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# Standing Committee on Citizenship and Immigration

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**Wednesday, March 5, 2014**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

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• (1535)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Thank you very much, ladies and gentlemen.

This is meeting number 16 of the Standing Committee on Citizenship and Immigration. This meeting is televised.

We have two items today. For the first hour, we have Minister Alexander as our guest to talk about the supplementary estimates. In the second hour, we are continuing our study on the report on the protection of women in our immigration system.

We will proceed.

Mr. Alexander, thank you very much for coming before us today with your guests.

We have with us Mr. Robert Orr, who was just here recently, and Mr. Linklater, of course, the assistant deputy minister, strategic and program policy, who has been here many times as well, as has Mr. Tony Matson, assistant deputy minister and chief financial officer. We also have with us the deputy minister, Ms. Biguzs.

The Honourable Chris Alexander is here.

You have the floor, sir, for up to 10 minutes. Thank you for coming.

**Hon. Chris Alexander (Minister of Citizenship and Immigration):** Thank you.

[Translation]

Mr. Chair, colleagues, thank you for inviting us.

Good afternoon everyone.

[English]

I'm delighted to be here with so many from the senior leadership of the Department of Citizenship and Immigration to present our department's supplementary estimates (C) for fiscal year 2013-14.

[Translation]

The most significant allocation of \$35.5 million in additional funding will allow us to meet our obligations under the requirements of the Canada-Quebec accord on immigration. As you know, this accord gives the Government of Quebec the exclusive responsibility for immigrant and integration services in return for financial compensation from the Government of Canada.

[English]

Our supplementary estimates also include an allocation of \$3.9 million to support immigration for official language minority communities as part of the “Roadmap for Canada's Official Languages”.

[Translation]

Overall, under the Official Languages Roadmap for Linguistic Duality 2013 to 2018, our government has invested \$149.5 million over five years in initiatives related to official languages and immigration. That is a significant sum.

Most of this \$3.9 million in funding—in other words \$2.3 million—will be invested in promotion and recruitment activities in Canada and abroad, primarily through expanding the frequency and the number of locations of existing events such as the Destination Canada job fair, a very successful event that many of you probably know. Through these successful job fairs, we help to connect French-speaking or bilingual skilled workers with employers across Canada.

We are always struck by the number of francophones outside of Quebec who are not born in Canada, who are immigrants. I will give you a statistic that you may not know. The population of the Yukon is now 14% francophone, and that number is completely unheard of in the Canadian territories. It says a lot about the strength of our francophone immigration policy outside of Quebec.

[English]

Mr. Chair, francophone immigration under our government is on the rise. We want it to increase even further.

[Translation]

We have seen a consistent annual increase in the number of francophone minority immigrants since 2006, and we will continue to promote initiatives to strengthen Canada's francophonie in all the provinces and territories.

This past November, I had the opportunity to launch the first ever National Francophone Immigration Week. I think the event was greatly appreciated in Ontario, which has a significant francophone population of course, but also in New Brunswick, Manitoba and all the provinces.

Through these initiatives we are helping our francophone and other immigrant populations successfully integrate into Canadian society.

Unfortunately, the previous government ignored this issue for 13 years. We are committed to strengthening francophone immigration.

We also want to continue to strengthen immigration outside of the big cities. Under the Liberal government, I believe that nearly 92% of our immigrants went to the three big cities or metropolitan areas. Today, immigration is much more spread out. Small cities and rural areas are receiving more and more immigrants. And this is what our demographics and our economy require.

• (1540)

[English]

Our government is committed to ensuring the successful integration of newcomers across Canada, both into the labour market and into their new communities, wherever they settle.

Let me give you a couple more of the highlights from the supplementary estimates, so that we're all clear on how the numbers change the outlook for our department and reflect the priorities and program reforms we continue to make.

I mentioned funding the Canada-Quebec Accord, which is an obligation and which continues to grow in accordance with the terms of that accord. The funding to promote official languages is there, a needed adjustment to reflect the strength of our commitment under the road map.

Item 3 is the funding for debt writeoff from uncollectable immigration loans. This is the standard procedure that we have. We give loans to large numbers of refugees, and some other categories of immigrants. The collection rate is something like 91%, but there are some loans that are not collected, and we are adjusting the amount to reflect that.

Under item 6, you see several available authorities that we have had to take advantage of this year in order to fund other priorities because we weren't fully using those authorities this year. This is a standard procedure, and I can give you more details about which appropriations are there. One of them is the biometrics initiative. Another is reductions in an initiative to fund workplace technology devices. There was \$.9 million savings for the entry/exit perimeter initiative. There were some savings in the federal skilled workers return of fees. These are all authorities that we had that weren't fully used, so the money is reallocated through these available authorities to help us meet the adjustments in these supplementary estimates (B).

The same goes for statutory appropriations. We have basically decided not to refund as large a number of the federal skilled worker backlog. We will complete the refunding of that program, I believe next year. Again, that money allows us to meet the requirements for this year.

Then, on transfers, there are essentially five different transfers. These are standard procedures that reflect our intense and complicated relationships with sister departments. We are receiving some money back from Foreign Affairs Trade and Development Canada. We are receiving some money back from Shared Services Canada, and we are transferring some money to the Canada Border Services Agency. There are two transfers that reflect the fact that we

have assumed responsibility, as of this past summer, for International Experience Canada. This is a very successful program that used to be delivered by Foreign Affairs and is now delivered by us.

Those are the highlights, and that is the substance of the supplementary estimates (C) for this year.

If I have a couple of more minutes, Mr. Chair—

**The Chair:** You have one.

**Hon. Chris Alexander:** Let me just underline that our government's number one priority remains jobs, economic growth, and opportunity for Canadians, and we see our immigration programs as absolutely essential to achieving these goals. Many sectors of our economy now have large growing demands for skilled workers, and we need to work hard to implement our expression of interest system and implement all the reforms we've announced in recent months to make sure we are serving those economic needs properly.

As the member for Markham—Unionville knows, Mr. McCallum, there is very high growth in his community, in his growing city, in information technology and communications.

• (1545)

[Translation]

I recently met with representatives of the Entertainment Software Association of Canada. I don't know if the committee members are aware of this, but Canada is the world's third largest producer of video games, films and animated films in this industry, behind only the United States and Japan. But this industry cannot continue to grow without flexible responsive immigration programs that meet the needs of our dynamic 21st century economy.

[English]

**The Chair:** Mr. Minister, I'm going to have to stop you because I know my friends have a lot of exciting questions to ask of you.

We'll start with Mr. Menegakis.

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

And thank you, Minister and all the senior officials from CIC, for joining us today.

Minister, back in 2008 when our government introduced the road map for linguistic duality, a \$1.1 billion program that was very successful and that was renewed in 2013 going to 2018, we heard from many witnesses at the committee for official languages where that was studied. There are a lot of advantages and benefits of investing in linguistic duality across this country in all the different communities. I'm delighted to see \$149.5 million in your presentation today for official languages with respect to immigration. I wonder if you can elaborate, please, on the many benefits of this program with respect to immigration.

**Hon. Chris Alexander:** Thank you, Mr. Menegakis.

We know we have to invest in this program, and we want more than ever to invest in this program, this road map, because we've always had francophones, French Canadians, in all parts of this country. But even more so, we know it is part of who we are.

[Translation]

It's part of our Canadian identity. It is a part of our immigration programs themselves. It's something that all Canadians across the country want.

Never before has there been such a keen interest in immersion programs. For example, in my riding, Ajax—Pickering, the only new schools being built are francophone schools. This is because French-language education has become so popular among anglophones.

[English]

We also know, though, that to have successful francophone immigration to all parts of the country, we need settlement services, support, language training, a whole network that wasn't there in the past. We've tripled—in some provinces, quadrupled—the support for settlement services. In every case there is a francophone component, and that is making it more and more attractive for francophones from France, Haiti, and Cameroon to go to places like Vancouver or Yukon. They're not always there in large numbers, but they go because they find the services they need, and that is absolutely the right thing for Canada. That reflects our history, it reflects our identity today, and it certainly reflects our future.

**Mr. Costas Menegakis:** Is there a program that francophone immigrants typically use more than others as a stream to come into Canada?

• (1550)

**Hon. Chris Alexander:** I would have to get back to you on that. I think they use all of our streams quite reliably. I mean I have to be honest with you: our target is 4% of francophone immigration to Canada per year—economic immigration—out of our total immigration. And I assume that's 4% out of the number not including Quebec immigration, which is roughly 75,000. So you're talking here about 4% out of 195,000 or 200,000, depending on where we're going; so let's say 190,000. We're not there yet in terms of reaching that goal, but we are on our way. The resources we have ensure we can get there, and we're not going to concentrate on one stream. We're going to make sure that francophones feel comfortable using all our streams.

Many are coming as students, which means Canadian experience class, but you see some francophone countries—still very prominent in federal skilled workers, and not necessarily going to Quebec—using the federal skilled worker program as opposed to the Quebec skilled worker program. The provincial nominee program obviously is available and strongly used especially in those provinces that have a higher level of provincial service in French, which would include New Brunswick, obviously officially bilingual, but also Ontario, Manitoba, and others.

**The Chair:** Stop the clock for a minute.

Ms. Biguzs, Mr. Alexander just gave us an undertaking. Perhaps you could give it to the clerk.

**Mr. Costas Menegakis:** How much time is left on this?

**The Chair:** We've frozen the clock at 4:43, so you have enough time.

**Mr. Costas Menegakis:** Minister, is it fair to say with respect to the \$149.5 million in the immigration budget for official languages that most, if not all, of that money is spent outside Quebec? It's to integrate francophone immigrants into communities that are not French-speaking.

**Hon. Chris Alexander:** That is fair to say, although obviously under the *feuille de route* we provide support for English-language minorities in Quebec as well.

**Mr. Costas Menegakis:** Do you feel that French-speaking people can also avail themselves of the new EOI program? We are a bilingual country.

**Hon. Chris Alexander:** Absolutely.

**Mr. Costas Menegakis:** Wouldn't the EOI program give an additional benefit to people who can speak that language?

**Hon. Chris Alexander:** Absolutely. Everyone is going to like EOI because it will be faster than ever. It will be a closer match between their skills, whether they are English-speaking or French-speaking, and Canadian needs, and it will show that Canada is once again at the forefront of modernizing its immigration programs.

Yes, Australia and New Zealand have had a system similar to EOI before, but we're doing it on a larger scale and I have every confidence we're going to do it better than any other country that has implemented such a program, and that will be exciting for talented people around the world.

[Translation]

French remains a highly international language, widely used in all parts of the world.

This is a strength for Canada, to be able to attract francophone immigrants from around the world, to deploy them in Canada and make use of them in our trade relationships and academic investments worldwide as a springboard for our growth and the growth of our exports.

[English]

Our bilingual advantage is a very important asset for Canada, and we want our immigration programs to magnify that asset.

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

Ms. Blanchette-Lamothe.

[Translation]

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

I would like to thank the minister and his colleagues for being here with us today. It is a pleasure to have them.

My question is on the Institute for Canadian Citizenship and the funding it has been granted.

In supplementary estimates (C), it shows a "reallocation of resources from contributions to grants" of about \$1 million "to provide funding to the institute to encourage national dialogue around and build awareness of Canadian citizenship".

I would like you to briefly explain exactly what you intend, what you mean by "to encourage national dialogue".

**Hon. Chris Alexander:** We have had an agreement with the Institute for Canadian Citizenship since 2006. The amount you see in the documents before us today takes into account the last year of funding within the context of this agreement.

We greatly appreciate the work done by the institute, which is basically to promote citizenship in Canada. As far as I know, it is the only institution in Canada dedicated to promoting Canadian citizenship. The institute fulfils its mandate by assembling people to reflect on the significance of Canadian citizenship in the modern era, on how to communicate a feeling of belonging and citizenship to immigrants, to people who have recently arrived in Canada. The institute seems to have accumulated highly valuable expertise, and we are proud to have granted it this funding.

As for the future, I can tell you that I would remain very interested in funding Canadian institutions that promote Canadian citizenship. It seems important to me to do so, certainly within our financial limits and across our country.

• (1555)

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

I would like to know why CIC has not taken on this task. Could the fact that the institute is doing it diminish the requirement to be accountable to Canadians? Does it have to tell us exactly what it is doing or what it is accomplishing?

**Hon. Chris Alexander:** Under the agreement between us, the institute is accountable to us for everything that it does. We are well aware of what it is doing, as we are for all of the settlement agencies that we fund. We earmark between \$500 million and \$600 million per year for this type of funding. We follow the activities of these agencies very closely and demand that they respect very high standards of accountability.

**Ms. Lysane Blanchette-Lamothe:** Would it be possible to see a report on the institute's activities or its accomplishments over the last few years?

**Hon. Chris Alexander:** The institute publishes an annual report, which we can certainly share with you.

**Ms. Lysane Blanchette-Lamothe:** Could you send it to the clerk of the committee?

**Hon. Chris Alexander:** Yes.

**Ms. Lysane Blanchette-Lamothe:** That's nice of you, thank you.

**Hon. Chris Alexander:** Allow me to specify that our funding is in addition to private funding that the institute solicits for itself. Our funding, which is only granted as long as the institute solicits funds from Canadians, represents only half of the institute's total funding.

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

Given that the mission statement is "to encourage national dialogue", I was wondering if the institute could ask Canadians' opinion on the recently tabled citizenship reform bill, which could allow us to make amendments to it. Could that be one of the institute's objectives?

**Hon. Chris Alexander:** You are all invited to work with this institute and to attend its activities which are open to all.

**Ms. Lysane Blanchette-Lamothe:** All right, but I am asking you if the institute could participate in improving the citizenship reform.

**Hon. Chris Alexander:** In principle, yes. I do not know if the institute has planned any activities that directly affect our bill. In any case, our bill is partially based on the institute's work and the work of all the other organizations in Canada that...

**Ms. Lysane Blanchette-Lamothe:** Thank you. I am sorry to interrupt you, but I have a lot of other questions to ask you.

My next question is on the Immigrant Investor Program. The media recently reported that several people are planning to launch legal proceedings because their files had been closed and returned. I would like to know if you have set aside money to fund these legal proceedings.

**Hon. Chris Alexander:** Unfortunately or inevitably, we deal with a huge amount of litigation every year. So, such a comment...

**Ms. Lysane Blanchette-Lamothe:** I am specifically asking you if you have set aside money.

**Hon. Chris Alexander:** Yes, and we follow up on every case where someone has indicated that they intend to sue us. However, the gaps...

**Ms. Lysane Blanchette-Lamothe:** Minister, I am sorry to interrupt you, but I have many questions to ask you.

I would simply like to know if, yes or no, you have set aside a sum of money to cover the cost of this litigation.

**Hon. Chris Alexander:** We always study the legal risks of everything that we do.

**Ms. Lysane Blanchette-Lamothe:** So this was included in your planning.

**Hon. Chris Alexander:** Absolutely.

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

**Hon. Chris Alexander:** We have a budget from the Department of Justice for all the litigation that we deal with.

• (1600)

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

Have you also budgeted money for reimbursements to applicants? If yes, on which page or in which column can that be found?

**Hon. Chris Alexander:** Yes. This is not reflected in the document that is before you, but it will be in the documents to come.

**Ms. Lysane Blanchette-Lamothe:** Can I ask you which one?

**Hon. Chris Alexander:** It will be in our plans for 2014-2015. Dealing with all this will take us several years.

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

I would now like to talk about the cut to operational spending of roughly \$14 million. There is a new program, which was previously under the responsibility of the Department of Foreign Affairs, Trade and Development. Regardless, there is a planned cut to operational spending, if I am not mistaken. Could you maybe confirm that?

How can we expect the department to take on more responsibilities if it is faced with a reduction in operational spending?

**Hon. Chris Alexander:** These are the same services. This is a transfer of responsibilities. There is more of an upward trend in the case of this program.

**Ms. Lysane Blanchette-Lamothe:** With the same financial resources?

**Hon. Chris Alexander:** The funding stays the same. This is simply a transfer between departments to reflect their new responsibilities.

[English]

**The Chair:** Thank you.

Mr. McCallum.

**Hon. John McCallum (Markham—Unionville, Lib.):** Thank you, Mr. Chair.

Welcome, Minister and officials.

I'd like to focus on the citizenship program, beginning with your chart, which shows a mushrooming of processing times from 15 months to 31 months over the last seven years accompanied by a statement in your document that "as resources for processing these applications have not kept pace, backlogs have developed" over those seven years. Then there's a commitment to more funds, which is the main reason why, you alleged, the processing times will come down.

In budget 2013 the government committed \$44 million over two years to this program, and since the program was only \$46 million to begin with, that's a doubling of the program over two years, so that may have an impact. The commitment was for \$20 million extra in 2013-14 and \$23 million in 2014-15.

So imagine my surprise when I looked at the estimates and I found that instead of \$20 million extra in 2013-14 there were zero extra dollars in 2013-14, nothing at all. So rather than reducing times, there was nothing at all spent where \$20 million was committed. Then if you look at the estimates for next year, you find that the full amount, \$44 million or so, instead of being spread over 2013-14, was included in the single year 2014-15. So instead of having \$20 million and \$23 million over two years, nothing was done in year one and all of it was put into year two.

There are problems with that, Mr. Chair. First of all, why was nothing put into the program when the budget promised it would be in 2013-14? Second, how can you possibly want us to believe that you can double the program in a single year? Finally, is it not a little bit suspicious that we will not know until after the next election whether this \$44 million extra in 2014-15 is actually spent? There's no pre-election accountability as to whether or not you actually spend this money, which is absolutely essential to keeping your promises to reduce processing times.

**Hon. Chris Alexander:** Thank you, Chair.

Just because there aren't changes in the estimates or the supplementary estimates that doesn't mean that additional resources aren't being spent. We have been able to fund increased resources for the citizenship program internally this year, and we will use the full amount of increased resources made available to us next year to continue that ramp-up in our processing capacity.

There is a backlog that we wish was not there and a waiting time that we wish was not there partly because of unprecedented demand for citizenship, partly because of the need to review in a serious way residency questions relating to thousands of people. As you know, there are thousands of such investigations under way.

**Hon. John McCallum:** I'm running out of time.

**Hon. Chris Alexander:** Can I give you the answer to your question?

**Hon. John McCallum:** Well I think you've given enough.

**Hon. Chris Alexander:** Unlike the Liberal Party, we don't believe that money solves all problems. We need a more efficient model. We need—

**Hon. John McCallum:** The question was—

**Hon. Chris Alexander:** —a better decision-making model and that's why—

**Hon. John McCallum:** —that you have amendments in the budget—

**Hon. Chris Alexander:** —we're backing Bill C-24 to strengthen the Canadian Citizenship Act.

**Mr. Costas Menegakis:** Point of order, Mr. Chairman.

**The Chair:** Before we get to the point of order, I have a problem with both of you talking at the same time. The translators will never get it.

Point of order, Mr. Menegakis.

**Mr. Costas Menegakis:** Mr. Chair, if a member asks a question, he should allow the time for the minister to respond to the question. It's just courtesy.

• (1605)

**The Chair:** I know.

**Mr. Costas Menegakis:** And we can't have this going back and forth—

**The Chair:** It's a reasonable point.

**Mr. Costas Menegakis:** —as you've already noted.

**The Chair:** It's a reasonable point of order, although I guess Mr. McCallum was concerned that he hasn't much time.

**Mr. Costas Menegakis:** Exactly.

**The Chair:** We'll let Mr. Alexander try to be brief. Thank you.

Thank you, Mr. Minister.

**Hon. Chris Alexander:** The much more important impact on this backlog will come with the passage of the legislation. And as a demonstration of the fact that we are ramping up and moving through more applications even before the new spending comes on stream, citizenship was awarded to 40,000 new Canadians in the months of January and February. That is an absolutely unprecedented rate for all time and it shows that we're ramping up.

**Hon. John McCallum:** It does not however, because whereas the budget committed to a 50% increase in the budget, according to the estimates, it's zero. And so I don't understand why if the estimates give you the room, you don't take that room. I do not understand why the bulk of the increase is occurring in the next year when Canadians will not know whether that money has actually been spent until after the election. And you give all sorts of reasons for why this processing time has gone up, but in your own document you say the reason is, "As resources for processing these applications have not kept pace, backlogs have developed." Your own department says it's a resource issue. You have not put the resources in over the last seven years. Now having promised you would put them in 2013-14, the estimates say zero instead of \$20 million—

**The Chair:** Mr. McCallum, we're at our limit.

**Hon. John McCallum:** —and you want us to believe that after the election you will have spent the money, none of which according to the estimates you spent.

**The Chair:** Could you give a 30-second answer.

**Ms. Anita Biguzs (Deputy Minister, Department of Citizenship and Immigration):** Mr. Chair, if I may on behalf of the minister, I would just indicate that in fact we are investing internally. It's a question of staffing positions. A lot of this processing requires people, and we have launched very significant staffing processes. In fact, we're already bringing on board several hundred employees, and that process in terms of just government public service processes actually takes many months. We will have many more positions on stream that will deal with processing. We already have people coming on stream now. So we will see the bulk of these actual—

**The Chair:** We're way over. We have to stop. I'm sorry.

Mr. Leung.

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

Ms. Anita, I just will allow you a little time to finish your comment. I think there's merit to how you were responding.

**Ms. Anita Biguzs:** I will just complete that, Mr. Chair.

It takes time to staff positions. A lot of the workload requires resources in terms of being able to process at the same time that we are trying to re-engineer our processes to make sure they are efficient as possible. As the minister mentioned, the change to the new decision-maker model will actually have a significant impact as well in our processing capacity.

Although the budget funding that was identified was over two years, we have internally allocated resources this year in terms of meeting our needs. But the bulk of our requirements will actually be reflected in 2014-15 because it will be a question of just reprofiling resources that will meet our requirements in the next year. It may not necessarily match what we may have seen originally in the original budget documents, but in fact we will be spending those resources,

and a lot of it will be associated with staffing processes that will be completed certainly for 2014-15.

**Mr. Chungsen Leung:** Mr. Chair, at this time I would like to table these two documents, which I'm sure Mr. McCallum has, but I see that he may not have in Technicolor. It's called "Strengthening Canadian Citizenship: Shortening Processing Times". You don't have it in Technicolor but—

**Hon. John McCallum:** It is in colour.

**Mr. Chungsen Leung:** Okay. This one is in colour, and what it shows is that—

**The Chair:** Stop the clock for a minute. Everybody's got one except the end of the table or the opposition.

**Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP):** Or the official opposition.

**Mr. Chungsen Leung:** I'm tabling it. The point I want to make is —

**Ms. Rathika Sitsabaiesan:** I have a point of order, Mr. Chair.

**The Chair:** No, I need to consult with the clerk. Just a second.

Mr. Leung, if you give the clerk a copy, she will send an electronic version tomorrow. It's a little unusual for you to give evidence as opposed to this end of the table giving evidence.

• (1610)

**Mr. Chungsen Leung:** I understand.

**The Chair:** You can table it. The members might not see it until tomorrow.

**Mr. Chungsen Leung:** That's fine. I think it's in black and white.

**The Chair:** We're going to start the clock again.

**Mr. Chungsen Leung:** Yes, sir.

The point I wish to make is that—

**Ms. Rathika Sitsabaiesan:** Point of order now, Mr. Chair?

**The Chair:** I'm sorry. Hold on again.

Stop the clock.

You have another point of order?

**Ms. Rathika Sitsabaiesan:** I just want to make sure that the documents are in both official languages.

**Mr. Chungsen Leung:** Yes, in both official languages.

**The Chair:** I don't even know what the document is at this stage, but if it is...if it requires that, it will be in both official languages.

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

**The Chair:** I haven't seen it. You haven't seen it. We'll wait and see. It will be a surprise.

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

**The Chair:** Continue, Mr. Leung.

**Mr. Chungsen Leung:** Life is full of surprises.

**The Chair:** Indeed.

Can you start the clock again, please?



**Mr. Chungsen Leung:** The point I wish to make is that when you look at the current situation, where we're going to 2013-14, we're saying what the status quo is. There are three lines there. If we stay on status quo, you'll see that your processing time will increase. You'll also see that if we apply the human resources and the financial resources to it, you will notice that it will decrease the processing time. If we go to the new model of it, a lot of times efficiency can be achieved through changing the way we do things, and that is what the economic action plan line shows: that we even will reduce that quite dramatically, so therefore....

You have been in business, and you know very well that not everything is achieved by throwing away more money in solving a problem. People could get more experience in what they do. As the deputy minister has mentioned, if they get trained—

**The Chair:** Mr. Leung, before we get into a debate here, please direct your comments to the chair.

**Mr. Chungsen Leung:** Yes, sir. That's my comment, sir.

**The Chair:** That's it?

**Mr. Chungsen Leung:** Yes, that's it. I'm finished.

**The Chair:** You're finished? Then we'll move to the next round, which is Mr. Sandhu's.

**Mr. Jasbir Sandhu (Surrey North, NDP):** Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

I have a question for the minister.

In April 2012, the federal government announced that it would resume the management of settlement programs funded by the federal government in British Columbia and Manitoba so that these programs were aligned with those of other provinces, except for Quebec. These supplementary estimates show that reallocation of money from operating expenses to fund a grant of approximately \$4.5 million for direct management or settlement support services in British Columbia and Manitoba.

However, I met with a number of service providers and also with the local university English-language program administrators. They're worried about not knowing what their funding will be in the coming year. Can you tell us when that's going to be done?

**Hon. Chris Alexander:** Sure. The transfer takes place as of April 1.

As you know, starting last summer, we had a very painstaking and careful call for proposals and review of proposals, in consultation with the province, to make sure that there was as much continuity as possible and as much sharing of expertise and knowledge as possible about the specific challenges of British Columbia in delivering service.

I think it's safe to say that not every organization that was funded by the British Columbia government before this transfer will be funded by us, nor will each one of them be funded at the same level. That is normal. That reflects our practice in every province where we provide settlement services. We're trying to get the best result for newcomers to Canada on the basis of this unprecedented funding that has grown threefold—and almost fourfold in the case of B.C.—

since 2006. One of the focuses is language training, but there are a lot of other focuses.

**Mr. Jasbir Sandhu:** In a press release announcing that the federal government would resume management of programs funded by the federal government in British Columbia, the minister at that time, Mr. Kenney, also assured these agencies that this change will have no impact on the amount allocated to the basic settlement services, yet these organizations inform me that while the budget for British Columbia for settlement services was \$210 million in 2013, it was lowered this year to provide only \$100 million.

Why was the promise made by Mr. Kenney not kept?

● (1615)

**Hon. Chris Alexander:** It was never \$210 million in federal funding for settlement for British Columbia, not even close to that. I'm not sure where you're getting that number from. We spend roughly \$900 million on settlement services across the country, and \$300 million of it is for Quebec, with \$600 million for the rest of the provinces. For British Columbia, my colleagues will tell me, it's a much smaller number than \$200 million.

Our funding, now federally delivered, is on the same order of magnitude as it was when it was delivered by British Columbia. We decide how much funding goes to each province on the basis of the proportion of immigrants settling in that province. It's not any kind of a formula or arbitrary decision that we take. It's based on objective data about where newcomers are settling in this country, so it goes up and down. I can tell you that the share spent in Ontario has tended to go down in recent years as the proportion of newcomers going to other provinces—almost all other provinces, but especially western Canadian provinces—has gone up.

**Mr. Jasbir Sandhu:** Minister, you mentioned in your speaking notes here that you inherited a broken system from the previous government and that wait times were up to eight years. I'm looking at our Canadian immigration website right now. To sponsor parents, it takes 45 months to process the application in Canada. In addition to that, it takes up to anywhere from 56 months; for New Delhi it's 61 months. According to my math, that's eight years and 10 months. You've had eight years to clean up their mess. Are you allocating any additional funds to get rid of this backlog?

**Hon. Chris Alexander:** I'm very proud of the fact that in only three years, by the end of 2014, we will have admitted under the action plan for faster family reunification—

**Mr. Jasbir Sandhu:** I'm not asking—

**Hon. Chris Alexander:** 75,000 parents and grandparents. That's a higher rate than ever before in Canadian history.

We're also proud of the fact that a very large backlog that would be on the way to being 200,000 to 250,000 for parents and grandparents is now down to 86,000. At the end of last year we took in 5,000 new applications. That puts it around 90,000.

We're taking in 20,000 parents and grandparents this year. That translates into a period, Mr. Sandhu, by simple math that is much less than eight or nine years. That actually—when you take into account abandoned applications and inadmissible applications—takes it down to around four years. That's a huge improvement on the mess that the Liberals left us.

**The Chair:** Sorry, Mr. Sandhu, we're over time.

Mr. Opitz.

**Mr. Ted Opitz (Etobicoke Centre, CPC):** Thank you, Mr. Chair, and I will be splitting my time with Mr. Komarnicki.

Minister, thank you to you and your staff for being here today.

I've been involved in this since I worked for Jason Kenney at one time and I've watched many of these new reforms come in that have absolutely, I think, made our government and country proud by being able to offer very flexible ways for people to either visit this country, come stay in this country, or rejoin their families in this country.

We've redistributed how immigration is allocated—as you just mentioned, Minister—across the country and how those funds are redistributed to recognize that redistribution, and of course we do targeting for francophones. We are part of la Francophonie, and I think that we have an obligation, of course, to work within that construct and develop those abilities that we have.

I've got lists and lists in front of me of our accomplishments in the last few years, which have been absolutely unprecedented.

I have just a quick question. We're moving money from contributions to grants and to the Institute for Canadian Citizenship in order to encourage national dialogue around and build awareness of Canadian citizenship, as we've already done in so many ways with our products. What other programs does the Institute for Canadian Citizenship run that you can tell us about?

**Hon. Chris Alexander:** They run programs that I could call programs of inquiry into what citizenship means to Canadians in the 21st century, what being a citizen means to a Canadian today. We know that a lot of people attach importance to their citizenship as an expression of their freedom, their personal freedom, and our freedom as a country. We know that a lot of people attach importance to the history of Canada, which we are still discovering.

We just passed black history month. I don't think any of us around the table could count ourselves as fully knowledgeable about the history of black Canadians as we would like to be, and through the promotion of Canadian citizenship that this institute does, we are bringing that history back to life. They played a role in helping us design the *Discover Canada* guide. They do fantastic work promoting citizenship and helping us design the citizenship ceremonies to make them as meaningful as possible, and to associate them with different institutions in Canada that magnify the meaning that we all sense and the emotion that we all sense in those ceremonies.

I had the opportunity to be on the ice at the Canadian Tire Centre here in Ottawa, in Kanata, for a Senators game where new Canadians were on the ice thanks to an initiative of CanadianTire. That's the

kind of innovation that's happening under the auspices of the institute and in partnership with us.

• (1620)

**Mr. Ted Opitz:** It's absolutely foundational. I'm going to turn it over to Mr. Komarnicki.

You have a minute and a half.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Okay, thank you very much.

Obviously in Saskatchewan with the economy doing very well, there's been a fair amount of immigration and there have been settlement funds for settlement and integration. I think it's very important that those types of funds are allocated and they're allocated in accordance with some flexibility as the need grows. But in Quebec, I understand that through a particular funding formula a certain amount goes to support settlement and immigration services as well.

Now it would be interesting to know, and perhaps you could share with us, if there has been a comparative study undertaken with respect to the types of services that are provided in Quebec compared to the rest of Canada, whether there are some best practices we can adopt from the practices in Quebec or visa versa, and what progress is being made in that regard, what steps are being taken.

**Hon. Chris Alexander:** It's a very interesting question. I think we're all impressed. I haven't visited that many of them because they are delivered by the Quebec government, they're not managed by us, settlement service organizations in Quebec, but I think we're all impressed by the quality of the work that many of them do. And we do as a department try to bring settlement organizations together to share best practices.

We had a conference this past fall where I had the opportunity to speak. Quebec was represented at this conference and it was very clear that there is a level of expertise in certain areas in Quebec that other provinces don't necessarily have. I would underline how generous the provisions of the Canada-Quebec Accord are. It dates from 1991, but unlike the funding for the other provinces—

**The Chair:** We have to move on.

**Hon. Chris Alexander:** —it cannot go down. There is a clause in the accord that means the number must remain stable or, if numbers justify, it goes up.

**The Chair:** Mr. Daniel, you've got four and a half minutes.

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

And thank you, Minister, for being here.

Let me first begin by congratulating your department for reducing the wait times on some of the citizenship issues and the continuing work that you're doing on that.

I can't help noticing how non-governmental organizations are preaching how important it is to strengthen the value of Canadian citizenship. I know when we debated Bill C-24 last week in the House of Commons, the members opposite said they would not support the bill. Can you tell me in light of us voting on giving these funds to the Institute for Canadian Citizenship, how exactly Bill C-24 will strengthen the value of Canadian citizenship?

**Hon. Chris Alexander:** I do think it's a very exciting time for Canadian citizenship, not just because of gold medals in hockey at Sochi and other achievements of which we are justifiably proud. We are making progress in delivering citizenship better. In just two months there were 41,000 citizenship awards. That puts us on a pace, if we kept it up, to do 240,000 this year, which would be well beyond what we have ever done in the past. I don't expect that, by the way. But it's a great way to begin the year. It certainly has us on a pace to beat last year, and the year before, even before the provisions of the new act come into play which will make us more efficient and more productive on the citizenship front.

I should mention, in talking about the Institute for Canadian Citizenship, there is one great initiative that I didn't mention which is their cultural access pass, which allows newcomers to Canada to go to this huge number of cultural attractions and national parks across the country that most of us have not visited. It's a great way to open their imaginations and minds to the scale of this country and its history.

But what are we doing in this bill to strengthen Canadian citizenship? I think it really comes down to two things.

One, taking a solemn commitment from every applicant to be a citizen, that they are going to reside here, that they are going to meet the terms required to become a citizen. We're going to do that in a way that is verifiable now. That's exciting because it's going to make the rules clearer, more understandable, and equal for everyone. There won't be ways of jumping the queue or getting around the rules.

Two, we are going to make sure there is this deeper connection, this sense of attachment and belonging to Canada. It used to be five years under successive Liberal governments, until the 1970s. Then it went down to three years, and we had a certain number of people who weren't even here for the three years and nevertheless became Canadian citizens. Now we're saying it's going to be four years out of six. That's flexibility that reflects the global lives that many people are leading, but it's going to emphasize to newcomers to Canada that there is no substitute for direct experience of our country. Four years of that experience, we think, is enough to create the connection that leads to strong citizenship.

I have to say we are very pleased by the reaction we've had, first and foremost from newcomers, from new Canadians themselves saying this is what they want to see. Canadian citizenship has value, and no one is going to protect the value of our citizenship if we don't do that ourselves, especially we as legislators in this committee and the Parliament of Canada.

• (1625)

**Mr. Joe Daniel:** Obviously, being a citizen means getting passports, and we've noticed the transfer of the passport responsibility from Foreign Affairs, Trade and Development to Citizenship and Immigration. Can you speak to the success of the ePassport and

the 10-year passport? How many have been issued since their creation?

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

**Hon. Chris Alexander:** I think this is a very good news story and a great news story for the Government of Canada. The changes started when it was still part of Foreign Affairs. We are delivering them I think faster and better than ever. This new ePassport that was launched in July 2013 has beaten all the records for previous Canadian passports. More have been issued faster than ever before, and I think it was something like 3.5 million in five months of last year. Why? It's more secure. It's a 10-year passport so per annum it costs less, and people are proud of their passports and want to have them whether they travel to the United States or further afield.

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

Ms. Blanchette-Lamothe, you have a very brief question time.

[Translation]

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

Minister, I would like you to answer my question with a simple yes or no.

Can you confirm that there is indeed a reduction of operational spending of more than \$14 million, as indicated on page 2-19?

**Hon. Chris Alexander:** To which vote are you referring?

**Ms. Lysane Blanchette-Lamothe:** To vote 1c.

[English]

That was a brief question.

**The Chair:** It was brief. It's taking a long time to look it up.

[Translation]

**Hon. Chris Alexander:** These are transfers of appropriations. We have certain resources that we did not use this year, and we are transferring them to other needs under other appropriations.

I have explained where these funds were available and where we are transferring them. The details are there.

**Ms. Lysane Blanchette-Lamothe:** All right, thank you.

[English]

**The Chair:** Thank you very much, Mr. Minister and your colleagues, for coming and explaining some of the issues of immigration and citizenship. Until the next time.

We will now suspend.

• (1625)

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

• (1630)

**The Chair:** Okay, ladies and gentlemen, our time is a-wasting. Could I have some order, please? I'm going to start the second part of our meeting, which is a continuation of our study on strengthening the position of women in our immigration system.

We have three witnesses before us. We have Helen Neufeld, who is a representative of the Canadian Council for Refugees.

I don't see her tag, but I assume she's the one without the tag.

**Ms. Heather Neufeld (Representative, Canadian Council for Refugees):** It's being printed, because it's actually Heather Neufeld. There was a mistake.

**The Chair:** I am sorry. I will correct that. Thank you very much.

We also have two lawyers.

We have Chantal Desloges, with Chantal Desloges Professional Corporation. Good afternoon.

We also have Julie Taub, who has been here before. She is an immigration and refugee lawyer and a former member of the Immigration and Refugee Board of Canada. It's good to see you again and to have you here to help us with this report.

Heather Neufeld, you are first.

**Ms. Heather Neufeld:** All right. And I am an immigration and refugee lawyer here in Ottawa—

**The Chair:** Everybody's a lawyer here. Good.

**Ms. Heather Neufeld:** —at South Ottawa Community Legal Services.

As I'm sure you probably know, in October 2012 Canada implemented a new conditional permanent residence regime for certain sponsored spouses and partners. That's for anyone whose sponsorship was submitted after October 25, 2012. The first two years of the person's sponsorship will be conditional if they have been married or lived common-law with their sponsor for less than two years before that sponsorship and they have no children in common.

Under the new law, if the sponsored person does not remain cohabiting in that conjugal relationship for the first two years—the conditional period—then their permanent residence may be revoked and they may find themselves at risk of deportation.

Now the government has enacted two exceptions to that conditional permanent residence for people it would normally affect, and that is for people whose sponsor dies during the conditional period or for people who are subjected to domestic violence by their sponsor or someone related to their sponsor during that two-year period.

My emphasis today is going to be on the domestic violence exemption during the two-year conditional period. Although we applaud the government for creating the domestic violence exemption, there's more that needs to be done to make it practically and meaningfully accessible to women in the situation who need to access that domestic violence exemption.

First I'm going to mention a few of the vulnerabilities of the women who may find themselves in that situation of needing to access the exemption, and then I'm going to talk about a few of the practical examples of how implementation of the exemption needs to be improved, and some of the barriers that we're seeing already. This is a very new procedure. Given that it only applies to sponsorships that have been submitted after October 25, 2012, we haven't seen tons of cases yet, but we have seen some that are starting to give us a picture already of what's happening.

I'd like to note that 59% of sponsored spouses are women. Those are the most recent statistics that we were able to access from 2012. It's important to consider situations of domestic violence because in the conditional permanent resident system, the conditionality of the two-year period gives an abusive sponsor an extra tool, an extra type of power that he can hold over the woman. And I'm saying “he” and “woman” because in the majority of these situations, I'm talking about a male sponsor and a female sponsored person. Now it could be a same-sex relationship, or it could be reversed as well. The sponsor is able to hold over the woman that basically if she doesn't obey, if she doesn't put up with the domestic violence and she leaves before the two years are up, she can find herself without status. He can also split up with her and cause her to not have status, or he can give tips to Immigration saying that she entered into the marriage fraudulently, even if she didn't.

So what are some of the barriers that these women face who are experiencing domestic violence? I'm sure you've heard many of them before, everything from language barriers to isolation and not knowing about their options for help to not having financial resources, fear of homelessness, lack of a support network in Canada, being afraid of the police and the authorities here because in many countries the police are organs of repression themselves, and as well fear of leaving the abusive sponsor because that may also affect their children. If a mother arrives with conditional permanent residence and she has children from a previous relationship she has brought with her, if she doesn't stay in the conditional situation for two years, the children's status is also at risk.

Given this situation, given the vulnerability of women who are experiencing domestic violence, for women to be able to come forward to CIC and say, “I'm in a domestic violence situation, I need to be exempted from fulfilling the two-year conditional period”, it's important that the exemption is really functional for women.

And so I'm going to mention just four points of problems that we're seeing or things that we think can be improved. The first is having a designated CIC phone number that's actually staffed by a real person. And that may seem self-evident, but if you've ever tried to call the CIC call centre, as we have many, many times, usually you don't reach anyone or you stay on line for a very long time, and then the phone hangs up on you. Now if a woman is in a domestic violence situation and she needs to call CIC, explain her situation, often she's not able to stay by a phone for hours to keep trying to call. Even if she does reach an agent at the CIC call centre, she then has to be transferred to another department, and an officer has to call her back.

• (1635)

This is a problem, because there isn't necessarily a number where the woman can be called back all the time. Women need to be able to access a phone number where they can reach a person who can actually initiate the process with them.

As well, it would be helpful for particularly non-government organizations and lawyers who are assisting these women to be able to submit an exemption request either electronically or by mail rather than having to do everything only by phone, which is currently the only permitted option. We're aware of cases, in one case, for example, a woman has been calling CIC since November. Even when her case gets transferred to the client relations department, there is no voice mail at that department. She doesn't reach anyone. Someone eventually calls her back but she's not there. They've just gone in circles since November. It's important that they can reach someone.

The second issue is the need for telephone interpretation. A lot of women do not have strong enough English or French, particularly if they've just recently arrived. CIC would be very helpful if they provided telephone interpretation in these kinds of circumstances, much as Legal Aid Ontario does with their 1-800 number for requesting legal aid certificates. It's a model that exists with other organizations. It would be extremely helpful for women to be able to speak directly to the CIC agent themselves.

The third issue is better training for CIC officers. Currently we're seeing issues like officers, despite there being an operational bulletin on the domestic violence exemption, not being aware of the correct information, and saying that they don't know the procedure; that a woman has to wait the two years of conditional permanent residence before she can apply; or that they can't talk to a woman who's using an interpreter because the interpreter is not an authorized representative. There are problems like that.

• (1640)

**The Chair:** You have one minute, Ms. Neufeld.

**Ms. Heather Neufeld:** Finally, there is a need for information sessions for both sponsors and sponsors' spouses when they enter Canada to make them aware of their rights and responsibilities under Canadian law. Women who need to access the domestic violence exemption in the future need to be aware that this exemption exists.

I will also mention very quickly that another problem we're seeing is that when women are in the sponsorship process and the sponsorship is withdrawn while in process, the women who are experiencing domestic violence will find themselves without approved sponsorship and without a route to permanent residence. The humanitarian and compassionate process is ill-suited to deal with those cases.

I'd be happy to respond to that more in questions later, but for women whose sponsorship has broken down through no fault of their own, we need to have a process by which they can independently gain permanent residence.

Thank you.

**The Chair:** Thank you, Ms. Neufeld.

Ms. Desloges.

**Ms. Chantal Desloges (Lawyer, Chantal Desloges Professional Corporation, As an Individual):** Thank you very much.

I've been doing immigration for about 20 years, and I'm a certified specialist in immigration and refugee law. I'm not an expert in violence against women, so I'm going to limit my comments today to

things that I've seen on the ground in my practice as a lawyer, real-life examples and things I have actually observed personally.

From my observation, the issue of violence against women in the immigration system has many causes, but it breeds on two factors. First of all, there's a lack of information and education, initially, by women who are immigrating to Canada. Second, there's a situation of isolation in which they find themselves after they immigrate to Canada, which keeps them in a powerless position of being unable to learn about their rights.

From thousands of spousal sponsorships that I've handled personally, I see the solutions in the immigration context as being divided into two separate factors. First of all, what can we do before the woman arrives in Canada to ensure she is arriving in the best possible conditions to be able to understand what her rights are? Second, what can we do after she arrives in terms of integration and settlement into the community, so that even if she doesn't know her rights before she gets here, she will at least somehow learn about them after she arrives?

With the sponsorship process itself, there are some gaps that I think could be addressed, some through regulatory revision and some through simple procedural changes. The first one is sponsorship eligibility. Under our current system, a sponsor must be 18 years old in order to sponsor a spouse. However, the sponsored applicant, the person who is overseas, need only be 16 years old to be sponsored as a married person. I see that as problematic. I think probably the reason it was written that way in the first place is to make it consistent with Canadian law. In most provinces you have to be 16 to legally marry. So that's probably why it was written that way in the first place.

But I think there's a strong case to increase the minimum age from 16 to 18 years. I believe it would disincentivize families overseas from forcing their younger daughters to marry so early. Why should we distinguish between marriages that take place in other countries compared to marriages that take place in Canada? Well, I believe people who get married in Canada have all the legal protections of our system. If they enter into an abusive relationship or if they suffer coercion in entering into a marriage, they can access the Canadian legal system to take care of that. However, women overseas do not have those rights.

I'm not saying we shouldn't recognize marriages as legal if they occur in another country with a woman who is under 18 years of age. But I think what we should do is not allow that person to be sponsored until she at least reaches the age of 18. I believe that being faced with the prospect of waiting two years before sponsorship is allowed to take place would disincentivize families and allow them to allow the girls to mature a little bit and reach the age of 18 before rushing into the marriage.

I should state that not all of my colleagues share this view. Contrary views have been expressed, specifically that it would end up putting a girl possibly in a worse position, that if she's married when she's 16 and then has to wait two years before she can be sponsored, she would certainly be much better protected in Canada compared to outside of Canada. But my view is that it's a good case to increase the age of sponsorship.

If I then turn to looking at the specific immigration processes, simple things such as making amendments to application forms and application kits could really go a long way. For example, what I often see in my practice is that young couples are not filling out their application forms and making their sponsorship applications on their own. It is usually an elder family member, a father, uncle, or a brother, who is doing this on their behalf. The problem is that oftentimes young couples do not understand what has been written in the application and do not understand what they are signing. They may not even have been permitted to read those application forms before they signed.

I believe the application form should be amended to have two different spaces on them. The first would be a space that allows people to write down if they had an interpreter who interpreted the contents of that application form to them in their own language. The second space should be for disclosing whether they had someone assist them with preparing those application forms or if someone prepared those application forms on their behalf.

It's not going to be a foolproof solution, but at minimum it's better than the system we have now where people who don't speak English at all sign the application form stating that the contents are true and correct and have no real way of knowing exactly what they have attested to in those application forms. It also allows some accountability later, with someone's signature there as an interpreter; if they did not interpret those forms, it gives someone to go back to, to ask why they didn't do that.

• (1645)

When it comes to consideration of the application, currently many applications are processed without the need for a personal interview. In those cases where a personal interview is required, it is only the foreign national who is required to attend that interview, and the sponsor is not. In fact, most of the time the sponsor is never heard from by the visa officer who is making a decision on the application.

Ideally, I think it would be better to insist on some form of contact with both parties. That does not have to necessarily be a personal interview; it could be something as simple as a phone call to establish contact and make sure there is no situation of coercion or abuse taking place. It should be someone who would speak directly, particularly to the female in the situation, alone, in isolation, without someone being there with her, to make sure that coercion is not taking place.

My issue is what you do in the system when a visa officer does discover that the woman is being coerced or abused. How do you handle that situation? Surely the solution cannot be to send the girl back to her family, in shame, with a refusal letter stating that she disclosed the abuse to the visa officer.

What I think should be on the table for consideration is that an officer might consider applying humanitarian and compassionate consideration to the case as a matter of routine. That is not to say that it has to be successful in every case, but I think an officer should look at whether that might be a possible solution, to allow the girl to immigrate to Canada without having the sponsorship hanging over her head in an abusive situation.

Incidentally, I agree completely with the comments of my friend Ms. Neufeld about the conditional permanent residents. Those domestic violence guidelines need to be clarified.

Finally, the one last recommendation I want to make is that there should be a sponsorship bar for women who have come to Canada, claimed refugee status on the grounds of domestic violence, been accepted, and then a couple of years later want to sponsor the husband who abused her. I do not mean that as a punishment to the woman, but as a means of protecting her. I have personally seen several cases of this happening, where the women come under incredible family pressure to forgive the abuser and to sponsor him to Canada. I believe that putting in a legal barrier to her doing that would relieve her of that obligation, and would relieve her of the family pressure to sponsor someone she probably doesn't want to sponsor in the first place.

I'll confine my comments to that because I think I'm out of time.

• (1650)

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

Ms. Taub, welcome to the committee.

**Ms. Julie Taub (Immigration and Refugee Lawyer and former member of the Immigration and Refugee Board of Canada, As an Individual):** Thank you for inviting me back.

I'm coming at this a bit differently. My background is as an immigration and refugee protection lawyer. I've done hundreds of, maybe well over a thousand, spousal sponsorships. There have been thousands who have come to me, and I routinely turn down about 20% if I have any indication, any feeling, that this might be a marriage of convenience.

Chantal and I went to Federal Court on this issue of marriages of convenience...back in 2008, wasn't it?

**Ms. Chantal Desloges:** Yes.

**Ms. Julie Taub:** I'm looking at it from that perspective.

We found at that time that of the 500 victims of marriage of convenience, the majority were immigrants themselves. They were the sponsors who were duped and virtually they have no recourse, and to this date they have no recourse. And many of them, perhaps the majority of these duped immigrant sponsors, were women. And although they made written complaints to the CBSA and to CIC that they had been duped, that their sponsored spouse arrives in Canada and is gone within a few days, within a few months, there's no recourse. The CBSA and CIC does not have the personnel, does not have the means to deal with these allegations. So there is a subgroup of immigrant women who have been abused, and really abused. They may be stuck with enormous debt to pay back social services if their spouse or their former spouse decides to go on welfare within the three years of their financial obligation. Then they have to hire a family lawyer if the spouse goes after them in Family Court for support or division of property.

There is one category of immigrant women who do suffer abuse from another point of view that I would like to bring to your attention as well, because they seem to be left out of this whole equation of abused immigrant women. Now before I came here, I did a consultation with a criminal law firm of Addelman Baum Gilbert in Ottawa. Richard Addelman, the senior lawyer, has been a criminal lawyer since the 1970s. So a report of domestic abuse, as you all know, is not necessarily a real case of abuse. And as they explained to me, there are thousands upon thousands of false allegations of domestic abuse made, particularly in separation cases, divorce cases, custody cases. However, all the spouse has to say is that he abused me yesterday, last year, whenever, the crown has no discretion. They must arrest the accused. They must take him down to the police station, they must proceed with trial, even if the crown knows, even if both are aware there's hardly any evidence or it will not stand, they must proceed to trial.

Now with this new loophole, just because a sponsored spouse says she's been abused, unless it's clearly evident, until there is a trial, how do we know that is not a false allegation of abuse simply to get around the new conditional residency requirement? How do we know how many of these cases are false allegations where a Canadian sponsor will have to hire a criminal lawyer, will have to go to trial, and by the way, it takes a minimum of one year to go to trial, and there are absolutely no consequences for false allegations. Nothing. A judge can tear into the complainant during the criminal trial and tear her testimony to pieces. She will not be charged with perjury. She will not be charged with anything. But a sponsor who was falsely accused of domestic abuse because the sponsored spouse doesn't feel like hanging around for two years and just wants to become a permanent resident, he has to hire a criminal lawyer. His life is destroyed, and it goes on for a year.

I am speaking first-hand of one of my cases, at which I'll be testifying at a criminal trial. I helped a female immigrant, a failed refugee claimant from one of the Scandinavian countries. She came to me when there was a removal order in place against her. I wasn't involved with her refugee claim. She came to me to stop the removal order. She had two children and she had sort of joint custody with her Canadian husband who had withdrawn the sponsorship and their allegations of abuse.

•(1655)

I succeeded, for various reasons, in stopping this removal order. She would disappear for six or seven months at a time. She was having a lot of emotional issues and breakdowns.

Two years later, in 2012, she came back to me, after an absence of about a year, with a new Canadian husband and another child to do an in-Canada spousal sponsorship, and I was really happy for her. And I did, and I proceeded, and we did it. Everything got going. I submitted it. Then in January 2013, I got an email from her, on a particular date, stating, "I'm just terrible at choosing husbands. My marriage has broken down. As usual, I picked the wrong man"—something to that effect—"and he's been abusive, not physically, but he won't give me money to spend as I wish". It was something like that. She said he was psychologically abusive.

Two days later, I got a call from the husband. These were joint clients I had in the past. He said, "The marriage has failed. I've taken

our child. She's had another breakdown and we just can't continue. What am I supposed to do? What are my rights?" I said, "Well, if you're no longer together, just withdraw the spousal sponsorship." I imagine that's what he did, because a week later I got another email from her stating that she had been sexually assaulted by her husband on a date prior to her first email.

So clearly when she was in a position that there was going to be a removal order issued against her, we went from psychological abuse to sexual assault. That's an abuse of the system, and I'm afraid that might happen in these cases.

Just because someone says they've been a victim of domestic abuse, unless it's clearly evident, until you go to trial, you really don't know. Just as when someone says they're a refugee claimant, until they've had their hearing, we don't know if they really are a refugee.

**The Chair:** Thank you, Ms. Taub.

Thank you to all of you. All three of you are experienced counsel, and we appreciate you coming and raising the issues of conflict that we're going to have to look at.

Mr. Menegakis has some questions.

**Mr. Costas Menegakis:** Thank you, Mr. Chair. I would like to thank all three of our witnesses for appearing before us today.

I feel compelled to say how insightful I've found the testimony of all three of you. This is obviously a very important study. It brings up some emotions in most human beings when we're dealing with abuse of women in particular and especially when people are attempting to use our immigration streams to promote their illicit intentions towards their spouses or spouses-to-be.

I'm going to start my questions with you, Madame Desloges, if I may.

Have you had women come to you to request assistance because they've been involved in a forced marriage situation?

**Ms. Chantal Desloges:** Yes, I have. It happened to me one time. I was approached to do a sponsorship appeal. I was hired by a woman and her family to do a sponsorship appeal, and the first time I met her alone and isolated from her family, she told me that she was being forced to do this, that she had not wanted to marry the person, and that she wanted to find some way to get out of it, but she couldn't let her family know.

That put me in a really difficult position obviously. As it ended up, I couldn't continue to act, because it put me in a conflict of interest against her husband. But I feel that if this had come up at an earlier time and if someone had spoken to her alone at a much earlier stage than that, she might not have come to that position. That's why I recommended earlier that at some point during the sponsorship process, somebody should speak to the woman and ask her certain probing questions about whether there is coercion or abuse involved.

•(1700)

**Mr. Costas Menegakis:** What steps do you tell someone to take and what advice do you give somebody who comes to you and says they're in a forced marriage situation? What avenues do you have?

**Ms. Chantal Desloges:** If the person is the sponsor and is in Canada, the first thing I would do is tell them to go to the police. As I said earlier, people who are in Canada at least have the advantage of the protections we have here in Canada. The problem is if it's the foreign national, it's a much more difficult situation, because there could be family situations; they could be under threat from their own family or from the husband's family, and the police in their country might not be particularly helpful.

As lawyers, my two colleagues here can attest to the same thing: when you're representing both parties in the sponsorship application or in an appeal, that puts you in a conflict of interest. Then as counsel, you end up having to withdraw and you can't help either side.

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

Ms. Taub, thank you for sharing the story of the case that you're dealing with. I'm wondering if you've ever encountered anybody involved in a polygamist relationship.

**Ms. Julie Taub:** No, I have not. No. I know of them, but there's nothing I can do about it. I would just like to add to Chantal's presentation. I think interviews should be compulsory in all situations where a conditional residency would apply. I think they should be compulsory and I do think that the sponsor should be interviewed. If he is not able to make it to the visa office, then by telephone. There's no question. Because you really can't get the real situation on a piece of paper.

**Mr. Costas Menegakis:** I think I may know the answer to this question, but let me ask you this as a follow-up. Are those who face forced marriage situations aware of their rights with respect to forced marriage?

**Ms. Julie Taub:** Aware of their rights in Canada?

**Mr. Costas Menegakis:** Yes.

**Ms. Julie Taub:** I don't believe they're aware of their rights when they're overseas. Once they get here, I think they do become aware of their rights.

In the situation that Chantal just brought up, if, in fact, the woman is here and there's an appeal, and she's been coerced into a marriage, I would recommend that she go and retain another immigration lawyer and make a refugee claim. Being forced into a marriage, and then fearful to withdraw from that marriage because of repercussions from your own family, honour killings, which are not unknown, even in Canada.... I would recommend this girl go and use a list of other lawyers, go and make a refugee claim.

**Mr. Costas Menegakis:** Something struck me when you were testifying. A very recent case, I believe, was in the Ottawa area, of a lady who sponsored her spouse to come over. He came over and within a short period of time he beat her up. He ended up staying in Canada. It's amazing that there is no way to just get rid of somebody.

**Ms. Julie Taub:** He has beaten up the sponsoring spouse and yet he could stay in Canada?

**Mr. Costas Menegakis:** And yet he could stay, yes. It was amazing.

**Ms. Julie Taub:** He must have come in under the old system, when he was given automatic—

**Mr. Costas Menegakis:** This is now, a number of months ago. It's not an old case. But it was front page on the newspaper....

**Ms. Julie Taub:** He must have come in under the old system, when he would have been granted permanent resident status upon arriving in Canada.

**Mr. Costas Menegakis:** Let me ask all three of you. You said you didn't, Ms. Taub—but have you, Ms. Desloges or Ms. Neufeld, dealt with a polygamist relationship situation?

**Ms. Heather Neufeld:** No, I haven't.

**Ms. Chantal Desloges:** Yes, on a couple of different occasions. The one that stands out in my mind is a situation where a man had two wives. The original wife was sponsorable, which isn't a problem. He had children with the second wife and one of the children was very ill. It was a Canadian-born child. I was in the unique position of having to request, on humanitarian grounds, that the second wife be permitted to stay in Canada for the benefit of the child.

I'll be frank with you, I don't think there's anything you can do about polygamy. It's legal in a lot of different countries. I don't think the immigration system really has the tools to be able to address anything to do with that situation. I've racked my brains over it personally because I'm not a fan of the practice myself, but I really don't think there's anything in the immigration system that can be done about it.

•(1705)

**The Chair:** Thank you.

Ms. Sitsabaiesan.

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

Thank you to all of our witnesses for being here.

Ms. Neufeld, I want to first start off by saying it seemed like you had a lot to say and you said that you were summarizing some of your suggestions. Maybe if you have your unabridged comments you could provide them to the clerk for the rest of the committee to read your entire comments that you originally were planning on saying.

**Ms. Heather Neufeld:** I'd be happy to.

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

I want to start with Ms. Neufeld. You spoke about the broken sponsorship. If a situation of abuse happens, the agency is not a real option for the woman. You said you might have some recommendations to suggest for that? What were your recommendations for this woman who was a victim of violence?

**Ms. Heather Neufeld:** We have seen many cases, and we do a lot of training for other organizations on dealing with cases where there is abuse while a sponsorship is in process, and the woman either has to walk away from the sponsorship or the sponsor withdraws the sponsorship as part of the abuse. The woman's only recourse generally is a humanitarian and compassionate grounds application.



As part of that application, she has to show establishment in Canada. Often she's at a point where, particularly due to the domestic violence, she's not in a strong position to show establishment in the financial sense, in the sense of being well integrated. She may have been isolated, she may have been prohibited from taking language courses.

The United States has what's called the self-petition procedure for women precisely in that kind of situation. It was authorized under their Violence Against Women Act, which permits women whose sponsorship has broken down or been withdrawn and processed, to petition for permanent residence on their own behalf, apart from their sponsor, on the basis of the domestic violence they've experienced in the U.S. They have to show certain documentation relating to the domestic violence, but it gives them a tool to be able to safely leave that abusive situation and not have to stay in this situation of violence simply to try to obtain their permanent residence.

I would like to see something established more along those lines, rather than women having to resort to the humanitarian procedure, which also does not stop deportation, and given the long processing times right now, a woman is going to be deported long before that application even gets looked at.

**Ms. Rathika Sitsabaiesan:** Yes, I've seen multiple cases where they've tried the agency route and have been removed from the country before the agency goes through, or is refused.

**Ms. Heather Neufeld:** Or even before the custody issues have been resolved.

**Ms. Rathika Sitsabaiesan:** We had witnesses yesterday who suggested that women should receive information on the legal options available in Canada as well as the support networks, the support resources, in their first language, whatever their language might be, before they arrive in Canada, or when they walk in at the airport.

What are your thoughts on that, Ms. Neufeld?

**Ms. Heather Neufeld:** I think that would be excellent. I understand this does involve resources in creating that information in a wide variety of languages, but I think it would be hugely beneficial to women to have that available to them. Any chance that we can reach them better is going to be helpful. The sooner they're able to get out of a violent situation, if they are in one, means the sooner they're going to be contributing by working, by having fewer health issues related to the abuse.

I think overall even if it requires an expenditure of resources, it would still be in our interest to do so.

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

My last idea is along the lines of the burden of proof.

Right now, as we understand it and how we've been advised by other witnesses, the burden of proof for the occurrence of the violence rests with the abused woman. In your experience, is it usually easy for them to prove the occurrence of the violence? Instances where there's physical abuse, if there are bruises or cuts or burns, is pretty easy to prove if you've taken a photo of it. My question also goes along the lines of psychological, financial, emotional abuse, all of those. In your experience is it relatively easy

for these immigrant women to make these types of attestations or to prove this in a court of law?

I'll start with Ms. Neufeld, and then go with Madame Desloges.

• (1710)

**Ms. Heather Neufeld:** No, it's not necessarily easy for them to prove it. They need support, they need people who can assist them in gathering the evidence. They may need to obtain psychological evidence, which may be difficult if they haven't already been in counselling.

All that said, the types of evidence that are currently permitted under the domestic violence exemption around conditional permanent residence list a variety of kinds of proof. We don't know yet how many of those will be required in a given case for CIC to accept it.

I would be strongly opposed to any system that would require there be a domestic trial with a trial outcome, because there is no certainty that this trial outcome will necessarily correctly prove the abuse and, in many situations, many women are too terrified to ever approach the police. If we put that burden on them, I think the majority of abuse victims would not have obtained a domestic violence judgment, and we're far better off if there are a few people who shouldn't have slipped through, rather than having many people whom we haven't correctly helped.

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

**Ms. Rathika Sitsabaiesan:** Did you want an added 30 seconds?

**Ms. Chantal Desloges:** Yes. I partially agree with my friend. The only thing I would add to that is that if there has been a trial with a negative trial outcome, I would think that this is innocent until proven guilty. However, I do agree with my friend Ms. Neufeld completely that the majority of domestic violence cases do not even go as far as calling the police or going to trial. In the absence of a trial and a verdict, I would say that these other types of evidence, they're available, but the problem is that unless the woman has an experienced counsel, she's going to have a very difficult time thinking of what to put forward in support of her case.

I think that the guidelines definitely need to be more publicized, and women need to know, even if they don't have a lawyer, what they could possibly present in terms of evidence to be able to prove that kind of a claim.

**The Chair:** Thank you.

Mr. Hsu.

**Mr. Ted Hsu (Kingston and the Islands, Lib.):** Thank you very much, Chair.

I'll add my thanks to the witnesses today.

For all of my questions, they are not particularly directed at one witness but they're inspired by one of the witnesses. I invite anybody to jump in with an answer.

My first question is related to Ms. Neufeld's statement that Citizenship and Immigration Canada needs to have a real person answer the telephone call, and perhaps provide telephone interpretation for somebody who has suffered abuse and needs to obtain advice. My question is, has the service level at CIC with respect to this gotten better or worse over time? Is the trend in the wrong direction or in the right direction, do you think?

**Ms. Heather Neufeld:** I had been trying to poll other agencies that have had these cases so far around the conditional permanent residence issue, and what their experiences have been with getting in touch with CIC. Everyone I have spoken to has had great difficulty reaching anyone at CIC. I would say, just trying to communicate with CIC at a general level, not even in regard to these domestic violence cases, the wait times are often extremely long on the phone. Often you're just on the phone for a long time and then you just get a dial tone and you have to start over.

**Mr. Ted Hsu:** Is it better than five years ago or worse than five years ago? Is it hard to say?

**Ms. Chantal Desloges:** I think it's probably about the same. It has not gotten better. My number one advice to people is if you want information about immigration, don't call Immigration.

**Ms. Heather Neufeld:** Yes. That's our standard advice to everyone.

**Mr. Ted Hsu:** All right. That's very interesting.

As a related question, Ms. Neufeld, you cited the importance of making sure that immigrants have some sort of understanding of Canadian law, and in particular about the exemption to this two-year conditional period. My question is similar: do you think that the knowledge of Canadian law that immigrants have has improved over time, or is about the same, or gotten less?

• (1715)

**Ms. Heather Neufeld:** I have not seen any change over the time that I've been practising.

**Ms. Julie Taub:** I find that I have seen that immigrants who come into this country are a lot more savvy than they were when I first started my practice. That was in 2001.

**Mr. Ted Hsu:** Okay.

**Ms. Chantal Desloges:** I think it depends who it is. For women who are educated, I would say yes, overall the education level in terms of immigration has gone up, and then with the advent of Internet and public information... But for women who are uneducated and unable to access it, I think it has not changed at all.

**Mr. Ted Hsu:** Okay.

A different question that I have is inspired by Ms. Taub's opening remarks that you had seen about 1,000 clients and you had rejected about—please correct me if I'm wrong—20% of potential clients, based on a suspicion of marriage of convenience—

**Ms. Julie Taub:** Yes. Simply because I was involved with this lawsuit, thereafter, for some reason, I seem to have a lot of people, duped sponsors call me from across Canada with their cases. It has been continuous. I get about two to three dozen cases a year of duped sponsors. So I know what the red flags are. They sort of alert me: this isn't a genuine marriage, and this woman or this man doesn't know what they're doing. I'll spend an hour, an hour and a half, explaining to them, either trying to dissuade them, if they're not married, from proceeding with a marriage or trying to dissuade them, if they're married, from doing a sponsorship.

But I certainly will not do it, even if they ask me.

**Mr. Ted Hsu:** Okay. My question is, do you think that we can quantify or systematize or institutionalize the intuition that you seem to have developed? And does anybody keep good statistics that could help CIC or some other immigration officer make decisions?

Obviously you've developed some sort of intuition, and maybe this can be systematized.

**Ms. Julie Taub:** I think we saw the stats when we were doing our class action. It was about 20%. CIC was turning down marriages, turning down sponsorships on the belief they might be—

**Mr. Ted Hsu:** I'm looking for correlations between observations.

**The Chair:** Mr. Hsu, I have to stop you for a minute.

The bells are ringing. You can't hear them, but they're ringing, I can assure you. To continue past the time I need unanimous consent to continue to 5:30. Do I have unanimous consent?

**Mr. Costas Menegakis:** No.

**Ms. Lysane Blanchette-Lamothe:** The buses are waiting for us.

**The Chair:** They are waiting, but I do not have unanimous consent.

**An hon. member:** We are going to be voting for a while.

**The Chair:** I'm just the chairman, folks. Order, please. I'm just the chairman and following rules. The meeting, unfortunately, is over.

The three of you have given us great legal perspective on the problems that we're having with this study. On behalf of the committee, I thank you for coming. Thank you.

This meeting is adjourned.







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