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Monday, April 29, 2019

Chair

Mr. Robert Oliphant

Standing Committee on Citizenship and Immigration

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● (1535)

[*English*]

The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)): We are going to call meeting 154 of the Standing Committee on Citizenship and Immigration to order.

In the first hour, pursuant to Standing Order 108(2), we are going to receive a briefing on the changes to the caregiver program. We have invited officials from Immigration, Refugees and Citizenship Canada. We have two directors, Mr. Barry and Mr. Cashaback, to brief us and then the committee will ask questions of them on the recent changes announced by the minister. This is at your request.

We thank you for coming again. I know that the last time that we hoped to do this we were cancelled, so thank you for rescheduling. We turn it over to you for your presentation, and then we'll have the committee ask you some questions.

Mr. David Cashaback (Director, Federal Economic Programs and Policy, Immigration Branch, Department of Citizenship and Immigration): Thank you very much, Mr. Chair, for re-inviting us to discuss with you today some of the new immigration pathways for caregivers.

As you mentioned, I'm David Cashaback, director of federal economic policies and programs at IRCC, joined today by my colleague, Martin Barry, director of immigration program guidance.

I'm going to speak to a presentation that was distributed to you. Let's start on slide 2.

[*Translation*]

The brief outlines the purpose of the presentation. We are giving this presentation in response to the motion adopted by the committee on March 18, following the interest shown by its members in immigration pathways for caregivers.

The purpose of this brief is to present the objectives and parameters of new caregiver programming, the interim pathway for caregivers and the new permanent residence pilot programs, which will be announced later this spring.

To provide background information to committee members, I will also present the key findings we have drawn from our experience with the pilot programs currently in place, namely, the caring for children class and the caring for people with high medical needs class.

Let's continue to slide three, which shows the chronology of the live-in caregiver program and provides information on the evolution of caregiver programming.

As you know, Canada has a long tradition of permanent residence programs for caregivers.

The live-in caregiver program was a relatively guaranteed pathway from temporary residence to permanent residence. It made it easier for live-in caregivers who had accumulated two years of work experience in Canada to obtain permanent residence.

In 2014, the live-in caregiver program stopped accepting new applications. However, fairly generous grandfathering provisions have been put in place and, in the meantime, two new classes have been introduced, the caring for children and caring for people with high medical needs classes. These new family caregiver categories were piloted in 2014 and established for five years. They will expire at the end of November 2019.

In February 2018, the Minister of Immigration, Refugees and Citizenship committed to putting in place an improved pathway to permanent residence for caregivers before the existing pilot programs expire. The recently announced immigration pathways for caregivers are a follow-up to this commitment.

[*English*]

I will turn now to slide 4, speaking a bit about the 2014 program changes, the programs that are expiring and we're replacing.

Under the former live-in caregiver program, caregivers were assessed at the temporary resident stage. Before they came to work in Canada, we assessed them against education and language requirements, which provided them with a fairly clear pathway to permanent residency once they obtained two years of work experience in Canada.

The requirement that we had at the time for caregivers to live-in with their employers while they were here as temporary workers also put them in a vulnerable position. There was unlimited intake also at the temporary resident stage. Combined with limited admission space for caregivers as permanent residents in the annual immigration plan, that led to backlogs, which led, from the applicant's perspective, to fairly long processing times.

Looking to replace the live-in caregiver program, the 2014 pilots were introduced with a view to aligning caregiver programs with other permanent economic immigration programs, modelled after the Canadian experience class and responding to issues such as the mandatory live-in requirement and the significant backlog and long processing times we witnessed under the live-in caregiver program.

The 2014 programs also targeted a wider range of caregiving occupations at different skill levels, including registered nurses, licensed practical nurses, and nurse aides, etc., in addition to home care providers and home support workers.

The 2014 pilots fundamentally changed the way that caregivers applied for permanent residence in Canada. Unlike the old live-in caregiver program, caregivers have now started to come to Canada like any other temporary foreign worker and are not assessed against any of the permanent resident criteria before they have their two years of work experience. This is after they arrive in Canada.

They can apply for permanent residence through the pilots that are in place after they've completed their two years of work experience, if they meet all the eligibility requirements of the pilot, including the requirement that they demonstrate a language level at the Canadian language benchmark 5 and have a one-year post-secondary credential.

The pilots feature criteria that are fairly standard across our economic immigration programs. They are meant to ensure that caregivers are able to establish themselves and their families in Canada in the long term.

The change in 2014 effectively removed what had been a fairly assured pathway under the live-in caregiver program to PR, permanent residence.

I'll now turn to slide 5 and the key findings in these five years that we've had pilots in place.

Uptake has been fairly low since the pilots were introduced five years ago. If we look at the number of applications received in 2018, they hit just around 25%, one quarter of the overall cap of this program, which is set at 5,500 applications.

We saw that higher-skilled caregivers, such as registered nurses and nurse aides, applied to the pilots in much smaller numbers. They continue to apply through other immigration programs, like the provincial nominee program or other federal skilled-immigration programs. Most caregivers who have arrived in Canada since 2014 are in occupations related to home child care and home support.

A year ago, in the spring of 2018, departmental officials conducted consultations with a range of stakeholders on these pilots, with a view to identifying improvements that could be made in future programs. In-person and teleconference consultations were attended by over 125 stakeholders, and 45 written submissions were received. We have published a summary report on the department's website.

In consultations, we heard that the changes made to the caregiver pathways in 2014 were not well understood. Caregivers continued to come to Canada, believing they would qualify for permanent residence after they had acquired the necessary work experience, only to find out after those two years that they didn't meet the eligibility requirements for the 2014 pilots, such as the education or official language requirements.

Stakeholders raised concerns about the challenges of caregiving work, such as the isolated nature of the occupation and the fact that they're dependent on a single employer for their permanent residence. Concerns were also raised around communications. Stakeholders and caregivers told us that it was very difficult to find information on the department's website and that information on the program changes was unclear.

Turning to slide 6, it became clear, coming out of those consultations, that there were two issues to be addressed. The first was to address the confusion around the pathway to permanent residence for workers who continued to enter the labour market but did not qualify under any of the permanent residence criteria. That's one reason the interim pathway for caregivers that was announced in February was introduced as a one-time, short-term measure to address those caregivers who were in that situation prior to the launch of two new pilot programs later this year.

So there were two issues that we wanted to address, one being the confusion, and the second the need to replace the existing pilots that expire in five years. Moving to slide 7, I'll now describe both of these initiatives.

The interim pathway for caregivers is an exceptional one-time dedicated pathway for some caregivers who came to Canada expecting to obtain permanent residence but did not meet the requirements under other programs. The criteria under this pathway are slightly lower than those of the 2014 pilots. The requirements are set to ensure that caregivers are able to establish themselves economically in Canada and to become successful as permanent residents. To this end, the language level of Canadian language benchmark 5 is maintained. However, as for the education and work experience factors, some requirements have been lowered in exceptional cases, based on input and building on what we heard in the consultations.

The interim pathway is open to applications. It was opened on March 4, and it runs until June 4, 2019. This three-month application period is an interim response to exceptional and temporary circumstances, namely, the difficulties and challenges that caregivers can have in gathering the required documents in a short period of time. We've built in some flexibility to make it easier for them to get their applications in and to provide supporting documents at a later date.

This measure has no cap. We will accept as many applications as we receive by the end date.

● (1540)

During the three-month period of the new pathway, applications under the existing pilots, the 2014 pilots, continue to be accepted. If somebody has completed the requirements, we strongly encourage them to apply under the existing pilots, where processing times are six months. Caregivers who are here on live-in caregiver programs—the grandfathered live-in caregiver program applicants—need to continue to apply through that program. They are not eligible for the interim pathway.

I believe we've shared with the committee an annex, a comparative table, to try to help guide caregivers and applicants to which program may be the most appropriate.

Turning to slide 8, we're looking now at the new pilots that will be introduced later this year. As I mentioned, with the expiry of the caring for children and caring for people with high medical needs pilot programs, which expire in November 2019, the government has announced its intention to continue to offer a pathway for permanent residence for all caregivers. Two new five-year pilots will be launched in June 2019. These will replace these existing pilot programs.

As the experience with our 2014 pilots has shown, it's important to test these programs before we make them permanent fixtures of the immigration system. The new pilots will test a new selection approach to provide a clearer improved pathway for caregivers, while also supporting their economic establishment as permanent residents, and to continue to provide Canadian families with a range of caregiving options.

Really, it's a big response to what we learned from our experiences with the pilots, and what we heard from caregivers themselves through our consultations, in looking to make sure that, first, program requirements are clear up front; that it's easier for caregivers to change jobs when they need to; that family separation is minimized; and lastly, that this pilot sets up caregivers for long-term success in Canada.

To go on to slide 9 in looking at the two new pilots, one pilot will be dedicated to home child care providers, while the other will be dedicated to home support workers. We will look to reintroduce some of the features that we had under the old live-in caregiver program, including especially that pre-assessment of some criteria against permanent residence requirements at the stage when they're still overseas. Before they even start working in Canada, we will have assessed some of their skills and their abilities, to make their transition from temporary to permanent residence more clear for the applicant.

The two new pilots have been limited to in-home caregiving occupations, because the overwhelming majority of temporary foreign caregivers who are here are concentrated in those two occupations. Under these two new pilots, the caregivers' pathway to permanent residence will be, we hope, clearer than under the existing pilots. They will only have to meet the two years of work experience in order to finish the process and then gain their permanent residence. Caregivers who are already in Canada will be eligible to apply for these new programs if they meet the various eligibility criteria.

How will it work? Caregivers will submit an application for permanent residence up front, and they will be assessed overseas for education and language criteria. The whole family will be assessed and screened for admissibility—medical issues, police certificates and those kinds of things—at that point as well to avoid any downstream impacts and surprises in terms of inadmissible family members, which may delay or scuttle the process. After the caregiver has worked for two years in an eligible job, they provide us proof that they've done that, the application is finalized and they become permanent residents.

As well, the two new pilots will remove some of the barriers that we see caregivers have faced in bringing their families with them to Canada, by providing open work permits for their spouses and common-law partners and study permits to their dependant children. The pilots will also provide a degree of flexibility to caregivers when they need to find a new job by providing them with occupation-specific work permits, moving away from tying a work permit to an employer.

The eligibility criteria for the new pilots will be similar to those of other economic immigration programs—for example, the education requirements, official language requirements, work requirements—and similar to those that we have in place under the 2014 pilots. This is to ensure that caregivers have the ability to, as I said, economically establish over the long term. The full list of criteria will be made available closer to the date of their launch later in 2019.

I'll turn to slide 10.

● (1545)

[*Translation*]

This is about awareness-raising activities.

Following the minister's announcement on February 23, we have worked closely with stakeholders to ensure that they are aware of the new interim pathway for caregivers and that they are able to share the information with applicants who would like to participate in these programs.

We have issued a number of news releases. We are also running a social media campaign, and we have seen significant engagement. I would say that the news releases on caregivers that we have issued have generated four times as much interest as the standard announcements.

This was followed by technical briefings with organizations and stakeholders. In response to questions raised during these sessions, the minister developed an eligibility tool to help applicants determine whether they meet the interim pathway criteria.

We also prepared a frequently asked questions document, which was then shared with the department's network of over 500 service provider organizations. The main thing was really to ensure that the caregivers concerned would have all the information they needed at their disposal.

I will end with slide 11. As for next steps, the department will continue to work on implementing the new pilot programs in June 2019. I hope you find the information useful.

We will be pleased to answer any questions you may have. Thank you very much.

● (1550)

The Chair: Thank you very much. That was very clear. I think it's one of the best presentations by department representatives before the committee. It's complicated but clear. Thank you again.

We'll start with Mr. Sarai.

You have seven minutes.

[*English*]

Mr. Randeep Sarai (Surrey Centre, Lib.): Thank you.

I want to welcome this initiative. Under the previous government's pilot program, caregivers waited five to seven years. I think I had 40, mostly women, waiting, and they were separated from their spouses and children and it caused a lot of strain on their relationships; so I am very appreciative of this new arrangement.

In the new pilot program, caregivers' children and spouses will be eligible for a work permit and a study permit. Is this automatic or case by case? For certain LMIA temporary foreign worker situations, one person gets it and then afterwards you have to apply for the spouse and the kids and they either get rejected or accepted. Will this be one package, so if you are a caregiver then your spouse and children automatically get it, or will there be a separate application afterwards?

Mr. Martin Barry (Director, Permanent Resident Program Delivery Division, Immigration Program Guidance Branch, Department of Citizenship and Immigration): Provided that people are eligible for the caregiver program, yes, they will have access. The dependants, children and the spouse, will have access to the study and work permits right away; so it's going to be a package.

Mr. Randeep Sarai: So they'll all be coming together if they're all approved.

Mr. Martin Barry: Yes.

Mr. Randeep Sarai: How many permits are we accounting for this? Is there an estimate of how many family members we can expect will be accompanying them? If there are 2,750 applications, how many of them will be families of spouses?

Mr. David Cashaback: Within the two pilots, the total number of principal applicants is two times 2,750, so 5,500. Ascertaining whether the applicants decide to be accompanied by a spouse or a dependant will be on a case-by-case basis. The capacity will be there to process these applications, but we really haven't yet got a sense of what that take-up will be. It's fairly new.

Mr. Martin Barry: Traditionally it's between 1.5 and two dependants, so yes, you can say that it reasonably doubles the amount.

Mr. Randeep Sarai: The reason I ask is that it will come back to us at committee probably two or three years later if we aren't able to absorb them and make them permanent residents in our spots. That will be another argument for their having to wait in a temporary situation without permanent status. It would be good to know so that we know that the levels meet the target.

Will 5,500 applications be sufficient to accommodate the demand for live-in caregivers in Canada? Have you looked at what the demand has been over the years?

Mr. David Cashaback: There are a couple of things around those numbers. One is that when we do these ministerial instruction pilots, we're capped by the act at 2,750, meaning 5,500 for both of those occupations.

If we look at the annual average from 2016 to 2018, we see that an average of 3,200 temporary foreign worker caregivers were entering the country. I think that's our benchmark.

Mr. Randeep Sarai: Is that in each category, or combined?

Mr. David Cashaback: Overall, the number of people who were coming in to work in caregiving occupations in those years was just over 3,000 annually.

Mr. Randeep Sarai: Okay. That's good.

To be eligible for permanent residency, caregivers need to meet the education and language requirements. What are those standards in the current caregiver program?

Mr. Martin Barry: Is that for the two pilots?

Mr. Randeep Sarai: Yes.

Mr. Martin Barry: Currently, in terms of experience, it's two years out of four in Canada, 24 months, and then CLB-5 is—

Mr. Randeep Sarai: Can you explain that, so two—

Mr. Martin Barry: From the time they arrive in Canada, they should acquire at least two years, or 24 months, of work experience in one of these occupations covered by the pilots. So they have four years, basically—

Mr. Randeep Sarai: To have the 24 months of experience. I got it.

Mr. Martin Barry: For two years of experience, yes.

Mr. Randeep Sarai: That means that if they have gaps in their employment, they can cover that in their....

Mr. Martin Barry: Correct.

● (1555)

Mr. Randeep Sarai: For education requirements, it's the language level of five, I believe.

Mr. Martin Barry: Yes. It was seven strictly speaking for nurses, the high-skill professions, but for the other professions, those that we'll cover with the new pilots, it's five.

Mr. Randeep Sarai: Is the course requirement for a caregiver the same as previously? They must have completed a basic caregiver course in the country they're coming from, or is it just the education, grade 12?

Mr. Martin Barry: It's just the education. The old live-in caregiver program required the special education, but we have not re-initiated this requirement.

Mr. Randeep Sarai: If anyone who came here under previous programs that we're trying to fit into this doesn't meet those language or education requirements, do they have any other options they can use to stay?

Mr. Martin Barry: They can still work, so the temporary pathway is still possible. People could renew their work permit and hopefully upgrade their skills if they can. It's a hard call, but we figure that the caregiver program is like any other economic program, so we want to make sure that they will establish themselves successfully here and have the option of moving into other professions if they want to. These are really minimums, CLB-5 and the equivalent of one year post-secondary education.

Mr. Randeep Sarai: In the days to come, we will be hearing from different caregiver associations and those who assist them. Have you heard any feedback on this program from existing support networks for caregivers, if they're positive about it or if have challenges with it?

Mr. David Cashaback: On the interim pathway, I think in the conversations that we've had, there's a certain degree of welcoming. I think a lot of concern, as I mentioned in my opening remarks, is around what the three-month window means for their ability to gather the required documents and submit everything at the same time.

In general, the announcements of the new pilots will be done in June. I think that's when we'll gear up. A lot of what we're doing now is making sure that information is provided on the criteria of the entire program so that caregivers can make an informed choice and not spin their wheels.

Mr. Randeep Sarai: How am I for time?

The Chair: You have 24 seconds.

Mr. Randeep Sarai: I'll pass. Thank you.

The Chair: Mr. Tilson.

Mr. David Tilson (Dufferin—Caledon, CPC): We've heard in the past about abuse that took place under the live-in caregiver program. In fact, this committee even had a hearing where serious allegations were made by caregivers against a member of Parliament. This hearing went on.

Does this issue still exist?

Mr. David Cashaback: In terms of abuse, one of the things, which I think is in the bit of this consultation report that I mentioned on the website.... I think there's always.... The nature of the employer-employee relationship is a difficult one because the employee is tied to an employer, and the isolated nature of caregiving means that we have to make efforts to make sure that they are aware of their rights once they're in Canada.

One of the reasons we're moving toward an occupation-specific model is to give a caregiver who may be at risk of abuse or facing abuse the ability to get out of that relationship and find another job.

Mr. David Tilson: The fact is this did exist, and so the question is: Are employers still taking advantage of caregivers in unacceptable ways?

Mr. David Cashaback: As far as I know, I don't have a ton of evidence or specific cases to—

Mr. David Tilson: The department hasn't had any complaints?

Mr. David Cashaback: Not that I'm aware of.

It may be, Mr. Chair, but I don't have that information at my fingertips.

Mr. David Tilson: Mr. Chair, we will yield the floor to Ms. Kwan.

Mr. Martin Barry: If I can add to what my colleague just said, Mr. Chair, the department is in fact examining the possibility of providing, for people in Canada on a work permit who have experienced or are at risk of abuse, the opportunity to apply for a work permit that would be open, as opposed to one linked to the employer. We're working on it. It's not finalized, but that should come out this year.

● (1600)

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Mr. Tilson, for sharing your time with me.

I'm going to ask a few questions about this program and then move to a different item that I think we need to discuss at this committee.

On the two new pilot programs, the last time, I asked the officials who were at the table whether or not the caregivers would still have to go through new medicals after their two-year work requirement, or would those medicals be done up front, when they are assessed before they come to Canada? Once that's been completed, would they would have to do new medical checkups after their two years?

Mr. Martin Barry: Yes, they will. We try to avoid as much duplication as we can with this program. People will apply up front for the work permit and permanent residence. For the work permit, people need to have a valid medical examination to come here. With our regulations, people would have to also have a valid medical examination at the time they receive permanent residence, which, theoretically, would be after two years or more.

You have to remember that people are taking care of vulnerable people healthwise, whether it's children, the elderly or people with medical needs. We have to balance the two. I realize it's an extra cost for people, and if you have a caregiver coming with a family it adds extra costs, but we have to balance that with public health.

Ms. Jenny Kwan: I have to say that it is a lot of extra cost, and some of the family members don't readily have access to a medical practitioner who can make that assessment. They have to travel with their family to another location, and often the travel is expensive. They have to stay overnight, then they have to pay for the medical. Having to do a number of different repeated medicals is very onerous for families. This doesn't help them in that sense.

My other question is.... You say they will be assessed up front. The announcement made it sound like all they have to do now is to meet their two-year work requirement, and then the family would be able to come. In reality, there's this one change that is important on the medical side.

The other piece is that even if you give these individuals their work permits—for the adults—will they have to renew their work permits on a regular basis, or will they be given a work permit for the two years they have for work here? That's also an onerous and expensive process.

Mr. Martin Barry: Yes.

I don't think the details have been announced yet, so I don't want to venture too far. The work permit will cover a reasonable period of time to allow people to gain experience and complete the permanent resident application.

Ms. Jenny Kwan: Okay, but that doesn't answer my question. What does “reasonable” mean? Is it a two-year period? Is it shorter than that?

Mr. Martin Barry: It's obviously going to be longer than two years because that's two years, which is a minimum requirement for —

Ms. Jenny Kwan: They would only need one work permit, then. Is that what you're saying? Once they've been approved to come here to work from whatever their country of origin is, then they will only need that one work permit and they don't have to renew it after they've completed their two-year work requirement.

Mr. David Cashaback: For the principal applicant, we usually issue a work permit for the duration of the offer of employment. If the employment is there for two years, it's a two-year work permit. Spouses and dependants have a open work permits. If the principal has their caregiving job, then we issue open work permits to the spouses and dependants.

Ms. Jenny Kwan: There's no time limit on the open work permits?

Mr. David Cashaback: There will be a time limit, generally. It's not yet specified what those time limits will be.

Ms. Jenny Kwan: Okay. That's another question we don't know the answer to.

My other question is this: When the children, or even the adult children, are here and go to school, would they be required to pay the student fees as foreign students?

Mr. David Cashaback: It's really on a case-by-case basis, depending on the provinces and the rules that each province has with regard to access and to the fees they require.

Ms. Jenny Kwan: I know, but would they be treated as foreign students for all the provinces?

Mr. David Cashaback: I don't know how each province will do it. It would depend on—

The Chair: I'm going to bring the Conservatives' time to a close and recognize Ms. Kwan to continue in the second seven minutes.

Ms. Jenny Kwan: Thank you very much.

We already know which provinces have what fee structure for foreign students. That's not a hard thing to get. I'm sure the department has that information. When the individuals who would be pre-vetted and pre-approved come to Canada, would they have to pay the high student fees as though they are foreign students?

Likewise, for medical coverage.... For people in the province of British Columbia, for example, access to medical coverage is very expensive. If you're a foreign student or temporary foreign worker, you don't have access to MSP coverage. That, too, is very onerous.

These are details that matter to people. I've gone out and met with caregivers on a number of occasions now about this new program. They ask these questions and I have no way of providing them with an answer. I was hoping that I would get some answers today; that's why I asked for the briefing.

Can you tell me whether or not they'd be faced with foreign student fees? What about the medical coverage?

● (1605)

Mr. David Cashaback: I think for both, especially for the medical, it will be on a province-by-province basis depending on the eligibility rules for foreign workers.

Ms. Jenny Kwan: Right. In other words, they will be treated as though they are foreign workers, and we know, on that basis, that they will face foreign student fees and medical fees as though they are temporary foreign workers. What about EI coverage? That's something else temporary foreign workers don't have access to. Even though they pay into EI coverage, they can never claim it. They're not eligible to claim it. Will there be changes in that regard?

Mr. David Cashaback: Regarding employment insurance, their eligibility for employment is under another department. I can't answer the question on eligibility.

Ms. Jenny Kwan: Okay. I appreciate that. I think all members would want to know these answers, because these are real logistical questions that are being asked by the caregivers themselves, and that is part of this process. I would have thought we would have some answers, Mr. Chair. I get it that you work between government and between ministries and so on, but I would have thought we would have these answers. The government made this announcement about the program, but for all intents and purposes, they don't really know what the program looks like, and they don't really know how it will impact the families, so that is the major issue.

The Chair: I'm going to interrupt you because I don't think that is a fair characterization of our officials who are here today. It's an opinion, but I would ask you to be more parliamentary in your discourse, because at this point, I don't think it is fair to impinge upon the credibility of officials who are public servants.

Mr. David Tilson: Point of order.

The Chair: I will just finish my comment that I would request appropriate parliamentary behaviour from all members of the committee when we have officials here who have presented something. This is news to all of us. This is not a government side or an opposition side. I am requesting respect for public servants.

Thank you.

Mr. David Tilson: On a point of order, Mr. Chairman, I don't think Ms. Kwan is attacking the witnesses. I think she's attacking—

The Chair: What is your point of order?

Mr. David Tilson: My point of order is to challenge you. She's attacking—

The Chair: Okay, I've been challenged.

Mr. David Tilson: She's attacking the program.

The Chair: Thank you. I've been challenged—

Mr. David Tilson: Well, it would be nice for you to listen to what my point of order is.

The Chair: I've been challenged, and now I want to see whether my comments are upheld by the committee.

Hon. Michelle Rempel (Calgary Nose Hill, CPC): On a point of order, I believe that O'Brien and Bosc, Mr. Chair, allows my colleague to explain his point of order before a vote is called.

The Chair: I'm not sure it's a point of order.

Mr. David Tilson: You haven't even heard it. You haven't even heard the point of order.

The Chair: I'm not sure that you are involved in this, sir, because I was not talking to you, so I'm not sure what your point of order is.

Mr. David Tilson: You're talking to the committee, Mr. Chairman.

The Chair: It's a third party.

Mr. David Tilson: You're talking to the committee.

The Chair: It is a third party.

Mr. David Tilson: I have the right to speak up—

The Chair: Ms. Kwan could raise an issue.

Mr. David Tilson: —since members of this committee are unnecessarily being attacked, particularly by the chairman.

The Chair: I have not attacked. I have reminded—

Mr. David Tilson: You have attacked, sir.

The Chair: —the committee members that they are to treat our officials with respect. If they are missing some information, they can ask the officials for further information, but to impinge upon the character or integrity of officials is something that is not appropriate in this committee. That is simply what I am saying.

Hon. Michelle Rempel: On a point of order, Chair, with regard to decorum and your characterization of Ms. Kwan's behaviour—and this is with regard to decorum in terms of your comment—I believe that in this parliament we have seen public servants, most notably the former head of the public service, give very partisan displays in this place. I'm not saying that's what's happening with these officials, but I do share Ms. Kwan's frustration that we have departmental officials come to committee ill-prepared to answer basic questions about the implementation of a program that has budgetary implications. I think it's a waste of time.

Now, perhaps where I can share some sympathy with them is with their having a government foisting a program upon them without these details and forcing them to come to committee. But one would expect that if government officials who exist to serve government at the pleasure of government come to a parliamentary committee so that parliamentarians can do their jobs and ask these questions...that my colleague's frustration is quite well founded.

So I would characterize your admonishment of her behaviour as unparliamentary, and I would ask you to rescind it out of respect for parliament and our obligation to question officials in these matters.

● (1610)

The Chair: I believe I've been challenged on my comments.

Mr. David Tilson: You're not going to apologize, Mr. Chairman?

The Chair: No, I'm not apologizing.

Mr. David Tilson: You should.

The Chair: I have the floor. I have not given you the floor, Mr. Tilson. That is also inappropriate.

My comments were simply that if members of the committee have not received all the information they want, they are absolutely entitled to request more information. They are absolutely entitled to request documents. They are absolutely entitled to request another briefing. However, to somehow imply that our officials are not prepared to come to committee, I think, is an inappropriate response to our public servants.

That is my comment.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I want to be very clear about the direction of my comments. It is not about the officials, who are trying to do their level best with a government that announced a program for which they no details to provide to committee members, or more to the point, to the caregivers themselves. That is the issue I take.

It is always up to the officials to try to do their level best, and I believe they are. They came as prepared as they possibly could be, but they are not in a position to answer these questions. Why? It's because they don't have the information to give—

The Chair: Thank you.

Ms. Jenny Kwan: —because the government itself has not done its due diligence.

The Chair: I'm afraid your time has come to an end.

We now go to—

Ms. Jenny Kwan: No. Sorry, Mr. Chair.

The Chair: We have—

Ms. Jenny Kwan: A point of order should not be part of my time, Mr. Chair.

The Chair: We have rules, and I am happy to read the statement that I made to the committee several months ago that if people continue on a point of order during their seven minutes, I will keep the clock running.

Ms. Jenny Kwan: Sorry, Mr. Chair.

The Chair: I have read that.

Ms. Jenny Kwan: It's not even my—

Hon. Michelle Rempel: I have a point of order, Chair.

The Chair: I have read that statement.

Hon. Michelle Rempel: I have a point of order, Chair.

I believe there was a challenge to your ruling on the table that you did not address and that would typically be addressed—

The Chair: It wasn't a ruling. It was a challenge to my comment, but I hadn't made a ruling, so I will confer with the clerk for a moment with respect to this. I'm suspending.

Mr. David Tilson: Oh boy. This is crazy.

Ms. Jenny Kwan: Mr. Chair, I would just note that it was the Conservatives' point of order that used up my time.

The Chair: I'm suspending. I am going to confer with the clerk on whether or not a comment can be challenged or only a ruling can be challenged. That I do not know.

Ms. Jenny Kwan: This is unbelievable. These are new rules, really.

The Chair: I will suspend for a moment.

● (1610)

(Pause)

● (1615)

The Chair: I'm going to call the meeting back to order.

On November 29 I reminded the committee that we would keep the clock running through that time if we needed to discuss these things.

I did not make a ruling; I made a comment. It was a comment related to decorum, which is also my right and my responsibility as a chairperson to ensure that we have decorum in the committee. Decorum includes the way we treat our public officials who appear before us to present evidence.

Hon. Michelle Rempel: You can expect a question of privilege in the House on that, Mr. Chair. You're running this like a quasi-dictatorship.

Thank you.

The Chair: What I told the committee in November—

Ms. Jenny Kwan: I challenge the application of that decision you announced unilaterally in today's committee meeting.

The Chair: I don't think I announced anything new today in the committee meeting. However, if you would like to have three more minutes, you may have them.

Ms. Jenny Kwan: I would like to have three more minutes, Mr. Chair.

Thank you.

The Chair: Please continue.

Ms. Jenny Kwan: That's how it should be. I appreciate that.

I just want to close with this, so that there is no miscommunication or misinterpretation by anyone on this committee. I do not take issue with officials. It has never been with officials. My frustration's been with the government and the way in which they have worked on this program, the way they have not implemented what the caregivers themselves have asked for, which is the recognition of the principle that, if they're good enough to work, they're good enough to stay and, therefore, they should be granted landed status on arrival. That is not being implemented.

Now with these pilot programs, there are some basic questions that matter to the caregivers. Why do they matter? It's because they come here and they work so hard for their families and then they are still going to be penalized. That's the net result of it. Yes, they get a pre-approval in two years, but at the end of the day they will still be under all sorts of other implications that negatively impact them. By the government's own admission, it is actually saying that they are valued. It wants them here. It recognizes that we need them here, but still they cannot get landed status on arrival. As a result, they face these penalties.

Mr. Chair, that is my point and that is a question that I would love for the minister to come to this committee and answer. He should answer these questions to us and to the caregivers.

With that, Mr. Chair, I'm going to move on to a different subject. It's not that this is an unimportant issue, but clearly the officials will not have the answers. It's not because they don't want to give them, but because they haven't been given the information by the minister and this government to provide answers to the caregivers and committee members.

At this point, I'd like to move a motion, Mr. Chair:

> That, pursuant to Standing Orders 108(2), the Committee immediately undertake a study on the subject matter of the following provisions of Bill C-97, An Act to implement certain provisions of the budget, tabled in Parliament on March 19, 2019, and other measures: Part 4, Division 15 and Part 4, Division 16. That, recommendations, including amendments be submitted to the Standing Committee on Finance in a letter to the Chair of the Standing Committee on Finance, in both official languages; that, amendments provided by the Standing Committee on Citizenship and Immigration to the Standing Committee on Finance are deemed proposed during the clause-by-clause consideration of Bill C-97; that this study be comprised of no fewer than 8 meetings and; that the Minister of Immigration, Refugees, and Citizenship, the Minister for Border Security, and Departmental Officials be in attendance for at least one meeting.

● (1620)

The Chair: You're going to have the floor. I just want to let our witnesses know that if they would like to stay, they're welcome to stay.

You were invited on a motion to come to this committee to brief us. Unfortunately, we had to postpone the first meeting because of votes, and now we will not be able to continue this briefing because this motion will take precedence. I want to let you know that you can be excused if you would like to be excused, or you're always welcome to stay. It's a public meeting.

Mr. Nick Whalen (St. John's East, Lib.): On a point of information, Mr. Chair, does this mean that they'll be coming back that so other members of the committee can continue to ask them the questions we've prepared? What's going to happen with that?

The Chair: It will be subject to scheduling. We have a very tight agenda between now and when the summer recess happens, so if we want to, we may need to do a special meeting. I would be very prepared to call a special meeting, because I know that other members of the committee who didn't get to ask a question would, I'm sure, like to ask questions—and that includes me, frankly. We will attempt to schedule something because it is a very important topic.

Thank you.

Ms. Kwan.

Ms. Jenny Kwan: Mr. Chair, the Liberal government appears set on hiding significant changes to Canada's refugee determination system within an omnibus budget bill. The finance committee as we know, prior to the our recessing for the two-week break, wrote to the committee. In that letter, it clearly outlined that the finance committee would only be inviting the immigration committee to study part 4, division 15 of Bill C-97. What is explicitly omitted in that letter are the significant changes impacting the immigration refugee determination system. Mr. Chair, I think that's wrong. In fact, I think it's wrong that both of these immigration-related bills are stuck in a budget bill to begin with.

Bill C-97, as we know, contains a serious overhaul of how refugee claims will be handled in Canada. If the Liberals on the other side of the table and their colleagues in caucus and cabinet actually stood behind these changes, then I would have thought they'd be willing to have tabled this as a stand-alone piece of legislation so that it could be democratically debated and studied in our parliamentary system. Instead, it is clear that they lack the courage, frankly, to have these changes examined closely, in broad daylight, by Canadians and by parliamentarians.

If you look at the bill itself and what the implications are, I suppose I can't blame them. I wouldn't be proud to put this out there. I would want to hide under a rock and hope that nobody notices. I think that's what the government is trying to do.

If you look at the bill, you will see that eight pages of changes to the Immigration and Refugee Protection Act are embedded within a 392-page omnibus budget bill. This is an affront to the Liberals' promise to end the use of omnibus legislation. It's an affront to the Liberals' promise of sunny ways and real change, and it's an affront to claims of “Canada's Back”. This is an affront, frankly, to our democracy.

To make matters worse, they are trying to limit the study of part 4, division 16 even further by having the finance committee explicitly omit the referral of this portion of the bill to this committee.

Mr. Chair, for us to understand the context of these changes, we need to examine the actions, arguably, and more importantly the inactions, that led the government to believe that these changes are necessary. We need to look back at how we got to a place where the government thinks these actions are appropriate and justified in some way. In the full context, what we see is a government that lacked the courage to stand up for the principles and values to which it claims to hold. It is now caving to political pressure from the increasing anti-refugee rhetoric that they have lacked action in addressing.

As I've been saying for some time now, Mr. Chair, this is a problem of the government's own making, and now they've doubled down on a terrible solution to it, or what they think is a solution.

First we have the problem of ramming through this significant legislation in an omnibus bill. In its 2015 election platform, the Liberal Party announced that there would be real change and sunny ways. On omnibus bills, here's what they said:

> Stephen Harper has...used omnibus bills to prevent Parliament from properly reviewing and debating his proposals. We will change the House of Commons Standing Orders to bring an end to this undemocratic practice.

The Liberal government changed the Standing Orders, but the issue is that they don't seem to find it necessary to follow their own rules if it suits them otherwise. The new standing order, specifically section 69.1, states:

> (1) In the case where a government bill seeks to repeal, amend or enact more than one act, and where there is not a common element connecting the various provisions or where unrelated matters are linked, the Speaker shall have the power to divide the questions, for the purposes of voting, on the motion for second reading and reference to a committee and the motion for third reading and passage of the bill. The Speaker shall have the power to combine clauses of the bill thematically and to put the aforementioned questions on each of these groups of clauses separately, provided that there will be a single debate at each stage.

● (1625)

This is the definition of an omnibus bill according to the third edition of *House of Commons Procedure and Practice*:

> In general, an omnibus bill seeks to amend, repeal or enact several Acts, and is characterized by the fact that it is made up of a number of related but separate initiatives. To render an omnibus bill intelligible for parliamentary purposes, the Speaker has previously ruled that such a bill should have “one basic principle or purpose which ties together all the proposed enactments”.

It is my hope, of course, that the Speaker rules in favour of the point of order I made to this effect on April 10, 2019. I think when I left the House, he might have been bringing forward that ruling. I had to come to committee, so I am not quite sure what happened there.

Having said that, given the very serious nature of what is at stake should the government be able to ram through these changes, I feel it is my obligation as an elected official to raise this issue in every avenue I can. Despite these changes, the Liberal government has continued to ram through omnibus budget bills so large that former prime minister Harper's omnibus bills look like light bedtime reading. After all, who could forget last year's 582-page budget bill that snuck in the deferred prosecution agreement provisions that led to the Clerk of the Privy Council, the Prime Minister's top adviser, and an other minister's office adviser all stepping down and two cabinet ministers being thrown out of the Liberal caucus? We know that this government has utterly failed in its promise to stop the use of omnibus bills to ram through those measures and avoid debate. That is not new.

Then we have the problem of what led this government into thinking that these changes were the appropriate solution. On the refugee determination system, we know that it is not new that they failed to show leadership on this as well. In January 2017, following the election of President Trump in the United States, I was granted an emergency debate in the House of Commons to discuss what we are now expecting to see from our neighbours to the south, as the new president ran on a platform of xenophobia, fearmongering and aspects of blatant racism. He ran on a vow to immediately implement a Muslim travel ban. He vowed to slash refugee resettlement and he was going to build a wall. Latin Americans fleeing violence and persecution were “bad hombres”.

By the time this emergency debate occurred, Canadians knew the story of Seidu Mohammed. He and his friend Razak Iyal crossed from the United States irregularly into Emerson, Manitoba, on Christmas Eve. Seidu was outed as a bisexual man while on a trip to Brazil by his soccer coach as he pursued his dream of becoming a professional player. As Seidu is from Ghana, that put him in immediate and potentially life-threatening danger.

This is from Amnesty International's 2017-18 report:

> Consensual same-sex sexual relations between men remained a criminal offence. LGBTI people continued to face discrimination, violence and police harassment as well as extortion attempts by members of the public. In February the Speaker of Parliament stated in the media that the Constitution should be amended to make homosexuality completely illegal and punishable by law. In July he also stated in the media that Ghana would not decriminalize homosexuality as this could lead to bestiality and incest becoming legalized.

Fearing for his life, Seidu fled from Brazil and made his way to the United States. He travelled through nine countries by plane, bus, boat and foot. He told us, when he appeared here in July last year, that he had seen people who had died attempting to make the same trip he had. When he arrived in the United States, he followed the rules and he made an asylum claim. He was put in maximum security detention. He told us how he spent nine months locked up with murderers, drug dealers and other felons. He did not have access to an attorney for his bail hearing. Aware of the policies that then president-elect Trump was championing, and based on his experience to that point with the United States asylum system, once finally released, Seidu felt he had no choice but to make his way to Canada.

● (1630)

The safe third country agreement prevented him from being able to arrive at an authorized border crossing. The safe third country agreement denied him the dignity and respect he deserved to be able to present himself at the border and say, “I need protection.”

Instead, he made his way north and paid a cab driver $400 to get him and Razak as close to the border as the driver could. In the dead of night, with a wind chill of -30°C, they walked through waist-deep snow across farmers' fields, trying to find Canada.

Were it not for a good Samaritan named Franco, both men would have died that night. Instead, they suffered only from severe frostbite. Seidu had to have all his fingers amputated.

It was clear to me during the emergency debate that the only real option in the face of the Trump presidency—which vowed to institute a Mexican travel ban, to build a wall to stop asylum seekers from entering and to dramatically reduce any refugee resettlement, which gave a safe space for white nationalism to grow —was for Canada to suspend the safe third country agreement. Instead, the Liberal government opted to do nothing. There was nothing to see here, no need to take any action. In fact, at the end of January, the Prime Minister vowed, now famously tweeted:

> To those fleeing persecution, terror & war, Canadians will welcome you, regardless of your faith. Diversity is our strength #WelcomeToCanada

I was proud of that tweet. I thought it was another thing that the Prime Minister so famously espouses: #RealChange. I thought, “Good on him for standing up.”

I thought that meant that asylum seekers would be treated with dignity and allowed to arrive at our borders to make their claims, and that we would stand up and speak out against the unacceptable policies being enacted in the United States. However, like so much of this government's talk, it was just that: talk.

There would be no action, and there would be no change—just a tweet—so I continued to raise the issue both in the committee and in the House. This government ignored me and the experts, to its own detriment, as it continued to refuse to show leadership.

The government members of this committee continually and in public voted to suspend debate on my motions to study the impact that these asylum claims would have at the IRB. They lacked the courage to examine the issue out of fear that it would make their government look bad and might force the government to take action. However, they also lacked the courage to stand behind their inaction, so they didn't vote the motion down, but hid it, voting instead to adjourn debate time and again.

It wasn't until August that the government even began acknowledging that there was something happening, that there was a significant increase in irregular crossings into Quebec at Roxham Road, primarily by Haitian nationals who were living in the United States, were in fear that the Trump administration was ending temporary protected status for them and were coming to Canada to claim asylum.

The Liberal solution? Just have the military throw up a tent city to temporarily shelter them. Move some of them to Toronto and Cornwall. Stay the course of doing nothing to address the border situation.

Then, in the fall of 2017, the Liberals decided that the best course of action to deter irregular border crossings wasn't to eliminate the incentive to do that, that is, to suspend the safe third country agreement so that asylum claimants could arrive at an authorized border crossing to make a claim. Instead, it made more sense to send government MPs to the United States to speak with communities to try to convince them that it wasn't worth trying to come here.

They also sent the minister to Nigeria to attempt to dissuade Nigerians from entering Canada to transit through the U.S. on visitor visas.

What Liberal government approach is complete without a task force or a period of consultation? Certainly not this one.

Also in the fall of 2017, the government announced that the ad hoc intergovernmental task force on irregular migration would finish with 20,593 asylum claims made by individuals crossing irregularly into Canada out of the total of 50,390 inland asylum claims—about 41% of all claims. The numbers would fluctuate, but the trend of increased asylum claimants crossing irregularly would continue.

● (1635)

The lack of political will to lead on this issue and take the necessary steps to actually back up—

Mr. Nick Whalen: Point of order, Mr. Chair.

I'm not sure if this is a point of order, but we had a business meeting scheduled after this where we intended to deal with this very motion. I'm not sure if Ms. Kwan is aware that that was the purpose of the meeting. We have some responses to it, so I'm not sure if it's relevant, but we're prepared to deal with the motion. She doesn't need to talk out the clock if she wants to get to her motion.

The Chair: I won't imagine what she is thinking, but she has the floor. I don't think that's a point of order, so she can continue in this vein as long as she is relevant and on the point. It is her right to present a motion during her time and her right to speak to it as long as she wants.

So that folks know, we do have a speakers list following her: Ms. Rempel, Mr. Whalen, Mrs. Zahid, Mr. Tilson and Mr. Maguire.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

As I was saying, the lack of political will to lead on this issue and to take the necessary steps to actually back up rhetoric with action began to create a serious vacuum in the national conversation. Misinformation began spreading online, integrating insulting fearmongering and scapegoating asylum seekers. The Conservative Party's fundraising jumped on board, perhaps because they realized public sentiment might be swayed by this misinformation.

On March 19, 2018, the Minister of Immigration caved to Conservative pressure at this committee and stated that he was fine with using the terms “illegal” and “irregular” interchangeably. This is despite section 133 of IRPA clearly stating that it is not illegal to cross between authorized ports of entry if it is done to make an asylum claim. Even the Liberal member for Scarborough—Rouge Park, who no longer sits on this committee, challenged the minister's comments—albeit after the minister left. He challenged the departmental officials who stuck around.

This was followed by the Prime Minister himself getting it flat out wrong on April 25 in suggesting that “It is indeed illegal to cross the border between border crossings.” Neither the Prime Minister nor the Minister of Immigration has apologized for this serious mischaracterization of the facts and the impact it has.

As we see quite regularly, when Liberal members of this committee see fit to challenge the Conservatives, who are all too happy to label asylum seekers as “illegals”, the Conservatives simply respond with, quote, your minister said they were too. I've asked on numerous occasions for the minister to retract his comments, but he refuses, further allowing misinformation to spread.

By mid-2018, the trend has not significantly changed, so again, instead of actually doing something about it, the Liberal government decided to make it look like they were doing something about it. They created a new position of minister and appointed Minister Blair as Minister for Border Security. This marked another step in the Liberal government's move away from #WelcometoCanada and a step towards caving to anti-immigrant and anti-refugee sentiments by trying to advertise it: “Hey, we're tough on borders.”

Again, rhetoric and naming a new minister had little impact. By the end of 2018, 19,419 individuals made an asylum claim after entering into Canada irregularly, representing about 35% of the total of 55,020 inland asylum claims. Now, facing re-election, having failed to lead on this issue and instead allowing misinformation and anti-refugee rhetoric to gain a foothold in this country, the Liberals have decided they need to look tougher, so we have these changes. They know that these changes blow a huge hole in their claims of being humanitarian champions, so they don't want them to be examined too closely. It's why this is pushed through in a budget bill. They don't even want to send these portions of the bill to this committee. That was clearly outlined in the letter to this committee from the finance committee chair back on April 9, 2019.

This is an attempt to talk out of both sides of their mouths, nothing more. To potential supporters who care about our humanitarian obligations, it's #WelcometoCanada. To those who criticize them, citing misinformation on a border crisis, it's, “Look what we did. We're tough on asylum shoppers.” It is frankly shameful.

Humanitarian leaders don't try to shut down their borders during a global refugee crisis. Let's be clear about this. Canada is not experiencing a border crisis. Canada is not experiencing a refugee crisis. Due to our geographical position relative to where global crises are, we are merely seeing an increase in asylum seekers coming here in search of safety.

Globally, there are 68.5 million forcibly displaced persons, and 25.4 million are UN-registered refugees. Forty million are internally displaced, and 3.1 million are asylum seekers. These are record levels. Of course, Canada will experience an increase in asylum seekers arriving here, given the global context. We have seen elevated levels in the past. In 2008, there were 36,920 asylum seekers to Canada. In 2000, there were 37,845 claims. In 2001, there were 44,695 claims.

● (1640)

No one was suggesting that we were dealing with a crisis. So what changed? Tragically, it was exactly what I've been warning this government about since 2017: anti-refugee and anti-immigrant sentiment surged in Europe during the Syrian refugee crisis. We saw the rise of fascists, nationalists and anti-immigrant parties such as the Golden Dawn, in Greece, and the Party for Freedom, in the Netherlands, to name just two. We saw European countries outright close their doors to Syrian refugees fleeing violence that included state-sanctioned torture, the use of chemical weapons on civilians and various crimes against humanity committed by ISIS.

I was proud that Canadians did not adopt that approach. Instead, we lived up to our humanitarian ideals and responsibilities and reacted. But in my speech in January 2017, during the emergency debate, I warned the government that this outpouring of humanitarian spirit could not be taken for granted, that if true leadership wasn't shown regarding the influx of asylum seekers that Canada would not be immune to what was happening abroad. I'm not happy to say that I told you so. We have now seen public opinion in Canada moving away from accepting refugees and asylum seekers. This is nothing short of a failure of leadership on the part of the Liberal government.

Why is it so important for this committee to undertake a deep study of these changes? Well, let's discuss that.

Since I don't have a lot of faith in this committee, given past practices, we have to really understand the issues at hand. Part 4, division 16, of Bill C-97 is eight pages of legislative changes to the Immigration and Refugee Protection Act. One of the proposed changes would extend the bar on applications for the pre-removal risk assessment and applications for the permanent resident status on the basis of humanitarian and compassionate grounds for refugee claimants who have applied to the Federal Court for judicial review. This in effect serves as a deterrent or a punishment for refugees who use the legal recourses they have under Canadian law.

Given delays between an original decision of the refugee protection division, the refugee appeal decision and the Federal Court decision, it could leave claimants in limbo with a precarious and vulnerable status for extra years. Perhaps the plan is that by extending this bar the government is hoping that the claimants will just be removed from Canada before they actually exhaust their legal rights that are carried through the removal before the individual becomes eligible to file the next stage appeal. However, we won't know unless we actually get a real opportunity to study these provisions.

Immigration law experts that I've spoken to have also raised serious concerns about the difficult situation this then puts refugee claimants in. These changes, along with the others that will be discussed soon, effectively create separate pathways instead of the current more straight-line approach that a person can take to try to establish permanent status here. Refugee claimants must now decide. Do they risk requesting judicial review? Do they ignore their right to judicial review and just hope a pre-removal risk assessment is successful? Do they ignore their right to either of those and instead make a H and C application? Immigration law experts have explained to me that often the difference between a failed pre-removal risk assessment can be a successful H and C or a successful PRRA that came out of a failed H and C and can be very difficult to anticipate. They are the experts. It appears that those provisions could put people in danger, because the merits of their cases could now be less important than the particular form they were advised to fill out.

When we're dealing with refugee claimants—individuals and families who could face persecution or death if they return to their country of origin—we must ensure that decisions are made on the merits of their claims and that they have access to their legal rights here. Choosing one application should not bar them from another long enough to deport them. This is willfully avoiding our international obligations and potentially putting lives at risk. We won't be able to know the extent of this risk if we don't closely study this change and hear from the experts on this at the committee. It would be shameful if we don't.

● (1645)

We also need to examine the likelihood that this would drive individuals underground as they try to wait out this extended bar. There is no good reason to incentivize refugee claimants from hiding in Canada so they can stay here long enough to be allowed to take the next appeal. By extending the bar, however, that's what we're doing.

What is the justification for this? Why would we create this incentive? Again, we won't know until we study it, and this government appears dead set against that, at least based on the letter from the finance committee chair that was sent to this committee on April 9. That's why I have to table this motion.

We have a lengthy study. We need a lengthy study of these provisions. It's absurd that the government would make these changes in a budget bill. It should be a stand-alone bill. At the very minimum, these changes should be studied at length by this committee, not by the finance committee.

Next, we have a very strange change that would grant new powers to the Governor in Council to suspend the processing of applications from citizens or nationals of a foreign state or territory for temporary resident visas, work permits and study permits. This would apply to cases where the Governor in Council is of the opinion that the government or competent authority of that state or territory is unreasonably refusing to issue or unreasonably delaying the issuance of travel documents to citizens or nationals of that state or territory who are in Canada.

At first glance, this appears to be a solution in search of a problem. Why does the government need this power? In what ways would this power be used and for what purpose?

Looking at the provision more closely, it seems that the Liberal government wants to engage in an act of collective punishment against citizens of a state whose government isn't doing what ours wants. That seems fundamentally unfair and possibly discriminatory. After all, a cornerstone of our immigration system is that each application is processed and decided on the individual merit of each applicant. We do not discriminate or give preferential treatment based on the country someone comes from, but these changes appear to allow the government to do just that. To punish an individual applicant because of their country of origin's ability or willingness to issue travel documents to someone else has nothing to do with the merits of that application. This would be a stark departure from that cornerstone principle. It's also one that could have far-reaching implications if the powers were actually used.

Why is it in this budget bill? Why is the finance committee studying this change and its possible far-reaching implications? This simply makes no sense. It is a significant change that's being sneaked through in a nearly 400-page omnibus budget bill, allowing potentially flawed legislation to slip through the cracks. The government never mentioned publicly that this was a power they needed. They offer no justification whatsoever.

The immigration committee must examine this provision closely and thoroughly. Ramming it through is simply unacceptable.

The changes that are really igniting experts' rage are the ones that effectively entrench and expand the safe third country agreement. At the very minimum, these provisions prove beyond a shadow of a doubt that these changes should be discussed by this committee and not by the finance committee. If this government were serious about living up to its international obligations, these changes would be made in a stand-alone bill on which this committee could undertake a thorough study. Instead, the Liberal government is ramming these changes through in an omnibus budget bill and allowing only the finance committee to look at it.

Proposed section 306 of Bill C-97 amends subsection 101(1) of IRPA by adding paragraph 101(1)(c.1). This new paragraph would render a claim automatically ineligible for referral to the refugee protection division of the IRB. It reads as follows:

> the claimant has, before making a claim for refugee protection in Canada, made a claim for refugee protection to a country other than Canada, and the fact of its having been made has been confirmed in accordance with an agreement or arrangement entered into by Canada and that country for the purpose of facilitating information sharing to assist in the administration and enforcement of their immigration and citizenship laws

This is troubling for a number of reasons.

First, this takes the safe third country agreement beyond just an agreement between countries, and instead formalizes it in law. Given the ongoing debate and the fact that the safe third country agreement's constitutionality is being challenged in court at this time, this step should not be buried in a budget bill and only studied by the finance committee. That's irresponsible governance at best.

● (1650)

To make matters worse, much of the basis for the call to suspend the safe third country agreement stems from the fact that the United States is not currently a safe country for the asylum seekers. I will outline those arguments in a minute.

This argument matters because IRPA currently requires continual review of any country designated as a safe third country to examine, among other things, “its policies and practices with respect to claims under the [1951] Refugee Convention and...obligations under the [1984] Convention Against Torture”, and “its human rights record”. However, it does not appear that the proposed change in clause 306 of Bill C-97 is subject to the same level of review. Instead, it appears that all that matters is that Canada has an information-sharing agreement with a third country. Many have suggested that this implies the Five Eyes countries: Canada, the United States, Australia, New Zealand and the United Kingdom. I've spoken at length about why the United States is not a safe country for asylum seekers, so I won't recap all of those examples. However, I will speak to some new information.

In January, the office of the inspector general in the U.S. Department of Health and Human Services issued a report. Under the heading “Key Takeaway”, it wrote:

> The total number of children separated from a parent or guardian by immigration authorities is unknown. Pursuant to a June 2018 Federal District Court order, HHS has thus far identified 2,737 children in its care at that time who were separated from their parents. However, thousands of children may have been separated during an influx that began in 2017, before the accounting required by the Court, and HHS has faced challenges in identifying separated children.

So far, we know that at least one of these children, seven-year-old Jakelin Caal, has tragically lost her life due to these policies. An autopsy found that the indigenous girl, originally from Guatemala, died from a bacterial infection while detained by the U.S. Border Patrol. Jakelin is one of two children who have died. But now we learned, last week, that the U.S. government is actively looking into housing migrant children at Guantanamo Bay.

I wish I were kidding. I wish this wasn't true, but it is. However, this is the country that both the Liberals and the Conservatives have claimed remains a safe country for asylum seekers, a country that is shopping around the idea of sending migrant children to detention in the same offshore detention centre it holds terrorism suspects. It is unconscionable.

We also have to look at the other Five Eyes countries, which these changes would expand the safe third country agreement to. In a similar fashion to what the U.S. is now exploring, Australia has had a deeply troubling approach to preventing asylum seekers from even arriving. For years now, Australia has been sending and redirecting boats with asylum seekers to offshore detention centres on Manus Island and Nauru Island.

The United Nations ruled in 2016 that Australia's indefinite detention of asylum seekers on Nauru Island on secret security grounds was both arbitrary and illegal. Amnesty International, Human Rights Watch, and other associations have long spoken against the practice. In 2017, courts in Australia ordered the government to pay over $70 million to refugees and asylum seekers who have suffered physical and mental injuries while being detained in Manus Island detention centres. In fact, a 105-page communication has been sent by 17 international scholars, prepared by the Global Legal Action Network and Stanford Law School's International Human Rights and Conflict Resolution Clinic, to the International Criminal Court arguing that treatment of refugees in these island facilities has reached the level of crimes against humanity.

● (1655)

Mr. Nick Whalen: On a point of order, Mr. Chair, I reiterate that we have, on our side, an opportunity to resolve the issues raised by the motion with the member, but if she walks the clock out, we won't be able to have any meetings, and it won't be for any lack of efforts on our side to make her motion come to fruition.

The Chair: Thank you.

She has the floor.

There have been moments that are dangerously close to repetition, so I ask the member to make sure that she brings new points to bear as she continues.

You have the floor.

Ms. Jenny Kwan: Thank you very much.

I'm glad to hear that Mr. Whalen is eager to support my motion. That would be fantastic. I will be done shortly, and then a vote will be called. I would love to see the government support my motion, so that we can get on with the study and, in fact, overturn the decision of the finance committee. Mr. Chair, that moment is coming up, and I'll be watching to see whether or not the Liberal members will support my motion.

This Liberal government is apparently saying that what is happening in Australia is just fine, too. We can trust that the Australian system for asylum seekers is good enough, too. On what basis? There doesn't even appear to be a review mechanism on this. What if Australia is found guilty of crimes against humanity for its treatment of refugees? We still have an information-sharing agreement with them. Does that mean that we still trust their asylum system?

This is why you can't ram these changes into a budget bill. These are serious questions that need to be studied at length. Frankly, the actions of this government are unacceptable.

The changes in Bill C-97 would also make asylum claims ineligible if they are pending in one of these countries. That is, the Liberals would like to reject a claim before any other jurisdiction has even heard it. What is the justification for that?

Let's not just take my word for this. How about the opinions of the Canadian Association of Refugee Lawyers, the Canadian Council for Refugees, the British Columbia Civil Liberties Association, the Canadian Civil Liberties Association, and Amnesty International? It appears that on Friday, April 26, they launched an email speak-out campaign, which I assume everyone around this table is aware of. The email reads:

> I am emailing the Standing Committee on Finance and my member of Parliament to join the voices of the Canadian Association of Refugee Lawyers (CARL), the Canadian Council for Refugees (CCR), the British Columbia Civil Liberties Association (BCCLA), the Canadian Civil Liberties Association (CCLA) and Amnesty International Canada in calling on the finance committee to request the Standing Committee on Citizenship and Immigration (CIMM) to study all amendments to the Immigration and Refugee Protection Act (IRPA) proposed in Bill C-97.
>
> Changes to refugee rights should not be rushed through an omnibus budget bill, particularly not changes such as these which will have significant impacts on refugee rights.
>
> The organizations above have warned that these amendments could mean that thousands of refugees may be denied an impartial hearing at the Immigration and Refugee Board, and that a proposed oral hearing before an officer instead of an independent tribunal member will not sufficiently protect the right of refugee claimants to a full and fair hearing.
>
> The finance committee, while well-positioned to debate matters of finance, does not possess the subject matter expertise to consider the far-reaching rights impacts of the proposed IRPA amendments tucked inside C-97.
>
> I ask that the finance committee request that the CIMM [committee] study these amendments thoroughly, without rushing them through, in order to allow a full, fair and public debate on the important implications these amendments will have on refugee rights in Canada.

The reason I know that everyone around this table is aware of this is that every single individual who has signed on to this campaign has had their email sent to all members of the finance committee, the chair and vice-chairs of this committee, the Minister of Immigration, the Minister for Border Security, the Prime Minister, and their local MP. As of Monday morning, I have received over 2,600 emails. I can't be sure of the exact count at this time because the emails are coming in so fast that my office's general inbox has been continually crashing since last Friday morning.

Recently, the UNHCR representative in Canada wrote an op-ed in which he stated that because the PRRA still exists, Canada is still meeting the bar of not breaking international law.

Oh, how we have fallen, if this is the bar. We've gone from a Liberal government that claims it provides the gold standard, to “Hey, we're not breaking international laws”.

Canadians expect better. We're supposed to be setting the standard that other countries strive to live up to. It is not what the PRRA is even meant for. According to the most recent government review of PRRA in 2016, “one of the key findings from the previous evaluation was that the program had evolved from its original intent of providing a safety net for migrants requiring removal to providing failed asylum seekers one more step in the asylum system, evolving into a de facto appeal mechanism.”

● (1700)

Thus, PRRA is supposed to be a final safety net to ensure that Canada is not putting a person at imminent risk of persecution or death by removing them. It was not intended to be just another appeal stage. It's absolutely not intended to become a parallel refugee hearing system, yet this is what the Liberal government is attempting to do as a “fix” for the increase in inland asylum claims.

In his op-ed, the UNHCR representative speaks of a successful irregular asylum seeker originally from Haiti. He notes that the budget 2019 changes would bar people like him from appearing before the Immigration and Refugee Board to have their claim heard, but in his next breath he suggests that it's okay because the pre-removal risk assessment process exists.

However, his example highlights a serious flaw in this approach. PRRA is provided “pre-removal”. Haiti is one of the 14 countries for which Canada has administrative deferral removal or temporary suspension of removal. Those countries are currently deemed too unsafe to deport an individual to. With no removal, there is no pre-removal risk assessment. Individuals like Pierre will be left in limbo, unable to have their claim heard by anyone, and unable to formalize their status in Canada one way or another, unless the government changes how the PRRA works.

PRRA currently also does not guarantee a claim hearing. In his op-ed, the UNHCR representative states that he was informed by the government that no one will be deported without a hearing. Does this mean that the government has acknowledged that the pre-removal risk assessment is insufficient and that it is planning to add more to that process? Why add more procedures and mechanisms to the PRRA when they already exist at the IRB? This is the definition of duplication and inefficiency. Who will be trained to hear these claims? Where will the claims be heard? How quickly will they be decided? What capacity will IRCC have to hear these expanded PRRAs so that a backlog similar to that at the IRB doesn't occur?

To further highlight this needless duplication and inefficiency, when the Conservatives overhauled the refugee determination system, PRRAs were supposed to be moved over to IRB. The IRB has been waiting for cabinet authorization for this move since 2013. The Conservatives never got around to it and the Liberals haven't either. Instead, the PRRA is staying with the IRCC and is being expanded. Now it will be a de facto additional refugee determination hearing stream. Is this what it's meant to be under Bill C-97?

This is what happens when you ignore an issue for years. The failure to provide leadership leaves a vacuum that's filled with anti-refugee rhetoric and misinformation. Then, in a last-ditch effort for re-election, the government caves to those voices and comes up with a scheme to look tough on border security.

The IRB already does what the Liberals seem to envision the PRRA becoming, and that's not what the PRRA is for. This way, they think they can avoid standing up to the President of the United States and calling out his anti-refugee policies for what they are. They can pretend they are tough, and they can claim they still believe in the #WelcomeToCanada ideals.

The reality is that none of this is accomplished. It makes the system more complex and more costly, and it increases the risk of a person in genuine need of protection being put in danger. This is why we need to be studying this provision of Bill C-97 at this committee. This is why these changes should be included in a stand-alone bill. This is why these changes have deep flaws, create more questions than answers, and could put people's lives at risk. Frankly, I would suspect that if this passes, it would be challenged in the courts. I firmly believe that.

Why is the government doing this? Is it all in an effort for re-election? Is it to look tough on borders?

I implore the members of this committee to vote in favour of my motion. It literally is the very least we can do about these provisions.

● (1705)

Mr. Chair, I heard from the eagerness of Mr. Whalen that perhaps he and all the Liberal members will support my motion, and then we can get on with doing the work this committee is charged to do.

I would also suggest that a key difference with my motion is that there is no timeline tied to it, as opposed to the finance committee, which has tied the other section of the immigration bill to its study. This cannot be rushed. We can't jam it through a budget bill and make it into a confidence vote and think that it's okay. To rush through the study of this would be a disservice not only to asylum seekers and to Canadians, but to all of us across the international stage.

Canada remains and can remain a beacon of hope. That's what we started to work on after the 2015 election. We were that beacon of hope, and where are we now with this kind of provision?

I truly hope that members will look at the provisions within Bill C-97 and think for themselves what this means—not just taking orders from someone, not just reading the messages being given to them, but thinking about it and what it means for the people on the other side.

Effectively, if those provisions pass, individuals who want to claim asylum in Canada, if they've made a claim in those Five Eyes countries, will be ineligible to make a claim. If those individuals have a pending claim, they would be ineligible. I hear Ms. Bendayan saying that I'm incorrect. Well, I hope that I am, except that I'm not. If I'm incorrect, that means that CARL is incorrect. That means that Amnesty International is incorrect. That means that the BC Civil Liberties Association is incorrect. That means that the Canadian Civil Liberties Association is incorrect. That means that everyone in this field, who are experts, are incorrect. It's funny how that is.

I know the government will fall back and say that the UNHCR is the saviour, because according to them, PRRA is the way to go. The evidence has already shown, and the government's own internal report actually says, that PRRA should never be the de facto appeal process for asylum seekers. That's what it is becoming. It's becoming the de facto appeal process.

If members on the Liberal side think that is the way to go, to use the last resort as the mechanism to determine whether or not a person is eligible to seek asylum here as a regular stream, I guess this is the ticket. However, if you believe in better than that, if you believe in an independent judicial process to make asylum claims, then you need to keep intact the process that we have in place and to honour it. Honour it for the asylum seekers, honour it for Canada's reputation and honour it for humanity. That's what is required.

I look forward to members voting on my motion. If the government members truly support shining a light on this section of the omnibus bill, they will support my motion. If they want a thorough study of this, they will support my motion, because anything less will only reinforce the very fact that they do not want thorough debate and study on this bill, that they don't want Canadians to really know the fact that they're talking out of both sides of their mouths and that they don't really want Canadians to know they are bringing through this horrific bill at the expense of humanity for political gain.

● (1710)

The Chair: Thank you.

Ms. Rempel.

Hon. Michelle Rempel: I do support this motion. I just want to put a couple of pieces of information on the table.

It's my understanding from the finance committee that they're not sure when they're even going to get to the immigration component of the bill, which suggests there's not going to be a lot of time allocated at the finance committee for study. I'm not certain the finance committee members even have an understanding of when or who the immigration officials will be who are to appear. I think the finance minister will probably be hard pressed to answer a lot of the questions that I think we all have on this particular issue.

I'll just make this note. In the 42nd Parliament, I believe this committee has only dealt with one piece of legislation, Bill C-6. There was another motion that we dealt with, and I think that was it.

In terms of reviewing government legislation from a legislative perspective, this committee's been pretty light. There are a lot of substantive changes in both of these divisions in the bill that I would have specific questions for the government on, so I think it would behoove us to take this on and prioritize that review.

I'm happy to let the government members.... I'm not sure, Chair, but I would presume that they're just going to adjourn the debate on this motion. I hope not, but I think even just two hours.... This is weighty stuff, and there are a lot of different groups that I know want to testify on this and who have varying opinions on it. I think, given that we have not really reviewed legislation.... Really the only legislation that this minister has introduced—I guess he's not introducing it, because it's the finance minister introducing it in the House.... To have it not come to the committee, you know, would be a real change, I guess, so I would encourage my colleagues to support this motion, and on behalf of the Conservatives, I would say that we wholeheartedly support it.

● (1715)

The Chair: Thank you.

I hope you're not disappointed if you don't get a motion to adjourn the debate.

Mr. Whalen.

Mr. Nick Whalen: Thanks, Mr. Chair, for your work behind the scenes to speak with officials to see what we could arrange so this committee could be in a position where we could do this good work.

Before I speak too much to the motion at hand, I just want to propose some amendments and then speak to why we're proposing each of the amendments. It might allow us to do this more quickly.

I'm going to propose that we—

The Chair: One amendment at a time, but you're suggesting.... Is it one amendment or would it all be...?

You can introduce them all, but we will have to vote on them one at a time and debate them one at a time.

Mr. Nick Whalen: Okay.

The Chair: Hold on one second.

It would be your choice to make it one amendment with three parts or three amendments.

Mr. Nick Whalen: The way I'm going to do it is to propose four amendments, just so we can keep some of the structure of what Ms. Kwan proposed. That way I think we will get to all of the items. Just trust me, as I think we can get through this.

The first amendment I am proposing is that after the words “the Committee” in the first line, strike the word “immediately” and replace it with the words “at the request of the Standing Committee on Finance”.

The Chair: Do you have this in writing for the clerk to look at as we're doing it?

Mr. Nick Whalen: Yes.

The Chair: That would probably be helpful.

Mr. Nick Whalen: I can hand it out after I've read it all out, and then she can see it. Is that the best way to do it?

The Chair: Okay.

Mr. David Tilson: He's going to give us a copy?

Mr. Nick Whalen: Yes.

Then immediately after where it says “Part 4, Division 15”, insert a semi-colon and the words—

The Chair: I will interrupt. I think that it makes for a much better process if you give a narrative to the committee as to what you intend to do and help them understand what you're doing, because for them to hear what you're doing as you're doing it doesn't make a lot of contextual sense. If you could provide a narrative as to what you intend to do and then present it, I think that would be much more helpful for the committee to understand.

Mr. Nick Whalen: Sure. What we want to—

Ms. Jenny Kwan: Can we just hear the amendments and then he can...?

The Chair: The way you're doing it, I don't think is going to be helpful to the committee, because it concerns commas and paragraphs, and I can't follow it, frankly. So if you could give a narrative on the gist of what you're doing and then go through it in detail, I think that would help the committee members understand what you're doing. That's the normal procedure in committee work.

Mr. Nick Whalen: Fine, Mr. Chair. I'm happy to do it that way.

We Liberals are going to propose what would ultimately amount to a study on part 4, division 15, with at least three meetings involving the Minister of Immigration, Refugees and Citizenship and the officials.

Then we would have a separate study on part 4, division 16, with at least three meetings with the Minister of Border Security and departmental officials. That would take place within the timeline proposed by the current letter. Although the current letter only asks us to look at division 15, my proposed changes will clarify that we're being asked to do 15.

We're also going to take it upon ourselves to do division 16, and then...I know you're asking that the Standing Committee on Citizenship and Immigration treat what we've done as being deemed proposed during clause-by-clause analysis of Bill C-97. I think we're going to propose to address your concern in a slightly different way, by having the committee invite the Standing Committee on Finance to consider any proposed amendments pertaining to those parts to be deemed proposed during clause-by-clause analysis of Bill C-97 in a separate motion at the end.

I think that gets us to the same place, but rather than having at least eight meetings, we would having at least six, broken up as proposed. Rather than having the ministers at the same single meeting, we'd have the ministers come with respect to the divisions that involve them. So division 15 will be the Minister of Immigration, Refugees and Citizenship, and the second one will be the Minister of Border Security, and their related officials.

In this way I think we end up with at least four hours of meetings on each topic involving civil society or other witnesses and two hours of meetings involving ministers and government officials on each topic. That should allow us to do this in the proposed time frame. That allows us to report back to the finance committee by May 17, including translation time and recommendation review, which would obviously need to happen no later than May 15, I hope, if everyone is able to work quickly.

Frankly, very tight timelines will require meetings outside the normal schedule, but I think we have enough time in the schedule to do that.

That's the contextual background for it.

● (1720)

The Chair: You've had about a 45-minute chance to talk, so I will let the other members have a chance, unless you have a point of order.

Mr. Nick Whalen: I just want to move my amendments now.

Ms. Jenny Kwan: On clarification of the amendments—

The Chair: There's no “on clarification”; that's not parliamentary. I would like to have this side have a chance to speak, maybe for up to an hour if they would like to. You've had your chance.

Ms. Jenny Kwan: We'll be back next time.

Mr. Nick Whalen: I will now propose the changes to the text so they would work.

As I noted, the first change is that just after the words, “That, pursuant to Standing Order 108(2), the Committee”, we would delete the word “immediately” and insert instead, “at the request of the Standing Committee on Finance”. All of the rest of the existing text is good through “Part 4, Division 15”. Then put a semicolon there and strike the words “and Part 4, Division 16” and the make the “T” in the following “That” lower case. The text would then be good until “both official languages”.

Or would you rather have me just strike everything and replace it?

The Chair: I think striking and replacing it makes it a much easier process for the committee to follow, frankly.

Mr. Nick Whalen: Okay. I was just trying to—

The Chair: It's up to you, but changing the case of a letter is less helpful to the committee than reading the motion as you would amend it. So read the amended motion, which I think is everything after the word “committee”.

Mr. Nick Whalen: Yes.

The Chair: Even if there is some repetitive language from the original motion, you can delete it, cut it and replace it.

Mr. Nick Whalen: Okay. That's fair enough. Here we go.

Ms. Clerk, we'll just do it as one amendment.

It would read:

> That, pursuant to Standing Order 108(2), at the request of the Standing Committee on Finance, the Committee undertake a study on the subject matter of the following provisions of Bill C-97, An Act to implement certain provisions of the budget, tabled in Parliament on March 19, 2019, and other measures: Part 4, Division 15; that, recommendations, including amendments be submitted to the Standing Committee on Finance in a letter to the Chair of the Standing Committee on Finance, in both official languages, no later than 4:00 p.m., on Friday May 17, 2019; that this study be comprised of no fewer than 3 meetings and; that the Minister of Immigration, Refugees, and Citizenship be invited to appear;
>
> That, pursuant to Standing Order 108(2), the Committee undertake a study on the subject matter of the following provisions of Bill C-97, An Act to implement certain provisions of the budget, tabled in Parliament on March 19, 2019, and other measures: Part 4, Division 16; that, recommendations, including amendments be submitted to the Standing Committee on Finance in a letter to the Chair of the Standing Committee on Finance, in both official languages, no later than 4:00 p.m., on Friday May 17, 2019; that this study be comprised of no fewer than 3 meetings and; that the Minister for Border Security, and Departmental Officials be invited to appear; and
>
> That the Chair of the Committee write, as promptly as possible, to the Chair of the Standing Committee on Finance to inform it of the Committees' decision to study the subject matter of Part 4, division 15 and Part 4, division 16 of Bill C-97, An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019; and that the Committee invite the Standing Committee on Finance to consider any proposed amendments pertaining to Part 4, division 16 of Bill C-97 provided by the Standing Committee on Citizenship and Immigration to the Standing Committee on Finance to be deemed proposed during the clause-by-clause consideration of Bill C-97

That last little bit only refers to division 16, because they've already invited us to do that with respect to division 15.

Those are the changes.

If it would be helpful to someone, I'm happy to share a copy of this, but it should be pretty obvious.

● (1725)

The Chair: Do members need a suspension to take time to consider this?

Okay. Is it clear?

I have a speakers list: Ms. Kwan, Mr. Tilson, Ms. Rempel and Mr. Sarai.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair, for allowing me to speak again to the amendment as proposed.

On the suggestion of three meetings instead of four, my proposal is to have four meetings. The reason I suggested eight meetings in total is that these are substantive bills, both of them. I haven't allowed any time to talk about the establishment of the college. The committee members will remember that when we studied this issue, the committee was unanimous on this from all sides. The only time we had unanimous support was for the issue of the corporate consultants to be taken so seriously that the recommendation to the government was to end self-regulation.

Now what we have in that bill being proposed in the omnibus bill is to establish a college with the same people who ran the same system this committee has studied and determined had failed to protect the public.

These are substantive bills. For all the reasons I cited earlier with respect to the proposed changes to the refugee determination process, three meetings is not going to cut it. I really don't think we could do it in three, because in those three meetings you're also including officials and the minister. It only leaves two meetings for witnesses, and there are many witnesses who want to speak to this, just from the outpouring of emails that have crashed my system since Friday. More than 2,600 emails have come into my system just on this one issue. Imagine the desire among the public to shed light on this.

Frankly, I don't think this should be part of.... The timeline in which we need to meet shouldn't be subject to a budget timeline. The timeline that we meet on this should be based on what needs to be done to ensure that we do this thoroughly, to study it with due consideration and thoughtfully so we can then make the necessary recommendations.

I don't know whether there is any appetite on the other side to increase the numbers—

● (1730)

The Vice-Chair (Hon. Michelle Rempel): Sorry to interrupt you, Ms. Kwan, but in the confusion of coming into the chair, did I miss something? Are you proposing a subamendment, or are you just speaking to the amendment?

Ms. Jenny Kwan: I will propose a subamendment, Madam Chair.

I will propose a subamendment to amend the three meetings for the two parts to four meetings, as was originally proposed. I will also make the amendment to delete the timeline. I think we need to just do this work and do it thoroughly and thoughtfully.

The Vice-Chair (Hon. Michelle Rempel): Thank you.

Does anyone want to speak to Ms. Kwan's subamendment?

No? I get to call a vote.

(Subamendment negatived)

The Vice-Chair (Hon. Michelle Rempel): We're back on the amendment.

Mr. Tilson, you have the floor.

Mr. David Tilson: Well, Madam Chair, I just find this whole procedure simply amazing.

I don't think any of you were there at the time, but I remember sitting in the House when we were on your side, listening to the Liberals, when they were the third party, be very critical of omnibus bills. They really were. Now this is the second time they've put a budget forward that is an omnibus bill.

This topic—division 16 has eight pages—is quite complicated stuff. Considering the “sunny ways” that were suggested by the former third party, the Liberals, when they were opposed to omnibus bills, for them to slap this into an omnibus bill is rather remarkable.

It's very difficult. Through you, Madam Chair, to Mr. Whalen, you're suggesting three meetings for each of divisions 15 and 16. I'd like to know from the clerk how we can do that. Maybe you don't want to comment. Are we going to sit for every day of the...?

What I'm getting at is the whole preposterous idea of dealing with a complicated piece of legislation. Ms. Kwan, perhaps quite rightfully, says that three meetings for each division isn't enough. I voted against that, because I don't think it's possible in the time frame. Obviously, the government wants to ram through this by Friday, May 17. Is that right, May 17?

A question to anyone, whether it's the clerk or Mr. Whalen—and I'm not surrendering the floor, because I have a few other things to say—is how that can be done.

The Clerk of the Committee (Ms. Evelyn Lukyniuk): That will be up to the committee to decide.

Mr. David Tilson: That's a good answer.

The Chair: I just want to confirm that a subamendment to change the number of meetings was defeated while I was here, so we won't continue that discussion. I'd ask you to move on.

Mr. David Tilson: No, I'm on Mr. Whalen's amendment, which is for three meetings for division 15 and three meetings for division 16.

The Chair: The number of meetings has now been put to rest.

Mr. David Tilson: No, it hasn't. I'm talking on the amendment.

To have four meetings per division was defeated. Now we're talking about three per division, which would be six meetings. I'm just curious as to when we would do that and be able to report back by May 17.

Does anybody have any bright ideas?

● (1735)

The Chair: If the committee wills to fit in six meetings on this issue and have it completed by May 17, we will schedule those meetings and the committee will get its work done—if that's the will of the committee.

Mr. David Tilson: Well, we could be sitting every day of the week.

I have another question for Mr. Whalen—just so I'm clear, through you, Mr. Chairman. This amendment is conditional upon the approval of the finance committee. If the finance committee doesn't approve it, then we won't do it. Is my understanding correct?

The Chair: No. I can clarify that for the committee.

First of all, the Speaker ruled this afternoon that the provisions around omnibus bills do not apply to this bill because it is a budget implementation bill. The Speaker has ruled that this is an appropriate bill. The second is that even though the finance committee has requested us to study division 15, if this committee chooses to study both divisions 15 and 16, a report can be made on each of those divisions and go to finance. Any amendments that we would be proposing would be deemed notice having been given by the time that Bill C-97 reaches clause-by-clause in committee.

We don't need a request from the finance committee to do this. It could have done so. It requested that we do division 15. We are now telling them that we are also doing division 16—

Mr. David Tilson: Yes. Okay.

The Chair: —and you're asking me to inform the committee of that immediately, so we don't double the effort and have it done in two places. They can still choose to do it in two places, but I believe I have been successful in suggesting to them that this is the appropriate committee for these two divisions to be heard and they will allow us to do that work. I can only assume that they will take our report and put it in as an appropriate part of their deliberation of the full bill.

The clerk confirms that they still have the right not to deem those amendments proposed for division 16. They've already given us that right for division 15. I will write a letter to them immediately saying that this committee has requested that we do this, that we're requesting that they would then also deem them as having been given notice, so we don't hold up that process.

What we've tried to do is work out Ms. Kwan's motion for the committee to do the work that you should be doing as a committee. It is my strong belief that the Immigration and Refugee Protection Act, IRPA—and I will go on record about this—belongs in this committee. This is the place that it should be studied. I have been very clear to anybody who would listen that it belongs here. That's why I was glad to hear the amendments from Mr. Whalen to get us to the position where we could get to work.

I need to tell the committee that in terms of scheduling, we still need to do our migration study, our settlement services study and we need to hear from the minister on the main estimates. Those are all things that I don't think this committee should give up. It's work that we've done.

Between now and when we rise in June, I'm trying to schedule all of that work to be done so that we can say we have fulfilled what we intended to do: study both divisions of the bill, finish both studies and ensure the minister appears for the main estimates.

I'm genuinely trying to get this to our committee and get it done in a way that honours the work you should be doing on these two parts, divisions 15 and 16.

Mr. David Tilson: Thank you. I guess I'm still getting back to how we're going to do that.

Is a meeting an hour? What's a meeting?

The Chair: Well, this one has been two hours and 10 minutes so far.

Mr. David Tilson: I understand that, but—

The Chair: Generally it's a two-hour meeting. However, I've talked to the clerk today about the possibility of doing a long.... They will not be less than two hours. They will be at least two-hour meetings.

I do need to warn you that they may be—

Mr. David Tilson: Mr. Chair, that's what I'm trying to say. Is a meeting one hour or two hours?

The Chair: A meeting is two hours—

Mr. David Tilson: Okay.

The Chair: —but in this case, I am giving you a little notice that with the number of people I suspect you're going to want to hear from, it may be longer than a two-hour meeting.

To warn you, I am worried about making sure we get this done and get it done with integrity. I suspect that by the time we add up the hours, it may equal what Ms. Kwan had in mind. However, I don't want to do something artificial, finishing off a meeting and then starting a meeting right afterwards. We might go longer.

I need to give you notice that you're going to go longer than two hours—

Mr. David Tilson: I assume that.

The Chair:—for at least one of these meetings.

● (1740)

Mr. David Tilson: That's important, Mr. Chairman, because we all have other responsibilities in different respects, and with set meetings it might be difficult for members to honour other commitments they've already made.

I guess that's an issue, but you have answered some of my questions. I think Ms. Kwan has given an excellent summary of what this is all about and the concerns that arise from this being rammed into a budget bill. To repeat, it is ironic that this is being done by the very party that said not to do it. They told us not to put in pieces of legislation that have nothing to do with the budget. Now this very thing is happening. It is something they have pointed out in the past and that we're pointing out now—insufficient time will be given to having an adequate debate.

I appreciate that you're purposely being very vague. We may set a meeting at such and such a time, but God knows when it will end. And I understand that, because if we're going to do a thorough job, that's exactly what will happen. That's not to say it shouldn't be done. I guess my concern is that we all have other commitments and there will be conflicts. We've already made those commitments, and this could create some problems.

Those are my concerns, Mr. Chairman.

The Chair: Thank you.

Ms. Rempel.

Hon. Michelle Rempel: My understanding of the way that the amendment is worded right now is that by adding "at the request of the Standing Committee on Finance" we're still leaving to the finance committee the decision to refer division 16 to us.

Perhaps I'll just ask you a question, if I may, Chair. If we accept the wording Mr. Whalen has proposed, does that mean we are ceding responsibility to the finance committee to refer it to us?

Mr. David Tilson: That's what the motion says.

Hon. Michelle Rempel: Right, it's at the request of the Standing Committee on Finance. So if we pass this, essentially what the committee is doing is asking the Standing Committee on Finance to refer division 16, which—

The Chair: Mr. Whalen can answer. You go ahead and I'll make sure you're right.

Mr. Nick Whalen: Ms. Rempel, when I say "at the request of the Standing Committee on Finance" in the first part of the amendment, that's because they've asked us. If we're doing this one, division 15, at their request, the next part is that we're doing division 16 on our own initiative, and then there's a third part of the amendment, which says that we're going to send them the stuff now. All of the stuff on division 15 is deemed reported, because that's what they've already said in their letter to us. The stuff related to division 16 is not deemed reported, but we're asking that they consider it to be deemed reported because we've given them this immediate notice that we intend to do it.

Mr. David Tilson: What if they say no?

Mr. Nick Whalen: I think what we've managed to do over the course of the break, in trying to address Ms. Kwan's oral motion from prior to the break, is to get some type of soft commitment that they're going to consider this the right way.

The Chair: I want to tell the committee that I have a commitment that this will happen. We could have simply passed a motion requesting them to do it, but then we wouldn't have heard back from them for some time. Who knows what's going to happen? The world could end tonight. But all things being equal, I have been told that this will be an acceptable and responsible action from our committee, that it will be accepted by the finance committee, and that they're going to let us do it even though they didn't ask us to do it at first.

Hon. Michelle Rempel: Just to be clear—and maybe my lack of clarity comes from just having seen this—what's being proposed by Mr. Whalen is that the subamendment is essentially adding.... It's as if you're parsing out Ms. Kwan's motion. So rather than having it sandwiched into divisions 15 and 16, you're saying...the Standing Committee on Finance has in fact passed a motion to refer it to us, and you're acknowledging that.

So the second part of what you've parsed out of Ms. Kwan's motion is that it would not include "at the request of the Standing Committee on Finance". So we're saying, just to be clear, that division 15, related to immigration consultants, they've already referred to us. Division 16—

• (1745)

The Chair: And we're accepting it.

Hon. Michelle Rempel: On division 16, we are not including the "At the request of the Standing Committee on Finance" in that parse-out. We're just doing it anyway.

I just want to be clear: My intent is that we would do this regardless of what the finance committee says.

The Chair: Yes.

Mr. Nick Whalen: That's exactly our intent as well.

The Chair: Okay.

Hon. Michelle Rempel: Okay.

The Chair: If I can just make sure everyone understands this, the issue with Ms. Kwan's motion is that it didn't recognize the difference between one division having been referred to us and the other division not being referred to us. That's why it has been broken into two sections, because in a parliamentary system, they are different. We are trying to respond to both of them, not with an omnibus motion but with separate motions. We need that third part so we give the finance committee notice that we're going to be sending it motions and ask it to deem them reported so we can have it vote on them.

As there's lots of suspicion, all I can tell you is that I am trying to accomplish what I thought the committee would want. We heard that you want to discuss this and I'm trying to accomplish it.

Hon. Michelle Rempel: Now that we're clear that the intent is to do this, that we're not divesting it to the finance committee but are going to study it here, that's great. I do share the sentiment of my colleague in wanting to have longer meetings, because we're just going to have a raft of people who want to testify and it's worthy of study.

I'm disappointed that the government has not taken more meetings under consideration. However, I'm willing to accept the amendment with the spirit of it being done regardless of what the finance committee may or may not tell us, because I think we should be looking at this anyway.

The Chair: Mr. Sarai.

Mr. Randeep Sarai: I will just echo that I support Mr. Whalen's amendments. I think we can adjust both Ms. Kwan's requests and motion along with Mr. Whelan's and can accomplish both. Therefore, we can put it to a vote. We've been here for a while, so that would be good, unless Mr. Tilson wants to stay longer, in which case I'll be glad to do that.

Mr. Nick Whalen: It's past his bedtime.

The Chair: Ms. Kwan.

Mr. David Tilson: That's right. It's my bedtime soon.

Ms. Jenny Kwan: I'll just say this: From what I heard from the chair, he was basically saying, yes, we're passing a motion, or the government is tabling an amendment to my motion, to say there will be three meetings for each section, even though there's every likelihood that it will be more than three meetings. From that perspective, I don't know why we just don't solidify it and say four meetings. I know I already moved the subamendment and it was defeated, which actually addresses Mr. Tilson's concern so that we can actually plan as opposed to willy-nilly trying to figure out, well, this might be longer or not.

Anyway, the government obviously has its votes. You have the majority. You get to do whatever you want. You can ram this thing through. We know that it's being rammed through, but it just doesn't make any sense from that perspective. On the one hand you say, yes, it makes sense and we hear what you're saying, and very likely we are going to go longer than three meetings, but it almost feels as though, just because we asked, you're not going to give it to us.

That's what it feels like and I think it's unfortunate. It shouldn't be that way.

The Chair: Mr. Tilson.

Mr. David Tilson: I have a question, perhaps to you or to the clerk, that was sparked by some comments you made. That is, we have the studies we're working on and we have the estimates that are going to come eventually. This is a government bill that I believe has priority over the study, but does it have priority over the estimates as well?

The estimates are some time off, though. Are they not well into June?

Okay, so we could start this forthwith.

• (1750)

The Chair: Yes, it's just a matter of getting notice to people to come. If we can get this passed, then I'm going to tell you about your deadlines for suggesting witnesses for the meeting. One of the problems of doing it the way we're doing it is that we have a hard time understanding how many hours we need to meet until we know what the witness body looks like: who's requesting witnesses, who isn't requesting, who can come. We also have to schedule two ministers for two different meetings.

Mr. Tilson, you've been chair of a committee. You know that scheduling ministers is tough.

I want to get the two ministers in and to save time for the minister to come for the main estimates at some point. We're trying to get this done. I think we can schedule it, but I wanted to give you warning. I'm hearing two messages. One is that you have other things to do. The committee has told me that. That's one of the reasons we can't have an infinite number of meetings: you do have other responsibilities. Yet you're telling me it's an important bill. So we're trying to find a way to balance those realities.

I see no more hands up or no one on the list, so I think we're now going to address the question of the amendment to Ms. Kwan's motion, Mr. Whalen's amendment.

(Amendment agreed to)

(Motion as amended agreed to)

The Chair: The amended motion is almost exactly the same.

With respect to witnesses—you're not going to like this—if we're going to get this work done I need proposed witnesses for both divisions by Wednesday at noon. The consultants one may need fewer than the other. I don't have a number. Put in your best numbers.

Once I get your numbers, if I don't have enough witnesses I'll go back to you. If we have too many, I may need to come back to you to say we need more meetings. It's a little bit of an art, not a science. I suspect, as we know, there are the usual suspects on both these bills. People have written letters to the minister, public letters. Those people are going to want to speak. There will be other people whom you know about who you think should speak. I think the most important thing is for you to do your deliberation on the bill and make sure we have enough information. Some of that can be written as well as verbal.

I have Nick and then Michelle.

Mr. Nick Whalen: It seems to me that, with four panels, over the meetings that aren't taken up with government officials, we could reasonably have 10 to 12 witnesses in the normal ratios. That would be the minimum.

The Chair: I think we're going to hear from about 12 folks. You know the ratios.

Ms. Rempel.

Hon. Michelle Rempel: For expediency's sake, may I suggest an in camera subcommittee meeting maybe on Wednesday just to discuss this, because we haven't had a meeting on scheduling. We could discuss witness lists. I think there probably will be some consensus on who is coming anyway, so I anticipate a lot of overlap. We could talk about witnesses and scheduling at that point in time.

The Chair: There is a very good chance we will do that. The clerk and I have been trying to find the time for that kind of meeting.

Hon. Michelle Rempel: What do we have on the docket for Wednesday, Chair?

The Chair: We have the last witnesses for settlement services.

Hon. Michelle Rempel: Would you want to tack something on to the end of that meeting perhaps? If you'd like to go in camera right now to discuss scheduling at this meeting, I'm happy to do that as well. It's whatever—

The Chair: I think I would like to leave it until Wednesday because now I have to sort out what happened here to make sure.

Hon. Michelle Rempel: I just mean, do you want to try to find half an hour on the end of Wednesday's meeting, even just a half hour tacked on, or part of business to, whatever, to your preference...?

The Chair: We're worried about votes on Wednesday, so I'm actually looking at maybe earlier on Wednesday for a subcommittee on agenda.

Hon. Michelle Rempel: That would be fine.

● (1755)

The Chair: Just stay tuned. I'm trying to figure out a way we can have another meeting for that.

Hon. Michelle Rempel: Perhaps what I would ask is that, if you'd like us to come prepared with witnesses to that meeting—and that's your choice—just let our staff know, and that's acceptable as well.

The Chair: Very good.

Is there no other business?

The meeting is adjourned.

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