



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# Standing Committee on Citizenship and Immigration

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CIMM • NUMBER 050 • 2nd SESSION • 41st PARLIAMENT

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EVIDENCE

**Thursday, May 28, 2015**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Thursday, May 28, 2015

● (0845)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Good morning. This is the Standing Committee on Citizenship and Immigration, meeting number 50, Thursday, May 28, 2015. We're here to decide, to debate, and to discuss a number of clauses from Bill C-59, particularly clauses 168 to 176 of that bill, as requested by the finance committee.

The morning is divided into two sections. The first will be with the members of the department who are here this morning to help us. In the second hour we had originally scheduled for three witnesses; however, only one is able to appear.

We'll proceed with the first hour. We do have some representatives from the department. Chris Gregory is the director of identity management and information sharing. I gather, sir, you're going to be making a presentation to us. We have Brenna MacNeil, who's the senior director of strategic policy and planning. Good morning to you, Ms. MacNeil. Finally, we have Bruce Grundison, who's the executive director of the strategic projects office. Thank you, sir, for coming.

Mr. Gregory, you have the floor to make a presentation to the committee.

**Mr. Chris Gregory (Director, Identity Management and Information Sharing, Department of Citizenship and Immigration):** Good morning, Mr. Chair and honourable members of Parliament.

[Translation]

My name is Chris Gregory, and I am Director of Identity Management and Information Sharing at Citizenship and Immigration Canada, or CIC.

[English]

I'm here today to answer any technical questions that you may have on the amendments to the Immigration and Refugee Protection Act related to biometric screening under part 3, division 15, of Bill C-59.

Verifying a person's identity is vital to decisions made by Canadian visa officers abroad and by border service officers at Canadian ports of entry. An increase in application volumes and sophistication in identity fraud pose significant challenges to maintaining the integrity of Canada's immigration system. The use of biometrics in the immigration screening process helps us to address these challenges.

In 2013 Citizenship and Immigration Canada successfully implemented the temporary resident biometrics project, on time and on budget. Under this initiative we use fingerprints and a digital photograph to screen applicants from 29 countries and one territory who are applying to Canada for a temporary resident visa, work permit, or study permit. Privacy safeguards have been built into policies, procedures, and systems to ensure that client information is collected, transmitted, used, and stored securely.

● (0850)

[Translation]

Biometric immigration screening is now the standard worldwide, with more than 70 countries applying such methods. This new initiative brings Canada in line with key allies who are increasingly using biometric screening as part of their border security and immigration programs.

[English]

Biometric screening in Canada's temporary resident program is proving effective in protecting the safety and security of Canadians and the integrity of the immigration system, while facilitating travel for genuine travellers. It has made it easier to establish and confirm a person's identity, and to identify known criminals before they come to Canada. It has also facilitated the entry of applicants seeking to come to Canada for legitimate purposes, and made it more difficult for others to forge, steal, or use another person's identity to fraudulently gain access to our country.

[Translation]

In the 2014 economic action plan, the Government of Canada highlighted the importance of biometric screening in Canada's immigration program and committed to exploring new ways to improve the security and integrity of the immigration system.

[English]

To this end, the 2015 economic action plan announced the expansion of the biometric screening program. Through the proposed legislative amendments in front of you today, we are seeking to expand biometric screening to more foreign nationals applying to come to Canada, including foreign nationals applying to come temporarily to visit, work, or study as well as those applying for permanent residency. As Canadians are generally exempt from providing their biometrics when seeking temporary entry to the United States, U.S. citizens would also be exempt from providing their biometrics when they apply to study or work in Canada.

The fingerprints we collect would be checked against the RCMP's immigration and criminal fingerprint records, which would confirm if someone has previously applied to CIC using the same or a different identity, has previously been removed, or has a previous Canadian criminal conviction. Upon arrival in Canada, these individuals would have their fingerprints verified to ensure that the person who is issued a visa or permit is the same individual now seeking to enter Canada.

These legislative amendments would be supported by regulatory amendments that would come into effect in 2018-19. Safeguards would continue to be in place, including in the regulations, to ensure biometric screening is conducted in accordance with Canada's privacy laws and policies.

Expanding the use of biometrics in our immigration and border screening processes would help facilitate the entry of genuine travellers, and strengthen the safety and security of Canadians by reducing identity fraud and preventing inadmissible people, including known criminals, from entering the country.

Thank you, Mr. Chair. Now I turn to Brenna for further remarks.

**Ms. Brenna MacNeil (Senior Director, Strategic Policy and Planning, Department of Citizenship and Immigration):** Thank you for the invitation to speak today specifically about part 3, division 15 of the bill, related to legislative amendments that CIC is proposing to the Immigration and Refugee Protection Act, or IRPA, concerning automated processing and decision making.

[*Translation*]

Mr. Chair, these provisions will allow the ministers of CIC and Public Safety to administer and enforce the Immigration and Refugee Protection Act by using electronic means, including to enable automated decisions.

[*English*]

Economic action plan 2013 announced investments to improve processing, allowing CIC to lay the groundwork for an electronic and automated business model. In January 2015, the department launched express entry, a new electronic system to manage applications for permanent residents under certain economic immigration programs. Also later in 2015, CIC will begin implementing the electronic travel authorization initiative, or eTA. Under this initiative, applicants will be able to apply online for their eTA, and an automated system will significantly facilitate the movement of legitimate travellers, due to robust pre-boarding screening.

Building on this foundation, CIC is proposing legislative amendments to allow the department to further leverage technology for greater efficiency. These legislative changes, together with subsequent regulatory amendments, would permit CIC to electronically administer certain processing activities related to the Immigration and Refugee Protection Act, such as handling straightforward decisions.

Through technology, routine and straightforward tasks could be performed by the system, freeing up officer time for more value-added, complex activities. This should significantly enhance the timelines and efficiency of decision making and processing, while ensuring appropriate program integrity measures are in place.

More specifically, the amendments would enable automated positive and negative decisions on applications and give CIC authority to mandate electronic submissions of applications with some exceptions, such as for persons with disabilities, which would be central to CIC's electronic global processing network. The amendments would provide regulation-making authority to govern the details of the technologies to be used and other key supports. Subject to regulations, the amendments would allow foreign nationals to make applications from within Canada, as long as they have maintained appropriate status in the country.

● (0855)

[*Translation*]

Given the general application of the above provisions, other sections of IRPA that already relate to electronic service delivery, such as Express Entry and eTA, will be amended to avoid repetition within the act. These amendments do not diminish or change the nature of the authorities already granted by IRPA.

[*English*]

To maximize efficiency across CIC's processing network, these legislative amendments would apply across the act, both to temporary and permanent resident streams. CIC already uses electronic applications in both streams and has introduced automated ranking of submissions in the express entry system. Expanded use of electronic processing in the temporary and resident streams will allow CIC to move work across its entire delivery network and make the best use of existing resources. Automating steps in processing will also free up officers from simple and repetitive work and allow CIC to focus resources where they matter most, on the higher risk and more complex applications that require close scrutiny and that automated systems are unable to fully process.

These amendments will help CIC improve client experience. Overall, clients will receive improved service through faster processing times and will benefit from a framework that allows leveraging of new technologies that are responsive to the expectations of modern service delivery.

As CIC increases the use of electronic processing, the department, working with Shared Services Canada, will continue to ensure that privacy protections and robust system security measures remain a cornerstone of the department's approach. These amendments will allow CIC to improve the way it does business without altering the nature of that business.

[Translation]

Making greater use of technology along the processing continuum is aligned with the direction of immigration receiving countries around the world including Australia, New Zealand and the United States, which have all, to some degree, incorporated electronic processing into their immigration systems.

[English]

In conclusion, Mr. Chair, these amendments will help CIC make better use of technology to improve the efficiency and effectiveness of its processes, provide clients with faster and more efficient services, and improve the department's ability to focus its resources on those cases that need it most.

[Translation]

Thank you, Mr. Chair.

My colleagues and I look forward to any questions you may have.

[English]

**The Chair:** Thank you, Ms. MacNeil and Mr. Gregory, for your presentations.

What I propose is not to go through the bill section by section but to ask members if they have any debate or if they have any questions for the department officials. We're open for questions or comments.

Mr. Menegakis.

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

I want to take this opportunity to thank our officials as well for appearing before us today. Certainly the issue of biometrics is one that we have studied extensively in this committee. I was very pleased to be part of the team that studied Bill C-31, which was the Protecting Canada's Immigration System Act, in which biometrics, of course, was a key component.

Our government is committed to protecting Canadians and making it safer to travel in and out of the country. It's an effective means to combat identity fraud and the abuse of Canada's immigration system, but it's also a very effective method of identifying those who are seeking to come to Canada who have illicit backgrounds in the countries in which they live.

Do you know how many countries we currently collect biometrics from?

**Mr. Chris Gregory:** Thank you, Mr. Chair.

Under the temporary resident biometrics project, which was introduced in late 2013, we are currently collecting biometrics from the nationals of 29 countries and one territory. It constitutes about 20% of those people who make a visa application to visit Canada temporarily.

• (0900)

**Mr. Costas Menegakis:** I understand that biometrics is rapidly becoming the norm worldwide. In fact, I believe there are over 70 countries using this method to screen travellers already. What are the

standard practices right now? How do we collect the data of people applying to come to Canada?

**Mr. Chris Gregory:** Under the temporary resident biometrics project, those persons who are required to provide us a biometric go to a visa application centre somewhere in the world. There are over 180 such facilities for them to go to in, I think, 94 countries.

When submitting their application, they will also submit fingerprints and have a digital photograph taken. The photograph and the prints will accompany that application into our system. The prints will be verified against immigration prints that are being stored by our colleagues at the RCMP. They will also be compared against criminal prints that the RCMP has collected for many years now. Whether there's a match or not, that information will get back to the visa officer who will be assigned to that case, most often within minutes, certainly within the hour. Any information coming from that process will help inform an immigration decision.

The information can be that sometimes there's a match against a previous application using the same identity. We have confirmation that it's the same person making another application to come and visit. That gives the officer some confidence in the identity of the person. In other cases we might find out that this is someone who has previously committed a crime in the country and been deported and is now trying to return to the country. That's essentially the process in terms of how we use these prints.

The other part of it, I guess, would be on arrival. We can then verify that the person getting off the airplane is the same person who made the application.

**Mr. Costas Menegakis:** Certainly you've jogged a memory here. Back in 1994 there was a very bright young police officer in Toronto, Todd Baylis. Members of the committee might recall him, and certainly the general public would as well, especially in the greater Toronto area. He was 25 years old and he was in pursuit of a drug dealer by the name of Clinton Junior Gayle, who had tried to come to Canada on several occasions and somehow got into the country.

Unfortunately, in that altercation he pulled out his fully loaded semi-automatic handgun and proceeded to shoot Constable Baylis in the head and took his life. This is a perfect example of how someone who has a record of crime in the country that they're from can be identified through a biometric process.

It's important that we expand as much as possible the biometric program to ensure that we catch as many of those cases as we can, in addition, of course, to the obvious cases of keeping not only our security but the integrity of our immigration system.

Can you inform us what the plan is to implement biometrics around the world? Are there certain countries from which biometrics will be collected first?

**Mr. Chris Gregory:** When we rolled out the temporary resident biometrics project in 2013, we weren't applying it to all countries, so only certain countries were chosen. This time it will be a more global application. It won't be certain countries on the list and others not on the list. We likely would not go live with every country on day one just for logistical reasons. Even with just the 30 countries, we started in our hemisphere first for a month and then moved east from there, just to make sure that everything was functioning properly.

There's a lot of equipment that will need to be put in place at visa application centres around the world. We expect a global rollout in 2018-19 for all remaining countries, not just some. While not all countries would go live on day one, we suspect that it would be a fairly quick implementation, perhaps region by region. It will depend on the logistics at the time and on what's easiest for the system to handle, and then we would slowly ramp up to full enrolment from all remaining countries soon thereafter.

● (0905)

**The Chair:** Thank you.

Ms. Mathysen.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Thank you, Mr. Chair.

Thank you very much for being here.

I have a number of questions and I hope you can help me. I was informed that passport renewals are now being issued online. Is that correct? Can I get a renewal simply by going online?

**Mr. Bruce Grundison (Executive Director, Strategic Projects Office, Department of Citizenship and Immigration):** No, not at this point, but it's expected that's a part of CIC's modernization for passports.

**Ms. Irene Mathysen:** Is there any other country that does this, that currently is issuing passports online?

**Mr. Bruce Grundison:** I'm sorry, I don't have access to that information at the moment.

**Ms. Irene Mathysen:** Okay, so you wouldn't, as a general rule, consult across communities to find out if this was in fact being done in other places?

**Mr. Bruce Grundison:** Sorry, Mr. Chair, this is a briefing on the Immigration and Refugee Protection Act proposed amendments. I'm not an expert on passport modernization programs.

**Ms. Irene Mathysen:** I have a DFATD document here, and you talked about utilizing facial—

**The Chair:** On a point of order, Mr. Shory....

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair.

As the witness mentioned, I believe that we are not here to talk about passports today. The witnesses are not briefed with the information, so maybe we should stay on the topic of the day.

**The Chair:** I think Ms. Mathysen has noted that.

Thank you.

**Ms. Irene Mathysen:** Thank you.

You talked a bit about facial recognition, about using photographs in terms of expediting the process. As I was saying, I have a DFATD document that addresses some of that. There were some concerns raised in the document in regard to how that is stored. Is it stored centrally? Is it dispersed? How should scanned data be retained?

**Mr. Chris Gregory:** Thank you for the question.

In regard to the use of facial recognition and immigration screening programs, we do take a digital photograph of the clients who are currently subject to the biometric requirement. That photograph is stored in our system. It is used by border services officers in airports on arrival. The photograph is compared to the photograph in the passport, and it is compared visually to the person who is presenting themselves for an examination.

We're not using a facial recognition algorithm to compare the traveller with the photograph taken at the application stage at this time. In regard to storage of the information, as I said earlier, the fingerprints that are collected at these application centres overseas are securely transmitted to the RCMP's fingerprint storage system. They're encrypted, transmitted to the RCMP, and they're stored next to criminal prints that the RCMP has had the mandate to store for many decades now. They're very expert at it. I would suggest they're world class at taking care of fingerprints that are collected.

No biometric information is stored overseas at these application centres. As soon as a fingerprint is taken from a client it's encrypted, transmitted securely, and deleted from the source so that biometric information is only stored here in Canada on Canadian servers under the close scrutiny and careful eye of the Mounties.

**Ms. Irene Mathysen:** One of the things that has come up from time to time is concern about data that goes awry. I wonder, how vulnerable is this data? This is again from the DFATD document. The concern is vulnerability of data. Is it possible that it could be abused in any way?

● (0910)

**Mr. Chris Gregory:** Of course, we share the concern about vulnerability and that's why we worked so hard in the years before 2013 to develop a robust system that would treat this information with great care. It's why we are not storing any of this information overseas. It's why it's deleted immediately after it's collected and given to the RCMP for storage.

The RCMP has been collecting and storing fingerprints for decades, and frankly, I think they do a world-class job of it. Rather than create a new fingerprint repository in our department, it was decided that we would turn to our expert colleagues down the street and have them do it for us.

We have followed all Treasury Board, Public Works, and Shared Services Canada guidelines when it comes to developing the system and developing the electronic protections that we use. That was a primary concern in our minds as we developed this system. A year and a half later, we're happy with how it has been working and how the information has been protected and will continue to be protected. We have a couple of years to further develop the system before implementing this larger expansion of the program. I'm confident that the measures in place by 2018-19 will be as robust, if not more.

**Ms. Irene Mathysen:** In this study you've done, have there been any indications of false positives or false negatives?

My last question is, again referring to the DFATD document, about function creep. One of the concerns that DFATD raised was that in future this information could be used for something beyond its original purpose. Is that something you've also looked at?

**Mr. Chris Gregory:** Using this information beyond its original purposes is certainly not something I've thought of, or that my minister has instructed me to think of. It's not the issue of today. We're here today to talk to you about legislation being put forward to do exactly what the legislation is being put forward to do. We have no intention, at this time, of doing anything more with that information.

**The Chair:** Thank you.

Mr. McCallum.

**Hon. John McCallum (Markham—Unionville, Lib.):** Thank you, Mr. Chair, and welcome to the witnesses.

I am in favour of what you're doing in principle. I just have some questions or possible concerns about the privacy aspects.

First of all, in terms of the scope of the application, mention was made about potentially including individuals who make "a claim, application or request". That seems very broad. To whom is this going to apply? What categories of applicants? Might that change over the future because that clause seems to give a green light to anybody?

**Mr. Chris Gregory:** Thank you, Mr. Chair, for the question.

It currently applies to people making a temporary resident visa application from the 29 countries and one territory, or people making student and work permit applications from those countries. The intention through this bill is to give the government the authority to broaden that application to all these applicants and to permanent residents. The intention is not to do any more with it, but we take fingerprints as we currently do from people making refugee asylum claims and from refugees we are resettling from overseas. Further detail on that would be provided in the regulations that will be passed before 2018-19. Regulations that currently exist list the existing countries. Those will be updated to broaden the scope.

**Hon. John McCallum:** If information is required on an individual applying to be a permanent resident, and if the application is successful, then I suppose the individual is then a citizen. Is all this information on fingerprints retained by the RCMP? Is that kept there? I'm not sure it's appropriate for Canadian citizens to be subject to that unless there's some reason.

**Mr. Chris Gregory:** As we currently do, it would continue to be our plan to delete any biometric information on any of our clients as soon as they become a citizen.

**Hon. John McCallum:** Okay, good.

Has there ever been a breach in any of your application centres in terms of the CIC requirements to delete, or other kinds of requirements?

• (0915)

**Mr. Chris Gregory:** There has been no such thing. There are 180 locations around the world. We audit those locations. There are stringent procedures they follow. There are small things that happen, the Wi-Fi will go out for a few hours or what have you, but there's been no breach of personal information.

**Hon. John McCallum:** Is all of this process going to be applied to people coming to Canada from the United States?

**Mr. Chris Gregory:** For an American citizen coming here to visit, no. For an American citizen who wants to become a permanent resident of Canada, yes.

**Hon. John McCallum:** Okay.

Does that mean it's not going to be applied to any visa exempt countries, like, let's say, the U.K. as well as the U.S.?

**Mr. Chris Gregory:** For citizens of the U.K. coming here to visit their sister, no, they do not have to hand over biometrics, just as we do not have to hand over biometrics to them.

**Hon. John McCallum:** Okay, that's it.

Thank you very much.

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

Mr. Leung.

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

It's important for Canada to maintain abreast of technology and of the security measures of our peer countries.

My question has to deal with the five partner countries. Do we all have the same biometric requirements for those 29 countries and one territory? Are there differences in how we go about doing this? The reason I'm asking this is, what happens to the countries that are not on Canada's 29-country list? How do we screen those?

**Mr. Chris Gregory:** The United States, the U.K., Australia, and New Zealand are all now using biometrics in their immigration screening in their border management programs. There are differences in how they do that given different contexts, different migration patterns. Some are islands, some have land borders, some have large international airports, and some have smaller international airports. There are differences in the details. New Zealand is taking prints from refugee applicants and certain other applicants and are only now, I think, moving to using biometrics to screen visa applicants. Australia is about where we are. The United States takes fingerprints from more people.

For example, in reference to the earlier question, they would fingerprint someone from the U.K. who is coming just temporarily to visit. That is not our plan. There are small differences among the countries but all of those countries are now using biometrics in one way or another to screen immigration applicants, either before they leave or on arrival. The United States, the U.K., and Australia are fingerprinting most of those 29 countries and one territory. It's a general statement, but we're talking about 30 different places. Our Five Country Conference partners, most of the time, would be fingerprinting most people coming from the 29 countries and one territory, yes.

**Mr. Chungsen Leung:** I recently had experience travelling through Japan and biometrics was required of me. Is there a reciprocal agreement among countries outside of those five countries that have this biometric collection requirement?

**Mr. Chris Gregory:** I haven't seen much in the way of reciprocity in this area. It's a really mixed bag around the world. We had someone on staff take a look at it and they came up with over 70. I'm sure we could probably say a slightly higher number by now. Every day, every month, every year, more and more countries are using it. They use it in different ways. The two models, I suppose, would be taking fingerprints from someone applying in the first instance, and then screening those prints before a visa has been issued, so before someone is able to board a plane to come to your country.

Another model would be to do that but for other populations, as the Japanese do for Canadians, to take a fingerprint when someone arrives. That's perhaps less effective because the person would already be on our soil at that point and the preference is to screen at the perimeter. Also, enrolling on arrival takes up space and time at airports and we want those airports to be as fluid and efficient as possible and to make sure that arrivals are facilitated upon arrival.

No, we haven't seen reciprocity, so to speak, in the application of the fingerprints. It is becoming the norm so most people are becoming used to it. As Canadians we are lucky. There are many places in the world where we can travel without being subject to this in any way. Certain other nationalities are quite used to it, because for countries like Japan, for countries like the United States, very few people are exempted from the application of it.

• (0920)

**Mr. Chungsen Leung:** Just as a way of comparison between the pre-biometric collection era and now, how have we facilitated the processing of a person at a border? I'm thinking more in terms of how this affects our tourism business, our trade industry. In some countries you have to stand in a lineup for easily 40 to 50 minutes. Give me a sense of what the efficiency is in terms of processing plane loads of people coming into our borders.

**Mr. Chris Gregory:** We hope there will be efficiencies. That's part of the plan. To get those efficiencies, the foundation is to have that fingerprint on file. When you are screening millions of application forms using names, dates of birth, in certain countries certain surnames are shared by noticeable percentages of their populations. Certain countries are issuing travel documents that aren't up to modern standards. You have language barriers in these cases. It can take some time to confirm someone's identity. Fingerprints clean that up for you and make it more efficient.

Then on arrival there are many things a border service officer has to do in real time as 400 or 500 people get off a large plane. One of the primary ones, I would suggest, is to confirm someone's identity. The use of fingerprints in that process is the way to do it. It's fast, highly accurate, and efficient.

As we have increasingly every year 3%, 4%, 5%, or 6% more people—depending on the number and depending on the source—coming through our large international airports, we have to make sure we can process those people through without making them stand in line for the time you mentioned and without hiring more and more border service officers. People more and more around the world are getting used to using their biometrics on arrival in a country to confirm who they are and to proceed as such.

It's the foundation to make our airports work at least as well as before, as more and more people come through our airports, and hopefully better.

**Mr. Chungsen Leung:** Does this also work for our land border crossings, for crossing to the United States, say, for travellers who are not U.S. citizens?

**Mr. Chris Gregory:** Yes. Someone with their biometrics on file who is crossing by car at the land border will be able to go into the facility and have their biometrics confirmed that way.

Most of the traffic for Canadians and Americans, of course, will just continue at pace as it does now, but if it's a third country national with biometrics on file, the equipment will be made available inside facilities so that when there are questions about identity, those can be quickly, efficiently, and accurately cleaned up with a quick verification.

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

Madam Blanchette-Lamothe.

[*Translation*]

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

I'd like to thank the witnesses for joining us today. Of course, I'll be asking my questions in French.

First, I'd like to know whether applicants will have to cover the costs of the biometric screening measures.

Could you fill us in on that?

[*English*]

**Mr. Chris Gregory:** Thank you, Mr. Chair.

The existing cost for biometric enrolment is \$85. We anticipate that this cost will remain as is when we expand the program in 2018-19.

[*Translation*]

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

Aside from the costs that applicants will have to incur, are there any other downsides to the implementation of biometric screening?



[English]

**Mr. Chris Gregory:** I would suggest not. As we were saying just moments ago, we hope that in some cases it will facilitate travel for legitimate travellers.

For previous clients using the biometric, it just confirms that they are who they say they are. It allows the visa officer to move on with other questions quickly and confirm that, yes, this is the same person who visited here a few years ago and all was well, and to say that perhaps they will move on to another application, put that one aside, and approve it.

On arrival, we're hoping that as more and more people arrive with biometrics on file, we can use an electronic kiosk type of approach to confirm identity.

• (0925)

[Translation]

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

You've already talked about it, but I'd like to know more about the downsides. You don't think there are any. But I think you're wrong, and that worries me.

I want to share with you a story that I experienced first-hand. The people who put systems like these in place need to know about the actual costs and disadvantages that applicants and future visitors to Canada may have to deal with.

My in-laws applied for a visa. They don't live in a city with a visa application centre, so they had to drive an hour to the closest airport. Then they had to fly to the closest city where their biometric information could be collected. They didn't really know the city. These are people in their sixties with very little travel experience who had never flown by themselves before. Once in the unfamiliar city, they had to take a taxi to the visa office. And had someone in the office not taken a number for them, they would have likely spent the entire day there without being served and had to go back the next day.

These are people in their sixties who aren't used to travelling or having their biometric information collected. And once their information was collected just so they could submit their application—which wasn't necessarily approved—they turned around and went back to the airport, flew to the city they departed from and then drove an hour home.

The \$85 is just the start. People will have to incur the cost of travel, taxis and, in some cases, hotel accommodations. The array of costs associated with the application can be extensive, not to mention the lost time. If my in-laws had had jobs, they would have had to miss a day of work, or two or three days. On top of that, the whole experience was quite stressful for seniors who had to fly by themselves to a strange city without even knowing if they would be served that day. And these are healthy people who don't work or have children to take care of. I saw what they they had to go through, and it isn't out of the ordinary.

I'm not saying I'm against biometric screening, whose virtues you extolled. But it's important to know the implications they can have for the families who have to follow the process. Keep in mind that the process I described involved people who had not been approved

yet. They had to go through all of that merely to apply, and then go back home and wait for an answer. In the end, their application was approved. So they had to drive to another city for the medical examinations and so forth.

It's important to understand that the measure has downsides, as well. Yes, protecting Canadians is essential. And, of course, we need to take action in response to security concerns. But is this really the best way to do that? And has the process proven effective so far? The question bears asking, and you need to be aware of the reality.

Can you tell me where in the world individuals who are required to provide their biometric information have to travel great distances in order to get to the closest visa office? Have any countries expressed dissatisfaction about the fact that their citizens are being subjected to these kinds of measures? Have any countries indicated that they planned to impose the same requirements on Canadian tourists visiting their country? That kind of thing has happened in the case of other measures.

I'd like to know—

[English]

**The Chair:** Excuse me, I'm afraid your time has expired. You've raised some good points, but unless there's unanimous consent, you're out of time. And there doesn't appear to be unanimous consent.

Mr. Shory.

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

Thank you to the witnesses as well. Before I ask a question, I would ask for a little clarification from Mr. Gregory and Ms. MacNeil.

Mr. Gregory, is there any chance of error in the biometrics? Also, is the plan to take one fingerprint, or 10 fingerprints, or five fingerprints?

**Mr. Chris Gregory:** Thank you.

I guess I would say there's always a chance of anything happening. The RCMP has been taking fingerprints, verifying fingerprints, and storing fingerprints for decades. It is the RCMP who will be storing our prints and doing all of the matching. The RCMP have people on staff and whenever there's any question related to fingerprint quality or matching, whenever there's a grey area, those professionals who have been doing that type of work for some time now are called upon to confirm things.

To the extent that there is that small grey area there, as someone who's responsible for identity management in a department that has tens of millions of clients, I can tell you that I sleep better at night knowing that in the future we'll be able to use this rather than names. Frankly, there are a lot of John Smiths in the world and many of them happen to be born on the same day and come from the same country. What we're doing is replacing a system that works this well with a system that works much better. No system is perfect, but this is about as close to such a system as we have at this time.

• (0930)

**Mr. Devinder Shory:** You may want to tell me if the plan is to use one fingerprint.

**Mr. Chris Gregory:** What we're doing now is taking 10 fingerprints and we would continue to do so.

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

Ms. MacNeil, as a little clarification about this automated business model, you will be applying this model on the eTA initiative as well in coming days. The question is this. When it is used in express entry systems, if the applicants do not qualify today, they can update their application in a month or two months in the future. With an eTA, if you get a negative result because it's automated, is there any recourse to that?

**Ms. Brenna MacNeil:** I'm not really understanding the question. On eTA is there recourse for...?

**Mr. Devinder Shory:** Is there recourse if the applicant gets a negative result.

**Mr. Bruce Grundison:** Mr. Chair, if there is a negative result for an eTA, the negative eTA decisions are handled by human officers. They are not handled by the electronic system.

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

Coming back to the topic, I understand that partnership and consultations are the key implementation of any strategy. Has CIC consulted with the tourism industry on automation? Is this initiative something it is interested in?

**Ms. Brenna MacNeil:** Thank you for the question.

The tourism sector certainly has been consulted on the electronic travel authorization, which is a system that is fully automated. It involves electronic applications and electronic decision making, and the result is an authorization that is transmitted electronically. This is very much something that expanded eTA.

Applying eTA to low-risk applicants in various countries is something that the tourism sector is very much in support of because of the efficiencies that automation does provide. Because it can automate the various steps in the process—and in the case of eTA all of the steps are automated—it does provide great efficiencies on those straightforward cases where there are positive decisions, so that you are able to receive decisions much quicker.

**Mr. Devinder Shory:** I also understand that there was money for eTA in the budget and that this provision in the BIA will help facilitate that. Can you please give us an expected timeline on eTA and tell us if the United States has a similar system?

**Ms. Brenna MacNeil:** Yes, certainly. Thank you for the question.

There were investments referenced in the budget for eTA expansion. Again, that is applying eTA to low-risk populations. This legislation is in support of such an approach. There is already legislation in place for eTA itself, but this legislation supports the approach and is consistent with the approach, again, of that broader expansion of using automation in processing and particularly in automated decision making. The timelines for eTA rollout are for August of this year and then eTA expansion would happen at a later date.

I believe you asked as well, Mr. Chair, if the U.S. has a similar system. The U.S. does have a similar system to the eTA process. It is, again, a fully automatic system for visa-exempt travellers, so

those are low-risk travellers. Again, it's a fully automated process with automated decision making and rendering.

**The Chair:** Thank you.

Go ahead, Mr. Aspin.

●(0935)

**Mr. Jay Aspin (Nipissing—Timiskaming, CPC):** Thank you, Chair.

Welcome to our CIC officials this morning.

In today's world of terrorism, security is very important, as we all know. Automation will help make Canada a more attractive destination for tourism and business, while allowing us to focus resources where it matters most, on high-risk travellers. Has the technology for automated decision making been developed yet? If not, is it in the process?

**Ms. Brenna MacNeil:** We've mentioned the automated decision making through the eTA initiative, and that initiative will be in place in August. The technology has been developed for the August rollout, and similar technologies would be applied as automation is expanded through these broader provisions.

**Mr. Jay Aspin:** Is this relative to high-risk travellers?

**Ms. Brenna MacNeil:** Through our automated approach, the plan is to look at automating the routine tasks. In the first instance, things like completeness checks will be automated, triaging to determine who the low-risk and the high-risk travellers are. The straightforward cases would be triaged through the automated system and would continue to remain in an automated system, where straightforward cases could receive automated decision making.

The more complex cases would be removed from an automated process and be dealt with by an officer. Those are cases where there's requirement for specialized or local knowledge, where there's discretion involved in the decision, or where any risk indicators have been flagged that would warrant the attention of an officer.

**Mr. Jay Aspin:** Thank you.

Express entry is currently using technology similar to what is being proposed. Has it been successful so far? Have there been any glitches? What is the general feedback?

**Ms. Brenna MacNeil:** Express entry is a system that was put in place on January 1 of this year. It's been in place since that time, and the response, really, has been overwhelmingly positive. As with any new system, there have been small technical glitches, if you will, but I think those have been addressed quite quickly with zero to no impact on applicants. To date, the response has been overwhelmingly positive with the vast majority of clients finding the system easy to use.

**Mr. Jay Aspin:** I commend the department for tackling the challenge and for being at the forefront of this. Obviously, it's important that we're on par with our peer countries on our immigration initiatives.

My question in that regard is this. Has the CIC been consulting with our peer countries that have been using automated decision making, and has this been collaborative and successful?

**Ms. Brenna MacNeil:** Certainly through the implementation of programs like eTA and express entry, we have consulted our counterparts around the globe who have implemented very similar systems. For eTA, for example, the U.S. has a very similar system, as I've mentioned, so there have been consultations there.

Australia has a very similar system for low-risk travellers, and there has been extensive consultation with Australia, which uses automation quite extensively throughout their temporary resident lines of business as well as moving into their permanent resident lines of business. They also have a comparable program to express entry. In developing the legislation, we also looked at legislative examples that exist internationally, so that does include Australia. It also includes New Zealand, which uses automated processes on specific visa extensions. They've started in this world as well, using automated processes, and in fact, have committed publicly to making further applications.

**The Chair:** I'm sorry, Mr. Aspin, your time has expired.

Madam Blanchette-Lamothe, you now have a chance to ask your questions that we cut you off on before.

• (0940)

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair. I'll be quick.

I think I demonstrated that it's not true that biometric screening will definitely facilitate travel for genuine travellers, since it's already making things much more complicated for legitimate travellers.

First of all, I'd like to know this. Are you aware of parts of the world where citizens are required to submit to biometric screening when coming to Canada but do not have nearby visa application centres?

[English]

**Mr. Chris Gregory:** Thank you.

As I said earlier, we now have over 185 visa application centres. It's a good rollout and it's certainly consistent with countries like the U.K. It's a lot of locations in over 94 countries. We're not in every country in the world and we're not in every city in every country, so in reference to the story from earlier I am sympathetic to that particular case.

As we roll out, we will be working hard with our international region to make sure that the visa application centre coverage is as broad as it possibly can be within reason. Also, as we roll out we will only be requiring a biometric enrolment from clients once every 10 years. The story that we heard earlier would be something that would only happen once a decade. If those particular travellers wanted to come back and visit in a couple of years, that same trip before the trip would not be required.

We also currently have age exemptions—below 14 and above 79—but I guess the particular travellers we heard about a little bit earlier aren't quite at that age yet. As we roll out with an expansion, we hope to improve what I think is pretty good global coverage already of the 185 locations globally, plus another 135 locations in the United States, because we do share that concern.

There are some countries that currently require biometrics where there is no visa application centre in that country.

**Ms. Lysane Blanchette-Lamothe:** Which countries, please?

**Mr. Chris Gregory:** Syria and Iraq do not have visa application centres, simply because it is too dangerous for us to staff those centres.

**Ms. Lysane Blanchette-Lamothe:** Are there other countries than those two that you have just named?

**Mr. Chris Gregory:** Yes, there are.

**Ms. Lysane Blanchette-Lamothe:** Can you name them?

**Mr. Chris Gregory:** There's Syria and Iraq. South Sudan might be one. There are a few where the country's condition is currently not such that we would feel comfortable sending a Government of Canada employee there to verify that all of the provisions are in place. That's unfortunate, but those conditions are monitored on a regular basis. We have monthly meetings, in-house, to talk about our network and the locations.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** Sorry for interrupting.

But I realize that there are countries where the safety of our officers can't be guaranteed. By the same token, you need to understand that it's not any safer for citizens of those countries to travel in order to provide their biometric information. That's another consideration we need to look at. If it isn't safe for our people, it isn't safe for the people who live in those countries to cross borders in order to provide biometric information just to apply for a visa.

Have you looked at other options for collecting people's biometric information? For instance, would it be possible to request biometrics only from those whose applications had been approved as opposed to all applicants? If, after initial processing, the person's application seemed acceptable, at that point, we could require the person to travel in order to provide their biometric information. That would save applicants from having to travel and incur costs if their application was incomplete or rejected for reasons not related to security or identity.

Would that be feasible? Have you considered that?

[English]

**Mr. Chris Gregory:** It's not something that we're pursuing at this time, but we've looked at all the models that we were able to examine in the world. It is valuable getting the biometric at the application stage to confirm that identity for future visits and then to allow future visits to happen within a 10-year period without the re-enrolment. But at this stage we are not moving forward with a system that would take biometrics from certain people but not other people within the same country.

[Translation]

**Ms. Lysane Blanchette-Lamothe:** I'm talking about people whose application is approved. We don't need biometric information from people whose application is denied for health reasons or out of fear that they won't return to their home country.

A number of criteria can be used to prevent a person from entering Canada as a visitor. I don't mean picking and choosing those we request biometric data from. All I am saying is that we should look at another option that you haven't considered—and I'm not pointing the finger at you—in other words, requiring biometric information only in cases where, after initial processing, the individual's application seems to meet the requirements for a visitor visa.

I'm not asking what you think of the idea. You said you weren't looking at that option and had chosen another approach. I am simply saying that it may be possible to ensure public safety and border security without necessarily imposing the biometric requirement on individuals who won't be granted permission to enter Canada as visitors regardless.

I have another question related to privacy.

● (0945)

[English]

**The Chair:** I've given you a lot of time. I think we'll have to end there. Thank you very much. We're over, even though we started late.

I want to thank the three of you, Mr. Grundison, Ms. MacNeil, and Mr. Gregory, for coming in and helping us better understand these proposed amendments.

Thank you very much. We will suspend. You are excused, of course.

● \_\_\_\_\_ (Pause) \_\_\_\_\_

**The Chair:** We will reconvene.

We're discussing the proposed amendments of Bill C-59. We have one witness, the very popular Mr. Kurland. We've made him well travelled over the years, it seems.

I thank you, sir, for coming in and giving us your thoughts. We had originally scheduled three witnesses, but it's just you. Unless the committee objects, I'm going to shorten the last hour somewhat, by perhaps half an hour. My colleagues may want to talk to you longer, but that's what I'm proposing.

Sir, as usual, if you could give us some of your thoughts on these proposals, we would appreciate it.

● (0950)

**Mr. Richard Kurland (Lawyer and Policy Analyst, As an Individual):** It's an honour and a privilege to be here today.

There are two provisions of the proposed law that will have dramatic positive impact upon the Canadian immigration system for the applicants. The second area that I'll discuss is rather technically dry, and for the sake of time I'll read in proposed wording amendments to perhaps tighten the intent. The third aspect may be

slightly controversial. The committee should be aware of the breadth of power offered to the RCMP by the current wording of the provision.

In terms of applications from within Canada, finally foreign nationals with temporary resident status may apply for a visa during their stay in Canada. This is a paradigm shift. Until now, foreign nationals were locked into Canada and could not apply while physically present on Canadian soil to adjust temporary immigration status, and that caused genuine hardship for individuals as they would have to leave Canada.

It was also a well-known visa office dodge. They would say, we may grant you a work permit, we may grant you a student permit, but show up in our office—often in the United States. The person would find the door locked behind them as they left Canada. Those days are now gone with this proposed law.

Second, it may seem technical, but I can assure you from the viewpoint of immigration practitioners that the dramatic change to allow for electronic documentation and electronic signatures brings, perhaps screaming and kicking, the immigration department into today's information technology world. The struggle of being required to provide original signatures on immigration documents is legendary in the immigration practitioner community. Again, that ship has sailed into the mists of history.

Allowing electronic signatures and electronic production of documents will dramatically improve efficiency in the administration of Canada's immigration program. It reduces the costs for applicants seeking temporary or permanent status. It enhances the efficiency of information retention and use within the immigration department. It's a money saver.

Now here are the dry and somewhat technical aspects.

The wording of proposed subsection 186.1(1) is:

The Minister may administer this Act using electronic means, including as it relates to its enforcement.

No. It's too narrow. Instead it perhaps ought to read, "The Minister may administer this Act using information technology, including as it relates to its enforcement."

Swap out "electronic means" and put in "information technology"; that will be in keeping with proposed subsection 186.3(1).

The next one is shorter. Where subclause 169(1) says, "Subsection 11(1.01) of the Act is replaced by the following", under the rubric "electronic travel authorization", in proposed subsection 11(1.01), replace the words "Despite subsection (1)" with "Notwithstanding subsection (1)". "Notwithstanding" is not an evil word, even if it has charter connotations. The word "despite" simply needs review.

Finally, after "Paragraph 32(d.5) of the Act is replaced by the following", in clause 172, I will simply read in the proposed modification, "(d.5) the requirement for an employer to provide to a prescribed person the prescribed information in relation to a foreign national's authorization to work in Canada for the employer".

● (0955)

That's the housework. Here's the important segment.

Clause 174 reads, “Paragraph 150.1(1)(d) of the Act is replaced by the following”. This is serious stuff. It says:

(d) the retention, use, disclosure and disposal by the Royal Canadian Mounted Police of biometric information and any related personal information that is collected under this Act and provided to it for the enforcement of any law of Canada or a province;

I need to point out the strategic importance and impact of these words.

First, today we're looking at a snapshot in time. Today we're discussing the collection of biometric information from individuals seeking temporary status in Canada from a relatively small number of countries. A witness suggested that this category may absorb 20% of the volume of visas today. That's not an insignificant number, considering that we're issuing more than a million.

Where is Canada headed with the border vision package? Five years down the road, seven years down the road, passports will begin to be a thing of the past. We are opening our strategic doors to biometric information collection in order to access Canadian soil, and not just from foreign nationals, not just from permanent residents. Without a Canadian passport in hard copy, biometric information collection is Canada's strategic vision—correctly. We use it now as part of the entry system to the United States—airport scan, retinal scan.

What this provision does, perhaps with unintended consequences, is hand over the keys to Canada's immigration database system to the RCMP. What can they do? They can not just use and retain, but disclose and destroy. I'm concerned about the disclosure aspect.

I have recommendations. I realize the clock is on and I realize our time is short. The disclosure aspect is pertinent, because the RCMP has a matrix of information-sharing agreements with foreign and domestic intelligence agencies as well as with regular law enforcement of other countries. I will just read into the record, in the event that we may have another agenda here, version B—

**The Chair:** Excuse me.

**Ms. Lysane Blanchette-Lamothe:** I just want to clarify that we won't have any votes. It's just because the House of Commons is sitting now—

**The Chair:** Yes, the bells are just.... The House is starting, so we have lots of time for Mr. Kurland.

**Mr. Richard Kurland:** Okay, thank you. My heart was racing.

**The Chair:** No, we don't want that to happen. Proceed, sir.

**Mr. Richard Kurland:** Thank you, sir.

I'm not clear, based on the English and French versions of the proposed change, whether the intent is to hand over to the RCMP the biometric information as well as the related personal information taken at the time of collection or whether there is a division. Is it biometric information and any related information that's in the system, past, present, and future? I don't know. The way it's stated, biometrics can be collected and then at some point in time related personal information is on the table.

The committee members I'm sure well know that family composition forms are part of the immigration process. Their equivalent for temporary status is also part of the visa process. That

means that your family tree and all the personal information in immigration databases can go out the door to the RCMP and travel to points abroad.

● (1000)

**The Chair:** Mr. Kurland, you know that I always bend the rules when you come, but we're already two minutes over for your presentation.

**Mr. Richard Kurland:** Oh my, thank you, sir.

**The Chair:** Do you have any concluding remarks?

**Mr. Richard Kurland:** Yes, I do.

The conclusion is this. I'd just like to read in a proposed revision, “(d) the retention, use, disclosure and disposal by the Royal Canadian Mounted Police of biometric information, any related personal information that is collected under this Act at the same time, and provided to the RCMP for the enforcement of any law of Canada or a province”.

Thank you, Mr. Chair.

**The Chair:** Thank you, sir.

Mr. Menegakis.

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

Mr. Kurland, welcome back. It's always a pleasure to have you appear before us, sir, to share your extensive wisdom and knowledge on matters of citizenship and immigration with us.

Express entry is, of course, a form of automated decision making, as you know. I wonder if you could share with us your thoughts on this initiative thus far. Has it been successful?

**Mr. Richard Kurland:** The design is a successful design. Much was done in a relatively short period of time on the information technology side. There are growing pains. There are known stumbling blocks. For example, hundreds of passports disappeared electronically from CIC's express entry system. Those bugs are being worked out.

The latest news is that the provinces have aligned themselves with the express entry system, streamlining and electronically structuring their intake systems to mesh with the new federal express entry system. I did not think that so much could be accomplished in so little time. It is a work in progress, but my goodness, once again Canada is going to be a model to the world on this one.

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

I have a question I want to ask you on automated processing, which of course is part of the provisions in the BIA that we're deliberating on today. These provisions will allow Canada's Minister of Citizenship and Immigration to administer and enforce the Immigration and Refugee Protection Act using electronic means, including enabling automated decisions to mandate the electronic submission of applications and other documents.

Can you share with us how you feel that will go? What's your prediction on the automated decision-making process? Do you think it will be as successful as the eTA?

**Mr. Richard Kurland:** A computer does what someone tells it to do. The key here is going to be the instructions that will go into the automated decision-making system. Too much detail will cause error. Creaming off the easy decisions using profiling and to put it plainly a set of common-sense instructions, should facilitate decision making.

Will there be a need for a type of ombudsperson or a type of secondary review by senior officers? Yes, there has to be that human element to deal with decisions that do not come under the primary automated scheme.

• (1005)

**Mr. Costas Menegakis:** Clearly, we believe this will be a positive step for the tourism industry.

Have you had any feedback that you'd care to share with us today?

**Mr. Richard Kurland:** I did some consultations with external stakeholders in the U.K. and the United States. I wanted to see whether objections similar to those expressed by stakeholders at the time of the introduction of the American system would take hold in Canada. The answer is no. Fortunately, the Americans ploughed the road for us, so by mimicking what was done successfully in the past, we followed best practices in Canada.

The only irritant would be the nominal fee attached to the new system, but then, the travelling public is accustomed to the introduction and remission of such fees over time.

**Mr. Costas Menegakis:** The automated processing and decision-making components in the BIA provide a legislative framework for us to move forward. Do you think that's an important move?

**Mr. Richard Kurland:** Yes. What took so long is the reaction. It is a good move. It does facilitate and reduce the cost of the enforcement of program integrity. Also, it gets good people moving faster and it makes it more difficult for bad people. It's the right move.

**Mr. Costas Menegakis:** Oh, good.

I want to go back to biometrics. Before you appeared before us today we had officials from CIC here. I brought up an example of a very tragic case in Toronto, the killing of Constable Todd Baylis by a foreign criminal who had tried to come into Canada several times, found his way in here, and unfortunately took the life of a very bright young officer who by all accounts had a bright law enforcement future in front of him and certainly would have otherwise had a long and prosperous life.

If we'd had biometrics in place back in 1994, it would potentially have identified this criminal before he came to Canada. I wonder if you can share with us your feelings on the importance of screening those who, by all accounts, would otherwise have illicit intentions.

**Mr. Richard Kurland:** I remember the author of the Universal Declaration of Human Rights, the late John Humphrey, explaining to me at the time that the reason that document and similar UN documents included freedom of thought was that the technology of the day couldn't attack it. Intent still remains, for the most part,

outside the range of information technology collection. One's intent cannot be gauged.

However, repeaters can be identified and denied access to Canada. The other group, individuals who've had contact with law enforcement either in Canada or overseas, would be identified and denied access to Canada. That's a powerful tool. Could it have prevented the death in that particular case? Possibly. If the fellow were a repeater, yes. If the fellow were on the grid with a criminal background, yes.

But I must lay some element of blame with the Canada Border Services Agency, the people responsible for enforcing a person's removal from Canada. To date, to my satisfaction at least, it has not been explained why they took years to remove that fellow from Canada. He was on our grid.

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

**The Chair:** Thank you.

Madam Blanchette-Lamothe.

[*Translation*]

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

Thank you, Mr. Kurland, for joining us today.

• (1010)

[*English*]

First of all, thank you for your proposed amendment, but as you probably know, we cannot accept any amendments here in this committee about Bill C-59. We cannot make any substantive changes because the Conservatives refuse to split their omnibus legislation. All we can do is refer our comments to the finance committee. They will then study the amendment, if we suggest an amendment, even though they will never hear your testimony and the explanation behind that amendment. Of course, it is not the way to do things according to the opposition, but what can we do?

But, anyhow, thank you very much for being here and sharing those comments with us.

[*Translation*]

That said, I'd like to talk briefly about privacy protection.

You spoke about that. And you aren't the only one to voice concerns over privacy. The Privacy Commissioner had questions as well. And, according to him, those questions haven't been answered. It's important to discuss those issues clearly and publicly so people know what to expect. Logically, we should know exactly how people's personal information is going to be handled before approving a measure like this. What will happen to it? When and how will it be destroyed?

I'd like to quote Leslie Stalker, a lawyer and expert on the Immigration and Refugee Protection Act. Ms. Stalker had this to say:

[*English*]

The big issue is privacy...we don't know how widely the data collected by the government will be shared....

[*Translation*]

She also said this:

[English]

For example, it appears that under bilateral agreements, biometric data may be shared with other countries.

[Translation]

Many other experts have raised questions and concerns, including the Canadian Bar Association, Amnesty International and the Canadian Civil Liberties Association. I mention them just so you know you aren't alone. Other experts around the country share your concerns. I would think that a responsible government would pay attention to those concerns and provide answers before going ahead with such a measure. But the government actually expects us to give it carte blanche despite the potential for the misuse of data.

Even though you can't propose your amendment to the committee, given that the Conservatives have chosen to proceed in a way that makes doing so impossible, I would still like you to read it for us. Since you were a bit rushed earlier, I'd like to give you the opportunity to round out the end of your presentation, which you only had time to summarize.

**Mr. Richard Kurland:** I still have confidence in the committee. In the past, I've noticed that, somehow, proposed amendments—

[English]

would appear in the final version.

[Translation]

So, in my view,

[English]

the glass is half full.

[Translation]

Nevertheless, I would say this.

[English]

I carefully considered the concerns expressed by many regarding privacy and I did come up with a practical solution. What is absent, oddly, in this detailed electronic means proposed legislation is the statutory requirement to retain a backup. How is that not in our law here and how does this connect to privacy?

You see, in the proposed law, one is entitled to dispose of information. Information may change over time, but if a privacy commissioner seeks what really happened at a certain point in time, the existence under a statutory obligation to retain a backup of the system would give the privacy advocates at least a reason to hope that redress may occur, maybe not in the near future but over the time required through a process to open a backup and retain records. To protect the public, a backup does make sense. To protect privacy concerns, the possibility of a person, years later, going into the system to retrieve data may have a deterrent effect on public officials to encourage them to respect privacy concerns.

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

• (1015)

[Translation]

I believe my colleague had some questions for you as well, so I will turn the floor over to her.

[English]

**Ms. Irene Mathysen:** Thank you.

It is lovely to see you again, Mr. Kurland.

You talked about proposed paragraph 150.1(1)(d) and your concerns there. I asked CIC officials about function creep. It seems to me that there is some concern about function creep, and you mentioned that information in future might be used for a purpose beyond the original intent. CIC officials said that there was no concern. Their minister hadn't addressed that, but clearly DFATD has. I wonder if you could comment on that function creep and the concerns that at least DFATD seems to have around that.

**Mr. Richard Kurland:** The witness was careful with—

**The Chair:** Excuse me, you're talking about clause 174.

**Ms. Irene Mathysen:** Yes.

**Mr. Richard Kurland:** The witness was careful in the choice of words and guarded the comments with something to the effect of not being yet advised by the minister, so the parameters were laid down prior to testimony.

The collection of personal information is delicate. DFATD correctly has illuminated areas of concern operationally. Canada is in the business of guarding private information, and relative to other countries, western countries, we do a good job.

Is it going to be a perfect system? No. I took the opportunity to speak yesterday with retired senior public servants who worked in the public sector information agency during their careers to learn how to defeat biometric systems. The technology is there to defeat biometrics systems. No system is perfect.

DFATD may have legitimate concerns regarding the intake and storage. The concerns are expressed and the function of this process is to layer up and protect what has been identified by DFATD as a potential information leakage source.

So yes, I can echo the concerns. It's all about resources to build up the castle walls ever higher, if you don't mind the anachronism.

**The Chair:** Thank you. We're way over. I'm sorry.

Mr. McCallum.

**Hon. John McCallum:** Thank you, Mr. Chair.

Welcome to our witness, one of our favourite witnesses, I should say, on both sides of the table.

I'm in favour of this legislation subject to certain concerns on privacy issues, which I think you share, but I'm a little concerned when the government members seem to think this is some sort of panacea against those who would kill policemen. In the case that was mentioned, it's my understanding that the individual who was charged with the killing arrived in Canada at the age of eight. He had a criminal record here and the immigration department was unsuccessful at extraditing him. For things of that nature, purely domestic, he would not have been subject to any of this.

Also, a very high proportion of people coming to Canada are U.S. citizens, as visitors, or U.K. citizens. A large number wouldn't be subject to any of this. While I agree with it in principle, can you give us a realistic account of the degree to which it will assist in preventing crime in this country?

**Mr. Richard Kurland:** It's not about preventing crime as much as it is about preventing the entry of criminals to Canada.

**Hon. John McCallum:** Okay. I correct myself.

**Mr. Richard Kurland:** It's the way of the future, biometrics, and I could think of no more efficient method to monitor, at the port of entry prior to embarkation, an individual and an individual's ability to conform with the regulations regarding admissibility to Canada. It may not be the best system, but it's the least worst system.

**Hon. John McCallum:** Yes, I don't think any of us disagree, really, that we ought to do this. It's a question of some realistic appraisal of its impact.

I think the main thing I want to ask you about is that I'm not sure of the extent to which we will be able to propose amendments, but I like your last one in particular to limit the degree to which, as you say, the whole data bank can be passed onto the RCMP. Perhaps I could use the remaining little time that I have to give you an opportunity to give us the rationale for that amendment.

●(1020)

**Mr. Richard Kurland:** Thank you. I appreciate that.

You see, unless something is done, the world will see that the immigration department, the immigration department officials, and our visa system are proxies for the RCMP. What you say to immigration, you are sending to the RCMP. Good or bad, that's a value judgment. People who have trust issues may not like that.

Is it the right thing to do to tear down the wall on information storage between CIC and RCMP? That's a value decision. It's a tough one. My function is to ensure that all the committee members are aware of the impact, today and down the road, of this particular provision.

I'll close by reflecting comments raised earlier on privacy. However will the privacy commissioner or people charged with protecting the privacy rights—not privileges but privacy rights—be able to enforce Canadian standards in law when what's passed to CIC goes through the channels to RCMP and out the door to other countries? Where is our protection? Where are the teeth?

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

**The Chair:** All right, I suggested at the beginning that we allow half an hour. Is there a flavour for that?

It appears, Mr. Kurland—and I think I can speak on behalf of the committee—you are always well prepared and we enjoy your comments. They're always interesting. As chair, I can't say whether they're valid or not, but it's always a pleasure....

Sometimes my humour doesn't go over very well.

I do appreciate your taking the time to come in and give us your views on this matter. Thank you very much, sir.

The meeting is adjourned.

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