



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Citizenship and Immigration

EVIDENCE

NUMBER 006

Wednesday, November 18, 2020

Chair: Mrs. Salma Zahid



Standing Committee on Citizenship and Immigration

Wednesday, November 18, 2020

• (1610)

[English]

The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)): Good afternoon, everyone. I call meeting number six of the Standing Committee on Citizenship and Immigration to order.

Before we begin, I will clarify something with regard to the technical difficulties we had during Monday's meeting.

The clerk has invited the witnesses from the last meeting to submit supplementary remarks further to their testimony, and these submissions will be appended to the transcript of Monday's meeting. Additionally, the clerk has sent the blues of Monday's meeting to the witnesses and has invited them to propose amendments to their testimony to ensure that the evidence reflects what the witnesses said in their testimony.

With regard to health and safety at today's meeting, I remind all attendees in the room to physically distance themselves from others by at least two metres and wear a mask unless they remain more than two metres from anyone else.

This is a hybrid meeting, so some members are appearing in person from the parliamentary precinct and others are appearing remotely.

I remind all members to please speak at a pace slow enough for interpretation to keep up. The clerk will be tracking raised hands and will keep a speakers list if needed.

All questions shall be decided by a recorded vote except for those decided unanimously or on division.

The meeting is being webcast and is available on ParlVu.

With that, I welcome all the members of the committee. I also welcome our witnesses and thank them for appearing before the committee today as we study the impact of COVID-19 on the immigration system.

Today, appearing before the committee, we have a representative from the YMCA of Northeastern Ontario, Helen Francis, president and chief executive officer; Fadia Mahmoud from Centre social d'aide aux immigrants; and as individuals, Kelly Goldthorpe, senior associate at Green and Spiegel; Elizabeth Long, barrister and solicitor, partner, Long Mangalji, LLP; Alastair Clarke, lawyer at Clarke Immigration Law; and Mark Holthe, lawyer at Holthe Immigration Law.

I'm sorry, but because of the vote in the House we are starting late. Since we started at 4:11, we will end the panel at 5:11. All witnesses will have five minutes for their opening remarks.

Ms. Goldthorpe, I invite you to please start. You have five minutes for your opening remarks.

Ms. Kelly Goldthorpe (Senior Associate, Green and Spiegel, As an Individual): Good afternoon.

Thank you for inviting me to discuss these very timely immigration matters today.

In the early days of the pandemic, it was understandable to expect service disruption. Prioritizing critical infrastructure, essential services, and the containing of COVID-19 was rightly made a top priority. However, we're now eight months into the pandemic, and though there may be some light at the end of the tunnel, there's no clear indication that the pandemic is ending any time soon, and IRCC processing of applications is falling behind.

We've all had to learn to live with this virus in various ways, and the Department of Immigration, Refugees and Citizenship is no different. The department's delays can no longer all be attributed to COVID-19.

In the context of family reunification, estimated processing time is about 12 months. This was the case pre-pandemic, and it's still communicated to be the processing time right now. One year is a long time for families to be separated.

The recent expansion of exemptions on COVID-19 travel bans in place presents some inequities too; namely, that extended families such as long-term romantic partners may be reunited in a matter of weeks, while married spouses and common-law partners overseas have to wait upwards of a year.

Timely reunification is becoming even more urgent for families adversely affected by changing conditions in countries such as Hong Kong and Lebanon.

We've all had to adapt and innovate, improve and take advantage of the new tools available to us to be more efficient while working remotely, and IRCC has to be creative and innovative in its processes and flexible in its approach to assessing and processing applications.

In Canada, ministerial instructions allow the department to make changes quickly. As a suggestion, therefore, we'd like to see the deferral of biometrics to the back end, when foreign nationals are entering Canada at an airport or land border, instead of up front, at the time of the application.

Right now, temporary resident applications are delayed at the biometric stage. Applicants in certain parts of the world are waiting weeks to get their biometrics scheduled. Their applications aren't even in the queue for processing until the biometrics are completed.

My suggestion is that the solution is to defer biometrics until their arrival in Canada. We know that border services officers at CBSA ports of entry are operating at much lower capacity than the pre-pandemic levels, in some cases at 5% or 10% of those in 2019.

The ports of entry have the equipment to do biometrics and the capacity to do so. Why, then, do we make applicants do biometrics up front and then wait several weeks for an appointment, when they can be doing them at the back end.

As well, do visa counterfoils have to be affixed to an original passport? For "visa required" applicants, the passport transmission process can take weeks. In contrast, an electronic travel authorization for visa-exempt nationals can be linked to a passport in mere minutes. Eliminating the visa counterfoil can save time and resources.

In Canada, there is currently no dedicated temporary resident program that allows overseas spouses and dependent children to be reunited in Canada while their applications are in process. In contrast, an "in Canada" sponsorship application can request an open work permit for the sponsored spouse while the application is in process. This is a great program, but it's limited to those who are currently in Canada or those who are able to obtain a visa and enter Canada before submitting the application.

For spouses who are in "visa required" countries, it's difficult to get authorization to enter Canada because of paragraph (b) of section 179 of IRPA whereby applicants must demonstrate an intent to leave Canada when their visa expires. This conflicts with the intention of applicants who have sponsorship applications in process and who intend to become permanent residents.

With respect to the parent and grandparent lottery system, we know there's a persistent high demand for the program in light of the limited number of available spots and the challenges of managing the intakes.

Since the program reopened in 2014, each iteration of the intake process has been frustrating. Currently, success in securing an invitation to apply in the lottery system is contingent on the luck of the draw. The lottery system does not adequately screen for eligible sponsors; it does not require supporting documentation to show that sponsors meet the eligibility requirements. More people can thus enter the lottery than are eligible, which then lowers the chances of selection for those who do meet the requirements.

Improving the lottery system to ensure that only eligible sponsors can enter the lottery can make the system fairer. As well, allowing unsuccessful sponsors from previous years to re-enter with weighted probabilities could increase their likelihood of selection in subsequent years.

• (1615)

An alternative to the lottery may be potentially for pre-screened eligible sponsors to be put on a wait list for sponsorship, which

then could provide predictable timelines and better-managed expectations.

The Chair: I'm sorry for interrupting, Madam Goldthorpe, but your time is up. Maybe you can touch base on the other points as we go into the round of questioning.

We will now move to our next witness, Madam Elizabeth Long, barrister and solicitor, and partner with Long Mangalji LLP.

Madam Long, you have five minutes.

I will give a one-minute heads up. When we are at four minutes, I will let everyone know that one minute is left.

Madam Long, you have the floor.

Ms. Elizabeth Long (Barrister and Solicitor, Partner, Long Mangalji, LLP, As an Individual): Thank you for inviting me to testify.

Let me first speak to the issue of international students. This is an area that is currently filled with chaos and confusion, especially as it pertains to those students who have applied from abroad.

We often have the IRCC website saying two completely different things. For example, there is a question of whether someone could study online if they had already applied for their study permits but had not obtained an approval in principle. We had the instance where one IRCC website page was saying yes, and the other was saying no.

We also don't have clarity on what certain policies really mean. For example, what does "approval in principle" actually mean? Will their applications be approved pending medical and criminal checks, or are there going to be other checks that will follow?

There are also certain policies that are still being applied with pre-COVID conditions in mind. For example, the ministerial instructions for express entry still state that students need to study for eight months inside Canada and requires that the online component be less than 50% in order to obtain the points for studying in Canada. We know that this is not going to be the case for many students during these times.

We need clarity and reasonable outcomes to allow schools and students to properly plan their futures. We're currently in a tight race to attract these international students, and convoluted rules and contradicting information makes our system seem unfair and ultimately unattractive to potential students.

Secondly, I would like to address the parents and grandparents category. I would like to say that this category first of all serves not just a humanitarian purpose but also an important economic one.

COVID-19 has highlighted the importance of grandparents. We often need them to take care of children while the parents are at work. Oftentimes those who are most in need of parents to be here and take of the children because the family can't afford child care are not able to meet the LICO plus 30% financial eligibility line. That's why I think it's important for the sponsor's income to return back to the LICO line so that those who are most in need of parental help can have them here to care for their children.

On the other hand, I have also known of many instances where parents who are sponsored are not able to adjust to life in Canada, and they are not willing to live in Canada on a permanent basis. That's why, to address the numbers issue, I would recommend a priority processing for parents and grandparents who have lived in Canada for over one year and who we know are able and willing to reside in Canada on a permanent basis, and have them processed on a priority basis compared to others.

Finally, with regard to family reunification and spouses, right now we have such a stark difference between those with family in visa-requiring countries and those in non-visa-requiring countries.

For those in non-visa-requiring countries, even if they have someone who has lived with them for a brief period of time, they can have their boyfriends or girlfriends travel to Canada. They are able to get on the plane right away or get a letter of authorization within 14 days. Once they come into the country, they can get their open work permits if they have applied for spousal sponsorships online, and there is also priority processing for these applications.

Now, if you compare that to families who are in visa-requiring countries, the situation is completely different.

• (1620)

The Chair: Madam Long, you have one minute left.

Ms. Elizabeth Long: First of all, as my colleague has already said, the temporary resident visas for those who are married to Canadians or permanent residents are routinely denied because they are seen as having too many ties to Canada and not likely to leave Canada.

Even if they are able to obtain their visas, these visas right now are taking four to five months to process, and they require biometrics from centres that we know are often closed.

For the permanent residents, there's no end in sight for processing. They are not included in the expedited processing, and for most of our submitted applications we have not received a confirmation letter for anyone since March of this year. Furthermore, if the COPRs are not being issued, we don't know when they are going to be coming to Canada, and the realities of the situation are heartbreaking.

We have a client, for example, who is in a wheelchair in Canada. He has been trying to sponsor his wife for 19 months.

The Chair: I'm sorry for interrupting, Madam Long, but your time is up. You'll have an opportunity to speak again when we go into the round of questioning.

Next we have Helen Francis, representing the YMCA of Northeastern Ontario.

Ms. Francis, you have five minutes.

• (1625)

Ms. Helen Francis (President and Chief Executive Officer, YMCA of Northeastern Ontario): Thank you.

As a charity, the YMCA is focused on the growth of all, in spirit, mind and body. One key area we focus on is employment services—

The Chair: I'm sorry for interrupting, but I think there are some interpretation issues. I'm hearing French interpretation while I'm on the English channel.

Mr. Clerk, can you please check this?

The Clerk of the Committee (Mr. Leif-Erik Aune): Ms. Francis, could you please switch your channel to English and try again?

Ms. Helen Francis: Absolutely.

The YMCA is a charity that focuses on the growth of all, in spirit, mind and body. One key area we focus on is employment services and immigrant newcomer settlement services.

My comments here today are primarily made through the lens of settlement work and workforce development versus direct work within the immigration process.

Through our settlement service experience, clients are experiencing long delays, be they for student visas, permanent resident status or work permits. As a settlement service provider, we obviously advise clients to be prepared for the delays. However, they can inhibit our ability to provide or connect clients to community services such as medical care.

As some know, immigrants are not eligible for OHIP without permanent resident status, and there are limited to no alternative options throughout the community. It is not uncommon for our newcomer clients to travel to Toronto to receive medical care.

Securing employment may also be challenging for clients who experience delays in processing their work permits and for those who require changes to their work permits.

Delays and lack of direct support available in our region require that clients must travel to Toronto to access key immigration resources such as legal representation. This is not ideal at the best of times and certainly adds the risk of COVID-19 transmission between the regions.

In northern and rural Canada, we are reliant upon immigrants to address the current skills gap that exists across various parts of the country. However, this can be more detrimental to regions such as northeastern Ontario, where the gap is widening at an alarming rate.

The current restrictions on immigration and the delays within the process may lead to long-term ramifications across the country, particularly in northern and rural regions known as “second migration centres”. Failure to address the current backlog will limit the rate of new immigrants arriving in Canada when restrictions begin to lift, potentially diminishing the rate of second migration in areas such as northeastern Ontario, the impact of which can not only hinder our country's ability to reopen for business as and when the pandemic allows, but also potentially negatively impact our long-term economic prosperity.

Our recommendations for areas of improvement for your consideration are as follows.

First, accelerate processing time for permanent residency and visas, as well as family reunification, to ensure individuals, including young people, and families are safe, secure and connected.

Second, consider the location of immigration lawyers outside of the typical large urban centres. Specifically, we would like to see one in Sudbury.

Third, provide satellite immigration services to serve northern and rural communities. Sudbury is a centralized location for northeastern Ontario and would greatly benefit from key satellite services.

Fourth, provide easier access to IRCC to enable service providers to connect clients to immigration consultants. A representative dedicated to regional areas would facilitate access to key immigration services.

Fifth, provide universal access to English as a second language for all newcomer clients. Current services are exclusive to IRCC's eligible clients—

The Chair: Madam Francis, you have one minute left.

Ms. Helen Francis: —such as permanent residents and conventional refugees.

Sixth, offer support to provide settlement services for international students. The current funding model does not reflect this demographic, and the provincial funding is insufficient to adequately serve this growing population.

Finally, our team is very successful at connecting people on a social level within the settlement circle. However, there is a local gap in addressing systemic racism. Adequate support for settlement service providers to drive and actively engage in anti-racism efforts would be helpful, although we acknowledge that IRCC has launched programs recently to support such initiatives.

• (1630)

The Chair: Thank you, Madam Francis.

Thanks to all the witnesses for your important testimony.

Now, we will move to our first round of questioning, starting with Mr. Hallan.

Mr. Hallan, you have six minutes.

Mr. Jasraj Singh Hallan (Calgary Forest Lawn, CPC): Thank you, Madam Chair, and thanks to all the witnesses for coming to the committee today.

Family reunification and the impact of COVID-19 has been a very important issue, as we've heard. Earlier this year the government put the program for parents and grandparents sponsorship on pause. They committed to making a new announcement in the spring, but it was further delayed. There have been many criticisms in the past, and even with this new system we see many people who have a lot of issues with it again, as we've heard.

In the past, Canadians placed their hopes for bringing their loved ones to Canada more efficiently. Many were very disappointed with the overrun in minutes that happened with the first program, and now, with this new system, again there are many questions.

There is a saying about what insanity is. It's doing the same thing over and over again and expecting a different result. In the last five years, that's what we've seen.

My questions are for Ms. Long and Ms. Goldthorpe. I would like to hear your thoughts on how you think the government has handled this program in the past, the impact of the pause that happened earlier this year and the decision to reimplement the lottery.

Please, go ahead Ms. Long and Ms. Goldthorpe.

Ms. Elizabeth Long: For the clients I have seen, it has become an extremely stressful situation to have your parents' ability to join you be the subject of a lottery. This is almost as though we're playing with people's lives.

What we are seeing is that people are really suffering, with their families not being able to join them and their parents not being able to be here to take care of their kids. It's been devastating in the past five years, with the very small numbers of people who can actually go through the system. It's unfair and it's unjust.

What we are suggesting is that we return to the first-come, first-served situation, and that we also increase the numbers, so that people can have some peace of mind that they've submitted their application and will be able to eventually somehow sponsor their parents.

Ms. Kelly Goldthorpe: With the delay in launching the lottery or parent/grandparent system this year, it was only earlier this month that people were going into the lottery. We haven't yet seen the results of people who have won basically their “golden ticket”.

We don't know what the process is. There's no transparency; there's no indication of how people are selected, of what they do with duplicates or of how eligible applicants are selected. There is just no transparency in the process.

That's what's frustrating for my clients. This is what I'm seeing and hearing from my clients concerning the frustration of the parent and grandparent lottery: that there's just no transparency.

The other thing we're seeing is that people are going into the lottery who are not necessarily qualified as sponsors, who may not have the required income levels, or who are going in twice and duplicating their chances. Because there's no transparency about the way the winners are selected, this is really frustrating the clients. To go through this over and over again is frustrating.

As to the long wait, the suggestion of having a weighted lottery system has been repeated over and over again. It's an easy fix whereby, if somebody has been in the lottery before and has been unsuccessful, they get two kicks at the can in this lottery. This is an option that I recommend that the committee look into urgently.

• (1635)

Mr. Jasraj Singh Hallan: Thank you very much. I think you both touched on some very important points.

Ms. Long, you also mentioned in your opening statement how important it is for people to have their parents here. Now more than ever, during this pandemic we know how much emotional support people need.

I want to ask you both again how we can make the system better. What are your suggestions on making this better so that we can reunite families?

Ms. Elizabeth Long: First of all, I think we should stop with this sort of lottery system or first-come, first-served system that sees those with best Internet getting in. I think we need to increase the numbers and give people.... With first-come, first-served, you submitted your application and then you had the peace of mind that you're waiting. We have a sort of system where you know how many people are selected for this year, and you know whether or not you can go through this year or next year, but you're there.

Second, a lot of times parents are sponsored and are not able to stay in. Then there are other parents who just want to stay in; they're needed in Canada. The best indication of the future is past experiences, so perhaps parents who have been living in Canada for at least a year or two on these super visas can receive priority processing in a separate line compared to other people.

The Chair: Sorry for interrupting. Your time is up.

Now we will move on to Mr. Serré. Mr. Serré.

You have six minutes.

Mr. Marc Serré (Nickel Belt, Lib.): Thank you, Madam Chair.

[Translation]

I'd like to thank all the witnesses for their testimony, which will help us and inform our study on the impact of the COVID-19 pandemic.

I would like to focus more on employment.

[English]

My first question will be for Helen Francis from the YMCA of Northeastern Ontario.

First off, I want to thank you for all the work you do in the area. When you look at highlighting the satellite and the remote and the challenges that we have, and the importance of wanting to bring

immigration newcomers to northern Ontario.... I want to thank you for the services.

As we look at the partnership with the federal government, IRCC, and immigration settlement services, what recommendations can you provide to us to strengthen that role between yourselves and the federal government to ensure that we can bring in more newcomers?

Second, you mentioned the lack of provincial funding for international students to study. Can you just expand on that part too, please?

Ms. Helen Francis: Thank you very much, Mr. Serré.

The [*Technical difficulty—Editor*] really circles back to the role of settlement services. Commonly we experience clients who will come to us and indicate that they can't get a hold of anybody at IRCC. The breakdown in the partnership there is that we, too, don't have direct contacts or a direct representative to work with at IRCC to really reach out to and understand where the breakdown in communication might be, so we end up really as helpless as the clients themselves. That's unfortunate, and it's possible that if we could strengthen the relationship there with our IRCC colleagues it would actually help everyone in this entire system.

When it comes to settlement services for international students, certainly for ourselves in association, the current funding models don't include funds for us to specifically support international students. Happily, we see that that a growing trend in our educational establishments is to attract and recruit those students, but they need a lot of support. In order for us, as a settlement provider, to be able to do it, we need those funding models to expand so that we can actually have the resources in place to provide the supports appropriately.

Mr. Marc Serré: Thank you.

I have a quick question for Elizabeth Long.

I want to shift a bit. You mentioned the importance of international students, and we're all going to agree that we need to attract more students, but I also want to hear your recommendations to the federal government. How can we, to meet our immigration targets, attract...? We've done some, and we could do better on that, but more importantly, how can we make sure that we fast-track the existing students who are here in Canada for permanent residency? What are your recommendations along those lines, please?

• (1640)

Ms. Elizabeth Long: Absolutely.

Right now, in order to attract international students, it's all about that path towards permanent residency. We are doing well in certain ways compared to other countries, but we could certainly do better.

First of all, right now, a lot of the rules for students coming into Canada, their ability to qualify for the post-grad work permits, and their ability to qualify under express entry are up in the air. It's very confusing to students, and whenever something is not clear, it makes students hesitate to actually apply.

The second thing is, with regard to permanent residency, right now we are putting students who have studied in Canada, who have worked in Canada, in the same pool as everybody else from around the world. For us, we should recognize that the international students who have studied in Canada, who have worked in Canada, are our key candidates for permanent residency, and we should really have a special category to allow them to immigrate instead of just putting them through express entry.

Mr. Marc Serré: Thank you for those recommendations.

Ms. Helen Francis, I want to hear a bit more about what we can do as a federal government to support settlement agencies such as yours to ensure that we provide better supports, especially for newcomers, for re-integration into the work force.

Along those lines of utilizing technology more and in innovative ways, what can we do to leverage some of the technology to increase employment supports?

Ms. Helen Francis: We in northeastern Ontario have a little bit of a digital divide in Internet accessibility. Certainly we've seen from COVID that vulnerable populations, including newcomers, feel that divide more acutely.

Yes, there's room for us to improve access to those types of tools, particularly when we're relying very heavily on virtual communication through the COVID pandemic. It's true, however, even outside of the pandemic, that it's great to have tools that are online. If folks do not have access to them, we need to make sure they become more readily available.

The other component concerning the work force that we need to understand is that in northeastern Ontario we're heavily reliant—

The Chair: I'm so sorry for interrupting. The time is up. We will have to move to our next member.

Madame Normandin, you have six minutes. Please start.

[*Translation*]

Ms. Christine Normandin (Saint-Jean, BQ): Thank you very much, Madam Chair.

Once again, I thank our witnesses, who have given us a lot of information that will be useful when we write the report and the recommendations.

I'd like to speak to Ms. Goldthorpe and Ms. Long about biometrics.

Several recommendations have been made about the biometrics being done in Canada. Just think, for example, about students arriving from countries where there is no service centre. They would find it useful to have them done here.

So that we can understand this and include it in the report, can you remind us what biometrics are, what they are used for, and why there are no risks or issues in having them done here, at the end of the process?

[*English*]

Ms. Kelly Goldthorpe: Biometrics is a requirement—a new requirement as of a couple of years ago. It was not always a requirement for the immigration or the temporary residence process.

Biometrics involves a photograph and the fingerprints of everybody who is entering Canada, with the exception of American citizens from the United States. Biometrics is a part of the process for permanent residence, as well as for work permits, study permits and visa applications.

At the start of the application process, applicants submit their application online; then they get an invitation to do biometrics, whereby they take the requisition letter to a centre to do their biometrics. The centre takes their photograph and then does their fingerprinting.

These are automatically linked to their application for a 10-year period. Applicants only have to do biometrics once every 10 years, and it's a way to verify identity.

It's possible to do biometrics at the airport, because visa-exempt citizens, such as people who are coming from Europe and Australia, for example—those who used to get their work permits issued upon arrival in Canada at the port of entry—would do their fingerprints and take their photograph upon their arrival in Canada.

They pay the \$85 biometrics fee, then the border services officer takes their photograph and their fingerprints, and these are linked to their application and their profile for 10 years.

It's an important tool for IRCC to establish identity, and it's information that's shared between Canada and several other countries. It's information gathering and sharing, but it doesn't need to be done at the beginning of the application process, because it can be done—there's equipment, there's personnel, and there's capacity to do it—at the end of the process as well.

Right now, with COVID, doing it at the beginning of the process is delaying the application for everybody.

• (1645)

[*Translation*]

Ms. Christine Normandin: Thank you very much.

I imagine that Ms. Long's answer would be the same. It was worth explaining what biometrics are for, so that we can include it in the report.

I have another question about work permits. I'm still asking Ms. Goldthorpe and Ms. Long.

We got rid of the good old “flagpoling” to prevent people from going to the border to renew their work permits. The problem is that it can now take up to 180 days. People end up with implied status, which is not always recognized by the employer.

Should we make sure that the work permit issue, which is purely administrative, is dealt with quickly so that people are not stuck with implied status that can be problematic? This is particularly the case for guardian angels, who may not even be able to accumulate the number of hours needed to register for the program that has been announced.

[English]

Ms. Kelly Goldthorpe: The work permit extension applications are currently taking upwards of six months, which is a really long time and that's not just for people who need to extend their stay. It's for people who are changing the conditions of their work permit, if they're moving from one employer to another. There have been some innovative programs that have allowed for the quick change of employers, but the work permit extension application is taking about six months right now, which is causing hardship in terms of getting housing, in terms of getting extended health care, and also with respect to social insurance numbers.

There are immigration impacts on other aspects of people's lives while they're waiting for their work permits to be extended. They can't travel or they will lose their implied status, and if they leave Canada before the work permit is issued and they try to come back, they don't have the right to work. The 183 days' or six months' processing time is very problematic for people who are basically stuck in Canada until their work permit can be processed. It's a matter of just printing out a work permit, or maybe issuing a letter that authorizes employment. There have been some new letters from the government that talk about implied status and say that candidates are allowed to remain in Canada and have access, but there's a date on those letters, which is problematic. It's an arbitrarily decided date four months from the date of the application, whereas implied status based on paragraph 186(u) of the regulations has no date. If a person receives that letter, the employer—

The Chair: Sorry for interrupting you, but your time is up. We will have to move to our next member.

Ms. Kwan, you have six minutes for your round of questioning.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Madam Chair, and thanks to the witnesses.

I'd like to first touch on the issue around paragraph 179(b) for the folks who are trying to bring their loved ones here for a visit and who are often denied. The government of course cites dual intent, and we know that even with dual intent, their applications are often rejected.

To Ms. Goldthorpe and Ms. Long, given this situation, would you recommend that the government suspend the use of 179(b) especially during this COVID period? Further to that, really for those who have a sponsorship application in place for their loved ones, why not provide a special temporary visa, if you will, so that people can come to Canada, sort of like the parents and grandparents super visa, so that they can reunite with their loved ones while they wait for their application to be processed? I would just like to get your thoughts on that.

• (1650)

Ms. Elizabeth Long: I absolutely concur that the inequities in requirements for someone who is from a visa-requiring country and those for someone who is not are very stark. Especially now when processing times are just through the roof, it's very important to have a way for family members to come to Canada. The dual intent is often applied in such draconian ways at visa posts that, instead of saying "will someone follow the laws?", they're saying "does someone have permanent intent?" and if someone has permanent intent, it's almost as if there is no dual intent involved. If we had a

policy that stated that someone has to show that they have family members in Canada and that they have never disobeyed the laws in Canada before, that should be enough. We have to have a clear line as to what is enough for someone to obtain a visa. There should be the same criteria as for someone who has an eTA. An eTA is issued in a matter of seconds. Why is it that someone who is from that country can get an eTA and can come in right away, whereas requirements for someone from a visa-requiring country mean they will perhaps never be able to get that visa to come to Canada?

Ms. Jenny Kwan: Thank you.

Ms. Goldthorpe.

Ms. Kelly Goldthorpe: Yes, paragraph 179(b) is highly problematic. With the dual intent purposes, basically if there is a sponsorship application, that's viewed negatively, and it's a factor that's viewed towards refusing a TRV application.

Requiring spousal sponsorship applicants to additionally apply for a TRV adds another layer of expense and processing for them while they're being processed for their spousal sponsorship. It adds another layer of expense for government processing. It's an additional application that wastes government resources, knowing that the applicant is going to be staying in Canada permanently once their permanent residence application is completed.

I completely agree that 179(b) is very problematic. Showing dual intent is very problematic for visa-required individuals who are being sponsored to Canada.

Ms. Jenny Kwan: Should the government suspend the use of paragraph 179(b)?

Ms. Kelly Goldthorpe: I think so. I mean they're allowing boyfriends and girlfriends in in a matter of weeks with just a statutory declaration of being in a long-term relationship. There is no issue of looking into how long those people are going to be staying in Canada. The inequity is very, very stark between that and those who are married and who have a stronger and more solidified relationship.

Ms. Jenny Kwan: Thank you.

I'd like to turn my attention to the certificate of PR. We know that people are held up because their certificate of PR has expired, and then they have to wait. In fact, IRCC right now, even as it stands.... I have a boatload of cases where people have no idea when they can get their certificate of PR renewed, and that's the only thing that's barring them from getting into Canada. They have gone through the entire process.

Do you think the solution for the government to proceed and move forward on this is to honour expired certificates of PR?

I will ask Ms. Goldthorpe and then I will go to Ms. Long.

Ms. Kelly Goldthorpe: Absolutely. If the COPR has expired, it has expired now because of COVID; it's nothing that the applicant has done. If the COPR has expired, some of them are being requested to redo a security clearance or redo their medical checks, which means they have to go out into the community, go to the police department to do their security check and go to do a medical, wait for the results and then wait for a new COPR to be issued. Again, it's a waste of resources.

The easy fix is to automatically add a 12-month period to the COPR date by ministerial instruction or public policy instruction, or whatever, and allow these people come. It doesn't make any sense to require an applicant to redo a medical or a police clearance. They just did one in the past 12 months.

• (1655)

The Chair: I'm sorry for interrupting, but the time is up.

We will now move to our second round of questioning. Based on the time left from the first panel, we will have four minutes for Mr. Allison and Ms. Dhillon, and then two minutes each for Ms. Normandin and Ms. Kwan.

Mr. Allison, you have four minutes.

Mr. Dean Allison (Niagara West, CPC): Raquel is going to start with my time.

The Chair: Okay.

Ms. Dancho.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, MP Allison, and Madam Chair.

I have a fairly complex question, I believe, for Ms. Goldthorpe and Ms. Long.

You've given a lot of testimony today, and thank you very much for your expertise in regard to family reunification.

I'm wondering if you can summarize for the committee whether you believe that family reunification has become more difficult in the last eight months since the pandemic.

Ms. Elizabeth Long: In terms of permanent residents and in terms of actually being able to be together, absolutely it is. It's not necessarily that the criteria has become more difficult, but in terms of practicality, in terms of waiting time, absolutely....

Ms. Raquel Dancho: Thank you.

Ms. Goldthorpe.

Ms. Kelly Goldthorpe: Yes, I completely agree that's the case, in terms of permanent family reunification, as well as temporary family reunification for people who are wanting to join their Canadian citizen spouses from other countries or travel with their Canadian citizen spouses from other countries.

In the early days of the pandemic, those Canadian citizen spouses were not able to have their foreign national family members come into Canada. It wasn't until a Federal Court lawsuit happened that people were finally allowed to come in and orders in council were changed for family reunification.

During COVID, our clients are seeing barriers every step of the way in terms of being able to join their families, and to not only being reunited but to being together while the family is travelling as a family unit.

Ms. Raquel Dancho: Thank you for those answers. I certainly agree with you. Everyone on this committee has heard heartbreaking stories about family reunification, with so many people falling through the cracks and processes taking so long, much longer than they say on the website.

I mention that because, two days ago, in the Canada-China committee, the Minister of Immigration said that under his leadership and under his government, family reunification has never been easier. I wanted to get your expert opinion on that.

I appreciate that.

Madam Chair, the remaining time will go to MP Allison. Thank you.

Mr. Dean Allison: Thanks very much.

I have a question for you guys. I talk to businesses all the time, and they say that the processes are very complicated federally, provincially, and then municipally on things like that. They're calling for a bit of a strategy. I want to get your thoughts on trying to figure that out when people are looking for meaningful work.

When they're trying to figure that out, would it be helpful to have some type of national strategy playing into this? That's also part of the issue, I believe, when we start looking at bringing people to remote parts of Canada and being able to help companies where they're at. Do you have any thoughts on this? Does anyone want to tackle it at all?

Ms. Helen Francis: I can jump in from our experience in employment services and workforce development. Certainly, it makes it harder for us to encourage employers to take on newcomers and immigrants when they know they might run into process delays, particularly when they have a work permit and if they have experience. When they need to modify or expand and it's taking so long, it's a deterrent to a number of employers to take on what would ordinarily be a great opportunity.

• (1700)

Ms. Elizabeth Long: Absolutely. There are two groups of people I see that are suffering quite a lot. One is the students. During these COVID times, they oftentimes have trouble finding work. In order for them to stay in Canada, they need to have that one year of high-skilled work experience in Canada or a job offer. That's really difficult, even though they are willing to work—

The Chair: I'm sorry for interrupting. The time is up. We will have to move to Ms. Dhillon.

Ms. Dhillon, you will have four minutes.

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Good afternoon to all of our witnesses. Thank you for being here today. I'm going to put my comments and questions to all the witnesses and anyone can answer.

Regarding work permits, in May our government introduced a new measure to drastically reduce the time it takes for a temporary foreign worker to start a new job. While this policy is here, a worker already in Canada who has secured a new job offer can begin working in their new job even while the work permit is being processed.

This cuts processing delays from 10 weeks to 10 days. Do you feel that this is an appropriate solution to work permit delays?

Thank you.

Ms. Kelly Goldthorpe: I can give a live experience on that.

We recently had somebody apply who had an open work permit. We applied for a new work permit for that person, but that person can't switch to the new work permit because their previous work permit was an open work permit. For the closed employer work permit, they're still going to have to wait.

It helps only the people who meet the narrow criteria for that public policy change. While it is very helpful and we've been successful in getting the work permits changed to new employers, and employers do appreciate the ability to have workers come in quickly, what I've been seeing is that, for foreign work permit applications, the processing time for the UAE is 51 weeks.

A business is not going to wait 51 weeks to get a worker in from a foreign country. That 51 weeks is not necessarily the correct or the accurate processing time, but it's a deterrent for employers if they see processing times that are that long.

Ms. Elizabeth Long: Furthermore, on that process you've just spoken to, it also doesn't apply to someone who's applying for a work permit in the first instance. Right now, it is allowed to have someone to apply for a work permit inside Canada if they are in Canada. We have many people who are inside Canada who have job offers, but who aren't able to start their work because they're waiting 180 days through that process.

Ms. Anju Dhillon: My next question is also for all of the witnesses. This kind of links up to my previous question. Our government is looking for innovative approaches to help newcomers and better support the integration process. Do you find that increasing employment support and leveraging new technology is the right path forward? How do you see your organization benefiting from changes at the immigration department?

Ms. Elizabeth Long: There is one aspect for the entrepreneurs that I feel could be better supported in Canada by our immigration policies. Right now there are very few policies, and a lot of them are discouraging people from starting work in Canada. For example, self-employment work is not counted towards work experience in Canada.

I certainly hope there will be more supports for entrepreneurs and small businesses so that people can immigrate here if they will be starting a business in Canada.

Ms. Anju Dhillon: Thank you.

Our government made some changes to the IRCC spousal application system. One of them was to make sure we could digitize applications and also convert them from paper to digital form. This is a piece—

The Chair: Ms. Dhillon, your time is up.

We will now move to Madame Normandin.

Madame Normandin, you have two minutes.

[*Translation*]

Ms. Christine Normandin: Thank you very much.

I have only one question, about reuniting parents and grandparents.

I invite Ms. Goldthorpe and Ms. Long to answer if they wish.

In another life, when I was a lawyer, I had the opportunity to fill out sponsorship applications for parents and grandparents myself. In some instances, just by evaluating the case, I already knew that my clients would not be financially eligible for the application and that they were, in a way, taking the place of people who might have been eligible but were not selected at random.

I would like to hear your views on the possibility of prescreening certain cases, as long as the issue of financial eligibility is maintained.

• (1705)

[*English*]

Ms. Kelly Goldthorpe: I absolutely agree. I think that a sponsor, before they can be eligible to go into the lottery, should be prescreened. The solution is a matter of linking their tax information. On a citizenship application you can link their tax information through the use of their SIN and their permission to link. You don't need to require the submission of the notice of assessment.

For sponsors who have filed income tax returns for three years, you can get tax information quite easily and, based on the income tax documents, you can determine whether they meet the eligibility requirement for the LICO. I think that's an easy, quick fix the department could look into.

Ms. Elizabeth Long: I actually disagree a little bit, because in our system we do allow someone to move forward even if they don't meet all of the eligibility requirements. They can ask to be admitted on humanitarian or compassionate grounds. They can also go to the IAD. Therefore, if we screen out everybody who does not meet everything for eligibility in the first instance, we are not going to allow that to happen in the system.

The Chair: Thank you. The time is up. We will now move to our last member.

Ms. Kwan, you have two minutes.

Ms. Jenny Kwan: Thank you, Madam Chair.

I'd like to go back to Ms. Long on the COPR question, and about whether the government should just automatically review the COPR and honour it.

I'm looking for just a quick answer on that and then I'd like to go to a different question.

Ms. Elizabeth Long: Absolutely.

People were already eligible before, and they should already be eligible to be in Canada. I don't see any reason at all for us to spend any more resources on trying to get them to be requalified for this.

Ms. Jenny Kwan: Thank you.

That would also save IRCC resources to help process the backlog as well.

I'm going to turn very quickly to the question of post-graduate international students. As we know, they have time-restricted post-graduate work permits, whereby they are required to complete 12 to 14 months of high-skill, high-wage jobs, but because they have been impacted by COVID their qualification for PR is now impeded. Some of their work permits are about to expire, and people are very anxious.

I wonder, Ms. Long, if you have any thoughts about what the government should do. Should it just automatically renew these individuals' work permits? These are talents already here in Canada.

Ms. Elizabeth Long: Absolutely. It would be such a waste of our opportunities and talent to have these students leave Canada because they weren't able to meet their one-year of work experience in Canada and didn't have the time to go through the system.

I would certainly recommend that we extend their post-grad work permits. Currently they only get one in their entire lifetime, but it's a very easy fix for them to allow them to extend their post-grad work permits.

Then, also long-term-wise, I would suggest that the government think of a new permanent residency application for these students similar to what it has proposed for Hong Kong students.

Ms. Jenny Kwan: Ms. Goldthorpe, could I have a quick answer on this before I run out of time?

Ms. Kelly Goldthorpe: Yes. Absolutely.

For post-grad work permits, they only get one kick at the can. If they have a one-year work permit, they are not necessarily working for 12 months to meet the requirements for express entry, so they need to renew or extend the work permit. They have to do it through a labour market impact assessment where they are basically applying for the same job.

The Chair: I'm sorry for interrupting. Your time is up.

With this, I want to take a moment to thank all of the witnesses for appearing before the committee and the important discussion we had. If you want to send in some written submissions, you can do that through the clerk of the committee, and we can consider them as draft the report.

I will suspend the meeting for two minutes. I will ask the clerk to please do the sound checks for the second panel.

Thank you.

• (1710)

(Pause)

• (1710)

The Chair: I call the meeting to order and welcome our witnesses for the second panel.

I welcome Alastair Clarke, Mark Holthe, and Fadia Mahmoud.

All of the witnesses will have five minutes for their opening remarks. We will start with Mr. Clarke.

Mr. Clarke, you have five minutes. The floor is yours.

Mr. Alastair Clarke (Lawyer, Clarke Immigration Law, As an Individual): Thank you very much.

Honourable committee members, I'd like to thank you for this invitation to provide testimony on the impact of COVID-19 on the immigration system.

I would like to acknowledge that I'm giving this testimony on Treaty 1 territory, the homeland of the Métis nation and the ancestral lands of indigenous peoples.

I'm appearing before you today as an immigration and refugee lawyer with more than 12 years of experience. I started my career at an immigration law boutique on Bay Street in Toronto. From there, I practised at a legal aid clinic assisting low-income residents, and for the past seven years, I have practised exclusively immigration and refugee law here in Winnipeg, Manitoba, the heart of the continent.

Today, I'll be making five brief points.

My first point is that IRCC needs to further digitize the system and expand online services. For example, spousal sponsorships and temporary resident permanent applications could be easily submitted online.

In 2018, the refugee protection division of the IRB introduced the epost system, which has been very successful. Epost makes it easy for counsel to see details of documents that have been uploaded. IRCC has started to use epost for refugee claimants inside of Canada, and this tool may be useful in other contexts. In short, a robust online system may provide solutions to dealing with long processing times and the current backlogs.

For my second point, I strongly support the possibility of an applicant posting monetary bonds for TRV applications in the context of a spousal sponsorship application. These applicants are sufficiently motivated to become permanent residents through the family class, and there would be low risk in the possibility of them overstaying their visa.

However, I do have reservations if a monetary bond were to become a requirement of all TRV applications. I would not want the TRV application to become out of reach for low-income applicants.

My third point relates to applicants in provincial nominee programs. Many of these individuals are able to apply for permanent resident status based on their education and work in Canada. Once these workers receive their nomination certificate, they can apply for a bridging work permit, but that is restricted to their employer.

This pandemic has resulted in many layoffs and it has caused severe hardship. In my view, these work permits should be less restrictive and could avoid many issues, including potential problems with flagpoling. For example, a NOC B worker could be allowed to accept a different NOC B position without having to obtain a new work permit. Similarly, I also urge more flexibility with post-graduation work permits. They should not be limited to one post-graduation work permit per lifetime.

My fourth point relates to refugee claimants. As you know, travel restrictions have essentially closed the border to claimants from the United States. Justice McDonald of the Federal Court of Canada recently held the safe third country agreement to be unconstitutional, and it's disheartening that this government has appealed that decision. Notwithstanding these extraordinary times, Canada has a strong humanitarian tradition that must be protected.

My last point relates to having a collaborative approach. Part of the reason I was interested in this area of law is that it is generally non-confrontational. To deal with minor issues, I can easily call a CMO at the IRB, a superintendent at the POE, an inland enforcement officer or a lawyer at the DOJ.

Dealing with the IRCC, in contrast, is a constant struggle. When an IRCC officer makes a clear mistake, there is no easy mechanism to get it fixed. In my view, the request for reconsideration system is broken and MPs are far too often put in the difficult position to act as intermediaries.

Bad decisions by visa officers are often easy to appeal to Federal Court—as I have experienced doing recently—but judicial reviews expend a huge amount of time and resources for both the applicants and the government.

The dual intent guidance issued last month is a step in the right direction; however, it does not go far enough in emphasizing flexible decision-making. An immigration ombudsperson may be a possible solution. In my view, there may also be a tech solution to facilitate better communication with visa officers to address minor issues.

In short, I would urge IRCC to adopt a more collaborative approach. I believe there is great merit in continued consultation with stakeholders.

Thank you for the opportunity to share my thoughts. I welcome any questions you have.

• (1715)

The Chair: Thank you, Mr. Clarke.

We will now move on to Mr. Holthe.

Mr. Holthe, you have five minutes for your opening remarks. The floor is yours.

Mr. Mark Holthe (Lawyer, Holthe Immigration Law, As an Individual): Honourable members, thank you for inviting me to

speak to you today to share my thoughts on the impact of COVID-19 on Canada's immigration systems.

I'm currently serving as the national chair of the CBA, but while I'm here, I've been invited to speak in my personal capacity—so basically not the chair—and any comments I make are mine alone. I'm grateful for the opportunity to share them with you.

The pandemic has caused significant disruption within the delivery of immigration services, but it has also shined a light on areas that desperately need improving. One of those areas is the need to modernize the entire immigration processing network. The complete digitization of the immigration system must be paramount. The IRCC has made great strides with temporary residents and express entry; however, all paper-based applications must be transitioned online as soon as possible.

Some of the hardest hit cohorts over the course of this pandemic have been those in paper-based queues. This committee has heard considerable testimony regarding the hardship faced by families, spouses and partners, parents and grandparents, and even the most vulnerable cohort of all—the children. We have heard the stories of families trapped abroad with their internationally adopted children, unable to come to Canada because of visa office closures.

This pandemic and the necessity for social distancing is not going away any time soon. Because of the overreliance on overseas missions and their antiquated methods of processing visa applications, countless people have suffered. We must find a way to modernize the issuance of visas. I know that security concerns are paramount; however, why must a PR visa be imprinted in a passport in the first place? Why can't a letter with a scannable bar code not suffice? Why can't biometrics be completed at the port of entry when landing?

We place far too much emphasis on overseas missions to administer the immigration programs in relative isolation. We need all PR applications to be fully digitized so that they can be processed anywhere within the network—exactly what has been happening with express entry and the temporary resident applications for years.

I commend this committee for their desire to make things better for those who suffering. Although there have been many proposals put forward, I want to share with you my top three list of major concerns that I think should be addressed first. These are areas that need immediate attention. After all, that's the purpose of this committee in the first place: to identify immediate needs and find solutions. The systemic problems will have to get addressed when they get addressed, but my recommendation is not before these top three.

The first systemic problem is obviously family reunification. I echo what my colleagues have said. The application of paragraph 179(b) should be exempt for any family member seeking to be reunited with immediate family. Paragraph 3(1)(d) of the act itself specifically states that one of the objectives of IRPA is “to see that families are reunited in Canada”.

Spouses' TRV applications need to be facilitated, not, as we've heard in previous [*Technical difficulty—Editor*] treated as a “kiss of death” in many cases. Families trapped abroad with internationally adopted children should never be turned away by this country when a facilitation TRV or TRP is sought.

The solution for this would be to create another super visa program for those spouses, or create clear, unequivocal program delivery instructions confirming that paragraph 179(b) just doesn't apply and, instead, put an emphasis on the generous application by officers of subsection 22(2), the dual intent provision.

The second systemic problem is that there are the PR applicants trapped outside with expired COPRs. They have quit jobs, pulled kids out of school, liquidated assets and waited on travel letters that never came. This cohort must be landed in 2020. There is no excuse for this not happening. If they can travel, they should be facilitated. Just issue the travel letters to those who are ready and able and apply the necessary resources that are going to be needed to get this group through. They're a relatively small cohort, but no less worthy of facilitation.

The third systemic problem is the plight of our foreign workers on the front lines. There's got to be a pathway to PR for this extremely vulnerable population. They've been exploited long enough, and a program must be created that targets them. The provinces could step up, but this is really a federal responsibility. The express entry program could be adjusted to allow increased points for front-line work experience; however, because of the fixation that IRCC has with skilled work experience to the exclusion of low-skilled work, a new program would need to be created. This program would be similar to the guardian angel program. We could call it the “Canadian front-line experience class”, the CFEC.

We must look first to those already in Canada to reach the ambitious goals announced in the recent levels plan.

Thank you very much. I look forward to answering any questions you may have.

• (1720)

The Chair: Thank you, Mr. Holthe.

We will now move on to our third witness for this panel, Fadia Mahmoud.

Madam Mahmoud, you have five minutes for your opening remarks.

Ms. Fadia Mahmoud (Representative, Centre social d'aide aux immigrants): Thank you so much for giving the Centre social d'aide aux immigrants the opportunity to participate in the study being prepared by the House of Commons Standing Committee on Citizenship and Immigration concerning the impact of COVID-19 on the immigration system.

I'm going to begin with the family reunification, international students and asylum seekers.

My first point is on application backlogs and processing times for different streams of family reunification and [*Inaudible—Editor*] timely reunification of loved ones as denial of temporary resident visas because of paragraph 179(b) of the immigration and refugee protection regulations and the ongoing closures of the visa application centres.

As a representative of a community centre, I will first to go directly to an example. Our client is a Canadian citizen named Madam Karima Ibrahim, who got married in 2012 to a Palestinian husband in Cairo. She thought that she could bring him to live with her but up until now, he has been unable to obtain even a TRV. Madam Karima submitted a spousal sponsorship application in 2012 and it was refused in the embassy in Cairo in 2012. She appealed the decision, but the appeal was refused—

The Chair: Sorry for interrupting. I think we are having some echo in the translation.

Clerk, is it possible to check?

The Clerk: The interpreters advise me that the quality of the audio is very low. I'll speak with an IT ambassador and see if we have a solution to suggest. One moment, please.

The Chair: Is it possible that if she turned her video off, it would be better?

The Clerk: Yes, we can attempt this of course.

The Chair: Madam Mahmoud, can you try turning your video off? Maybe the sound quality will be better.

Ms. Fadia Mahmoud: Okay, sure.

The Chair: Can you say a few sentences so that we can check if this interpretation is getting that?

Ms. Fadia Mahmoud: Yes.

I just would like to continue on the situation of my client.

• (1725)

The Chair: Are we good now? Is that better?

The Clerk: No. The sound quality has not improved, regrettably.

The Chair: Okay.

The Clerk: Madam Mahmoud, could you please speak just as clearly and perhaps a bit more forcefully into the microphone just to increase the volume?

Ms. Fadia Mahmoud: Yes. Is it better now?

The Chair: Okay. We can start.

Please resume.

Ms. Fadia Mahmoud: I was just talking about Madam Karima, who was refused in the embassy in Cairo in 2012. She appealed the decision. The appeal was refused in 2014. Because of inadmissibility, she couldn't submit a new application for two years.

In 2017, her husband applied for a TRV. His request was refused under paragraph 179(b). He reapplied in 2019, and he was refused for the same reason.

In 2020, he applied for a TRV under the exceptions issued by the Canadian government concerning immediate family members. Madam Karima also applied for spousal sponsorship. The last message from the embassy was that there are long delays in the processing time.

It's important to mention the humanitarian and emotional situation of the family. Madam Karima doesn't have family members in Canada and lives on Canadian time. He spends hours with her on the phone every day. They are trying to live as a family, spending time together, sharing projects, and sharing emotions and their fears regarding COVID-19 and isolation.

For four months, Madam Karima hasn't gone outside her house. The only one who has broken her isolation is her husband, overseas on the phone. Also, it's important to mention that she lost her mother in the COVID period, and again, she was alone, just with the far-away husband.

I would also like to mention a very personal question that I asked her. I asked, "Are you able to continue like that?" She said, "I will never give him up because I love him."

Madam Chair and the committee, whatever the fears and uncertainty of immigration officers are, I think 10 years of daily suffering is enough to convince immigration that the will of a Canadian citizen to live with her husband is more important now. It's more important to this lady, after she also lost the opportunity to be a mother while waiting for her husband to join her in her country....

If you would like to have more details about the situation of Madam Karima, she is angry also and is ready to provide everything. We recommend that special committees deal with such cases not just as normal cases.

Also, a very important point in your study are the international students. I will summarize the problem we deal with—

The Chair: I'm sorry for interrupting, Madam Mahmoud. Your time is up. If there is anything you would like to provide to the committee, you can also send a written submission.

We will have to move to our round of questioning.

We will start with Ms. Dancho.

Ms. Dancho, you have six minutes. The floor is yours, please.

Ms. Raquel Dancho: Thank you, Madam Chair.

I have a few questions for Mr. Holthe.

Mr. Holthe, my understanding is that your law firm represents Derek and Emilie Muth. Is that correct?

Mr. Mark Holthe: Yes, on a pro bono basis.

Ms. Raquel Dancho: Okay. I have a few questions about their case, and I'm hoping to provide some clarity to the committee on their experiences.

For the committee's background—and I'll allow you to go into further detail—Derek and Emilie have been in the process for the last number of years of adopting baby Zoe from Nigeria, who has significant health challenges and has faced life-threatening illness. It is my understanding that they've been stranded in Barbados for almost a year, trying to get citizenship to get her into the country. They've had a nightmare of an experience dealing with IRCC.

Can you lead us through that experience and what it's been like—from your point of view—for them?

Mr. Mark Holthe: The few minutes I have will not do it justice. The reality is that they had a lot of problems with getting the adoption through, and they had accomplished everything they needed to do with the government in Nigeria. Because of Zoe's health conditions and the lack of proper medical facilities in Nigeria, they had to move out of the country before everything was finalized. They tried to get their applications through, as a couple of other couples had, but for whatever reason—and I think we've got a pretty good idea now—it was put on the back shelf, so they were stuck. Part one of the adoption, their part, was completed on October 20, 2019, and then after that there was nothing from IRCC.

They have been doing everything they can to try to come here. They ended up having to go to Barbados, because it was the only country that would take both a Nigerian citizen and a Canadian citizen and have adequate health care—actually, I should say, hospital availability of medical care. I say this because Zoe suffers from sickle cell anemia, and even when they were in Nigeria, she would have died if it weren't for the fact that Emilie was a nurse. That had led them, as well, to why they wanted to select a child with medical concerns. Derek just happened to have the right blood type. She had an infection and went septic. He was able to be there to give her blood, and then they both ended up with malaria in the process. That led them to realize that they needed to leave. Everything was completed with the Nigerian government, so it wasn't a problem. They went to Barbados, and they've been stuck there since December 2019, trying to access every avenue possible.

Finally, two days ago, their grant of citizenship—this isn't a sponsorship; this is a grant of citizenship—was approved. There really should have been no reason for IRCC to delay this other than allegations that maybe it happened too quickly.

● (1730)

Ms. Raquel Dancho: When did IRCC first learn of Zoe's urgent medical needs?

Mr. Mark Holthe: All of that was laid out right from the beginning. There was no mystery about it. Right from the beginning, the family was selected on the basis that they were going to be seeking to be placed with a child who had serious medical conditions, so it was never a mystery to anyone in the process. That's what's so heart-wrenching about it. The best interests of Zoe, as a child, were not anywhere on the radar throughout the processing of this.

Ms. Raquel Dancho: My understanding is the Muth family was in Barbados...it would have been a year coming up to December, and they went at least seven months without a single piece of correspondence being returned to them from IRCC, and they got so desperate that they essentially had to expose their private life to the media to get some attention on their case. They were running down the clock on when they would be kicked out of Barbados and essentially, from my understanding, having to perhaps leave their adopted daughter there without her citizenship. Did you see a change in the government's response when this went public?

Mr. Mark Holthe: That's a question I think anybody could answer. To a large extent our federal policy, when it comes to immigration, is driven by public shaming. No one's to be blamed for this specifically—no particular party. This is just the reality of the situation. In their case, absolutely, like every other situation we've had, when you try to exhaust every single avenue—and understand they tried for almost 10 months to go through the proper channels—reaching out repeatedly to the visa office, all of those things—in the end it was finally a matter of going to CBC on September 23. They approached the minister. They approached everyone, and for a variety of reasons, both within and outside the control of the department, they weren't able to get any forward movement, and Zoe had serious medical concerns. The September CBC article is what kick-started.... Global Affairs started keeping them updated, the GoFundMe campaign, the petitions.... I looked today, and over 38,000 were there.

Ms. Raquel Dancho: What do you think needs to change in IRCC to ensure that Canadians and others trying to become Canadians are treated with more compassion, dignity and respect?

Mr. Mark Holthe: I worked at the border as an officer. This desire for efficiency is built into the system, and it's really hard to have efficiency, that is, fast processing, and a genuine care for people. It costs more money to care.

As I said, this problem has existed through all government transitions, so it's systemic within IRCC. I've seen a lot of really good things happen. With the Canadian Bar Association I've had lots of opportunities to connect with immigration, and they've really been doing what they can to try to make things better. But in this case, you can't control every officer, and how it was dealt with at that level was horrible. It was awful.

• (1735)

The Chair: I'm sorry for interrupting, Mr. Holthe. The time is up.

Thank you, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Holthe, and thank you, Madam Chair.

The Chair: Thank you.

We will now move on to Ms. Martinez Ferrada.

Ms. Martinez Ferrada, you have six minutes, please.

[Translation]

Ms. Soraya Martinez Ferrada (Hochelaga, Lib.): Thank you, Madam Chair.

I'd like to thank the witnesses who are with us this evening.

First, I would like to make a brief comment about something we said at our last meeting. I would like to say that Minister Mendicino was quite right. The government's record does show that family reunification is a priority. Our government has increased the number of family reunifications every year since we took office. The 2019 Annual Report on Immigration indicates that we recorded the highest number of family reunifications, 91,311 cases, compared to 2014. To be specific, the total number of cases in the family class then was 66,661.

Having said that, I would like to ask the lawyers a question, including Mr. Holthe

Since the beginning of the pandemic, you have seen the department taking steps to adapt to the challenging environment of COVID-19, including more flexible processes, some innovations and some new policies. I'd like you to tell us which policies you feel have helped the immigration process and which ones should be retained.

I would also like you to go back to the digitization of the immigration system. Could you tell us how digitizing and modernizing the immigration system will benefit the immigration process?

[English]

Mr. Mark Holthe: I've done a lot of talking. I'll let your other witnesses take the first shot.

Mr. Alastair Clarke: Sure. I'll give it a crack.

Let me start with some of the points I made during my opening comments. The first issue I see is with workers who have post-graduation work permits, as mentioned in the previous session, because those are not able to be extended and you can only apply for one of them per lifetime. That's been a huge issue. Hopefully, that can be amended. I had one client who did a bachelor's degree. She received a post-graduation work permit. She was not able to get a job, so she did a master's degree. At the end of her master's degree, she had a very short time left on her post-graduation work permit, but she could not apply for another one. It was a very difficult situation.

In terms of the other, I will say that the government has been very reactive in some of the measures to allow, for example, the reunification of fiancés and others in exclusive dating relationships. We have been able to take advantage of some of those programs. We have many clients who have appreciated those measures. I will say that I believe the government is doing many things to reunify families, but we need to do more.

In terms of the online systems, I'll defer to Mark. He's really the expert on this. I'll tell you just one story that involves Mississauga. I can't even imagine what their mailroom is like, but we've had sponsorship applications lost before. They were in fact lost for four to six months. They were eventually found, but at least that would not happen if we switched to a more online system.

Mr. Mark Holthe: Thanks.

I guess the one thing I would add is that, yes, we need digitization of everything and modernization of the systems. Look at all the problems we are experiencing right now. So many of them would be resolved without a paper-based system or a need for visas to be imprinted in passports—or biometrics; the other witnesses in the other sessions talked about this. It's everything. If we can eliminate this, so many of the problems we're experiencing now will wash away.

Ms. Soraya Martinez Ferrada: Thanks to both of you. I will continue in English, because I think it will be easier for translation.

Right now due to the pandemic, as you mentioned, we still have offices that are closed. Offices are not in full operation. We don't control other countries' health regulations and how they want to work on the pandemic. We've been faced with a lot of challenges.

Other than those, what other challenges do you see that we have during this pandemic that affect immigration?

• (1740)

Mr. Mark Holthe: If I can maybe step in and say this.... One of the biggest issues is communication. We can look at just about any line of business within immigration. We're dealing with not only immigration. We're dealing with the airlines, with people who are refused boarding. We're dealing with the border officers and their determination of what's non-essential and non-discretionary. People can do everything right from an immigration perspective and still get shot down. I think, from that perspective, every effort needs to be put into making sure that there's a consistent line of communication. The airlines are getting the message. I have clients in India who expired COPRs, got the letter from IRCC and then were refused boarding by the airlines.

Like I said, I would never cast blame on anyone.

The Chair: I'm sorry for interrupting. The time is up.

We will now move to our next member.

Madame Normandin, you have six minutes. The floor is yours.

[Translation]

Ms. Christine Normandin: My thanks again to the witnesses, who are providing us with a lot of information. It will be very useful for our reports. It's very much appreciated.

My first question is for Mr. Holthe.

You spoke of the issues that paragraph 179(b) is creating in sponsorship situations.

When a sponsorship application is submitted and the sponsor is approved, could we consider removing the burden of proof altogether and automatically grant a visa, barring evidence of a security issue, for example? Could that solution be considered?

[English]

Mr. Mark Holthe: I think that's one of many, right? The lifeblood of immigration is discretion. I would never ever want that to be taken away, but over the last while, with this emphasis on expediency and trying to get things processed as quickly as possible, often decisions are made in a way that really harms people and doesn't take into consideration their real situations. In the context of family, like I said in my opening remarks, I don't think that section should apply at all for someone who is the subject of a spousal sponsorship, and not just in that but in an adoption. For anything that relates to family unification, I don't think it makes sense to apply that. The number of fraudulent situations is astronomically low. It's not enough to justify that measure, and I think it should. I think it's a great idea to reverse the onus.

[Translation]

Ms. Christine Normandin: Thank you very much.

I have a few questions for Mr. Clarke.

You have told us about the digitization of cases. However, I'd like you to talk about the fact that, in some cases, original signatures and documents are still required. It is sad to say, but IRCC often loses those documents.

Shouldn't we always ask for copies of the documents? At the end of the process, applicants could submit the originals to the officer. They could be compared, but only as needed.

[English]

Mr. Alastair Clarke: I would opt more for the as-needed basis. I believe that if an officer refuses an application and if there are discrepancies with the signature, or there are discrepancies in—as part of the application—some other point, then the officer could make an easy request to have the original document submitted.

I remember when I was living in Japan. In Japan, they have *hanko*, which are stamps. You can go to a special store to get a stamp—I had two kanji characters on my stamp—and that is what they use for a signature. Signatures, in my view, are too heavily relied upon in 2020. We're already submitting copies of passports, copies of documents and copies of bank statements. Those signatures, as well.... Sure—as a lawyer—it's legally binding, and it's wonderful to have signatures. In my view, it needs to be a more comprehensive approach; it needs to be a more modern approach. Right now with digital signatures, copies and scans, you know, we try to run a digital office, and I know Mark has a much better digital office than we have. It's 2020. I think that we can do without original signatures.

• (1745)

[*Translation*]

Ms. Christine Normandin: Thank you very much.

Since the subject has been raised, I would like both Mr. Holthe and Mr. Clarke to answer this question about the Safe Third Country Agreement.

If the government is appealing, I assume it is to get an opportunity to review the agreement and come up with a new version. Could you tell us how likely a new version is? Would it really protect the rights set out in the 1951 Convention relating to the Status of Refugees and the Canadian Charter of Refugee Rights, and allow us to meet our obligations under the Charter of Rights and Freedoms?

I'd like to know how you feel about reviewing the agreement rather than cancelling it altogether.

[*English*]

Mr. Alastair Clarke: Mark, I think you'll want me to handle this one.

Mr. Mark Holthe: I do, my friend, I do.

Mr. Alastair Clarke: I'm sorry. I am a little unsure. It sounds like you're talking about section 96 and section 97 of the Geneva Convention. I'm just not sure on exactly what the question is.

[*Translation*]

Ms. Christine Normandin: Justice McDonald's decision involves the agreement and compliance with the Charter, but we also have obligations under the 1951 Convention relating to the Status of Refugees.

I'd like to know how you feel about possibly reviewing the Safe Third Country Agreement rather than cancelling it, in light of our obligations.

[*English*]

Mr. Alastair Clarke: Thank you very much.

That's a complicated question.

First of all, I completely agree with Justice McDonald's decision from the Federal Court of Canada. It's a very well-reasoned decision. You can read all of the evidence that was presented on behalf of many parties and intervenors. I strongly agree with her analysis in terms of the charter analysis.

In terms of the Geneva Convention itself, Canada has been a party. We were actually one of the last signatories to the Geneva Convention. We signed up quite late compared to other countries.

In my view, the Geneva Convention is still a good document. It still contains good doctrine. It's more the implementation of the Geneva Convention that's the issue, in particular with some of the sections in IRPA that call upon the government to review the safe third country agreements, which, in my view, the government has not been properly reviewing—the safe third country agreement with the United States—but the Geneva Convention's section 96 and section 97, in my view, are all sound documents.

I regularly appear before the RPD—

The Chair: Mr. Clarke, I'm sorry for interrupting. The time is up.

We will have to now move on to Ms. Kwan.

Ms. Kwan, you have six minutes. Please start.

Ms. Jenny Kwan: Thank you very much, Madam Chair, and thank you to the witnesses.

I'd like to first turn my attention to the issue around foreign workers, Mr. Holthe. In your opening statement, you talked about the situation with foreign workers.

What we know is that the government has brought in the guardian angels program, applying to health care workers only. For whatever reason, Lord knows why, agriculture workers, for example, have been excluded from it, and some of them have died putting food on our tables and supporting Canadians.

Do you think the Canadian government should in fact include all the migrant workers during this period to have status for all?

Mr. Mark Holthe: I don't like the foreign worker program. This is where my views diverge from my other role.

The reality is that I see exploitation all over the place, and they never come forward—never. Not only do they have no pathway to permanent residence, but they are stuck in these jobs where they are sending money home. We've all heard the stories. There have been so many meetings here before this committee itself in talking about this issue.

I think the government needs to do it more so than ever during this pandemic, when they're in the most vulnerable state of all, putting themselves out there while we sit comfortably in our homes. If you look at it, it's the marginalized element of society that is there. They're the ones on the front line. I think we have an obligation, a moral obligation, to do something about that.

Ms. Jenny Kwan: Thank you very much.

Like you, I have a lot of difficulty with the temporary foreign worker program. The program was really meant to be for people who are truly temporary, such as visiting professors, for example, or people in the film industry, who have zero intention of staying in Canada. Somehow that has actually become a program to replace immigration processes whereby people can get landed status on arrival.

Once upon a time, Canada actually used to have an immigration program that included high skills, medium skills and low skills. That has now gone. It's all primarily high skills now. You talked about creating a new program called the Canadian front-line experience class. That would be for COVID, but beyond COVID, really, should we not bring back an immigration program that brings all the different skills to Canada, so that when workers come to Canada with the intention of staying, they actually have landed status on arrival?

• (1750)

The Chair: Ms. Kwan, I'm sorry for interrupting.

Can you please move your microphone closer to your mouth?

Ms. Jenny Kwan: No. My microphone is broken. I'll see what we can do.

Mr. Mark Holthe: In response to that, yes, I think there needs to be something done, and I think there is a mechanism in place to be able to make that happen. When they come over, if they're on the labour market impact assessment, provinces like Alberta have traditionally picked up that slack. The nominations coming from my province traditionally have encompassed those individuals, but when individuals are here in this situation, especially when they end up like postgrad students, for instance, who are on open work permits, the pathways in many of the provinces just don't fill in that gap.

If an individual is on a labour market impact assessment work permit, it's often a little easier for them to transition through the provinces, but now there's this massive cohort of people who just have nowhere to go. We've already heard testimony from the students about all of the problems with the poor postgrad work, so yes, I think a program needs to be developed.

Ms. Jenny Kwan: On the postgrad situation, would you say what we need to do for this period is to automatically extend the work permits of the international postgrad students so they can have the opportunity to stay in Canada and access the PR process?

Mr. Mark Holthe: I have thought a lot about that. There are always ripple effects with everything you do. Every single cohort of people will want some help, and I think in this situation there is no harm done by doing that, Ms. Kwan. I don't see any negative consequence of giving a short-term moratorium.

Ms. Jenny Kwan: Thank you very much.

I would like to turn to Mr. Clarke for a minute. In his opening statement he touched on the refugee claimants' situation and the safe third country agreement.

Right now as it stands, because of the border restrictions related to COVID, refugees cannot get into Canada.

Do you think the government should provide an exemption to refugees? Just because we're faced with a pandemic doesn't mean that people are not being persecuted and don't need to get to safety.

Mr. Alastair Clarke: Yes. Thank you very much.

I think something needs to be done. The judgment by Justice McDonald at the Federal Court is very clear that the situation for asylum seekers in the United States is very dire. They are routinely detained. I have had clients detained for up to three years in the general prison population in the United States. Canada is now an international beacon of hope.

Notwithstanding this pandemic and health restrictions, I believe there should and can be some mechanism for us to accept some of these refugee claimants from the United States, have them go through the system, have a fair hearing at the tribunal, and have their cases determined by an independent adjudicator.

Ms. Jenny Kwan: Right, but even for refugees from outside the United States, should we suspend the border restrictions so they can get to Canada? Once they get into Canada, we can still apply all of health restrictions, such as quarantine and all of those other measures.

The Chair: A quick 10-second answer, please.

Mr. Alastair Clarke: Yes. I would be in favour of that. We have a strong humanitarian tradition that needs to be protected.

The Chair: Thank you. Your time is up.

We will now move to our second round of questioning, starting with Mr. Hallan.

Mr. Hallan, you have five minutes.

Mr. Jasraj Singh Hallan: I will defer my first spot to Ms. Dancho.

Ms. Raquel Dancho: Thank you, Madam Chair.

Thank you, MP Hallan.

Mr. Clarke, I want to talk a little about the refugee application process. I think everyone understands that borders are closed, and it has been even harder than normal for refugees—and that's almost unimaginable.

I want you to lead us through where improvements can be made in the application process, particularly the eligibility interview.

Mr. Alastair Clarke: We have a number of refugee claimants here, and they have submitted their claims. Right now the refugee claimants in Canada submit an email to IRCC. That email includes an acknowledgement letter. Then the file is moved over to epost. Through epost they are able to upload their documents to IRCC, and they wait for medicals. Once those medicals are done, they are able to have an eligibility interview.

Eligibility interviews are all done in person at this time. I see no reason why, but IRCC has not been flexible on that.

They started doing some eligibility interviews in some cities. I know they are not in Winnipeg, so I can't tell you about that, but in some other cities—I believe Vancouver, Calgary and possibly Toronto, I'm guessing—they were doing some eligibility interviews. In all of the smaller places like Winnipeg, we're not able to do that.

That means their claims are not moving forward, not being referred to the tribunal. That means the tribunal is not able to open a file for them, so they haven't even started with all the processing and delays at the tribunal level.

• (1755)

Ms. Raquel Dancho: Okay. Thank you very much.

We know that citizenship ceremonies are now virtual, which is really great news for a lot of people. We took a number of months to get there, but we're there.

Would you say that same process should then be applied to the eligibility interview?

Mr. Alastair Clarke: Absolutely. Even now we're on Zoom. I don't see why we can't have a virtual eligibility interview. We could have it in my office. I have no problem with that at all.

Ms. Raquel Dancho: My understanding is that unless they get through that eligibility interview, they can't continue with the process. They can't get health care. They can't work. If they get COVID, for example, they're out of luck. My understanding is that it's critical that we get over this barrier.

Mr. Alastair Clarke: Well, they can get health care.

Ms. Raquel Dancho: Oh, okay.

Mr. Alastair Clarke: When they get the acknowledgement letter, they're able to then book a medical exam with a DMP. That will facilitate access to the interim federal health care program and a work permit. However, they're not able to start their claim at the tribunal.

Ms. Raquel Dancho: Okay.

I have another question regarding the case of a Chinese student who was a pro-democracy protester in Hong Kong. My understanding is that they applied to come to Canada a number of times and were rejected three times.

Can you give us any information about that case?

Mr. Alastair Clarke: He is a Hong Kong student, a very educated young man. We applied, I believe in November of 2019, for an initial study permit. It was refused after two weeks. In my view, it

was a slam-dunk case. I believe he was even educated in the United States. He was a very strong study permit applicant.

We JRD it to the Federal Court without even seeing the notes. We produced the applicant's record. I spoke with the lawyer at the Department of Justice. They agreed.

It was actually refused. The officer said that the study program would not be a reasonable expense to our client. The University of Manitoba is a great school. Mark is an alum. I don't see how a study program at the University of Manitoba is not a reasonable expense for a student from Hong Kong. However, for whatever reason, it was refused.

We won at the Department of Justice. They referred it back to the visa office, and it was refused again. Right now the client is extremely frustrated. They don't understand, and we're trying to fix this.

Ms. Raquel Dancho: Do you find it concerning that someone who is a pro-democracy protester in Hong Kong is getting road-blocked from getting to Canada? With the announcement last week, you would think this would be a no-brainer.

Mr. Alastair Clarke: I completely agree. In my view, it doesn't make sense. The government is saying one thing, but the officers on the ground are doing other things.

Ms. Raquel Dancho: Thank you, Mr. Clarke.

Thank you to all the witnesses. I appreciate your time.

The Chair: Thank you, Ms. Dancho. Thank you to the witnesses.

We will now move on to Mr. Regan.

Mr. Regan, you have five minutes. The floor is yours.

Hon. Geoff Regan (Halifax West, Lib.): Thank you very much, Madam Chair.

Mr. Clark, you may have to send a bill to Mr. Holthe for all the good things you're saying about him and his firm. I'm sure they're appreciated.

This question is for both of you.

As a result of the pandemic, I understand that the IRB suspended refugee hearings, but it has since resumed them virtually. During the suspension, I gather that IRB members used their time to work on previously received cases and to try to work on system efficiencies so they could improve or optimize case intake and processing.

How do you see this affecting the refugee claims process? What issues have you noticed that can be improved upon, and how would you do that?

I'll ask Mr. Clarke and then Mr. Holthe, please.

Mr. Alastair Clarke: Thank you very much.

That's entirely correct. The IRB, in particular the RPD, did suspend its hearings, I believe in March, and then we started the remote hearings pilot project I believe in July. We had hearings approximately weekly through August, September and October, and then we resumed in-person hearings in I think October. We have remote hearings scheduled again coming up....

In my view, the remote hearings pilot project was a very positive experience. The RPD members were extremely professional, and I believe the refugee claimants had a good opportunity to give their testimony and to have their evidence considered.

• (1800)

Mr. Mark Holthe: I don't have much more to add other than what Alastair has indicated.

Hon. Geoff Regan: Okay. Thank you.

My next question is for Mr. Holthe, and I hope there will be time for Ms. Mahmoud also.

The government has indicated that family and spousal reunification is a priority for it. It recently made an announcement on spousal sponsorship, indicating that IRCC staff levels were being increased by 66%—that is to say, those who are working on spousal sponsorship—to make sure they're continuing to address the backlog. The government said that this increase will lead to 49,000 decisions by the end of the year, and it's looking to pilot remote interviews as well. Also, I'm aware that spousal applications are all being digitized.

First of all, do you see these developments as helpful in reducing the backlog? Secondly, will they aid in modernizing the system by decreasing the extent of inefficiencies? If not, what else is the right answer here?

Mr. Mark Holthe: Yes. Absolutely every step they've been taking is positive. I applaud them for it, without any doubt. These innovations that are being created because they've been forced.... The government's been forced to make changes, no different than with the Syrian refugees and the efficiencies that they were able to create, which are wonderful. One of the problems I will bring up, though, is that in order to get those queues down, many spousal applications are being returned for very frivolous reasons—for a small little thing like no wet signature, for example. People who have been waiting six to seven months are now back in the queue again.

I think there needs to be a little bit more compassion versus the one-touch policy, but yes, I really, really like the positive developments that have occurred and how IRCC has reacted.

Hon. Geoff Regan: Ms. Mahmoud, did you hear my question about the backlogs and the efforts to try to reduce those?

Ms. Fadia Mahmoud: Yes.

Hon. Geoff Regan: What are your thoughts there?

Ms. Fadia Mahmoud: I agree with what the lawyers just explained. I think these developments are improving the assistance for reunification of families. However, I would like to mention that up

until now, there's been a distinct difference in treatment between people who need to have a TRV and people who just need to come here with an eTA. It's so different. With the eTA, they can come and stay with their spouses, with their families. After that, they can apply for in-Canada spousal sponsorship. The situation is completely different for people who need to get a TRV. As I mentioned with regard to my clients, I cannot believe somebody has to wait 10 years to join their husband or wife.

Hon. Geoff Regan: Would you say—

The Chair: I'm sorry for interrupting, Mr. Regan. The time is up. Thank you.

Madame Normandin, you have two and a half minutes.

[*Translation*]

Ms. Christine Normandin: Thank you, Madam Chair.

I will refer once again to the Safe Third Country Agreement to clarify my question.

I would like to hear your views on these two options: amend the Safe Third Country Agreement to meet the criteria of Justice McDonald's decision or simply cancel the agreement.

[*English*]

Mr. Alastair Clarke: That sounds like a question for me.

In my view, I would suspend the agreement. I believe it needs to be suspended and I believe it needs to be renegotiated. As long as the United States clearly violates accepted principles of international law, it is in violation of the agreement as it was originally negotiated. Therefore, it should be suspended until the United States can show again that it respects international human rights principles. Then Canada will be able to be comfortable with being part of such an agreement.

• (1805)

[*Translation*]

Ms. Christine Normandin: With respect to open and closed work permits, when an employee has a closed work permit, they are sort of held hostage. They cannot easily change employers if they experience poor working conditions.

How do you feel about sector-specific permits, that is, by job type? For example, if a company needs welders, the company next door may need welders too. It's a bit silly that we have to redo the labour market impact assessment and everything else.

[*English*]

Mr. Mark Holthe: I can step in on this one.

I think the open work permit is a great leveller amongst employers. We have some amazing employers who care for their workers. There are a lot who don't. There's nothing more powerful to an employer when they see their employees leave. When we see employers losing employees to their competitors, that's a little indication of how well they're treating them.

So I love the open work permit. I think it's a great leveller. It helps to remove the ability of an employer to really hold a worker—

The Chair: I'm sorry for interrupting. Time is up.

Ms. Kwan, you have two and a half minutes. The floor is yours.

Ms. Jenny Kwan: Thank you.

I'd like to touch on some of the issues with how IRCC deals with applications that are missing something. They send the entire application back and then people have to start all over again. It's my worst pet peeve.

To that end, should the government fix this to say that when the applicants receive the returned submission, they should be allowed an expedited process?

Mr. Holthe and Mr. Clarke, be very quick, and then I have a different question.

Mr. Mark Holthe: That's a tough one. I think some compassion needs to be built into it. If just a little thing is missing, I agree they should have the opportunity to have their application put back into the queue where it should have been but for the little error. Remember, in years gone by, they would be sent efficiency letters saying what they're missing. But it was taking too long and they weren't able to meet these high processing standards.

Ms. Jenny Kwan: I'd like a quick answer from Mr. Clarke on this.

Mr. Alastair Clarke: I don't think those applications should be returned. I think there needs to be better communication and more collaboration. To a certain extent, we're on the same side with those applications. If there are minor issues, minor mistakes that can be easily dealt with, it would be good to have more communication with the officer. We can fix it. We can send in the missing document or the document with the missing signature and it should be processed according to the queue.

Ms. Jenny Kwan: Yes, that would be the ideal universe, but it doesn't happen. I have a case right now in which someone sent in their PR application with only a letter of completion from their university, because couldn't get their degree because it was interrupted by COVID. The entire application was rejected. They tried to appeal it, and it was rejected. Now they've come to my office, and I'm writing a letter to the minister trying to see if we can get this fixed. It's just so wrong.

If we're talking about modernizing the system, how about some very basic common sense, decency and compassion in the approach? It sounds to me as if that is part of a key recommendation for modernization.

Mr. Alastair Clarke: Absolutely. I believe there are some good online tech solutions for this type of problem. I think if we use the tools that are already out there, this can be fixed.

Ms. Jenny Kwan: On the online piece, we also ran into cases where people have some slight—

The Chair: I'm sorry for interrupting you, Ms. Kwan, but your time is up.

Based on the time left, we will end our second round of questioning with two minutes for Ms. Dancho and two minutes for Mr. Dhaliwal.

Ms. Raquel Dancho: Chair, I'll cede my time to MP Hallan because I took all of the time in the last turn.

The Chair: Okay.

• (1810)

Mr. Jasraj Singh Hallan: Thank you, MP Dancho.

I'd like to get the witnesses' opinions on something we see very regularly now. We've seen how essential most of these temporary foreign workers are, especially during the pandemic. Many truckers have had to go through hardships. They have been transporting life-saving supplies all across the country and have had to work without washrooms being open. They couldn't get through the drive-throughs because they were in big trucks. These people, alongside most front-line workers, are temporary foreign workers. When it comes to dignity, a job is a job, and they should be held to that high standard. Sometimes we talk about low-scale or high-scale.... I don't think we should classify them as that because we've seen how essential they are.

Is there a pathway we can find for these essential workers that would help them get their PR? I'd love your opinions on that.

Mr. Mark Holthe: I'll step in here. For a long time, Alberta had a long-haul truck driver stream that was designed to facilitate individuals in that exact situation. Now the world has been turned on its head. You see what's happening in Alberta. Our “do not process” list basically excludes pretty much everyone. It's exceptional if someone isn't excluded. We need to take care of them. There has to be a pathway forward and the way IRCC has things set up right now, it is not designed to accommodate anyone who's not C or D.

Mr. Alastair Clarke: I will add that the EMPP program here in Manitoba does have some good programs for long-haul truck drivers. We have a very good community of truck drivers and they're on the path to PR. We helped many of them. As you said, it's a very tough job. I've had conversations with clients and they're basically living off snacks in their cab because the—

The Chair: I'm sorry for interrupting, Mr. Clarke. Your time is up.

We will now end our round of questioning with Mr. Dhaliwal.

Mr. Dhaliwal, you have two minutes.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): My question is for Mr. Holthe.

Earlier we spoke about the strategy of our government to use creative methods to reach our new immigration-levels target of 1.2 million over the next three years, and our government will have to explore transitioning temporary work permit holders already in Canada to permanent residency.

You mentioned that the immigration system focuses only on highly skilled workers. Do you believe that putting a higher emphasis on lower and medium-skilled workers as part of increasing economic immigration is good place to begin a pathway to permanent residency?

Mr. Mark Holthe: Yes, I agree.

I love the express entry system. I think it's fantastic, and I think it has the ability to adapt quickly and to pivot when needed. I think that we really need to create a pathway for those lower-skilled individuals. Personally, right now, with the emphasis needing to be on Canada, I think that we need to do more CEC draws. We've had a string of open ones, and the comprehensive ranking system scores are off the charts. I think we need to do more CEC draws, and then look at opening up a program to accommodate these lower-skilled individuals.

Mr. Sukh Dhaliwal: Earlier, Ms. Kwan mentioned the agricultural workers. Today if we look at this.... You know, every year in British Columbia, particularly in the Fraser Valley, we need hundreds and thousands of those workers, and we can't meet that demand. We bring people from Mexico on a temporary basis, and it didn't work during COVID.

How do you see these people's getting into the system if we still have this express entry? Those points are only assigned to the high-

ly skilled, but at the same time, we want to make sure that we are able to achieve the economic prosperity that we are looking for.

The Chair: Sorry, Mr. Dhaliwal, for the interruption. Your time is up.

With this, we come to the end of our round of questioning.

I want to take this opportunity to thank the three witnesses in the second panel for their important testimony and discussion as we continue our study on the impact of COVID-19 on immigration.

Before we adjourn, members, the clerk would like to speak for a second with regard to the witnesses to be scheduled for Monday's meeting.

Mr. Clerk, please let the members know about the scheduling of the witnesses.

• (1815)

The Clerk: Thank you so much, Madam Chair.

I'd just like to let the members know that the current witness list might not have enough witnesses to fill the panel for November 30. I'll be emailing the members the updated witness list and the calendar for November and December tomorrow morning. If members could follow up with me at their earliest convenience, that would be greatly appreciated.

Thank you so much, Madam Chair.

The Chair: Thank you, Mr. Clerk.

If the members could let the clerk know, that would be really great.

Thanks again to the witnesses for appearing today. Good night.

Thank you to all of the members. Have a good day, and stay safe.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>