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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Wednesday, February 26, 2014**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Wednesday, February 26, 2014

• (1540)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** We're going to start the meeting. This is the Standing Committee on Citizenship and Immigration, meeting number 14. We are studying a report on strengthening the protection of women in our immigration system.

We have some of the people from the Department of Citizenship and Immigration. We have Mr. Orr with us. Most of you will have met him before. He's the assistant deputy minister. We also have Mr. David Manicom, who is the director general of the immigration branch. Good afternoon to you. We also have Ms. Angela Gawel, who is the director general for international region, and Ryhan Mansour. I have no idea what your title is sir.

**Mr. Ryhan Mansour (Manager, Policy, Labour Market Access and Client - Centered Program Policy, Integration / FCRO Branch, Department of Citizenship and Immigration):** I'm the manager of economic and social services under the settlement program.

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

Thank you to all of you for coming.

Mr. Orr, I gather you are going to be the spokesman. You have up to 10 minutes, and then the members of the committee will probably have some questions from what you have said.

You may begin, sir.

**Mr. Robert Orr (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration):** Thank you very much, Mr. Chair.

As you said, my name is Robert Orr. I am the assistant deputy minister for operations at Citizenship and Immigration Canada.

I am here today with David Manicom, director general of the immigration branch; Angela Gawel, director general for international region; and Ryhan Mansour who, as you heard, was manager of policy integration branch.

[Translation]

My colleagues and I are pleased to appear before your committee this afternoon.

[English]

We hope that our testimony today will be helpful to you as you undertake your study on strengthening the protection of vulnerable women in Canada's immigration system.

This is a serious societal issue, the scope of which extends well beyond CIC's jurisdiction and beyond even the realm of immigration. It is a broader and complex issue encompassing many aspects and facets.

Having said that, let me say that CIC takes the protection of immigrant women's rights very seriously. The department has taken several measures, regulatory and otherwise, to address family violence in the context of immigration.

First and foremost, regulatory amendments have made it much harder for people convicted of crimes that result in bodily harm against members of their family or other particularly violent offences to sponsor any family class member to come to Canada.

[Translation]

Family violence is not tolerated in Canada, and individuals who do not respect Canadian law and commit a serious crime, regardless of who the victim was, should not benefit from the privilege of sponsorship.

[English]

Previously, a sponsorship application would not have been approved if the sponsor had been convicted of a crime resulting in bodily harm against a specific list of family members or relatives.

That list has now been expanded to ensure that prospective sponsors convicted of such crimes against an expanded list of individuals, or particularly violent offences against any person, are generally not allowed to sponsor family to come to Canada for five years following the completion of their sentence.

While these changes took effect in 2011, the story dates back to a 2008 Federal Court decision that highlighted a gap in the immigration and refugee regulations.

In that decision, a man convicted of killing his brother's wife was allowed to sponsor his own wife because his sister-in-law did not meet the definition of relative or family member in the regulations.

The regulatory changes now in force fix the gap highlighted in the Federal Court decision and assist in the protection of sponsored individuals from family violence.

[Translation]

CIC has also brought in new measures in recent years to deter foreign nationals from entering into marriages of convenience to gain permanent resident status in Canada—including two-year conditional permanent resident status for certain sponsored spouses.

CIC is aware of concerns that conditional status could increase the vulnerability of sponsored spouses who are in abusive relationships. Because of this, there is an exemption to this measure in instances where there is evidence of abuse, whether that abuse is of a physical, sexual, psychological or financial nature. The exemption also applies in situations where there is evidence of neglect, such as a failure to provide the necessities of life.

[English]

In consultation with several groups, including women's organizations, CIC has developed a process to allow newly sponsored spouses, who are affected by the conditional permanent residence measure and who are victims of abuse or neglect, to come forward without having to worry that they might face enforcement action.

Meanwhile, guidelines and training have been developed to assist CIC officers in processing requests for exemptions based on abuse or neglect, and in handling sensitive information, including evidence of abuse from a third party, related to situations of abuse.

CIC also publishes a brochure with important information for sponsored spouses or partners. It explains what conditional permanent residence means for them, and where they can turn to for help if they are being abused or neglected by their sponsor or their family.

[Translation]

The brochure states in no uncertain terms that abuse is not tolerated in Canada, that sponsored spouses don't have to remain in an abusive situation, that getting help is not shameful and that confidential help is available by phone, in person and online.

[English]

Mr. Chair, I understand that the main focus of this committee's study is on women who immigrate to Canada through the spousal sponsorship program, but it's important to remember that immigrant women also come to Canada through other avenues.

In fact, in 2012 more than twice as many women came to Canada as economic immigrants than through the family class. While most arrived as spouses and dependants, more than 27,500 were principal applicants, including 15,559 skilled workers. In comparison, just over 23,400 women came to Canada in 2012 as spouses and partners.

Immigration is a powerful positive force for women, empowering them to succeed through access to educational, employment, and economic opportunities in Canada, opportunities that could have been limited or non-existent in their country of origin.

Having said that, the immigration system is not foolproof. CIC officers are trained to assess the legitimacy of relationships at the visa application stage, but they are not omniscient. Despite our best efforts and intentions, the reality is that some immigrant women can and do face violence or abuse after they arrive, just as native-born

Canadian women do. This can happen whether women come to Canada under the spousal sponsorship program or as economic immigrants.

Under our settlement program, CIC provides funding to a variety of organizations that offer programs and services that respond to the specific needs of permanent residents, including immigrant women and their families who may find themselves in vulnerable situations.

• (1545)

[Translation]

Service-providing organizations often represent newcomers' first contact after arrival and provide culturally-sensitive supports as well as important linkages to community and social services.

CIC is committed to promoting the quick and successful integration of all newcomers—both into the labour market and into their new communities. That is why CIC's settlement services are flexible and designed to meet the diverse needs of newcomers, including women, who may be facing multiple barriers such as low literacy skills, lack of child-minding and limited transportation.

[English]

In 2012-13, more than 200,000 people used CIC's settlement services. Women made up approximately 60% of that number and close to 70% of those accessing CIC-funded language training classes.

Overseas, newcomers can access programs that help them understand their rights and responsibilities in Canada, and that provide detailed labour market information so they can make informed decisions prior to arrival.

Once in Canada, women also have access to a range of employment-related supports that help them build their skills to enter the workforce and/or to advance their career.

Many CIC-funded organizations provide targeted programming designed for specific groups, including women. For example, women's-only language classes for immigrant and refugee women cover issues such as family violence, spousal abuse, women's rights, legal rights and responsibilities, and health care, and include bridging or referral to other available services in the community.

Support services also exist in the area of crisis counselling, in which organizations assist women through short-term, non-clinical counselling, and then refer them to a variety of local resources including police, shelters, and clinical counsellors in order to provide immediate assistance to individuals in violent situations.

Finally, in line with the “Discover Canada” citizenship study guide, the latest version of the “Welcome to Canada” guide informs newcomers of what is not acceptable in Canada. For the first time, “Welcome to Canada” states that female genital mutilation, honour-based crimes, and forced marriages will not be tolerated in this country.

Mr. Chair, strengthening and improving the protection of immigrant women is a serious issue that warrants everyone's attention. I want to thank the committee for choosing to study this topic, and for its work in this area.

While CIC has taken important measures in recent years, we are open to exploring other ways to address family violence and to protect the rights of vulnerable immigrant women. We look forward to receiving the findings of this committee's study, which will further inform our efforts in this area.

[*Translation*]

Thank you, Mr. Chair.

My colleagues and I would be happy to discuss further any aspect of our opening remarks, or anything else that committee members would like to ask us about this topic.

[*English*]

Thank you very much.

**The Chair:** Thank you very much for your opening comments, Mr. Orr. I know members of the committee have some questions.

We'll start with Mr. Menegakis.

**Mr. Costas Menegakis (Richmond Hill, CPC):** I want to thank our officials for being here today.

This is a very sensitive issue. It's a very serious matter, something which the committee felt was very important to study, as you can appreciate. The use of our immigration system, or an immigration stream within our immigration system, to promote illicit activities and abuse of spouses, I believe is something we can do a fair bit about by at least trying to, if not eliminate it, severely reduce what is happening.

Over the years, we have heard of many cases of women who come here who are very vulnerable. They often come here from poor countries. They come here for a better life and once they get here, unfortunately, some of them don't anticipate the violence and the abuse that the person who is sponsoring them imposes on them. It's quite sad.

More recently, in the Ottawa area we heard of a case of a woman who sponsored a man who came over here and ended up beating her up. It was front page news, I believe. That's another sad situation. People come over here for the wrong reasons.

I'm really pleased that we're studying this. I thank all members on all sides of this house because I believe this is one study that, because of the fundamental unfairness of the whole thing, we can be united on a lot more areas than perhaps we normally have been in the past.

I'd like you to elaborate if you can, Mr. Orr, or any of the officials, on what measures CIC has taken in the past to address some of these

issues, where there are forced marriages, spousal sponsorship abuse, or even polygamy.

● (1550)

**Mr. Robert Orr:** Mr. Chair, there are a number of areas that I would like to outline. They fall into legislative changes, and there have been a number of those. Then there have been a number of other activities that have been undertaken, which have been useful.

If we go back to Bill C-10, which received royal assent on March 13, 2012, it gave the CIC minister discretionary authority to instruct officers not to issue work permits to those whose situation could make them vulnerable to abuse or exploitation, including sexual exploitation or human trafficking. It was a major change for us that I think was very positive.

Bill C-43, the Faster Removal of Foreign Criminals Act, limited the reviews mechanisms for certain foreign nationals on grounds of serious criminality.

Regulation 4(1) was amended in 2010 to deal with bad faith relationships and gave officers more discretion, more room to move on ways that they could refuse applications. Previously, it had to be that the applicant was entering into the marriage both for immigration purposes and the marriage was not genuine. That level of proof changed.

Also there was an expanded and strengthened spousal sponsorship bar, which changed, and I made reference to that in my opening remarks, that anyone convicted of an indictable offence involving use of violence would be barred from sponsorship.

In October 2012, there was the introduction of the conditional permanent resident status for certain sponsored spouses.

All of these have been significant changes.

On top of that, we've had a lot of work to do with the settlement program and greater awareness of those who are working with new arrivals in Canada so that they are better prepared to deal with some of the issues that come about. There have been major outreach activities as well. I've mentioned the “Welcome to Canada” and “Discover Canada” guides, which are very well used and are quite explicit about some of the issues there.

We have assistance for victims of human trafficking and special means to deal with that. We have special programs for refugees, for women at risk in the refugee program. We've done quite a bit of training with our staff as well, so they are more sensitized to these types of issues and are better prepared to deal with them.

● (1555)

**Mr. Costas Menegakis:** Okay, thank you.

I believe I have about a minute and a half left. Is that right?

**The Chair:** Yes you do, sir.

**Mr. Costas Menegakis:** I have a number of questions here, but I'll ask one that's a little faster to ask.

What kind of operational and front-line support does CIC offer for victims of human trafficking and/or women who are abused here?

**Mr. Robert Orr:** When such a case comes to our attention, the primary thing we would do is try to deal with the immigration side as sensitively as we can to protect the victims who are involved with that. At the same time, we may well refer them to community organizations, which are well equipped to help the individual with their situation.

**Mr. Costas Menegakis:** You would guide them to a professional organization that deals with these types of issues on a daily basis.

**Mr. Robert Orr:** We would give them the details of how they could contact them, if they wish to do so.

**Mr. Costas Menegakis:** Thank you very much.

Thank you, Mr. Chair.

**The Chair:** Ms. Blanchette-Lamothe, please.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP):** Thank you, Mr. Chair.

Thank you all for joining us.

I have a few specific questions about the new conditional permanent residence status for sponsored spouses.

First of all, do the victims have to provide evidence of some sort of abuse so that they are not sent back to their country if the couple does not stay together for more than two years?

[*English*]

**Mr. Robert Orr:** Thank you for this question. I may ask my colleagues to help out on this particularly.

Basically, the situation with the conditional visa is if it comes to our attention that there has been a situation of abuse, or if the marriage is not bona fide, then we will be taking action in that situation. It's quite new, so there haven't been many cases that have come to our attention that way thus far.

We are also very sensitive as we are dealing with a situation of those who may be in a situation of abuse. We would try to explore that as sensitively as we could to find out the nature of the abuse and what the situation is.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** I would just like to repeat my question. Do the victims have to provide evidence of the violence they suffer? Are the victims responsible for providing evidence of abuse so that they are not sent back?

**Mr. David Manicom (Director General, Immigration Branch, Department of Citizenship and Immigration):** Yes, victims must provide some evidence, but the evidence can be obtained from other parties. For instance, it can be a letter or a statement from a women's shelter for victims of violence, a statement from a doctor or a family practice, a police report, photographs, affidavits from family members, neighbours, co-workers, and so on. In cases like that, we can refer women to support organizations that can help them gather the information.

**Ms. Lysane Blanchette-Lamothe:** Does the evidence have to be submitted to a court or just to an immigration officer?

**Mr. David Manicom:** To an immigration officer.

**Ms. Lysane Blanchette-Lamothe:** What criteria do immigration officers use to determine the validity of a case? For instance, physical violence can be more easily identified than neglect when the necessities of life are not provided. Such situations can be enough to make women want to leave their spouses, but they are more difficult to prove. Do immigration officers have clear criteria? Have you ever rejected the claim of a woman who wanted to provide evidence of violence, but the evidence was not enough for the immigration officers?

[*English*]

**Mr. David Manicom:** I can't speak here about specific cases, but certainly, there are extensive instructions for officers which are publicly available. These instructions note that there are various types of abuse—physical abuse, sexual abuse, also psychological abuse—and to sensitize officers to the types of information they can ask for. That's why we have instructions to officers to consider information from a variety of sources, not simply from the police, but from co-workers, from neighbours, from women's support centres and things like that.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you.

Is fraudulent marriage a major problem in Canada? Do you have any figures for us on that? If not, can you tell us how many cases for deporting sponsored spouses there have been since the new status was adopted in October 2012?

• (1600)

[*English*]

**Mr. Robert Orr:** It's difficult to get statistics on this that are conclusive. We have a number of statistics that point to some of the results of the various measures that have been taken.

In Ontario alone, for instance, just between July and September 2013, there were 190 tips about these sorts of situations, about the conditional visas, which led to approximately seven instances of where people were given a departure notice.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you.

People and some organizations have expressed concerns. They are afraid that this would give too much power to the spouse who is already here. If a woman is sponsored, the language barrier could prevent her from knowing her rights. Some husbands who sponsor their wives tell them that, if things don't work out, they will send them back to their country. They used to do that even before this condition was established.

In terms of the language barrier, what have you set up to ensure that women who come here and do not speak English or French very well have access to information? Are the brochures that you provide in several languages? Do these women receive the brochures in person or by mail?

[*English*]

**Mr. Robert Orr:** I'll start off, and then I'll turn to my colleague to follow up further.

Yes, the brochure is readily available, and it has been distributed very widely. It's available certainly online.

**Ms. Lysane Blanchette-Lamothe:** In which language?

**Mr. Robert Orr:** Online it's in English and French, but it is being translated into many different languages. I don't have the actual number of languages for translation, but it is being translated. I think in some languages it's already available.

It is available at ports of entry and it is available with the service providers. We're using it as extensively as we can. Videos have been very successful as well on our website. We've had more than 153,000 hits.

**Ms. Lysane Blanchette-Lamothe:** As a last question, Mr. Orr, I see where you're going, but I don't think women necessarily receive the information directly. They need to reach out to organizations or to not be in isolated situations in order to have access to that information.

[Translation]

Are you aware of the problems in other countries that implemented those kinds of conditions? Other countries have set a condition like ours and they are having problems with this same new status. What types of problems are those countries dealing with?

[English]

**Mr. Robert Orr:** We're very much in contact with other countries, and learning from each other, on how we move forward on this. Perhaps Mr. Manicom can speak to that specifically.

There is an awful lot of activity to coordinate our efforts and to make sure that we're learning from each other on this.

**The Chair:** Thank you.

Mr. McCallum.

**Hon. John McCallum (Markham—Unionville, Lib.):** Thank you to the officials for being here.

You say that certain sponsored spouses are in this two-year program. Which ones are in it and which ones are not?

**Mr. Robert Orr:** Those who are eligible for this are those who have been married for less than two years, or in a relationship for less than two years, and do not have children.

**Hon. John McCallum:** So all couples in that situation are in this situation.

**Mr. Robert Orr:** That's correct.

**Hon. John McCallum:** How long has it been in place?

**Mr. Robert Orr:** Since October 25, 2012.

**Hon. John McCallum:** Were there specific problems or challenges that led the department to adopt this program? Was there a perception of increased numbers of marriages of convenience, or...? What led you to do it?

**Mr. Robert Orr:** I think there's always been a concern about the spousal program and how it is potentially abused. I'm not sure there was any spike or anything of that nature that led us to this at this time, but I think there was an awareness that this might be another tool, if you like, to help stem abuse.

**Hon. John McCallum:** Earlier I think I heard you say that within this program in Ontario over a few months there were about 190 cases of this arrangement, and seven were deported. Is that right?

• (1605)

**Mr. Robert Orr:** It was 190 tips; 190 cases came to our attention one way or another.

**Hon. John McCallum:** As having some sort of problem?

**Mr. Robert Orr:** Potentially.

**Hon. John McCallum:** Is the idea that if the couple does not remain together for two years, both will be deported?

**Mr. Robert Orr:** No, because the sponsor could well be a Canadian citizen.

**Hon. John McCallum:** Just the husband or wife who has arrived will be deported. Is that what happens?

**Mr. Robert Orr:** It could be a variety of things. It may ultimately be deportation, yes.

There also is the restriction that when someone arrives, they're not able to sponsor another spouse for a period of five years.

**Hon. John McCallum:** Okay.

I know this is very difficult, but can you give an idea of the order of magnitude of the problem? Of all the married couples who come into the country, or the spouses who come into the country, what proportion would be marriages of convenience? Would it be 1%, 5%, 20%?

I know it's not an exact science, but I'd like to know the order of magnitude of the problem.

**Mr. David Manicom:** I'll take that question.

Marriages of convenience, when identified, are refused, so they don't enter Canada. The only marriages of convenience that would enter Canada are cases that were not detected accurately by the officers.

In a way, I guess you're asking us our failure rate to identify marriages of convenience, and that's very difficult to quantify. We can't quantify it really. Data is available about the incidence of marital breakdown by visa category—

**Hon. John McCallum:** My time may be running out. Let me ask you a related question, which you may be able to answer.

Of all the spouses who apply to enter the country, what percentage is turned down because it is your view that it is a marriage of convenience?

**Mr. David Manicom:** Order of scale, it's about 15% or so.

**Hon. John McCallum:** Thank you.

**The Chair:** Mr. Leung.

**Mr. Chungsen Leung (Willowdale, CPC):** Thank you to the officials.

It's a very delicate question to ask but I'll address this from a different facet. That is an examination of how good our database is and how we can start building that database to be more proactive about this. Therefore, we need to look into the culture, the country of origin, the ethnic origin, the national origin, the religious background, and perhaps the lack of English skills.

If you start developing this type of database—and you can say it's almost racial profiling—would that give us a better tool to identify these marriages of convenience, as we move forward?

Let me also take you into a further situation. I understand that in China, India, South Asia, the going rate right now for a marriage of convenience is about \$50,000: \$10,000 for the local guy to handle the wedding, \$10,000 for the Canadian immigration consultant or lawyer, and \$30,000 for the spouse who's prepared to do it. It costs about \$50,000 for people who want to go into this.

How do we build a better database? How can we be more proactive?

**Mr. Robert Orr:** Mr. Chair, I think it's an interesting question and I think it's one that we deal with in trying to come to terms with this issue.

As we've tried to demonstrate, we have taken a number of measures. They are resulting in various elements: getting tips from the CBSA, from our call centre, having people contact them about situations where there are difficulties. We are getting more and more information about it working also with the community associations and situations they would bring to our attention. There are a variety of different ways where I think we are getting more information and getting a better handle on the nature of the problem, and more importantly, how to deal with it.

• (1610)

**Mr. David Manicom:** I'd add that I think it is important not to link marriages of convenience in a direct way with vulnerability. Certainly, some marriages of convenience could lead to vulnerability, but there's no interplay, if you will, between marriages of convenience and forced marriage, or those types of practices.

Like my colleagues at the table, I've worked in many different countries and marriages of convenience, whether individually organized or more organized scams, are pretty common in almost all our source countries. More specific cultural practices, which may lead to a higher incidence of things like forced marriages or polygamy and other types, are somewhat more culturally specific, although we have to be cautious about that too. Marriages of convenience were a big problem in Russia, Pakistan, India, and China when I served in all those countries, and certainly in South America and Latin America. It's a pretty broad problem, if you will.

**Mr. Chungsen Leung:** Perhaps you could be a little more clear about marriages of convenience versus arranged marriages. Arranged marriages in a lot of cultures are quite an acceptable practice, whereas marriages of convenience are driven more by the economics of immigration and so on. Perhaps you could share with me some of your experiences on this.

**Mr. David Manicom:** I don't think there is any link between marriages of convenience and arranged marriages.

The officers working abroad work within the local cultural norms. They understand the local cultural norms. They often have very specific training about local cultural norms. There are many relationships that go outside local cultural norms and are perfectly genuine, but you have to work within that context.

Arranged marriages, in our experience, are not particularly a problem from the point of view of determining whether or not it's a marriage of convenience. You have marriages of convenience detection challenges in cultures where you don't have arranged marriages.

When one is adjudicating the intent of the parties concerned, it is being done within a local cultural framework to the best of one's ability.

Detecting marriages of convenience clearly, I think everyone would understand, is not an exact science. It's a judgment call.

**Mr. Chungsen Leung:** Are the front-line workers in the CBSA or the visa office local hires? Are they more attuned to these issues versus immigration officers who are trained and sent from Canada? Do you hire front-line workers locally to do that type of work, having both the language capability and the cultural sensitivity to interview the prospective immigrants?

**Ms. Angela Gawel (Director General, International Region, Department of Citizenship and Immigration):** Yes, we do. We hire both locally engaged officers who speak the local languages and are familiar with the local cultures and norms, as well as our Canada-based officers who, as my colleague mentioned, do receive training, cultural sensitivity training, and training in the local culture as well. Whether they are Canadian or local officers, they are sensitized to those norms and to what to look for when trying to determine if a marriage is a genuine one.

**Mr. Chungsen Leung:** I will come back to my first question. Is there a database kept of these marriages of convenience and so on, so that we can track overall what our experience is vis-à-vis the other countries that are taking in a large group of immigrants?

**Mr. Robert Orr:** What we do keep track of is those who have applied and at the front end we'd have a very clear idea of how many applications we would have refused and the basis for that refusal. We do have that information very clearly established.

As we've said, it's about a 15% refusal rate worldwide, but that's for the whole gamut of possible reasons for refusal.

**Mr. Chungsen Leung:** Do you feel that we have enough database to be proactive in our actions in how we select?

**Mr. Robert Orr:** In terms of what we are doing in terms of the selection work, I think it's quite robust.

**The Chair:** Thank you.

Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP):** I thank our officials for being back with us again.

Since we're talking about marriages of convenience, maybe I'll start in that vein.

Do you know the number of marriages of convenience that we've had on an annual basis over the last five or ten years?



•(1615)

**Mr. Robert Orr:** Do we have the numbers of that? I think it's about 33%.

**Ms. Angela Gawel:** Bad faith, 32%....

**Mr. Robert Orr:** It is 32% where we would quantify sort of bad faith situations.

**Ms. Rathika Sitsabaiesan:** If you could provide the raw numbers as well to the clerk of the committee, that would be great.

**Mr. Robert Orr:** Certainly, we can provide that to the clerk.

**Ms. Rathika Sitsabaiesan:** Maybe the annual figures for over the last 10 years, please.

My second comment that will lead to a question is about the tip line you mentioned, Mr. Orr. I don't remember how many comments you had from people.

I had to hold the hand of one of my constituents as she cried. She was here from another country because she left a very violent situation in her home country and was living with her new spouse here. She was told that she was in a marriage of convenience here and was sent back to a violent situation in another country. That was about a year ago.

Two days from now, another one of my constituents, who is here on a refugee claim, will be deported because she has been told that she is not a real refugee. She is being sent back to the country where her husband, the father of her two children, is very abusive. I saw the daughter's leg and there has been an iron burn on the child's leg. This child is being sent back to certain abuse.

What happens in situations like that? Do we have anything to prevent these types of removals of women and children from this country, who have come here seeking our safety, and we are sending them away to certain violence and abuse?

**Mr. Robert Orr:** Mr. Chair, obviously I can't respond to a specific situation and there are going to be other factors involved there, but individuals do have the opportunity, through the Immigration and Refugee Board, to make an asylum claim, which is heard clearly. In fact, between 2010 and 2012, the Immigration and Refugee Board received about 600 claims that were based on forced marriages. It is an issue with which the IRB has some familiarity.

In terms of the removal after the process, I think you'd be better to put your question to Canada Border Services Agency, which is responsible for that aspect of things.

**Ms. Rathika Sitsabaiesan:** Thank you, Mr. Orr.

I don't know if you have it with you, but if you could give it to us later that would be also useful, but what proportion of spousal sponsorship applications that we've had have been subjected to the conditional permanent residency since it came into effect in 2012?

**Mr. Robert Orr:** It's 9,637 conditional visas until the end of January 2014.

**Ms. Rathika Sitsabaiesan:** From 2012 to 2014 since the law....

**Mr. Robert Orr:** From October 2012 until this time, so just over 9,500.

**Ms. Rathika Sitsabaiesan:** How many of those have actually been deemed not real marriages and people have been sent back? I don't know if you have that data with you.

**Mr. Robert Orr:** It would be very few simply because it's quite new. When you're looking at a two-year period as well, it's going to be very limited.

**Ms. Rathika Sitsabaiesan:** There's a two-year conditional period and those two years haven't expired yet.

**Mr. Robert Orr:** There have been a few, but I think it's very limited.

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

We know there have been a lot of cuts over the last little while to settlement service agencies. In Ontario and in Toronto specifically, I forget the exact number, but off the top of my head, I think it's something like \$60 million, which is a very large cut to settlement service agencies' funding.

A lot of new immigrants may not be able to speak English or French fluently and can't really navigate the legal system. If they're in a violent situation and are seeking support or even to provide the proof that they are in a domestic abuse situation, how would they do that when there are fewer settlement service agencies available or supports available for them to actually do that?

**Mr. Robert Orr:** I think we would certainly involve the community organizations.

I'll turn to my colleague from settlement services.

**The Chair:** Thank you. Time's up, I'm sorry.

Mr. Shory.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you to the witnesses for being here.

Well, where do I start? As you mentioned in your opening statement, it's a very sensitive issue. I believe that for all of us, more than 90% of our case work files in our offices deal with immigration issues. Mike said he doesn't, but I do. There is definitely a lot of abuse of the system, a lot of abuse of the opportunities. Before I get to that, let me ask you one question.

In January the minister had his round tables throughout Canada. Another theme from the round tables is that there is a need to refine our settlement services to assist in the issue of violence against women, especially before they come to Canada.

What services do CIC currently offer before immigrants come to Canada and can we offer more?

•(1620)

**Mr. Robert Orr:** A lot of the information that we provide is on the web, basically. There is certainly broad access and that has been well used. When we look at the number of people who have accessed that information, it is significant. We continue to look at what possibilities there are for some preparation for people who are abroad. We do quite a bit of work in that area, particularly with refugees, which is one of our most vulnerable populations. Most groups and refugees do go through an orientation program before they leave the third country where they are staying at the time.

Perhaps I could turn to my colleague to speak more to that.

**Mr. Ryhan Mansour:** Thank you, Mr. Orr.

To build on Mr. Orr's comments, CIC does offer online information and in-person services as well. As part of the online services, we have, of course, our flagship project, "Welcome to Canada", which is available online to all immigrants to Canada, including pre-arrival.

In terms of in-person services overseas, we have three main programs that are in place currently. The largest one is the Canadian orientation abroad program, which is delivered in 15 permanent sites across the world. They have various curricula, including for migrants, but there are also the longer sessions for refugees that Mr. Orr mentioned. They will be exposed very much to issues that are relevant to the subject of discussion today, which is an orientation to rights and responsibilities in Canada, as well as expectations that are put on Canadian citizens once they live in the country.

These are made and adapted to the clients who are in those sessions, with their level of language. They're delivered in English and French, but also in languages of origin as well. They do this in a class setting, as well as in role play, so that it's well understood.

**Mr. Devinder Shory:** Thank you.

Mr. Orr, you mentioned about 197 or 199 cases in Toronto itself or in Ontario. There are all kinds of abuse of this marriage of convenience, fraudulent marriages. There are the forced marriages, which sometimes lead to the killing of some children, I would say.

I want you to elaborate; at least, I want to be educated. What are the real steps to be taken by the abused or used sponsors? Do they go to the CIC first? Do they go to the CBSA first? How do they proceed?

**Mr. Robert Orr:** The answer is either one. Both have a mechanism to deal with it.

Within CIC, the main way to do that is through our call centre. Our call centre has agents who are specially trained. If an agent receives such a call, the caller is referred to another unit within the call centre that has special training to deal with these sorts of situations. As I've said, over the past year, the call centre has received about 12 such calls of someone who is in an abusive situation, and we've been able to deal with that.

Likewise, through the CBSA and through their border watch line, they get a number of tips. Normally if they go through a sort of screening process, they would refer them to the CIC, and we would begin to look at the situation ourselves. If we think it requires in-depth investigation, then in fact it is the CBSA that would undertake the investigation.

• (1625)

**The Chair:** Thank you.

Mr. Daniel.

**Mr. Joe Daniel (Don Valley East, CPC):** Thank you, witnesses.

For my first question, we know that CIC publications include information on family and honour-based violence and the principle of gender equality in Canada. For example, "Discover Canada: The

Rights and Responsibilities of Citizenship" promotes gender equality and explicitly states that honour killings, female genital mutilation, or forced marriages are not tolerated in this country. The guide also outlines the role of the courts and police in protection and enforcement.

What other publications and brochures does CIC offer to immigrants? How can we ensure that immigrants see these publications for their own protection?

**Mr. Robert Orr:** Thank you for the question.

CIC has very much taken this to heart. There has to be a significant outreach effort to try to reach people.

As we've mentioned, the online resource is one of the principal ways we do this. We also have videos about marriage fraud. Those have been very, very successful, at least if you look at it in terms of the number of people who have watched those videos, which is well over 150,000 people. That's very significant.

There are a lot of web-based communication products as well, which explain the process of the conditional visa and how that works. Then there is the brochure, which also explains the conditional permanent residence process and clearly outlines the exception about abuse or neglect. It's available on the website. It's very much available to our key stakeholders. It's also very much available to our settlement agencies that work with new immigrants. We are trying to make it as available as readily and as easily as we possibly can.

**Mr. Ryhan Mansour:** If I could add to this as well, we can't avoid mentioning the publications that are also produced by the service provider organizations that the settlement program funds at CIC. Communities that are located within the immigrant communities do produce their own publications that are targeted, depending on the cultures that are present and they're serving. They are aware of problems that could be existing in their communities. We fund organizations so that they can also produce their own information that reflects Welcome to Canada.

If I could just add one last thing, there is a big popular publication called, "Abuse is Wrong in any Language". It is a Department of Justice publication that CIC collaborates on and it's available in 10 different languages. It is used by our settlement services inland. The participants in Canadian orientation abroad are also exposed to that publication overseas, before they come to Canada.

**Mr. Joe Daniel:** Okay, I'm just going to pick a couple of examples from my riding where we focused on the issue of violence of women against men. I've had a couple of cases where the women got their visas from, in this case Pakistan, and then abandoned their husbands. They've actually come into Canada and the husband who was here and expecting them couldn't do anything about it. In fact, he called the CBSA, and so on, to prevent them from coming in.

Are there any mechanisms in place for that sort of abuse?

**Mr. David Manicom:** I think the primary one is the new conditional permanent resident status. If that individual does not remain in a marital relationship for two years, if they've come in with conditional status, then they are subject to removal. We have the mechanisms in place for sponsors who have been abused in that way to advise CIC or CBSA so that we can follow up.

**Mr. Joe Daniel:** How would they do that? Do they just call?

**Mr. David Manicom:** Yes, they can call the call centre and contact either CBSA or CIC's hotlines.

**Mr. Joe Daniel:** With that in mind, I'm really looking to see how well the CIC works with Justice, Public Safety, the RCMP and CBSA. Have you been working with these and other departments on these issues?

**Mr. Robert Orr:** Yes, there is a great deal of collaboration between the various departments. I would also add to that the Department of Foreign Affairs, where there is work between the consular sections at missions abroad and the immigration section. So, yes, there is a great deal of interdepartmental collaboration on these issues.

**Mr. Joe Daniel:** Coming back to the documents, how many "Welcome to Canada" guides have been issued and how many of them have been downloaded from the site? In your opinion, are they effective tools?

• (1630)

**Mr. Robert Orr:** I do have the numbers, but I'm sorry—

**Mr. Ryhan Mansour:** It's 75,000 in English that have been published and 17,000 in French. These are distributed.

Every new family gets a copy at arrival. They also are distributed in four major airports in the country as well as in over 200 service provider organizations, members of Parliament offices, as you know, schools, and other organizations in the community.

**The Chair:** Thank you.

Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan:** If they are provided in members of Parliament offices, I'm wondering if I could get some for my office, please. I don't know how to make that happen, but if you could let me know later, that would be great.

I'm going to continue in the same vein. Mr. Mansour, I know you wanted to answer. With settlement service agencies and funding cuts over the last four years, many of them in my community have had to either go from having three full-time staff to one part-time staff person, or close their doors, or really reduce the number of hours they are available for the service they were originally providing. Their backlogs are growing and their caseloads are just exorbitant. This is what our settlement service agencies are telling me in my community. Now, if you are turning these victims of violence towards the local service agencies in the community, how would they actually be able to support these women?

**Mr. Ryhan Mansour:** I would start by saying that the federal investment in settlement programming outside of Quebec has almost tripled from less than \$200 million in 2005-06 to its current level of almost \$600 million for 2013-14, which is a tripling of the amount, and actually having a peak of \$650 million in 2010-11. This funding supports program activities that help facilitate the settlement and integration of newcomers across the country.

I would say that the level of investments that were put across the country do show the support, and the levels of allocations per province are based on intake in immigration, so it is not a matter of

capacity but more that the dollars follow where the immigrants land in the country.

**Ms. Rathika Sitsabaiesan:** From the numbers that I looked at the last time for another study we were doing, a lot of the migrants were coming to Ontario, and specifically within Ontario, to Toronto. A lot of the people do end up in Toronto. I'm looking at local settlement service agencies that have had to severely reduce their services. I don't have the exact numbers in front of me right now, but I know there was a large round of cuts which I believe happened in 2008. Nevertheless, I'll come back another time with more details once I have the actual research in front of me.

Once again my question will be about the services provided to abused people in these violent situations. Is having conversations with them in their mother language a best practice?

I don't know how to say your last name, Ms....

**Ms. Angela Gawel:** Gawel.

**Ms. Rathika Sitsabaiesan:** Seeing my name, I'm very concerned about saying other people's names correctly.

I know you mentioned services are provided at visa offices in the home country, but here, when women—and men also, but the study is about women—are in abusive situations, is addressing them in their mother language a best practice?

**Mr. Robert Orr:** Yes, it would be. Indeed, the guidelines that are set out for officers in the operational bulletin do set out the importance of having good translation and making sure that the translator is not going to be someone who's from the community and thus it may make it more difficult for the individual to speak freely.

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

Other countries provide in legislation that abused spouses have a means to leave the relationship and obtain or maintain permanent residency. Has CIC looked into what other countries have been doing recently to mitigate the potential for abuse in these situations?

**Mr. David Manicom:** Yes. There are a number of other countries that have conditional permanent resident types of provisions for sponsored spouses. The United States, the U.K., and Australia do; New Zealand does not.

Our provision is relatively new, but we do have provisions, as we've noted, for persons who are in an abusive situation to leave that situation and not have their permanent resident status at risk.

• (1635)

**Ms. Rathika Sitsabaiesan:** What are some of the best practices from those other countries that we have identified as useful, or that could be applied here in Canada?

**Mr. David Manicom:** Best practices with regard to what, Madam?

**Ms. Rathika Sitsabaiesan:** For some of these provisions.

**Mr. David Manicom:** I'm afraid I don't have with me whether or not other countries have Canada's provision to enable persons in an abusive situation to not meet their conditions without losing their permanent resident status. I don't have that information with me. But I think Canada's provisions for that would be the best practice.

**Ms. Rathika Sitsabaiesan:** Okay, thank you.

**The Chair:** Mr. Wallace, welcome.

**Mr. Mike Wallace (Burlington, CPC):** Thank you, Mr. Chair. It's my pleasure to be here. I'm just filling in today. I'm not normally on this committee.

I'll start with this, since the assistant deputy minister is here. I'm the member for Burlington, and my office in Burlington gets excellent service from the immigration folks whom we call. You probably hear lots of complaints about things. In fact, as I pointed out, immigration is not the number one issue in my constituency office—actually, CRA is—but we do have a number of cases, of course, as does any constituency. My staff, who have been with me for eight years now, have been dealing with your staff at the lower level. They have done an excellent job for us. We don't always get the answer we want, but they are good at getting back to us, and I do appreciate the work that the staff at that level do. I wanted to make sure you knew that.

On another thing, if I asked residents in Burlington whether they know the difference between an arranged marriage and a forced marriage, they may not see the difference. I think I understand what an arranged marriage is based on those of some of my friends who have gone back to their country of origin and had an arranged marriage, but from an immigration perspective, can you explain to me what the difference is between a forced marriage and an arranged marriage?

**Mr. David Manicom:** As I've mentioned, I've served in both Pakistan and India, and those are two cultures where arranged marriages are common. It's really important to understand that in cultures where there are arranged marriages, there is also no tolerance for forced marriages.

There's a clear distinction between the two. The primary distinction is consent, freely given consent for the marriage. As we know, there is any manner of hybrid of arranged marriages in those communities and there are different roles played by different family members in bringing a couple together or proposing to a couple that they may wish to be together, but it's really based on free and wilful consent. A forced marriage is really something completely different.

**Mr. Mike Wallace:** I appreciate that.

You talked about “Welcome to Canada” in your opening statement. You talked about how forced marriages will not be tolerated, as well as a number of other crimes and so on. That is indicated to individuals once they get here and not in the country they're coming from. Is that correct? There's no education in the country of origin of the man or woman who is coming here through a marriage, but once they get here, they get this information. Is that correct?

**Mr. Robert Orr:** Well, the information is accessible beforehand, certainly online. We would strongly encourage people to look at that.

In addition, we have some programs where there are orientation programs that people can undertake before they arrive. It's not available everywhere, but it certainly is in a number of different countries.

**Mr. Mike Wallace:** There is an issue I see in my riding, and I think Immigration Canada does a very good job of making people go

through lots of hoops on this one. When it comes to marriages, there are people who come to my office, and we help them the best we can, whether they are male or a female, who are marrying somebody from another country and there's a significant difference in their ages. They come here and things maybe don't work out as well as they thought they would.

Are you able to track, in terms of the numbers, where somebody is using the system to come here versus the marriages of convenience? Is that considered a marriage of convenience, based on what fraud that other individual is doing?

• (1640)

**Mr. Robert Orr:** There would be a number of factors that would make a visa officer sit up and look closely at an application. A significant difference in age might be one of those. That doesn't mean we're going to refuse the application, because it could be very valid. There are a number of indicators, that being one of them, of whether we would want to look at the application more carefully.

**Mr. Mike Wallace:** This is my final question. For someone to be a refugee, is spousal abuse one of the reasons for being a refugee? The study is on protection of women in immigration, so I'm including the refugee portion as part of the immigration system.

If someone gets to our soil and says, “I'm declaring refugee status because of spousal abuse”, is that one of the reasons that can be used? Do you know?

**Mr. Robert Orr:** It would be the Immigration and Refugee Board that would make that determination, not CIC per se. As I mentioned earlier, there have been about 600 applications in the last couple of years that the IRB has received where there have been forced marriages as a basis for the claim. On spousal abuse, I don't have the numbers.

To be a refugee you have to look at the refugee definition, which is in terms of whether you would meet that or not. It might determine whether or not there is adequate protection in the country which you are from to deal with that sort of situation. That would certainly be a major factor.

**The Chair:** Thank you.

That concludes the third round. We have one more round.

I would remind members that the bells are supposed to ring at a quarter after five.

I have one question, if my colleagues would permit me to ask it.

We look at the attitude in different societies towards women in other countries, whether you're talking polygamy, forced marriage, or arranged marriage, just the treatment of women. It seems to me that we automatically move to the area of profiling, where some countries are treated differently.

Are there many accusations of profiling? There's no question it's quite open. The way some societies treat women is quite different from the way we do in this country, for example.

**Mr. Robert Orr:** Mr. Chair, I think we would say that we try to look at each case individually, and we are trying to look at the case in terms of the cultural norms as well. We're sensitive to the cultural norms and what would be acceptable. For instance, is arranged marriage part of the norm there? If so, fair enough; we are prepared to look at that accordingly.

I don't think it's a matter of profiling so much as a matter of looking at the individual case on a case-by-case basis and then determining whether the marriage is valid or not.

**The Chair:** Mr. Menegakis.

**Mr. Costas Menegakis:** Mr. Orr, you mentioned earlier that Bill C-10 in March 2012 amended the Immigration and Refugee Protection Act to provide the CIC minister with the discretionary authority to instruct officers not to issue work permits to those who could be vulnerable to abuse or exploitation, including sexual exploitation or human trafficking. On July 14, 2012, CIC stopped processing new work permit applications from temporary foreign workers intending to work for businesses related to the sex trade, namely, strip clubs, escort services, and massage parlours. This policy was codified in regulation in December 2013.

Could you tell us if there are still cases in which CIC is catching sex-trade workers? In your opinion, has this legislation been a positive step so far?

**Mr. Robert Orr:** I don't have information about whether there are still cases of this, but I think this change that you've identified was a very positive one and did help a number of people who were in vulnerable situations.

**Mr. Costas Menegakis:** Thank you.

How do you think the spousal sponsorship program should be changed in order to address the abuse of the program?

**Mr. Robert Orr:** Mr. Chair, as I think we tried to identify, there are a number of different ways in which we are trying to approach and trying to ensure that vulnerable people are protected and receiving the assistance they require when they find themselves in difficult situations. The variety of ways in which we have changed some legislation, the better training for our officers so that they are more sensitive and attuned to the possibility of the situation, the work with the settlement organizations and the assistance they are providing, I think all of this together makes quite a good package of means to deal with the situation. Is it perfect? No. Can we solve all the problems? No. But I think we're making major efforts in the right direction.

•(1645)

**Mr. Costas Menegakis:** Thank you.

As we heard earlier, throughout January the minister conducted round tables on this issue all over Canada. Some of the main themes that came out of the round tables actually centred around education, both for men and for women, and the fact that education must be accessible to newcomers before and after they arrive in Canada. Immigrant men need to better understand the consequences of their actions, and immigrant women need to better understand the courses of action they can take when they find themselves in those difficult situations.

How can CIC take action on this? What are some of the programs that could be introduced?

**Mr. Robert Orr:** There are a number of different things we could look at. Certainly, I think one of the things we would like to explore more is what we could do in a greater way for orientation before people arrive in Canada, and what opportunities there might be there. That's something that I think we would want to explore.

**Mr. Costas Menegakis:** Thank you.

Have there been any other amendments to the Immigration and Refugee Protection Act in regard to protecting women immigrants?

**Mr. Robert Orr:** I have outlined the principal ones. I don't think there are any others, Mr. Chair.

**Mr. Costas Menegakis:** Another theme of the round tables was that the immigrant communities need to be better informed on the rights of women and of newcomers. They should be armed with a vast amount of resources. What kinds of resources do you think we can share with immigrant communities, and how can we ensure that they get the information they need?

**Mr. Ryhan Mansour:** I'll take that one.

I think it's about continuing to engage and to work with our service provider organizations, SPOs, that are currently very active in these activities. The settlement program actually does have as part of its funding priorities services dedicated to the needs of immigrant women in all immigration categories. There are a few of these that are currently funded across the country that maybe we can provide more information on to the committee.

It's about working with our existing partners, but also with other partners that are growing outside in the communities. We are also funding initiatives such as local immigration partnerships, whereby communities come together and address community action plans to inform others about the needs that immigrants in their communities are facing. These are gathered in reports that inform our program investments. I think this is how, by continuing to work with our settlement partners—at present, there are over 500 of them across the country—as well as building on what we currently are doing both pre- and post-arrival, it can be done.

**The Chair:** Thank you.

Ms. Blanchette-Lamothe, please.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair.

Let me go back to the new conditional permanent residence status for sponsored spouses. You did not have time to answer my question about other countries that use the same status as the one we implemented in Canada in 2012. Could you tell us what problems and concerns those countries are dealing with in terms of the conditional permanent residence status for sponsored spouses?

[English]

**Mr. David Manicom:** I don't think I have detailed information in my own mind right now about their experience.

[Translation]

I don't quite understand what you are asking. Would you like to know about the experience of other countries with the conditional status or with women in abusive situations or—

**Ms. Lysane Blanchette-Lamothe:** If you don't have the information now, please forward it to the committee through the clerk.

When the government announced the new status, it said that other countries had the same type of status. Those countries said they were experiencing obstacles, concerns, challenges and problems with the conditional status. I wanted to know whether you were aware of that and whether you had discussions on the conditional status challenges and problems experienced by those countries. If you are aware of those challenges and problems, could you share them with us now or very shortly?

• (1650)

**Mr. David Manicom:** I will see what I can do. It is quite difficult to describe the experiences of other countries.

**Ms. Lysane Blanchette-Lamothe:** You can relate the experiences to us the way those countries have expressed them. If you have information on the issue, I would appreciate it if you would share it with the committee.

I would now like to talk about a hypothetical situation. I understand the purpose of this new conditional status, but some feel that this new status could leave sponsored women in precarious situations, giving a lot of power to the husbands already settled in Canada who sponsor their spouses from other countries. For instance, a situation like that may occur if a man who married and sponsored a woman wants to separate after a year and a half because she cannot have children or because she has fallen into depression or has had trouble adapting since she arrived. In those circumstances, can the man really end the marriage and send his wife back to her country of origin?

[English]

**Mr. Robert Orr:** I don't want to get into hypothetical situations, but the basis of this is, if there is not a true marriage, if there is not a genuine marriage, then yes, the conditions may come into force at that point.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** How will it be proven that the marriage was not legitimate? If he no longer wants his wife, can he show that the marriage was not legitimate? What type of evidence will he need to show that his marriage was not legitimate—

[English]

**Mr. Robert Orr:** Yes.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** —if he wants to send his wife back or if he no longer likes her after a year or a year and a half?

[English]

**Mr. Robert Orr:** In a situation where there is a difficulty of that sort, the immigration officer would be considering both sides of the story, would not just be listening to one side. The officer would be

very open to hearing from both sides what the situation is and to evaluating it on a case-by-case basis.

The guidelines for the officers are very extensive and are publicly available. They go into the sorts of things that the officers should be taking into consideration when they're making a determination about this.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** So the immigration officers are the ones with the discretionary powers to decide whether the wife must go back to her country or not on the grounds that the marriage was not legitimate, for example.

[English]

**Mr. Robert Orr:** Yes, that is correct.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** I have another question about the funding for settlement services. Is the money distributed to the provinces proportionately to the number of new arrivals or do you also take into consideration the movement of newcomers after their arrival?

For instance, you can calculate the number of newcomers who arrive in British Columbia, but do you consider the number or percentage of newcomers who move to Toronto after six months or one year, because they found jobs there? What are the criteria for the funding?

**Mr. Ryhan Mansour:** I can answer that question.

We actually have a program formula. According to this formula, we calculate the average of arrivals in every province over a three-year period. We give additional weight for the number of refugees each province receives.

**Ms. Lysane Blanchette-Lamothe:** So it is based on arrivals.

**Mr. Ryhan Mansour:** Yes, on arrivals, not on secondary moves.

**Ms. Lysane Blanchette-Lamothe:** Thank you.

[English]

**The Chair:** Sorry, but on a question Ms. Blanchette-Lamothe asked, it seems to me it could happen that there would be a conflict between immigration law and matrimonial law where you could end up in a dispute between a man and a woman over a breakup. I don't know how often that happens, but it seems to me it could happen frequently.

**Mr. Robert Orr:** Mr. Chair, I think you raise an important point here. I think what CIC is trying to do is deal with the immigration issues, and if there are other factors that need to be considered, we would be referring those to the experts in those particular areas so that we are dealing with the immigration side of it.

• (1655)

**The Chair:** It would just be an awful thing if there was a genuine issue involving matrimonial law and yet under immigration law he or she is sent back.

**Mr. Robert Orr:** I understand your point. I think the immigration officers, and especially from the guidelines, would be very sensitive to that sort of situation and would not pre-empt the legal situation for an immigration solution. I think—

**The Chair:** Who has jurisdiction? What I'm saying is there clearly could be a conflict between immigration law and matrimonial law.

**Mr. David Manicom:** The conditional provision was put into place to help deal with issues of marriage of convenience. There are provisions to deal with situations where a spouse, often a woman, is in a situation of abuse or neglect, but it is the case that it is a conditional status. If the marriage ends, the reason for which the person came to Canada, then their conditional status would lapse and they would be asked to leave Canada. The relationship was the reason they came to Canada, so in that situation, if the person doesn't qualify for other immigration programs, they would be asked to return to the country they came from where normally they have most of their family support. The family support that brought them to Canada has now ended.

That is the conditional status that was brought into place by the government.

**The Chair:** If my colleagues could just allow me, and this is my personal view, not the government's, but it doesn't quite seem fair. If you had a situation of abuse, which is what this study is all about, or one of the things it's all about, if the husband is abusive towards the woman, there could be a situation under matrimonial law, yet under immigration law, if I have interpreted what you said correctly, would she be sent back?

**Mr. David Manicom:** No. There are clear exemptions written into the legislation, supplemented by guidelines, such that when the cohabitation requirement is not met because of a situation of abuse or neglect, covering the gamut from violent neglect, sexual abuse, psychological abuse, financial abuse, for these reasons, as documented by the individual to demonstrate that they should not have to return to their home country, they have left the relationship because of an abusive situation, and therefore, they are given reprieve from the conditional status provision.

**The Chair:** Thank you.

We're back to the seven-minute rounds.

Mr. Shory.

**Mr. Devinder Shory:** Mr. Orr, in your presentation you talked about some 27,500 women who came as principal applicants. Out of that, 15,559 were skilled workers. Obviously, they were educated and skilled women.

We're talking about all kinds of sponsorship abuse. I understand that our government for sure has tripled the funding for settlement services, and we push or encourage it on language ability, etc. When we were talking, it came to mind that there is a group of those who can communicate in one of our official languages, English or French, and there could be some who need our help to improve their language skills after coming to Canada. I wonder if there is any data to differentiate between these two groups and in which group there is more abuse. Do you have any percentages on that?

**Mr. Robert Orr:** Mr. Chair, I don't think we have the level of detail to make that correlation at all. I don't think it's possible at the moment.

One point I made in the opening presentation, though, was about the number of women who are accessing our settlement services, and particularly the number who are accessing our language training. I

think this is quite encouraging in the broad scheme of things, that it is reaching out to a need. Many women who are arriving in Canada are taking advantage of those programs.

**Mr. Devinder Shory:** I'm not a pessimistic man, but let me tell you that I have heard there is abuse of those services as well. Some people simply enrol to get the financial benefit of those services. We'll talk about this some other day.

Let me get into the forced marriage issue. Mr. Manicom said it is different from arranged marriages. Of course it is different.

I want you to tell us about instances of forced marriage. How often do you estimate they occur? What are some of the challenges in identifying cases of forced marriage? Is the department looking at any additional measures to address the problem?

• (1700)

**Mr. David Manicom:** I'll start, and Mr. Orr may wish to add something.

Forced marriages are something very difficult to quantify. The known incidence of forced marriages in the immigration system is quite small, and the instances tend to be anecdotal. We are certainly looking now more systematically to track cases when we have reason to believe there was a forced marriage.

A forced marriage will not all that often come to the attention of a visa officer. The victim is normally not going to tell the visa officer that it was a forced marriage, because as the victim, she is fearful that if it became known that had she told a government official it was a forced marriage, she would be put at risk.

There are some numerical indicators. DFAIT'S consular services have dealt with about 100 cases of forced marriage over the last few years. Bob mentioned that the Immigration and Refugee Board sees cases in which forced marriages are one of the reasons for the claim. There have been some studies. One by the South Asian Legal Clinic of Ontario gave some numbers. I don't have them in my hands, but there were 200 cases, I think, of forced marriages that they had dealt with in the South Asian community in Ontario, but let us remind ourselves that not all of these involved an immigration component; they could have been second-generation persons.

Quantifying it is very difficult. We know it occurs. We know from working closely with other countries that they have these issues as well. Forced marriage indeed is very hard to quantify because it is normally hidden. Sometimes it comes to our attention through tips, through written information, and visa officers can probe. In a small number of cases, the visa officer will feel that it is a forced marriage situation.

Then they have to work very closely with Foreign Affairs or with the CBSA to try to deal with the case in a way that won't further victimize the victim. If we issued a refusal letter saying, "You're refused because your sponsor forced you to marry", we would be putting the victim at risk, because then the forcer would understand that the person had revealed the situation to a government official. Most of this is about trying to protect the victims and not further victimize them when we come across such situations.

We are looking at a number of possible ways to work more closely with Foreign Affairs, making sure that we have good information sharing. Should Canada look broadly at practices in other countries, if they have a dedicated forced marriage unit? These are all good questions. We're examining every angle we can to see how to ensure that we're doing all we can through the immigration system to prevent forced marriages.

**Mr. Devinder Shory:** I want to go back to my first question. I was wondering whether education makes any difference, whether the sponsored spouse, in this case a woman, who has an educational level permitting communication in one of the official languages is less prone to abuse or not. That's what I was trying to get to.

Maybe the department would want to look into this from that angle.

**Mr. David Manicom:** I certainly think that's a very good point. We need to make sure we have, through our outreach and settlement services, special community situations, places people can go.

It is always more of a challenge for individuals without good official language skills. I think the translation of materials we're working on and the large increase in settlement funding to enable more outreach activities are probably the most important things we can do.

To be in the communities to deal with these situations pre-arrival is very challenging. We think we can do some more there, but it's in the communities here, with our service providers who are on the ground, that we can make the most progress.

**The Chair:** Thank you.

Ms. Blanchette-Lamothe.

• (1705)

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair.

I have a few final questions about the conditional permanent residence status.

Could you forward to the committee the criteria used by immigration officers to determine whether a marriage is illegitimate and whether a person should be sent back if the marriage ends?

[English]

**Mr. Robert Orr:** The operational bulletin that explains this is Operational Bulletin 480, and it's readily available on the CIC website. We can certainly make it available to the clerk as well.

**Ms. Lysane Blanchette-Lamothe:** Thank you.

[Translation]

You are well positioned to answer this question. If you were to make one or two proposals to improve protection for women and help the newly arrived women get settled, what would they be?

[English]

**Mr. Robert Orr:** That's a very broad question, but thank you.

This is a very complex, difficult issue. We're all trying to grapple with what the best way is to go at this. Over the past few years there has been an enormous effort to address it in a number of different

ways, such as legislation, outreach, training, work with the settlement agencies, and so on. As I tried to explain, I think that together these make a very robust package.

We're starting to see the results. We have to measure them. We have to try to get a better handle on the impact of these various measures. Of course, we will continue to refine them and see what else can be done to move forward.

We're not alone in this. As we talk to other countries, the U.S., the U.K., Australia, and New Zealand, particularly, we find that they grapple with the same sorts of issues. We all come to the same sorts of means of dealing with this issue. We will continue to try to learn from each other's best practices.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Thank you.

In terms of the financial data on settlement services, there has been a short debate on whether cuts have been made and, if so, when. Would it be possible to provide the committee with data on the funding earmarked for settlement services over the past 10 years? Has all the money been spent? How many newcomers have been eligible for those services over the past 10 years? Those numbers would enable us to have a good grasp of the funding for settlement services. Would it be possible to forward the information to the clerk?

**Mr. Ryhan Mansour:** Yes, we can forward it to you.

**Ms. Lysane Blanchette-Lamothe:** Excellent. Thank you very much.

You talked about Bill C-10, which was passed and deals with human trafficking in particular. That is another topic I would like to hear your opinion on.

Does this piece of legislation make it possible to protect victims? Organizations and associations are saying that they are increasingly able to have the tools to combat human trafficking. However, once victims are taken out of those networks, do they go back to their countries? If not, do they receive protection enabling them to stay here? Could you elaborate on the level of protection provided to victims?

[English]

**Mr. Robert Orr:** I'll answer very quickly and then turn the question over to my colleague.

Yes, there are protections for those individuals. That's the whole point of a lot of this legislation: to try to protect them and to give them opportunities often to remain in Canada.

**Mr. David Manicom:** Yes, there are specific measures in place to make sure that victims of trafficking are protected. There are specific regulatory provisions to issue them a temporary resident permit to remain in Canada under the provision that they are a victim of trafficking. These are used fairly regularly. Last year there were 26 temporary resident permits issued to victims of trafficking.



The whole framework is set in place to make sure that victims of trafficking are protected rather than be re-victimized by being removed. Not all victims of trafficking wish to remain in Canada, of course; it depends on individual circumstances. But we have that measure in place.

• (1710)

[Translation]

**Ms. Lysane Blanchette-Lamothe:** You talked about a temporary permit, but can victims of trafficking receive a temporary permit if they don't want to go back to their countries? Is that common?

[English]

**Mr. David Manicom:** I don't have that data in front of me but there is a class for temporary resident permit holders. If they are a temporary resident permit holder for a period of—is it five years?

**A voice:** Three, I think it is.

**Mr. David Manicom:** Well, we can confirm that—then they are eligible for permanent resident status if they meet other eligibility requirements such as not having criminal records and so forth. So, yes, they do have access to permanent resident status in some situations.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Okay.

So, most of the time, women who have a five-year permit can obtain a permanent permit if they do not have a criminal record. Would women who are drawn into prostitution or trafficking rings be considered to have a criminal record?

[English]

**Mr. Robert Orr:** I think the whole point is that we are trying to protect the victims, and we're not going to victimize them again because of the situation they were put into involuntarily.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** I understand the objective, but I would like to know how the victims are protected.

[English]

**Mr. David Manicom:** We can give them permanent resident status.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Is that common?

[English]

**Mr. David Manicom:** I don't have the numbers of trafficking victims who became permanent residents subsequently through that TRP but I believe that information could probably be provided to the committee.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Thank you, I would appreciate it.

Those are all my questions, Mr. Chair. Thank you.

[English]

**The Chair:** Mr. McCallum, you're in luck. You have some time.

**Hon. John McCallum:** Thank you.

Like many, I have many spousal applicants in my riding office and sometimes I'm not quite sure if they're honest. Many times I know they are, and often when they are honest, they still get denied. We also know the processing times have gone up over time.

Obviously, we want to prevent marriages of convenience coming in, but the fact that there are some bad apples, the people who want to come in fraudulently, and because we take measures to stop that, does that increase wait times for all the good people? We know wait times have gone up, but to what extent might the rise in wait times be related to efforts to stem marriages of convenience?

**Mr. Robert Orr:** With respect to the processing times overall, we try to do spousal applications within the service standard of 12 months, and unfortunately we're above that in 80% of the cases we're dealing with. Our global average at the moment is about 17 months. We continue to try to work our way through that.

The processing times are longer for a whole variety of reasons. The issue of marriages of convenience is a factor, but it's one among many factors that would be influencing this. I think it would be very difficult to isolate that as a key piece of this.

**Hon. John McCallum:** Okay, thank you.

You say that “Welcome to Canada” states that female genital mutilation, honour-based crimes and forced marriages will not be tolerated in this country.” I certainly agree with that, but many other things are not tolerated in this country. Murder, rape, robbery, hitting people on the head are not tolerated in this country. That's a very selective list of three out of dozens of things that are not tolerated in this country. One could argue it's a somewhat religion-specific list.

Of all the things that are not tolerated in this country, why do you focus on those particular three?

**Mr. Robert Orr:** I can start and my colleague can continue, but I think that a number of the other issues you mentioned are common across all countries. These are particularly heinous ones that Canada does not want to tolerate and wants to make that very clear right up front. It is an effort to try to ensure that people are not put in vulnerable situations. We try to avoid that and ensure that it's clear that we will not tolerate that.

**Mr. Ryhan Mansour:** I think what was mentioned earlier—

**Hon. John McCallum:** We don't tolerate all those other things either.

**Mr. Ryhan Mansour:** No, but I think the message was out because it was a reference to a specific passage in “Welcome to Canada”, but also “Welcome to Canada” has a large section on familiarization with Canadian laws and all the other things that are not tolerated, such as cultural adaptations for immigrant women, seniors, youths, family dynamics, even parenting in Canada. These things are part of the orientations that are happening through the online services as well as group orientations where immigrants may be exposed to the issues you're referring to.

•(1715)

**Hon. John McCallum:** Okay.

In terms of the definition of marriage of convenience, does money have to pass hands?

**Mr. Robert Orr:** Not necessarily, no.

**Hon. John McCallum:** I'm not quite sure what the definition is. Obviously, it's not a marriage of love or of wanting to live together. It's convenient for one party. Since they're not friends, presumably there's a benefit, which presumably takes the form of money.

Is it not usual, if not always the case, that one person gets landed immigrant status in return for giving money to another person?

**Ms. Angela Gawel:** I think there are different situations in which you can have a marriage of convenience. One of them may be that

there is some sort of consideration, a monetary consideration or other that, for instance, the sponsor receives for engaging in a marriage of convenience. It may also be that the sponsor is unwitting and is the victim of a marriage of convenience from someone who pretends to wish to marry them and of course has no intention of staying with them.

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

Mr. Orr, you may not hear them, but the bells are actually ringing. On behalf of the committee, I want to thank you and your colleagues for coming and helping us with this topic.

**Mr. Robert Orr:** Thank you.

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

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