where you can transit through Canada without a visa. They have a short list of countries where you can't. It's been a good program. There have been very few abuses of the program or problems with it.

We're working actively with the government to expand it, but there's a lot of room for expansion. The program is currently limited to certain places in Asia for travellers going to the United States. Expanding in China could open up new routes, because it's restricted to certain cities. Ultimately, the goal is to have it international so we can take advantage of traffic between places like Brazil and Japan. If you're going from Asia to Latin America, or vice versa, you pretty much have to go through North America, so it's us or the Americans. If we can do things right, we can capture that market, and that would be a huge benefit for airports and air carriage.

Mr. Costas Menegakis: Thank you very much.

The Chair: Madame Blanchette-Lamothe.

[Translation]

Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP): Thank you for being with us today.

Ms. Kane, you did not have the time to finish your opening statement. I would like to give you a minute or two to tell us about the suggestions in the last part of your statement.

[English]

Ms. Betsy Kane: You'd like me to speak for two more minutes?

Ms. Lysane Blanchette-Lamothe: Maybe we can put back my time and ask our witness to put on the interpretation device. Maybe the chair should have told you before, but you can use the interpretation device to make sure you understand the question.

I will give you a short opportunity to say what you wanted to say but didn't have time to say.

Ms. Betsy Kane: The only other things I wanted to address were some of the issues that we see in certain visa offices. We're getting boilerplate refusals of people who have very valid reasons to come to Canada and legal grounds to be here. I'll give you a couple of examples I've seen lately that do not make sense to me.

I've seen situations where we have people from visa-requiring countries who have offers of employment and are actually holding Canadian work permits but who cannot get the TRV to re-enter Canada, because they have been profiled in the hosting visa office that's processing the visa.

I'll give you a recent case of an academic who was holding an academic position, but because his address was in a refugee camp in the Middle East, he was automatically excluded. He holds a work permit. He has an offer of employment. He has a job description from a reputable Canadian university. But because of his address, we believe, he was refused. We took the opportunity to write to the program manager of the visa office to explain the details, which were apparent on the application, and reapply. Perhaps there is someone with some common sense who could take a look at the whole application, not just the first page where you see an address.

Another type of situation where we see unwarranted refusals is the case of foreign students who marry during the course of their studies, or, following the completion of their studies, they're here on something called a post-graduate work permit, which is valid for three years. They have university under their belt. They go home over the summer and marry their long-time girlfriend and that girlfriend cannot be reunited with the student, because it's determined that she will not return, but her husband has every right to remain in Canada as a temporary foreign worker. In fact, Canada is going after this profile-type of foreign student to stream into the Canadian experience class, the PNP class, or the FSW, federal skilled worker class. We have certain offices that are not recognizing the law and the policy.

•(1215)

Ms. Lysane Blanchette-Lamothe: If there are any other suggestions that you didn't have time to mention, you can send them to our committee. They will be more than welcome.

Ms. Betsy Kane: Well, I do concur with my colleagues Richard Kurland and Peter Rekaï who both recommended an administrative review as opposed to a full appeal. I think this is important and I think it's doable. I believe it should be done online. It does not have to have a face-to-face interview, and all documents, if not already uploaded to the application, can be uploaded with regard to the review.

The only other thing I would comment on is, if there was a review, that we make the fee for that review substantial so that the review is not a waste of our resources and is actually exercised by someone who has meritorious reasons for seeking the review.

Ms. Lysane Blanchette-Lamothe: Thank you.

I have a short question now.

[Translation]

Mr. Orr, the assistant deputy minister for operations at CIC appeared before this committee. He said that, when an application is denied, it is no longer possible to give more information because of the limited time that officers have available in which to process applications.

Mr. Kurland and Ms. Kane, can you comment on the point the assistant deputy minister made, that it is impossible to give more information because of the lack of time?

[English]

The Chair: We have time for one comment from somebody.

Ms. Betsy Kane: I think that's erroneous. The information is already in Immigration's electronic database, because when a new application is made or we do an ATIP request, the information is there, so to simply cut and paste and put it on a letter is not a problem. I did see that testimony and I think that's not 100% transparent.

The Chair: Mr. McCallum, you have up to three minutes.

Hon. John McCallum (Markham—Unionville, Lib.): Well, thank you.

I've always thought that a big country like the U.S. has obvious advantages over Canada in terms of size and power. One way in which Canada, a smaller country, can offset this is through more nimble, flexible policies, but I think we have done the opposite in immigration.

Let me just quote the Mexican ambassador to Canada who said a couple of months ago, "Canada has the most stringent visa system for Mexicans of any country in the world." He went on to talk about what he called ridiculously long questionnaires for business travellers about where their mother was born and things of that nature. I know the U.S. has interviews and we don't, but we've compared waiting times for Americans and Canadians and typically, the American waiting times are significantly shorter.

I think we're shooting ourselves in the foot, not only in terms of family members wanting to go to funerals and weddings, but also for business reasons, tourism reasons, and Canadian jobs.

My question, perhaps to Richard Kurland, is, while I like the suggestions a number of you have made, isn't the problem more fundamental, attitudinal, structural? Don't we need something to change the mindset of these people who would require such ridiculous forms for a business person wanting to come from Mexico to Canada?

Mr. Richard Kurland: I'm in favour of removing the mindset altogether, sir. I think, today—

Hon. John McCallum: But how?

Mr. Richard Kurland: —there are more information technology people at Immigration Canada than visa officers. This visa application centre system, globally, is serving for the first time in global immigration history as the intake portal for tens of millions of private citizens who wish to go to places such as Canada, Germany, England, the U.K., and Australia. So the writing is on the IT wall.

What we are designing in concert with other countries is a standardized, uniform, consistent intake of personal information. To remove the mindset, politicians and policy analysts can gather and determine the common-thread approach in terms of risk analysis for a visitor to their respective countries. There is no reason that a visitor to the United States presents a greater immigration risk than a visitor to Canada. We may differ on our views, globally, of history, politics, and the appropriate policies with respect to certain countries. That can be filtered out. Remove the mindset. Create that common portal, a universal portal to several countries, and provide global mobility.

•(1220)

The Chair: Thank you, sir.

Mr. Leung, you have four minutes, but I'm only going to give you two.

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

In that case, my question is addressed to both Mr. Kurland and Ms. Kane.

I'm impressed with your knowledge of how other countries manage this risk. A temporary visa, really, is a question of managing risk. I would like you to comment on how we manage this risk properly so that we screen out that 0.01% potential of a person causing our nation a problem because, as you mentioned, the majority of them are bona fide visitors or students who may just want to come across the border and go back to the United States. What is the best strategy we can have to manage that risk?

Mr. Richard Kurland: Reporting. Reporting. Why can't Immigration Canada disclose internal trend analysis by processing posts by category, and allow for the determination of what I call the abuse variable? Is it 0.001%, 1%, 3%? You monitor that abuse, and reduce the refusal rate or increase the refusal rate, based on that monitoring.

It's not rocket science.

Mr. Chungsen Leung: It would then also be contingent upon the fact that we have a good entry and exit control, which we don't have right now.

Mr. Richard Kurland: There are no publicly formal exit controls at the present time. That's not to say that exits from Canada are not monitored. It would be a mistake to say that exits from Canada are not monitored. On the whole, it boils down to how much immigration abuse Canadians are prepared to tolerate. When we slam the door, there's an echo that goes around the world, and injustice is done by overreacting to the odd transaction cost of having a free, open, democratic society.

Mr. Chungsen Leung: Ms. Kane, go ahead.

The Chair: Thank you.

I'm sorry; I must apologize for cutting everybody off, but we have a strict time schedule. I try not to be rude, but I guess I have been, and I'm very sorry about that.

I want to thank the three of you on behalf of the committee. We've been busily making notes up here as to your recommendations. On behalf of the committee, I thank you for your presentations.

We will suspend for a moment, and I would ask members not to leave their chairs because we are on a tight timeframe.

•(1220) _____ (Pause) _____

•(1220)

The Chair: We will reconvene the meeting.

It's a pleasure to have with us, Ms. Patti Tamara Lenard, professor at the graduate school of public and international affairs, University of Ottawa. Welcome to the committee.

We also have James Bissett, who's been here many times before, as has Martin Collacott, who is speaking for the Centre for Immigration Policy Reform.

Good morning to the three of you. We're on a tight timeframe, so the three of you each have up to three minutes.

We will start with you, Professor Lenard.

•(1225)

Professor Patti Tamara Lenard (Professor, Graduate School of Public and International Affairs, University of Ottawa, As an Individual): Sir, did you say three minutes?

The Chair: What did I say? Eight minutes. I'm just confused, but I try not to be.

Prof. Patti Tamara Lenard: That's fine, so long as this doesn't count toward my time.

I'd like to thank all of you for having me here today. It's a real pleasure. I look forward to saying things that warrant your inviting me back in the future.

I'm assistant professor of applied ethics at the graduate school of public and international affairs at the University of Ottawa. My harshest critics are my graduate philosophy students, and I look forward to whether or not you will overtake them as being my harshest critics, or whether they will keep the top spot.

My area of research and expertise is immigration policy, as well as the impact of immigration on democratic states. I'm currently the principal investigator of a recently funded project, which is academic talk for a "no results yet" project, funded by the Department of Public Safety as part of the Kanishka project, the goal of which is to evaluate the impact of changes in immigration policy and border enforcement on visible minority Canadians.

I am also coordinator of the University of Ottawa's international migration network, where the research focuses on the merits and demerits of a range of migration regimes in Canada and globally. This research has led me to conclude the following statements, which I am sure we all agree with.

Canada is a world leader in all things immigration. This is a status we cannot take for granted, and it is a status that, in my view, is at risk. One of the reasons we have been a leader is that we do not look outward to judge the quality of our immigration strategies; we look inward to see whether the policies are good for us as Canadians, and whether they live up to the goals and ideals that have informed immigration policy in Canada since the 1960s. As I understand them—just so everybody's clear about what I take these to be—these goals are a commitment to openness, inclusion, and most importantly, equality.

In light of this, I'd like to make three general comments: first, about decision procedures when issuing TRVs; second, about equality between immigrant Canadians and Canadians; and third, about a possible appeals process, which has already been discussed.

The first comment is the longest one. It is transparently obvious that borders can never be fully controlled. All states, not only liberal democratic ones, face unwanted migration, and this is inevitable. The advantages of migrating are too great; borders are too porous, and they cannot be fully controlled. It will simply never ever be the case that Canada can insulate itself against those it doesn't want, and admit only those it does. This is extremely important background information to keep in mind as we evaluate requests from visitors from the very poor and sometimes refugee-producing countries.

As I understand it, the mandate of visa officers adjudicating requests from visitors is to assess the applicant's intentions as to whether he or she intends to stay in Canada at the end of the visit. Our visa officers are given wide discretion in determining whether a potential visitor is trustworthy, but, and this is very important to emphasize and to remember, it will be impossible to make the right decisions in all cases. Some individuals who are denied the right to enter genuinely intend only to come as a visitor and have no nefarious intentions, and others who are admitted will stay. There is nothing we can do about that fact.

My understanding is that we deny temporary resident visas to people for three reasons: one is because we're worried about the safety and security of Canadians; another is that we're worried they will overstay their visa and enter an underground economy; and another is that they are at risk of applying for refugee status. These are distinct worries and warrant distinct responses by visa officers.

I will only say about security that when the security of Canadians is at risk, we must err on the side of mistrust. The consequences of mistakes in this domain are too high. The visa is a symbol of trust, and where security is at risk, we cannot make a mistake. But where the concern is overstaying, we must err on the side of trust. Although we currently lack data about the number of overstayers, as many people who have been before this committee have said, I believe nevertheless that we have reasons to conclude that the cost of these lost migrants is small, and that the harm to Canadians is minimal.

What about those who we are worried might apply for refugee status? As you know better than I do, a visitor applying for a TRV must indicate as part of the application that she does not meet the criteria for refugee status in Canada. Yet denying the right to enter because we suspect an applicant of lying threatens to lodge a deep hypocrisy into Canada's refugee protection programs; programs implemented to avoid repeating the mistakes of a previous era that saw refugees rejected around the world, and that propelled a global collective commitment to protecting them.

The history of the global commitment to admit potential refugees stems from a belief that those in need of protection are entitled to it, and that having the wrong documents, or lying to get the right ones, should be interpreted as evidence of a need for protection, not as evidence for deceit. In the case of possible refugee claimants then, I believe we must likewise err on the side of trust to remain consistent with the values of the Canadian refugee protection system.

• (1230)

A second point is this. We must avoid thinking of the harm done in denying visitor visas as harm to foreigners who do not have a right to enter Canada. The harm we cause in denying visas is to Canadians who want to associate with them. Those who are calling their MPs and wondering why their families and friends are being prevented from visiting are Canadians. It is Canadians who are owed explanations when their visitors are denied leave to enter.

Moreover, the visa process for individuals from select countries creates a fundamental inequality between immigrant and non-immigrant Canadians, an inequality that Canada is historically committed to eliminating. Also, it introduces an additional axis of inequality among immigrant Canadians: those who hail from wealthy countries, whose ability to celebrate, mourn, and visit with their loved ones is protected; and those who hail from poor and unstable states, for whom familial and intimate milestone celebrations are less accessible.

These inequalities, I acknowledge, are unavoidable in a country like Canada that is committed to admitting immigrants. Under certain conditions, they may be unavoidable, but if they are, we owe Canadians a clear and transparent explanation for them when they persist. The bond mechanisms that some others have proposed here today, which are intended to ensure the departure of visitors, I believe, impose costs on those least able to afford them and only serve to exacerbate inequalities among Canadians, and therefore must be rejected, in my view, as unjust.

Finally, should we adopt an appeals procedure or an administrative review procedure? To be honest, I feel indifferent about this. What I think matters most is that the rejections must be contestable, either in the form of an administrative review or in a full appeals

process. The reason to do so is a commitment to fairness. Allowing rejections to be contested by those who believe they have been treated unfairly by the Canadian border system will add a layer of accountability and transparency from the government in matters that are important to them. Recall that I believe those harmed are Canadians. It is Canadians who are owed this transparency and this accountability.

The U.K. closed its appeal system in June because it was very poorly run, a mistake I'm sure the Canadian government would not repeat. The process in that case was restricted to applicants who are intending to visit family members—I think this can be justified—or those who are otherwise invited to Canada by a Canadian. This limitation—

The Chair: You have 30 seconds, Professor.

Prof. Patti Tamara Lenard: —is consistent with my claim that accountability and transparency are owed to Canadians.

Other key features of a fair appeals procedure are the following.

It must be rapid. The U.K.'s took eight months. It must be conducted by a centralized office so that trends can be monitored effectively and to ensure, crucially, that the appeal is not conducted in the same office where the original application was made. The fee must be returned to applicants where their case is overturned, and negative decisions in early applications cannot be held against applicants in the future.

To conclude in my final five seconds, I am proud of Canada's immigration history. Moves to make entry to Canada more difficult fundamentally threaten the integrity of our immigration system, as well as the equality among citizens that historically we have worked so hard to protect.

Thank you very much.

The Chair: Well done, Professor Lenard.

Mr. Bissett, it's a pleasure to see you again, as usual.

You have up to eight minutes, sir.

Mr. James Bissett (As an Individual): It's a pleasure to be back before the committee, and I thank the committee for inviting me again.

When I was a young immigration officer, one of my first jobs was working in the minister's office as a liaison between the political side and the department. One afternoon the minister summoned me to her office and asked if I could get her the figures for the number of temporary visitors from the Soviet bloc countries. I said I could certainly do that, and I was able to get the information within a matter of hours. I went back to her and showed her the figures. The number wasn't very large, 700 or 800 people.

She looked the figures over and then she asked the next logical question. She asked how many of them had left. I said it was impossible for the department to say, because we had no system of exit control. People could come in, but we didn't register them going out. No one could answer that question. She was astonished at this and looked over her glasses at me and said, "My God, I hope the opposition or the media don't find this out". They never did find out, out nothing has changed. Today it's the same thing. Over half a century has passed and we still don't have an exit control system.

Unless we have an exit control system, the integrity of our temporary visa program is compromised very seriously. You have to find out who has left in order to do any of the things that we've been talking about before the committee. We're getting closer, and I'll mention more about that a little later.

If there is no system of recording departures, as I say, no temporary visa system is going to work, and ours isn't working very well. The only real instrument we have is the temporary visa, and we've heard all sorts of problems with that. But imposing visas on friendly countries has all sorts of implications. It affects our bilateral relations, damages our trade, and damages our tourism. The citizens of those countries and their governments are highly offended, as indeed we have found out from the ambassador from Mexico and the ambassador from the Czech Republic, formerly the ambassador to Hungary. We're very upset about that, but it's the only defence we have.

The Auditor General reported in 2007 that there were some 60,000 asylum seekers who had been found not to be genuine refugees but who were still in the country, and the whereabouts of some 40,000 of them was unknown. They had addresses for the other 20,000. But we had no way of knowing if these people had left, where they were, and what their intentions were.

One of the strongest recommendations the committee could make would be to encourage the government to press on with its plans to have an exit control system. Otherwise, the temporary visa system is going to continue to be a real problem.

To be fair, from the days of Ellen Fairclough, who was the minister I was talking about, some progress has been made. We've heard about the ETA. That's a major step forward, and I gather that by 2014 it will be established in some 96 countries.

The other major step forward for improvement is the reform of the asylum system and the designated countries of origin. That's had a tremendous impact. The greatest threat of abuse of the temporary visa system was people coming here to claim refugee status who knew that once they'd made that claim, they were in for the duration. It was something like the Eagles' song, *Hotel California*; you could check in but there was no possibility of checking out.

That has been corrected, at least initially. I have some figures here. In the first 10 months of this year, there were only 8,300 asylum claims. Of those, 600, or 8%, were from people coming from Europe or the United States. Eight per cent; that's a tremendous drop. In the previous three years, about 25% of all of asylum claims were from the European Union and the United States. That has made a big difference in terms of nervousness on the part of departmental

officials about issuing visas to people who might possibly make refugees claims when they get here.

• (1235)

The most important step forward has been the announcement by President Obama and Prime Minister Harper in February 2011 of the beyond the border concept. I'm not sure how many Canadians are aware of this, but it's a fundamental step forward in terms of establishing an exit control system.

The concept is entitled "Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness". Among other things, it entails recording the departure of all permanent residents and temporary residents from one country and passing that information on to our neighbours in the U.S. They will have an exit control on temporary residents and permanent residents in the U.S., and vice versa. That's how the system is going to work, apparently.

Once that's in place, we will in effect have an exit control system, and our major problem will be resolved. We won't have to insult the Czech Republic or the Mexicans. We can eliminate temporary visas from a large number of countries, because if they are visitors, if they have a temporary resident visa, we'll now know when they leave. That's a major step forward. I would encourage the committee to keep an eye on that because it won't go ahead unless there's a bit of political push. My own reading is that the political push has slackened off a bit.

They have a committee that is supposed to be pursuing this objective, and by June 2014 all of the automated land posts along the Canada-U.S. border will have this system. There's a pilot project under way now with four posts, I think, to test the system. The initial reports say they're very successful.

By the summer of 2014, we should have an exit control system along the border, and that will then be pushed on to international air traffic, where all permanent residents and temporary residents will be recorded going out of Canada. The system is pretty well in effect. I think there is still slippage, though, at the political level. Whether or not the Americans are going to take enough interest in this to actually make it happen remains to be seen.

I'll stop there.

I do want to say that I agreed with everything Richard Kurland and Ms. Kane said in terms of their specific recommendations about what could be done.

I occasionally get asked to help someone come to Canada, and it's a dreadfully bureaucratic system. It's very slow, and it's not user friendly, and it's not transparent. Part of the reason, as Richard Kurland said, is simply lack of staff.

In addition to the massive number of visitors who need visas, so do all of the immigrants need visas, and—

• (1240)

The Chair: Thank you. We always appreciate your comments, Mr. Bissett.

I'm sorry, we have to move to Mr. Collacott, who has been here many times before.

Welcome to the committee again, sir.

Mr. Martin Collacott (Spokesperson, Centre for Immigration Policy Reform): Thank you very much, Chairman.

Chairman, could I request that you warn me when I have one minute left instead of 30 seconds because I have some points I'd like to make.

Thank you first for inviting me, and thank you to committee members. Since there are quite a few new committee members since the last time I spoke here, I'll tell you very briefly that I represent the Centre for Immigration Policy Reform, which advocates changes and reviews of the immigration system, but I've been interested in immigration for a long time.

My parents are immigrants from Europe, my wife from Asia. I had a job with the Ontario government for several years as a citizenship adviser working with newcomers. Then later in my career when I was ambassador to various places like Syria, Lebanon, and Sri Lanka, I became very interested again in immigration and refugee issues because a lot of people came from there.

I must say that during my various assignments as head of mission, I was very impressed by our immigration officers. They were conscientious. They were well trained, hard working, and made good judgments. They are one of the best cadres of public servants I've ever worked with.

Having said that though, they had many challenges. One of them is deciding on whether to admit people on visitors' visas. For a number of reasons, which Professor Lenard mentioned, there are security issues, which I think you and I would agree is pretty serious stuff.

There was also, though, the possibility that some people might claim refugee status or they might simply overstay. That was certainly a high risk from some countries, particularly where there were high levels of misrepresentation or fraud.

The refugee issue is still there, although some of the reforms made to the refugee system.... Not everyone will call them reforms; some people think it's too tight. But they have tended to decrease the number of applications in Canada, which I like, because I think we should be concentrating on resettling refugees from abroad and helping those in camps. We never intended to become a country of first asylum. We still have to look at some cases.

That's an improvement, but we have to see how that works out because there is still a risk. A lot of people are still coming and claiming refugee status, and that's something we have to consider when we issue a visitor's visa.

The overstayers are also an issue. They haven't become a huge issue here. They have been in the United States; they estimate they have 11 million to 12 million illegals. I think it is something we have to watch out for carefully. Our immigration officers, therefore, have to make judgments as to what the risk level is.

We often do end up turning down people who may be quite legitimate. When I was high commissioner to Sri Lanka, I would have cabinet ministers asking me if I could issue a visa to their nephew. I said, "I'm sorry your nephew is an unemployed 22-year-

old, and while he may be perfectly legitimate, there's a fairly high risk he won't come back. For that reason we have to be pretty tight on issuing to people who meet his profile."

The comparison was made with the United States by, I think, Professor Lenard on refugee claimants and why the risk is any greater here than there. Well, it is greater here. A lot of people are not going to get refugee status or won't even be allowed to apply whereas we do; there are differences in the system that make it more difficult for us to refuse refugee claims or not to take them than it is in the United States. So there are going to be differences.

I like some of the suggestions made by Mr. Kurland and Ms. Kane. I think there should be some way of having a better look at where we refuse people who are marginal cases. Some are clear-cut one way or the other, but some are marginal, and some are important visitors. It would take some more resources, but I think we have to be prepared to allocate those.

We've made some major resource-saving measures that I think are very good, such as the electronic travel authorization, the visa application centres, the 10-year visa, multiple entry. I think those are good changes, money saving, but I think we have to be prepared to put some more resources into reviewing some of the trickier cases because the marginal cases really are the problem, and there are quite a few of them.

I think it's very important that we have an entry-exit central database reporting system so we know who's here. The guesses as to how many people are here illegally run anywhere from tens of thousands to half a million. We have no idea. Somehow or another the Americans have figured out they have 11 million to 12 million. We should have this. It's expensive. The Americans are still working on their system, particularly the exit screening, and it takes a while, but we should make that a priority.

•(1245)

At the moment though, the system is not working as well as I think it should. If a visa officer turns down an application, that's a lot more work than if they approve it. At one point, I know New Delhi would get 20 representations a day from MPs, plus a pile from lawyers and consultants. Then at the other end, MPs are getting deluged with requests. I've heard anecdotally that, in some constituencies, sometimes 80% of an MP's time can be taken up dealing with immigration requests. I think that's a huge imposition on both of them.

When you continue to get representations at a visa office, you can't deal with new applications as expeditiously. I think we should be looking at any method we can figure out to at least review refused cases. I certainly think the current system of reapplying makes more sense than a complicated and expensive and lengthy appeal system, which many of my lawyer friends would like, but I think the current system probably works better. If we had some kind of other review system for special cases, I think that would help.

Those are my main points, Mr. Chairman.

I'll get on to my last point, which really isn't totally connected with this discussion, but it's my chance to mention it. I've appeared before this committee to discuss a lot of specific areas—

The Chair: Mr. Collacott, you have one minute left.

Mr. Martin Collacott: Thank you.

What I've never been asked to talk about is some of the general issues of why we have the immigration levels we do, and whether they're working for Canadians. I would like to make a plea that sometime in the new year perhaps this could be raised. We're told, for example, that we have among the highest, if not the highest, net immigration per capita rates in the world. We're told it's essential to our economic well-being. There's no question that our economy gets larger with immigrants.

The key question though is, do Canadians benefit individually? On a per capita basis, are Canadians better off?

We're told among other things, for instance, that we have to have immigration because of labour shortages. Interestingly, just a few weeks ago, the Toronto Dominion Bank issued a report saying that widespread labour and skill shortages were a myth. This is a major bank. Whatever skill shortages exist are isolated, and likely no greater than a decade ago. Just a few months earlier, in April, the Bank of Montreal said that reports of labour shortages were highly exaggerated, and that actually the levels had gone down in the last 15 years. Now that's probably—

•(1250)

The Chair: Thank you, Mr. Collacott, we have to move on. I'm sorry.

Mr. Martin Collacott: May I ask that we have a review in the new year, if possible, Mr. Chairman?

The Chair: Indeed.

Mr. Weston, you have up to five minutes, and Mr. McCallum will be the last speaker.

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

Today, we've seen witnesses who I think are characterized by their desire to improve our country, and I thank you all for being here. There are energy takers and energy givers in life, and people who hoard their gifts and those who give them away. It's great that you're sharing your information and knowledge with us.

Mr. Collacott, I have three questions for you that reflect what you've said this morning. You speak and write with this inexorable logic. I'm going to ask you to use that same sort of approach in answering these questions.

First, you've talked about exit checks. Can you use a minute to say how exit checks might enhance our immigration system?

Second, you talked about the misrepresentation and fraud that makes it hard for our officers to assess applications. How do we deal with that, and make safety a number one priority?

Third, and I know this is ambitious, you said that turning down an application takes more time than accepting it, but that you're not keen on an appeal system. What is an efficient way to deal with some reconsideration?

Mr. Martin Collacott: Thank you for the question. The exit checks are important because they won't keep people from overstaying or claiming refugee status, but we at least will know what's going on and when someone has left. We have no idea how many people are here illegally. It may be a huge problem; we just don't know. It's predicted that in 2015, there will be a mass increase because the temporary foreign worker contracts will start to run out. A lot are expected to stay here. Again, it's expensive, but I think it is entirely necessary.

Fraud questions were related mostly to misleading applications and incorrect information in attempts to become accepted. There's no shortcut on that. In some areas, there's a very high level of fraud. It's not necessarily uniform throughout a country. In India, there's a much higher level of fraud or misrepresentation in Chandigarh than there is in Delhi. In China, it varies considerably in different parts of the country. There's no shortcut, though. If you get fraudulent documents, it takes you a long time to dig in to find out whether they're genuine or what's going on. It's very demanding work, and we get a lot of them. There's no way to shortcut it.

Your third question was on—

Mr. John Weston: —reconsideration or appeal.

Mr. Martin Collacott: Well, I don't think the appeal is the best vehicle, based on the experience other countries have had. Australia has been cited. It's a very long, expensive appeal. A lot of these applications are time sensitive. There should be some way of reviewing. I like the simple resubmission of the application, because that results in a fairly high number of approvals. I think 48% of the decisions are reversed. There perhaps could be other kinds of mechanisms, and Mr. Kurland alluded to them. There could be some kind of review network so that particularly MPs and visa officers don't have all their time ground up in handling these things.

This would require some resources. I don't have a full idea of what I'd like to see, but I think it would be worthwhile exploring this further in this committee.

Mr. John Weston: Can we go back to the misrepresentation thing? Once something is fraudulent, it's clear that it's going to take some time to deal with it, but how do you screen out the ones that are fraudulent? What would you recommend we do?

Mr. Martin Collacott: You get applications from China, for example—I can name specific countries, because I'm no longer a public servant—in which a lot of the education documents are fraudulent. All you can do is track them down. One of my first postings was in Nigeria, and students had to prove they had financial resources to support themselves. The American embassy did some research. They found that 74% of bank statements that said they had enough money were fraudulent.

•(1255)

Mr. John Weston: Give us something specific. Are you saying that if there's a track record or a pattern that shows higher than a certain percentage...that there be a different approach used in those places?

Mr. Martin Collacott: I think there's an automatic assumption that you have to be more thorough. From some countries, there's very little fraud, and you don't have to double-check with the bank to find out if the bank statement was genuine or not. I think we can make certain assumptions, and you have to generalize. Some people don't like it. They say every country should be treated equally, but we do know there are much higher levels of fraud and misrepresentation coming from some places and even varying within countries.

The Chair: Thank you, Mr. Collacott.

Mr. Cash.

Mr. Andrew Cash: Thank you, Mr. Chair.

Thank you all for being here and sharing with us your wealth of knowledge and experience. I have a couple of quick questions, because we have only a short period of time.

Professor Lenard, we've heard recently about a new government contract worth about \$50 million to outsource visa application centres globally. The services will include the collection of personal information and biometrics and also will necessitate an extra cost to the individual applicants.

I'm just wondering if this concerns you, and if it does, what parts of it concern you. What things, in your view, should be top of mind for this committee as we oversee this new direction on the part of the department?

Prof. Patti Tamara Lenard: Thank you very much for your question.

I feel in general very wary of moving activities that are essential to state interests to private companies. I have a general reluctance to think that giving various visa companies, which are charged with basically just collecting the data a lot of authority over the immigration system. I know the government has already made decisions to have various visa-related information collected by private companies.

I have a general anxiety about making these kinds of moves. The privatization of immigration procedures is something that many countries are considering. I think it's dangerous, mainly for the reason that private companies are more difficult to keep track of.

In the U.K. experience, the U.K. also this summer started to withdraw from the use of private companies to evaluate and collect various kinds of data. The reason is that those companies do a very poor job of protecting the privacy of applicants, especially when those applicants come from countries where they might be dissidents at risk of political persecution in the case that their documentation becomes public.

That seems a really high risk, something that we don't want to take. That seems very dangerous. I think the privacy issue is paramount, and issues of transparency and accountability for companies that are not in fact government run.

Finally, there is an issue of equality. Those organizations are charging money, and they're charging extra money on top of what Canada already charges. It's already discriminating against immigrants who might come from poor countries but might nevertheless be a good fit for Canada.

Mr. Andrew Cash: Thank you.

Mr. Bissett, just to be clear, you said that some of the reason for the backlogs, in your view, has to do with staff cuts. Are you advocating a reversal of those cuts?

Mr. James Bissett: I think the immigration program is really highly pressed; there's no question about it.

Take the volume of not only the visitors, who are numbering in the hundreds of thousands, but also the temporary workers, the approximately 280,000 temporary workers in 2012, I think it was, in addition to another quarter of a million immigrants. You have tremendous pressure on the posts abroad to keep up with this. They're looking for ways and means of cutting, cutting work time, and shortcuts. In addition, many of the offices have been cut, staff cuts.

That's a very serious problem, and it does lead to Ms. Lenard's concern about privatization. I think that's inevitable, because we will not be able to handle the tremendous volumes of people who want to come.

If we get the exit control, it will open it up much better, I think, and wider, so that we will—

Mr. Andrew Cash: Okay, thank you, Mr. Bissett.

I have one more quick question for Professor Lenard.

A recent Harvard study found that the current government's record of rejecting more and more asylum seekers has actually led to driving more and more of them towards illegal human trafficking. This is a study by Harvard that just came out.

What are the possible unintended spillover effects from the massive backlogs, as described just now by Mr. Bissett, and the extremely long wait times for visas and the lack of transparency? Can you sum up some of the spillover effects of this?

• (1300)

Prof. Patti Tamara Lenard: I think that's exactly the spillover effect. The reason to have high-quality temporary labour migration programs, the reason to have fair refugee consideration strategies, is that, as I said in my opening comments, these people will find ways to cross borders. If you want to keep track of them and if you want to adjudicate their cases fairly, you need to have transparent and legal procedures by which they can make their cases to Canadian immigration.

The Chair: Thank you, Professor Lenard.

Mr. McCallum, you have up to three minutes. Let's hope no one notices we're past one o'clock.

Hon. John McCallum: Thank you, Mr. Chair, and thanks for the indulgence of my colleagues here.

To Professor Lenard, I think the phrase about Canada being a world leader is overused, often applied in areas where we're not world leaders at all. You said we were world leaders in immigration.

I think if you take a period of decades when we opened our country to non-Caucasian people from around the world, I would agree, but if you look at the situation today, I go back to my quote from the Mexican ambassador saying that we have the most stringent visa system for Mexicans of any country in the world. We're always looking to other countries for guidance. We seem to think Australia is doing better. The Mexican ambassador referred to these crazy questionnaires for Mexican business travellers. I guess my idea, my view, at least in this area is that we're not leaders at all.

My question for you is whether you think we have structural or systemic problems in our processes.

I agree with the particular recommendations made by committee members today, but does it go beyond that? It seems we have attitudinal issues that do not make us leaders in the world.

Prof. Patti Tamara Lenard: Thank you very much for that question. I am grateful to be able to say what I think, which is yes. I wrote that sentence yesterday, that Canada is a world leader, and then I added, using track changes, "but this is at risk". I think you have identified features of that risk.

The reason we were a world leader was that we abandoned racial considerations when admitting immigrants, but—and I've been writing about this a lot—some of the most recent changes, in fact—and I don't even know how to say this—are nearly completely crazy to me. We have a temporary labour migration program that is effectively modelled on the German system. We know historically what happened to the German system of guest workers. Those people ended up marginalized and isolated at the margins of German society. That's a lesson right there, and for whatever reason, we're not understanding, we're not learning that lesson. In fact, what we're doing is the government has created a visa overstayer problem.

Simply put, that is evidence that we are no longer the world leader. If we're going to regain that status, we need to look inward, not simply at the economic considerations of immigration, which, in my view, is what the government has been doing, but at the general contribution. I'm not the only one on this committee who thinks we need to have a discussion about the overall contribution that immigrants make. It goes nearly without saying that immigrants should not simply be measured in terms of their economic value or their economic cost.

Hon. John McCallum: Thank you.

The Chair: Thank you. I'm sorry, sir—

Hon. John McCallum: I assure you, that was not a planted question, but I like the answer.

The Chair: Of course it wasn't, and I would never suspect or challenge you on that.

Mr. Collacott, Mr. Bissett, it's always a pleasure to have you here. Professor Lenard, I hope we see you again. You have all given excellent counsel, and we appreciate that very much. Thanks for coming.

This meeting is adjourned.

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