



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Citizenship and Immigration

EVIDENCE

NUMBER 016

Thursday, April 7, 2022

Chair: Mrs. Salma Zahid



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• (1100)

[*English*]

The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)): I call this meeting to order.

Good morning, everyone. Welcome to meeting number 16 of the House of Commons Standing Committee on Citizenship and Immigration.

For health and safety, the Board of Internal Economy requires that the committee adhere to the following health protocols, which are in effect until June 23, 2022. All individuals wishing to enter the parliamentary precinct must be fully vaccinated against COVID-19. All those attending the meeting in person must wear a mask, except for members who are at their place during proceedings. Please contact the clerk of the committee for further information on preventive measures for health and safety. As the chair, I will enforce these measures. I thank you for your co-operation.

As to hybrid meeting information, today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021.

I would like to outline a few rules for everyone to follow.

Interpretation services are available for this meeting. You may speak in the official language of your choice. At the bottom of your screen, you may choose “floor”, “English” or “French”. The “raise hand” feature is on the main toolbar should you wish to speak. As a reminder, all comments should be addressed through the chair. When you're not speaking, your microphone should be muted.

The committee clerk and I will maintain a speaking list for all members to assist in managing our time and to avoid having to cut anyone off. I will hold up a card when there is one minute left and when there are 30 seconds left, and a red card to show that your time is up. I would ask you to please keep an eye out for these cards.

Ms. Lalonde, you raised your hand.

[*Translation*]

Mrs. Marie-France Lalonde (Orléans, Lib.): Thank you, Madam Chair.

[*English*]

I'd like to bring my motion forward, if that's okay.

[*Translation*]

I can read it to the committee members.

That, the committee invite IRCC officials to appear for two hours, in public, on the Differential Outcomes in Immigration study and that any resulting undertakings—

[*English*]

The Chair: I'm sorry for interrupting, but there's no interpretation. One second. Let us check.

[*Translation*]

Mrs. Marie-France Lalonde: I will be happy to repeat my motion.

That, the committee invite IRCC officials to appear for two hours, in public, on the Differential Outcomes in Immigration study and that any resulting undertakings from the meeting be made publicly available in advance of the committee members' consideration of the draft report.

[*English*]

I ask that this motion be taken into consideration as quickly as possible, due to the time sensitivity. I certainly hope that members will support it, because it would give instructions, if it's the will of the committee, so the clerk can process the ask to have the officials at our next meeting.

[*Translation*]

Thank you.

[*English*]

The Chair: Go ahead, Mr. Genuis.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Thank you, Madam Chair.

I'm not opposed in principle, but I think we want to ensure the committee is able to continue its regularly scheduled activities as well.

I would like to propose an amendment to add at the end of the motion, “during the Easter recess”, so that the meeting would take place during the Easter recess and we don't lose time on the important work we're doing. I would also like to propose that we add “the minister and” ahead of “IRCC officials”. Of course, the minister doesn't have to come, but to give the minister an opportunity to appear with his officials is appropriate. The minister is ultimately accountable for the decisions of the department, and I don't see why we wouldn't give him the opportunity.

Those are my proposed amendments. If we can accept those, we can proceed.

• (1105)

The Chair: Thank you.

We now have an amendment. Ms. Lalonde has moved her motion and the 48 hours' notice was given. Mr. Genuis has moved an amendment, so we have an amendment on the floor.

Go ahead, Ms. Kwan.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Madam Chair.

Speaking to the amendment, I don't oppose the idea of having a special CIMM committee meeting during the Easter break in order to facilitate this request. It's not like me to say that we shouldn't request the minister to come back; however, the minister did come to this committee already. I think for the purpose of this motion, we really want to drill down and get officials to answer questions and provide undertakings to committee members so that we can complete our report.

I suggest that we park the request for the minister to come forward and have the officials come forward, because we really want to get down to getting the documents and asking for sometimes technical questions to be answered by the officials so we can get on with it.

The Chair: The clerk advises that I need to clarify before we go into further debate on this amendment.

Mr. Genuis is moving two amendments. He will have to move one amendment at a time. The first is that it is during the Easter break. The second is that we invite the minister. You will have to move your first amendment, deal with it, and then come back to the second amendment.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Madam Chair, on that and in the interest of working in the spirit of collaboration, I'll leave behind the component on the minister, given Ms. Kwan's comments, and just move the Easter recess amendment. Hopefully that amendment will pass and allow us to pass the motion quickly and move forward.

The Chair: Thank you, Mr. Genuis.

Mr. Genuis has moved an amendment that the meeting on the motion proposed by Miss Lalonde be held during the Easter break. Are all members okay with that?

[*Translation*]

Mrs. Marie-France Lalonde: Madam Chair—

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Madam Chair, I would like to speak.

[*English*]

The Chair: Please raise your hand.

We will go by the speaking list. We have Ms. Lalonde, Mr. Brunelle-Duceppe and then Mr. El-Khoury.

Mrs. Marie-France Lalonde: I'll allow my fellow colleagues to speak.

The Chair: We will go to Mr. Brunelle-Duceppe and then Mr. El-Khoury.

Go ahead, Mr. Brunelle-Duceppe.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): To organize that meeting during the Easter break, we would still need to set a date today, as we don't have many weeks left in our ridings.

I will send my schedule to my friend Mr. Genuis, but I can tell you that I have a lot of work to do in my riding, as we want to take advantage of any time we have over there. If I was at least given a specific date, it would be easier for me to accept this amendment, but “during the Easter recess” is too vague.

As you know, I am close to my constituents, who expect me to meet with them during that recess. I would like to be given a date, as it is much too vague for me if we are just told that the meeting will be held during the Easter break.

[*English*]

The Chair: Thank you.

Now we have Mr. El-Khoury and then Mr. Dhaliwal.

[*Translation*]

Mr. Fayçal El-Khoury: Thank you, Madam Chair.

Good morning and welcome to all the witnesses.

Ms. Lalonde moved a motion and Mr. Genuis moved an amendment. I think we should discuss Ms. Lalonde's motion and, once that is done, we could get back to discussing the amendment Mr. Genuis proposed.

Thank you.

[*English*]

The Chair: Mr. El-Khoury, to clarify that, when an amendment is moved, we have to deal with the amendment first and then we can go back to the motion. Procedurally, we have to deal with the amendment.

We have Mr. Dhaliwal, Mr. Ali and then Mr. Genuis.

● (1110)

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Thank you, Madam Chair.

I support Mr. Brunelle-Duceppe's idea. In that particular week, my constituents are celebrating Easter, Ramadan, Khalsa Day and Vaisakhi. There are many events going on in my constituency during the constituency week. I want to spend most of my time with all the communities that are celebrating these religious holidays.

I would support Mr. Brunelle-Duceppe in not having a meeting in that particular week.

The Chair: Thank you, Mr. Dhaliwal.

Go ahead, Mr. Ali.

Mr. Shafqat Ali (Brampton Centre, Lib.): I echo Mr. Dhaliwal and Mr. Brunelle-Duceppe.

I want to put my case to my committee colleagues. I have three kids, aged 13, 12 and nine and a half. They are looking forward to these two weeks, as are my constituents. We are going to have Ramadan, Vaisakhi, Easter and other events, so I would appeal to all of you, please, to not push us into those two weeks over Easter.

Thank you very much.

The Chair: Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Madam Chair.

Respectfully, the context is that members of the government are putting forward a motion. I thought at a point when there's already.... I don't know what I can say, given that....

It's a matter of public record on the notice that there was consideration of a draft report at the last meeting, so people already know that there's already been consideration of a draft report on this subject. We have a proposal for another witness, and I want to accommodate that, if that's the desire of members, but my point is that since the government brought forward this proposal for additional witnesses, let's not slow down the work of the committee that needs to happen. We have limited time slots during sitting weeks. I'm trying to accommodate what the government and members want by saying we could set aside two hours in a two-week period.

Madam Chair, I don't know if I can amend my own amendment. I think maybe I can. I think I would like to add after "during the Easter recess" the words "following consultations with members about their availability".

The Chair: Mr. Genuis, you cannot make an amendment to your amendment.

Mr. Garnett Genuis: Okay. Maybe somebody else will want to propose the idea.

I think if we clarify the motion with "following consultations with members about their availability", it will assist us in getting this done.

The Chair: Thank you, Mr. Genuis.

Just to clarify that for all members, the person who has moved the amendment cannot make changes to it.

Next are Mr. Brunelle-Duceppe and then Ms. Kwan.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I understand and respect what Mr. Genuis said. In this case, I suggest that we add a meeting during a week when the House is sitting. I think we would have consensus. Officials would come testify at that meeting. We would not lose any committee time, since that additional meeting would be held during a parliamentary week. Everyone would be happy to have time for their constituency work. That is what I am proposing. That would fix everything. What do you think about it?

Madam Chair, may I propose a subamendment to Mr. Genuis' proposal so that the additional meeting would be held during a parliamentary week, if the clerk can secure the House services we will need?

[*English*]

The Chair: We have a subamendment.

Mr. Brunelle-Duceppe is moving to change "during the Easter week" to "sitting weeks". That's what he has proposed. We have that subamendment on the floor now.

We have Ms. Kwan and then Mr. Genuis.

Ms. Jenny Kwan: Thank you very much, Madam Chair. I'll be very quick.

I'll support the subamendment. I think the idea here is just to try to get an extra sitting period to accommodate this. Whether it happens in the break week or during our regular week, I'm fine with that. I fully understand that people have lots of things that they've already planned. It might be difficult to make adjustments.

In the spirit of collaboration and co-operation, I will accept Mr. Brunelle-Duceppe's recommendation.

• (1115)

The Chair: Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Okay. I think that maybe sometimes, rather than sub-subamending everything, it's more efficient to make sure the chair understands what the general direction of the committee is and to go from there, right?

We could specify it in the language of the motion, but I'm getting the sense that there's a consensus, hopefully, around saying that we should not do this meeting during a regular CIMM committee slot. It should happen during a sitting week, but in an additional time slot so that we're not detracting from the times that have already been set aside for the committee to do its work.

If there's a consensus around that, then we can I think agree by unanimous consent to pull the amendments and adopt the motion.

Is there agreement to direct the chair accordingly?

The Chair: Is there unanimous consent on Mr. Genuis's suggestion that the meeting on the proposed motion by Ms. Lalonde be held in the sitting weeks but not during the regular CIMM hours? If that's the will of the committee, I will have to work with the clerk to see what time slot would be available, based on the services.

Do I have unanimous consent on that? Okay?

Everyone seems to be in agreement that we dispose of the subamendment and the amendment.

(Amendments withdrawn)

The Chair: Now we have on the floor the motion that has been moved by Ms. Lalonde.

Seeing no further debate, do I have unanimous consent on that motion?

(Motion agreed to [*See Minutes of Proceedings*])

The Chair: The motion is adopted.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Madam Chair.

Since we're doing motions, I'd like to move the one that I have on notice as well with respect to disclosure of information on the differential outcomes study.

I too think this is very important for getting the technical information we require. From a number of witnesses, we heard concerns about transparency and their ability to have access to information. I think this committee should be accessing some of that information to strengthen our work and also to make that information available to witnesses who said they need that information and don't have access to it.

This is the motion that I'm proposing. Please bear with me. It's somewhat lengthy, but members have notice of it:

That, pursuant to Standing Order 108(1)(a) and in relation to the committee's study of Differential Outcomes in Immigration, Refugees and Citizenship Canada Decisions, that the Department of Immigration, Refugees and Citizenship provide the committee with:

(a) any and all data and documents in its possession that show acceptance and rejection rates for visa applications broken down by (i) processing office, (ii) application category, (iii) country of origin of applicant, (iv) race, and (v) religion; (b) a list of which visa offices currently use advanced analytics to triage applications—

[Translation]

Mr. Alexis Brunelle-Duceppe: I have a point of order, Madam Chair. The interpreter does not have the motion in front of her, so she can't interpret my colleague's comments.

[English]

The Chair: Just one second, Mr. Genuis. Can you give that to the interpreters?

Mr. Garnett Genuis: Yes, I'm sending it now.

The Chair: It has been mailed to the interpreters, so they should have it.

Mr. Garnett Genuis:

(b) a list of which visa offices currently use advanced analytics to triage applications and which application they are used for; (c) a list of how many different advanced analytics triage models there are and which visa offices use which model; (d) any quality assurance reports for each advanced analytics model that is being used by a visa office; (e) the current instructions to decision makers regarding the implementation of the advanced analytics pilot model for any processing centers that use advanced analytics; (f) any training manuals or reviews regarding Watch Tower and a list of all priority flags that have been used in Chinook; (g) Chinook+ and GCMS Chinook user manuals—

[Translation]

Mr. Alexis Brunelle-Duceppe: I am sorry, Madam Chair. The interpretation is not coming through the right channel. Out of respect for the House staff, we want interpreters to be able to do their job properly. That's all.

• (1120)

[English]

The Chair: Is it okay with the interpreters?

Mr. Garnett Genuis: I'll return to (b):

(b) a list of which visa offices currently use advanced analytics to triage applications and which application they are used for; (c) a list of how many different advanced analytics triage models there are and which visa offices use which

model; (d) any quality assurance reports for each advanced analytics model that is being used by a visa office; (e) the current instructions to decision makers regarding the implementation of the advanced analytics pilot model for any processing centers that use advanced analytics; (f) any training manuals or reviews regarding Watch Tower and a list of all priority flags that have been used in Chinook; (g) Chinook+ and GCMS Chinook user manuals; (h) all training manuals and documents prepared and used in training IRCC staff on the use of Chinook; (i) all contracts IRCC holds with Deloitte & Touche LLP, Accenture Inc, and McKinsey regarding artificial intelligence, digital platform modernization, Chinook, and the digital services response project; (j) privacy analysis conducted with respect to Chinook; (k) contracts between IRCC and ApplyBoard and between IRCC and ApplyProof since 2015; (l) project launch, terms of reference and roadmap documents for 'The Service Transformation Strategy and Roadmap'; 'The IM/IT Strategy & Roadmap Project'; TDSS' "Innovation Strategy"; (m) IRCC Policy Playbook on Automated Support for Decision-Making (All editions); (n) any additional programming information and instructions used for advanced analytics systems; (o) the raw and complete responses that IRCC employees provided to Pollara Strategic Insights for the Anti-Racism Study; (p) the current and historical processing times for each visa office and category, from 2015 until now; (q) the course content and materials used for any anti-racism training or information sessions conducted for IRCC employees; and (r) all materials produced for the IRCC Digital Transformation Interdepartmental Advisory Committee (DMA Level); and, that the said material be delivered to the committee within 40 days, along with any proposed redactions; versions of the documents with the proposed redactions shall be published on the committee's website within 10 days of receipt; the committee shall issue a press release highlighting the publication of these documents, and unredacted documents shall be distributed to committee members within the same time frame; the documents in redacted and unredacted forms shall be shared with the Parliamentary Law Clerk, who will then be invited to meet with the committee in camera to advise on the appropriateness of the proposed redactions; and, the committee may then make determinations as to whether to publish all, some, or none of the redacted documents.

Madam Chair, I want to emphasize that the list of things I'm asking for is not my own list. I reached out to the witnesses who had come to us and raised concerns about transparency issues, and I simply encouraged them to tell me what information they would need in order to be able to do their work in a more transparent way.

Members may have concerns with one or two of the letter items, and certainly we can amend the motion, but we had many witnesses tell us that there were concerns about transparency and access to information, so I asked them what information they needed, and they provided me with a list.

I am now coming back to the committee to ask us to use our powers as a committee to do something concrete, which is address the transparency challenges, gather this information, give the government the unfettered opportunity to redact where they think appropriate, publish the unredacted documents and then be able to review the redacted documents ourselves to assess the appropriateness of those redactions.

I think that's a reasonable procedure that tries to respond to a very real issue raised by witnesses. I hope this motion will have the support of colleagues.

Thank you.

The Chair: Thank you, Mr. Genuis.

Seeing no further hands raised for the debate, we can go to the vote.

Mr. Clerk, can you please take the vote?

Go ahead, Ms. Kwan.

Ms. Jenny Kwan: I'm sorry, Madam Chair. I want to make a quick comment before we go to the vote.

We passed a motion just now from Ms. Lalonde that will bring officials to this committee meeting, and we can request undertakings that could include the documents that Mr. Genuis has requested, so in many ways it's a duplication of a request, I would think.

From that perspective, I would like to proceed with having officials here and then with having us make the request to the officials. Hopefully, we'll get the documentation that we require before we proceed with this.

• (1125)

The Chair: Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Madam Chair.

Respectfully, I know that in the past Ms. Kwan has been a great champion of transparency around these issues, and I hope we'll see that continue.

Look, this motion is very different from asking officials to appear. Officials coming and answering our questions, or at least responding to our questions, is very different from requesting primary source documents and making those primary source documents public. Now, I suppose I could move this motion again, after the officials are here, but the officials are not going to come with all these documents in hand. If we want the officials to come with all these documents in hand, let's make it explicit in this motion, although this motion gives them much more time to do so. Again, I think in the interest of transparency, let's recognize that requests for documents are very different from hearing verbal responses from officials.

That's really all I have to say. We can proceed to a vote. The stakeholders will be able to see, of course, who's standing with them in their desire for transparency.

Thank you.

The Chair: Go ahead, Mr. Brunelle-Duceppe, and then Ms. Kwan.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

It is difficult to disagree with Mr. Genuis' arguments; I think he is completely right. We will never receive the information requested in this motion from officials who will appear before us. It seems to me that is obvious.

Since our committee started working, in both studies we have carried out, we dealt with issues of lack of transparency and opacity at IRCC. This motion will enable us to obtain important information from that department. I don't see how someone could vote against a motion to obtain more information. That is a bonus for all of us as members of this committee. It will enable us to do our job properly.

It is very difficult for me to see how someone could vote against a motion requesting documents from IRCC if we want to fight the lack of transparency and the opacity within that department.

[*English*]

The Chair: Thank you.

Please go ahead, Ms. Kwan, and then Mr. Redekopp.

Ms. Jenny Kwan: Thank you, Madam Chair.

I just want to say very clearly that the motion we just passed is not only for officials to come before the committee. There's a component within that motion that clearly says they would have to provide undertakings on the public record that the committee members request. Some of the documentation that Mr. Genuis has requested in his motion would be some of the documentation that I would be interested in receiving. I have every intention to actually make those requests of the officials, and for them to provide it to us on the public record for the purpose of transparency.

I reject the notion that if I don't support Mr. Genuis's motion, I'm somehow against transparency. Nothing could be further from the truth. We will have an opportunity to undertake this work. If the officials come forward after our request for the documentation to be received on the public record before we write our report and the documentation is deficient, there is always an opportunity to follow up with respect to that.

I think from this perspective, I'd like to actually give the officials a chance and give the department a chance to do their work. For that reason, I think we can park this motion. That's what I would suggest.

In fact, I move to adjourn debate on Mr. Genuis's motion.

The Chair: Ms. Kwan has moved a motion to adjourn the debate. It's not debatable, so we will have to vote on that.

Mr. Clerk, could you take the vote on Ms. Kwan's motion to adjourn the debate, please?

(Motion agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

• (1130)

The Chair: The motion passes. There's no more debate on that motion. The debate is adjourned.

We will now proceed to the witnesses for today's meeting.

Today's meeting is on differential outcomes in Immigration, Refugees and Citizenship Canada decisions.

We have two panels. Based on the time available, we will have the first panel for 45 minutes and then the second panel for 45 minutes. Because of the budget, the services are not available to us.

I will take this moment, on behalf of all the members, to welcome our witnesses for the first panel.

We are joined by Mario Bellissimo, certified specialist in citizenship and immigration law and refugee protection, representing Bellissimo Law Group Professional Corporation. We are also joined by Jeric Mendoza, immigration consultant, representing J. Mendoza & Associates Canada Immigration Consulting Group. The third witness for the first panel is Vishal Ghai, representing Voices4Families.

I welcome the witnesses. Each witness will have five minutes for their opening remarks, and then we will go into our round of questioning.

We can start with Mr. Bellissimo. You will have five minutes. You can please begin.

Mr. Mario Bellissimo (Certified Specialist in Citizenship and Immigration Law and Refugee Protection, Bellissimo Law Group Professional Corporation): Good morning, Madam Chair, and members of Parliament and fellow panellists. Thank you for the invitation to appear.

The study of differential outcomes in IRCC decisions is definitely a complex and expansive topic. I'm happy to take questions on that generally, but for purposes of my opening remarks, I'm going to focus on advanced analytics as part of AI, artificial intelligence, solutions.

My professional career has been dedicated to the practice and study of immigration, citizenship and refugee law, or immigration law for brevity. For the past near 25 years, I have accompanied applicants in the journey from the application stage to the Supreme Court of Canada and back, working to advocate preservation of the foundational legal rights of equality, fairness and individualization in immigration law and policy.

AI engages all of these issues. In fact, for some who, like me, are grappling with the enormity of the implications surrounding the expanded use of AI solutions, we can find ourselves equally in awe and in dread. Simply put, the awe part is the exciting and transformative possibilities, such as expedited processing, minimizing officer error or bias, enhanced user access and better information gathering, among other potential gains. However, part of the dread arises from concerns AI will only perpetuate existing racial, socio-economic and political divides and discrimination that are so entrenched in our society.

AI, as we all know, is already being used to triage applications, but the potential is so much more and the plans are far greater than triaging.

The hope is that if AI is applied properly, we can avoid the missteps we've seen and witnessed domestically and internationally when AI has reproduced bias, such as in the Supreme Court of Canada case of Ewert. Other examples internationally include the risk classification assessment tool used for detention in the United States or the iBorderCTRL lie detector used by the European Union at borders, or even the New Zealand technology to identify potential overstayers. These are just a small number of examples of AI use gone wrong. At its core, until we are all required by law to be on a relatable informational plane, applicants, the public and many stakeholders remain at a disadvantage in understanding how parts of their lives may be reordered by AI.

I remain optimistic that improvement is possible. Recommendations this committee has already heard with respect to an ombudsperson and enhanced IRCC training, as set out in the Pollara report, are potential important steps, but even more will be required in the presence of disruptive technology to avoid potential discriminatory consequences.

As set out in the 10 recommendations in our brief, efforts to transform immigration delivery must include legislative measures to be put in place for transparent, explainable and equitable AI governance, recognizing the technology is not neutral and that historical data values and norms propel AI. Training AI programmers, analysts and thought leaders, as one example, must not only be reflective and responsive to vulnerable persons and groups, but must also be required by law to ensure diversity and inclusion balances are maintained for those who train and drive the technology. An algorithm charter like that in New Zealand, external audits with enforcement powers, and mandatory external consultations are steps that have been recognized internationally as effective and essential for proper AI governance.

We cannot look only at where the use of the technology is today. The need to work with and leverage all stakeholders is acute, given the rapidly evolving challenges ahead. IRCC is staffed by many hard-working, well-intentioned individuals who want to make a positive change. Our council and the academic and AI community in Canada are also well positioned to make a meaningful contribution to IRCC's use of AI.

If we put in the collective work now, pressing for a strong and modern legislative framework predicated on collaboration, oversight, transparency, and responsible implementation, we have the potential to be a world leader. There is much work to do, but this is the time to reimagine, revolutionize and reorder Canadian immigration decision-making, built on a strong legal and technological foundation that is grounded in legislation, a foundation undisturbed no matter the international and technological pressure that may be on the horizon.

Thank you.

• (1135)

The Chair: Thank you.

We will now proceed to Mr. Mendoza, the immigration consultant. Mr. Mendoza, you will have five minutes for your opening remarks. You can please begin.

Mr. Jeric Mendoza (Immigration Consultant, J. Mendoza & Associates Canada Immigration Consulting Group): Thank you, Madam Chair and the members of the committee, for giving me the opportunity to provide input on today's meeting.

My name is Jeric Mendoza of J. Mendoza & Associates, which is based here in Saskatoon, Saskatchewan.

The recent Pollara report on the systemic racism within the IRCC is a sad reminder that racism has not left the Canadian immigration system. More troubling is the fact that it's happening behind the scenes. Today I would like to expose more discriminatory policies or issues that, to me, are hidden from us in plain sight.

The first issue I would like to raise is the Canadian education equivalency requirement in most immigration applications. What can be more racist than to require an assessment to see if the education of a foreign national obtained overseas is equivalent to a Canadian education? How do we define “Canadian education”? Is there a special sauce that we need to find? Why is it that in most cases, a two-year post-secondary diploma in the Philippines, for example, is reduced to secondary education? Does it mean if someone takes, say, a two-year automotive course in the Philippines, they have already forgotten what they’ve learned? Even among schools in Canada, there are various factors in play that make it difficult to say whether one bachelor’s degree is the same as or different from another. If we cannot reliably measure, then why require this assessment? Further, why measure it in the first place? What issue, backed by data, are we trying to address?

It is therefore my recommendation to eliminate education equivalency assessment requirements in all immigration programs at both the provincial and federal levels, because it’s a racist policy.

The second issue that I would like to raise is the biased language skill requirements of different immigration programs. I fully understand the need for one to communicate effectively to become successful anywhere in the world. However, requiring a language exam in English or French is obviously discriminatory to non-native English or French speakers like me.

How do we reconcile this? Here are my recommendations.

First, eliminate the graduated points system whereby a native English or French speaker can possibly score higher points because of their language ability, despite a non-native English or French speaker having more skills or work experience.

For example, right now if someone applies under the federal skilled worker program, the person can obtain a maximum of 28 points in language skills, compared to just a 15-point maximum for work experience. Where has “experience is the best teacher” gone? Should it be “language is the best teacher”? Is a cook with a CLB level of 8 a better cook than a cook with a CLB level of 4? Do we ask Canadian citizens or residents for a IELTS or CELPIP exam result when hiring a mechanic or welder? If not, then it’s racism.

As a compromise, I suggest using instead a pass/fail system against a minimum language level, below which it is difficult for someone to survive in Canada. I believe it’s at the very least a CLB 3 or at most a CLB 4.

Next, allow employers to certify language skills as a substitute for a formal language exam if they’re providing a job offer. Further, let employers or professional regulatory bodies, not immigration, require a higher language level, as they deem fit, for their occupation.

Finally, remove the expiry of language exams. Right now, language exams have a two-year expiry. If I can effectively speak English or French today, does it mean I lose this ability two or more years from now?

The third and final issue I would like to raise brings me back to the Pollara report. As evidenced by the Pollara report, racism in

Canadian immigration happens behind the scenes. In this regard, I have the following suggestions.

First, require supervisor concurrence for all case refusals. By doing so, a racist, biased or incompetent case officer has a solid reminder that their decision will go through further scrutiny, which hopefully will deter them from deciding with bias.

Next, provide applicants or their representative with immediate access to case notes. Who can be a better guardians against racism than the applicants themselves? If applicants or their representatives are provided with immediate access to the case notes, they may possibly identify issues, including racism, early on while their case is in process, not after a decision is made.

Finally, set up a complaint or grievance system whereby applicants or IRCC workers can raise issues of racism, general bias or incompetence of immigration personnel.

• (1140)

Moreover, provide a way whereby case officers can be held accountable for the wrong decisions they make on applications.

Thank you.

The Chair: Thank you, Mr. Mendoza.

We will now proceed to Mr. Ghai. Mr. Ghai, you will have five minutes for your opening remarks. Please begin.

Mr. Vishal Ghai (Voices4Families): Thank you, Madam Chair and honourable committee members, for affording us the time to speak.

I represent a self-advocacy group with an outreach of over 6,000 victims of IRCC’s racist system. I use the word “racist” indeed, especially for families who have been separated forcefully by the Minister of Immigration and IRCC.

This system is inequitable, archaic and systemically biased. We submitted our recommendations in a petition that was signed by over 5,600 people, and it included their comments.

As a group, we have been pushing for immediate family reunification. The Minister of Immigration has proven time and time again that if there is a will, there is a way, just like the MI—the ministerial instruction—that is allowing Ukrainians into Canada within 15 days, sidelining other refugees and waiving all fees just because of white privilege. There are Afghans, Hong Kongers and victims of the Lebanon bomb blast who were not afforded the same treatment by the Minister of Immigration.

We basically deal with spouses from the outland application stream. Today I would like to highlight that systemic racism and racism exist almost at the bottom rung of this system and process.

Through a lot of crowdsourcing, we have now identified ageism in the process of outland applications. If you have an age difference, you're discriminated against. A previous marital status, a divorcee, is automatically flagged by the AI. Social, educational or economic status differences are flagged by the AI. Cultural and religious differences also flagged by the AI.

What is AI? AI is a program, and a program is as good as the person who codes it. If the person coding it is racist or is unconsciously following data over six years, they're going to bring that racism forward all the way to the bottom rung, unfortunately.

Today we are glad that victims of the spousal outland application are finally able to represent themselves today.

I bring forward a message from one of the youngest advocates, Tito. He's 10 years old and has autism. He has been separated from his dad, Carlos, for over four years. They were afforded an interview by a writ of mandamus over service standards. However, there are no panel physicians for them to be able to do their premedicals, so yet again they are stuck. In his own words he says, "Can you please tell the committee and the Minister of Immigration that families are made of love, not black, white, brown, he or she?" That is a 10-year-old saying this. He would like one day for his dad to take him to school so people can believe that he does indeed have a father.

I will gladly take questions. I will give you real-life examples of the racist hurdles that outland applications face, with proof in black and white that locally engaged staff have put in writing in GCMS notes that we can provide to you. This is the bottom rung of the racist organization. Racism is embedded deeply in the immigration system from the top to the bottom, and it is about time we address how we are going to solve these issues.

● (1145)

Unfortunately, the sole discretion and the use of cultural norms given to locally engaged staff are the major barriers for spouses of Canadians trying to get to Canada—

The Chair: I'm sorry for interrupting, Mr. Ghai. Your time is up. You will get an opportunity when we go into our round of questioning.

We will start our first round of questions. We will begin with Mr. Redekopp. Mr. Redekopp, you will have six minutes. You can please begin.

Mr. Brad Redekopp (Saskatoon West, CPC): Thank you, Madam Chair.

I want to thank all the witnesses for being here today. I apologize that we started late, but we'll make the best of the time we have.

In that light, I just want to make a note to you, Mr. Ghai. You mentioned examples you have, and you may get some questions on that, but I would encourage you to please write some of those down and submit them to the committee in written form, because that

would be very helpful for us to look at later, and we may not have enough time to talk about them. I would suggest that for you.

Mr. Mendoza, thank you for being here today.

In the third point you mentioned on racism, you suggested having supervisor concurrence, providing case notes and some sort of a grievance system. Those recommendations obviously came out of some experiences you have had and some cases you have had. Can you give us some examples of what those cases might be to give us some context?

Mr. Jeric Mendoza: Our situation as immigration consultants and applicants is that when we submit applications, we're basically talking to a wall. We submit an application online, but we don't have a way to even speak to the person on the other side. If we get anything from any application, it would probably be just a notice of a medical issue or some issue about not believing, let's say, that a couple is truly a common-law couple. My situation is that I don't receive too many refusals, but the problem is that once we get those refusals, it ends. It's basically talking to a wall. You don't have anybody to call for an explanation of the decision.

That's basically my point in asking for immediate access to access notes. They're saying the solution right now is basically accessing through the ATIP system, the access to information and privacy system, which would require a different process for us to generate or get whatever case notes the officers have to look into those processes.

The issues I raised here are basically brought about because applicants and even immigration consultants ourselves are basically talking to a wall. Right now—

● (1150)

Mr. Brad Redekopp: Thank you.

I noticed on your website that you talk about the caregiver class as one of the categories you work with. According to the department's own figures, it takes sometimes up to two years on average to fill a caregiver class, while some other jobs that are traditionally geared toward Caucasians or others get filled a little bit faster. I asked the associate deputy minister of immigration why these numbers are different, and she didn't have an answer for me.

In your experience, have you seen a difference or lengthy times on caregiver applications, and what are some examples? Do you have any examples of that?

Mr. Jeric Mendoza: Basically the first application under the new caregiver program that we submitted was in December 2019. We only had an approval, a work permit, this January 2022. That is more than two years for processing.

I have another client for whom we submitted an application before that. We submitted an application as well for a work permit. Basically she is just considered unemployed. Her work permit is already expired, but basically she is working on an implied status because we submitted the application before the expiry, but up to now, more than two years later, we haven't received any decision on the work permit, so we have a client here who might not have access to health care or other government services because she has an expired work permit. Basically, that is the kind of situation we have.

I have never yet seen, since the new caregiver program was launched, a quick processing time. Right now, after two years, I have had only one result. For the rest, we are still waiting.

Mr. Brad Redekopp: I want to switch gears a bit and talk about human trafficking.

We've had several people bring this issue up, and the issue of mail-order brides. We had Arlene Ruiz from Saskatoon here at the last meeting. She spoke about this issue with my colleague. I had a case in my constituency of a Filipino woman who was dumped by her husband, basically because she had terminal breast cancer, and then she was deported.

I asked the IRCC officials why our human trafficking laws are not being exercised properly, and I didn't really get an answer. I wonder if you've ever seen anything like that. Are there safeguards in place from Immigration Canada and CBSA to protect vulnerable women?

Mr. Jeric Mendoza: With regard to human trafficking, I think there has been some progress. There are programs for vulnerable spouses here in Canada to be able to get out of the system and apply for something else.

I don't have personal experience in terms of couples having human trafficking issues. I have more personal experience in terms of applications being delayed indefinitely because they just don't believe that the couple is a couple, without further explaining the situation. In one case I had a couple, and we received a note that the officer didn't—

The Chair: I'm sorry for interrupting. The time is up for Mr. Redekopp. We will now proceed to the next member.

Ms. Kayabaga, you have six minutes. The floor is yours.

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Madam Chair.

I would like to start my questions by thanking our witnesses for taking the time to be here and to share their experiences, some of them their personal experiences. I share my heartfelt feelings with you.

Mr. Bellissimo, you talked about AI. I want to ask a question about regulating and legislating AI. I'm curious to know where you think we should legislate AI. Would it be through the companies that are offering the service or would it be through the companies that are using it to collect this data?

• (1155)

Mr. Mario Bellissimo: Thank you for the question.

It would really be in two parts. I think Canada generally needs AI legislation, and then we need legislation specific to immigration. The economic action plan that was passed in 2015 was seven years ago. It's on that very broad legislation, with very little detail, that all of this AI is being actioned, but there was not even a debate on it at the time. Although it was emerging, there were no comments.

When we speak about the companies and who's driving the technology, what's important to understand is third party use of technology like AI. IRCC, to their credit, are developing AI in-house, but other places, like the Canada Border Services Agency and Employment and Social Development Canada, are outsourcing to a third party. It's very easy at that point to begin to lose traction. Who has the business assets? Who has the proprietary control?

On general legislation, we can look at countries that are further ahead of us, such as New Zealand, England and Australia, and the measures they've put in place. In terms of legislation, I think we need to start right away with an algorithmic charter that sets out the types of algorithms. I noticed that during the debate there was a lot of discussion today about models, but the meat of everything is in the algorithms and, in Immigration Canada's case, the undisclosed officer rules. Those rules are not even disclosed to the officers who are deciding the applications, but that's the basis on which they're triaging, so we have a lot of work to do to get up to the ethical standards we've seen and the recommended governance standards we've seen throughout the world.

Ms. Arielle Kayabaga: Thank you.

I want to go back to the algorithm part, which connects back to the person who's giving the service out. I think with IRCC, AI collects information that is then presented to an agent, who then goes through the application. I think it's important to note that.

In terms of the discriminations that we know show up in AI, it's behind the algorithms. Are you saying that then we should look into who is collecting the algorithm, at who's behind it, basically? This goes back to the companies that are offering the services versus the companies that are using the services.

Mr. Mario Bellissimo: IRCC is being trained by data scientists within IRCC. What's happening here is that we need algorithm impact assessments. IRCC has begun to do that with a few of the categories, but it can't be opaque. It has to be relatable. It has to be in plain language.

I noticed that one of the recommendations was for an expert panel, and that's helpful, but ultimately we—and I mean we laypersons—have to be able to understand what is going into those rules.

I'll give you an example of a study permit. Are individuals over the age of 30 triaged in a different category because there's a deemed assumption that someone over 30 is really not pursuing education at that stage of their lives? Mr. Ghai provided some examples of other ways that themes can get triaged.

This has to be in plain sight. We have to go behind the curtain. There's no need to have a lack of transparency.

Ms. Arielle Kayabaga: Thank you so much.

I want to get back to the Pollara report before my time expires. We did talk about the report, and everybody knows what's in the report, so I'm not going to get into it.

I wonder, Mr. Mendoza, what you think about a system whereby IRCC continues to have regular reports, such as the Pollara report, to make sure that if there are changes being made at IRCC, we can track them.

Also, I don't know who, but someone mentioned the ombudsman. What other roles would you want to see the ombudsman take at IRCC?

Mr. Jeric Mendoza: Basically what I'm looking for in terms of the ombudsman is that there's an exchange of grievances. For example, if I'm facing an incompetent case officer, I should have a way to complain to get this message across. Having just a report is really a passive way of doing this. It's not proactive. It would probably happen once a year, and we're talking about hundreds of thousands of cases of people who may be facing racism or incompetent case officers refusing applications left and right. The ombudsman system would basically deter officers—

• (1200)

Ms. Arielle Kayabaga: Thank you so much.

In my last 15 seconds, quickly, I want to understand where Mr. Ghai got the flags he mentioned, which are through AI.

Could you mention where you collected that information? Was it shared by IRCC? Did someone share that information with you, Mr. Ghai, that—

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

We will now proceed to Mr. Brunelle-Duceppe. Mr. Brunelle-Duceppe, you will have six minutes. Please begin.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: I thank the witnesses for joining us today. Their expertise will improve our study, and it will help us write a better report.

Mr. Ghai, I even think you were upset during your testimony. In any case, I was touched. You talked to us about glaring examples of racism. However, IRCC is saying those are unconscious biases. I think there is a difference between an unconscious bias and racism.

A previous witness told us that a cat should be called a cat, even if it creates discomfort, and that there was racism at IRCC. So I would like to know whether there is indeed racism at IRCC or just unconscious biases, in your opinion.

[*English*]

Mr. Vishal Ghai: Sorry, but I didn't get that in English.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Will I be able to start from the beginning, Madam Chair? The witness did not hear the interpretation. Could this be resolved please?

[*English*]

The Chair: Just one second. Let me check.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: He may not be on the right audio channel.

[*English*]

The Chair: I could hear the interpretation.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Perhaps the witness does not have his—

[*English*]

The Chair: Mr. Ghai, you have to select the language at the bottom of your screen. You might be on the floor audio. You should select English.

Mr. Vishal Ghai: It is on English.

The Chair: Okay. We will start the clock again.

Mr. Brunelle-Duceppe, please begin.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: If I speak in French, are you hearing the English interpretation through your headphones, Mr. Ghai?

[*English*]

Mr. Vishal Ghai: I hear you.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

Mr. Ghai, you were upset during your testimony when you talked about cases of racism. I must admit that I was touched.

Immigration, Refugees and Citizenship Canada told us there were unconscious biases within the department. However, there is a difference between an unconscious bias and racism.

During a meeting of this committee, a witness said concerning racism that we should call a cat a cat—in other words, there is indeed racism at IRCC—even if that made people uncomfortable. I think we must first and foremost be able to name a problem if we want to resolve it.

Do you differentiate between an unconscious bias and racism? Do you disagree with IRCC on that issue?

[*English*]

Mr. Vishal Ghai: I strongly disagree, because it is at the bottom rung of the order.

Personally, I've been separated for five years from my family. The flag was because I was divorced. I got an interview one month ago. The interview was for 10 minutes in person. We were not even afforded a virtual interview.

I absolutely disagree that it is unconscious. It is definitely conscious.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you very much, Mr. Ghai. I absolutely wanted to give you a chance to speak out on this.

Mr. Bellissimo, that's fantastic because, during the last question round for the Liberals, I heard them talk about a position of ombudsman. I told myself that the idea must be making the rounds, even among members of the current government party. I want to hear your comments on that.

A number of people have told us, study after study, meeting after meeting, that an immigration ombudsman would help us move the process forward much more quickly and would resolve many problems.

I would like to hear you on the possibility of creating a position of immigration ombudsman in the Government of Canada.

• (1205)

[English]

Mr. Mario Bellissimo: Thank you for the question. I have a two-part answer to that question.

First, with the nature of the ombudsperson that we're creating, in terms of resourcing and enforcement powers, will they actually have the ability to move the needle or will it potentially become another organization that has hundreds of thousands of complaints and also becomes backlogged? How you position it will turn on its effectiveness.

The second part of my answer is this: As I said in my opening remarks, I think we have an opportunity to reimagine and reorder the way we deal with immigration in Canada. By this I mean we can always deal with the problems or symptoms that flow, but really we need to get to the underlying condition and begin from the other way. Instead of always having more remedial mechanisms, the idea would be to leverage the technology in an effective way.

For example, Australia had an immigration college about 15 years ago where they sent all of their officers to retrain and to remember that it was about facilitation and not enforcement. I think there are a lot of innovative ways we can go by re-addressing and revolutionizing.

Every time I hear about more panels or ombudspersons, I think it just adds to the layers rather than getting into the issues that we really need to address, which is a reordering and reimagining of the program. There are exciting possibilities now.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Mr. Bellissimo.

Mr. Ghai, throughout the committee's meetings, a number of witnesses have told us that one of the biggest problems at Immigration, Refugees and Citizenship Canada was the department's opacity, the lack of transparency, the difficulty for people to access information.

I would definitely like you to tell me about that aspect. If Mr. Bellissimo would like to wrap up on that topic after you answer, he is welcome to do so.

[English]

Mr. Vishal Ghai: I could go first, if possible.

We talk about transparency. It is non-existent, especially all the way down the rungs, which is when an applicant or sponsor is looking for answers. When we raise ATIPs, we don't even get replies. We don't get answers. However, ATIP requests from lawyers tend to get answers. Is that access of information fair? Does it serve everybody? Absolutely not.

When you do an interview, apparently it is not recorded. You are not able to bring counsel. If, God forbid, you are refused, it takes almost a month to get the transcript. The transcript of the interview only includes what the interviewing visa officer actually wants the committee or tribunal to hear. It isn't actually what happened on the ground. This has been confirmed by several people. Later on you are going to hear this, probably.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Mr. Ghai.

Mr. Bellissimo, I would quickly like to hear your comments on the lack of transparency.

[English]

Mr. Mario Bellissimo: Look, I've been around long enough that in-person interviews were the norm and not the rare exception. We need to get behind the curtain, with user access in real time, and be able to see what's happening in the offices. There's no need for this lack of transparency. It's becoming a faceless plug-and-play system in which everything is a click away. It empowers digital ghost representatives to begin to exploit individuals.

Those are things to think about. Thank you.

The Chair: Thank you.

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

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

Thank you to the witnesses.

Mr. Ghai, I'd like to follow up on the issue around interviews. As the brief from Voices4Families notes, you are asking

the government to direct IRCC to suspend the interview process. It is suspected that officers choose who to interview based on "typical cultural and/or social practices" as per the local immigration employee beliefs. [For many] [t]he interviews remain unscheduled for years.

Mr. Ghai, you said that you've been waiting to reunite with your family for five years. You finally just got an interview, after five years of applying, and it was a 10-minute interview.

Could you tell the committee what you're asking for? Are you asking that the government suspend the interview process, and that the interview process needs to be waived or conducted within a maximum time frame of 30 days, like an additional document request?

• (1210)

Mr. Vishal Ghai: Absolutely. When IRCC requires a document or any additional information from you, there is a time frame of 30 days, but when we need to wait for an interview, it is indefinite. Unfortunately, when you're flagged as "complex", there are no time frames, which is totally racist, because a standard application for anybody under the age of 30 is 12 months. God forbid you are above that age, and God forbid you find love across the nation on an outland application that requires a visa. You'll get stuck on that rung. We absolutely have waited three years, and some of these interviews take five minutes.

There are two things we would say.

The first is for it to become virtual. The Honourable Marco Mendicino did announce that they should be virtual, but they're not. In India there are more than 30 interviews happening in a day. Some last literally five minutes. They ask you only if you know where your spouse works and how much they earn. There you go: You waited three years to get three questions and to be told that you're approved.

Another thing we're seeing right now is that those who are approved and who are from the 2018-2019 backlog are only brought up to pre-arrival. We are not getting PPR, while other people in the same interview rooms are getting PPR within a week.

Therefore, yes, we would like it to be waived, seeing as how it has taken so long.

Ms. Jenny Kwan: Thank you so much, Mr. Ghai.

How much time do I have, Madam Chair?

The Chair: You have two minutes.

Ms. Jenny Kwan: Okay.

Mr. Ghai, in the five years that you've been waiting or that other families like yours have been waiting, have people applied for a temporary resident visa for which they've been rejected because IRCC is not satisfied that you would return to your country of origin? Can you expand on this dual intent concern of paragraph 179(b) within the regulations, whereby people are regularly rejected because they have close ties in Canada?

Mr. Vishal Ghai: Absolutely. Paragraph 179(b) is the norm used to reject outland applications. Although dual intent was announced by the Honourable Marco Mendicino, it did not make a difference to the visa officers. Again, they're saying, as in my case, "Oh, you will not return, because your husband is in Canada, and you have a strong tie there."

Again, the only option you give outland applications is to apply for PR. Had you given the option for a spousal visa or a bridging visa until the application was done, that would have really helped.

We do thank the Honourable Jenny Kwan. She did raise the House of Commons petition to abolish paragraph 179(b), but we are yet to hear of any resolution on it.

Ms. Jenny Kwan: With regard to paragraph 179(b), in fact there was a private member's bill tabled in the last Parliament. Unfortunately, because the election was called, it died on the Order Paper and we never got to debate it. That recommendation is for the gov-

ernment to not be allowed to reject applications on the basis of the notion that they don't believe that people would return to their home country unless there is a record of violation of immigration measures. Is that your recommendation to the government?

Mr. Vishal Ghai: Correct. If a sponsor has approval and the application is stuck in a visa office abroad, absolutely that's where they should issue these visas so that, as I said, it can act as a bridging permit so that our spouses can be with us during these trying times.

• (1215)

Ms. Jenny Kwan: The impact, of course, is that the lengthy delay is significant. As you go through the process, many of your documentations have expired, such as medicals and other things. What's your recommendation to the government on that?

Mr. Vishal Ghai: I'm facing that right now. I'm trying to get medicals redone. There are no available spots with the panel physicians. For members from Cuba, there is no panel physician in Cuba. They require a visa to go to a third country to get their medicals redone, which is unfortunate.

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

I thank the witnesses for appearing before the committee. I'm sorry we had to go through some motions in the beginning and that some time was wasted. If any of the witnesses would like to send a written submission to the clerk for the things that they were not able to bring in today, they can email it to the clerk of the committee and it will be circulated to all of the members.

Go ahead, Ms. Kayabaga.

Ms. Arielle Kayabaga: Thank you, Madam Chair.

I forgot to ask for Mr. Ghai to submit in writing where he got the information about where the flags of IRCC are. I want to understand how he got that. If we could get that in writing, it would be great.

The Chair: Mr. Ghai, if you could send that in writing, that's what the members would like to see.

Mr. Vishal Ghai: Absolutely.

The Chair: Thank you once again to all of the witnesses for appearing before the committee today. With that, the first panel comes to an end.

Our witnesses for the second panel are already logged in. Without wasting any time, we will proceed to our next panel. I would like to welcome our witnesses for the second panel.

We are joined by Imam Yusuf Badat from Toronto. We are also joined by Debbie Douglas, executive director, Ontario Council of Agencies Serving Immigrants. Our third witness for this panel is Marie Carmel Bien-Aimé, co-administrator, Spousal Sponsorship Advocates.

I welcome all of the witnesses for appearing before the committee. All of you will be provided five minutes for your opening remarks, and then we will proceed to the round of questioning. Our first witness on today's panel is Imam Yusuf Badat.

Imam Badat, welcome, and thanks a lot for appearing before the committee in spite of Ramadan. I know you must be very busy. You will have five minutes for your opening remarks.

Imam Badat, please begin.

Mr. Yusuf Badat (As an Individual): Thank you for affording me the opportunity to be here and present on this panel.

I am an imam within the community of one of the largest mosques in Toronto, and a lot of the family members or spouses who have applied for immigration for their partners or family members from abroad constantly bring me the concern that it's been months or years and they're unable to have their families join them.

In particular, I see three areas repeated by congregation members, including questions from Immigration Canada about the validity of marriage, some of the questioning of individuals who are supposed to be coming to Canada to join their spouses or family members, and the issue of the length of time it takes to process some of these cases.

When it comes to the validity of marriage, sometimes people who practise Islam are very conservative and traditional, so sometimes it's an arranged marriage. No dating took place prior. Families got together and arranged a marriage. When questions are asked about when the dating started or where the locations were where they met up prior to the marriage, there is no such data like this available. The particular individuals don't follow the culture that we may be used to here in Canada of how we date, get to know our partners and then marry.

This is similar for the concept of common law. In many cultures where Muslims live and where Islam is practised, there is no such thing as living together prior to getting married. These challenges delay the process in genuine cases when a spouse is trying to sponsor their family member.

In some situations, I've been approached by congregants saying that they have their first child and it's been three years or five years, but the immigration case is just not being approved.

These are some issues. I echo the sentiments of one of the witnesses in the previous panel that in the cases of divorce, it's very challenging. The amount of effort it takes for many clients to prove that they were divorced and the process that it goes through extensively delay the cases.

In some situations, because the cultures vary, women specifically find it very challenging to answer some of the questions.

I'll give you a simple example. In some of the cultures where Islam is practised, when we talk to someone whom we respect, often-times we're looking down. Women specifically, in some of the cultures that we come from, may often look down when they're talking to someone who's interviewing them. If the interviewer doesn't know the culture, they may assume that something is being hidden or something is not accurate and that's why they're looking down. It's actually a cultural element of respecting the person who's interviewing.

These are all facts that make things challenging when we assume that all cultures are similar to the Canadian culture or the Canadian

context. The way we may get married, the way we date or the way we have common law in this context here in a Canadian situation is not the same. Judging each application based on our culture here in Canada can delay the process and cause individuals to be very far from accepting an applicant who is a genuine spouse or genuine family member.

• (1220)

In summary, these are some of my remarks for the panel.

The Chair: Thank you, Imam Badat.

We will now proceed to our next witness, Debbie Douglas, the executive director of the Ontario Council of Agencies Serving Immigrants.

Ms. Douglas, you have five minutes for your opening remarks. Please begin.

Ms. Debbie Douglas (Executive Director, Ontario Council of Agencies Serving Immigrants): Thank you, Chair.

Good afternoon, everyone. Thank you for the opportunity to contribute to this important study.

I'm the executive director of OCASI, the Ontario Council of Agencies Serving Immigrants. We are the umbrella organization for immigrant- and refugee-serving agencies across Ontario. I will begin with four actions that I believe the government should take to address racial inequities and racism in the immigration system.

One, conduct a comprehensive racial equity review of legislation, regulations, policies and practices. Two, collect disaggregated intersectional race data across all IRCC activities. Three, conduct a comprehensive racial equity review of IRCC funding in its settlement and integration programming. Four, establish an independent ombudsperson office for IRCC.

The Pollara report confirmed what some have known and many of us have suspected for a long time: that racism and racial discrimination and bias are present in the immigration system internally towards IRCC employees—and you see that in the senior leadership of IRCC and the absence of racialized employees—and very likely, as we know from what we've heard in testimony and what we hear from many communities, in immigration decision-making.

First, with regard to the racial equity review of legislation, our member agencies have frequently mentioned immigration challenges faced by racialized clients. They hear that we are questioning whether spousal relationships are genuine and frequently denying spousal sponsorship applications from particular areas of the world, as well as questioning whether parent-child relationships are genuine, demanding DNA proof and often denying these applications. We often see this demand being made on African clients in the same way that we often see the spousal sponsorship question being asked of applicants from South Asia.

There are many other challenges, but my time is limited. We need a comprehensive racial equity review of legislation, policies and practices in order to identify systemic bias and identify areas where individual bias and racism can colour decision-making.

Second, with regard to disaggregated data, a comprehensive racial equity review would be supported by ongoing disaggregated intersectional race data collection across all of IRCC's activities. Data will help to identify patterns of systemic discrimination and bias. Data should be collected on all section 15 grounds of the Canadian charter, as well as on immigration status, which is not currently in section 15. IRCC already collects data on most of these factors, including immigration status, but not on race or ethnicity, or religion or faith. I don't believe they have started on issues of sexuality or sexual orientation either. The data should be publicly available.

Third, with regard to a comprehensive review of funding, a racial equity review would show who and what activities get funded. Citizenship and Immigration Canada, now the IRCC, defunded 13 settlement agencies in Ontario in 2011. Six of these agencies worked directly with racialized communities. Of the six, four were African community agencies. There was no explanation and no warning—just a complete defunding during the 2011-12 funding cycle.

Immigrant and refugee settlement agencies are a focal point for community activities and community-based leadership. They are not simply third party service providers. They know the communities they serve and are trusted, which is integral to credible and effective service delivery. I often speak of community-based organizations, especially ethnospecific ones, as cultural brokers, as the bridges between newcomers and the communities where they are planning to settle. We need data on who and what is funded to know if racialized communities are equitably served and community organizations are equitably resourced.

Last, with regard to the independent ombudsperson, we strongly urge the establishment of an independent ombudsperson office for IRCC. It should be external to the department, adequately resourced and have a legislative mandate to take action on individual and systemic bias and discrimination.

● (1225)

I am aware that the ombudsperson proposal has been recommended to this committee during previous studies. Given the significance of the immigration program to Canada as a whole and the vast powers IRCC decision-makers have on individual applications, it would serve the public good to establish such an office.

The Chair: I'm sorry for interrupting, Ms. Douglas, but the time is up. You will get an opportunity to talk further in the round of questioning.

We will now proceed to our third witness, Marie Carmel Bien-Aimé representing Spousal Sponsorship Advocates.

Ms. Bien-Aimé, you will have five minutes. You can begin, please.

[*Translation*]

Ms. Marie Carmel Bien-Aimé (Co-Administrator, Spousal Sponsorship Advocates): Madam Chair, honourable committee members, good afternoon.

I am appearing before you on behalf of Spousal Sponsorship Advocates. I am honoured to be here to provide you with an overview of the situation and of the recommendations we consider important.

According to the Polaris Strategic Insights report results, racialized employees are marginalized based on their place of birth or the colour of their skin. Their applications are not taken into consideration for promotions, and they are kept in temporary contract positions. As a result, they cannot report discriminatory or racist incidents they witness for fear of reprisal. Have the staff and managers in question been penalized since the report came out?

In addition, it is clear that integrated systemic biases play a role in decision-making when it comes to immigration files. Immigration officers have preconceived notions on applicants from racialized countries. For example, some African countries are designated as part of 30 corrupt nations, and Nigerians are said to be corrupt or untrustworthy. According to an article published in *CIC News* on March 15, IRCC has a backlog of over 1.8 million applications. For family reunification, the backlog is 55,301 spouse and common-law partner files.

In January, Minister of Immigration, Refugees and Citizenship announced that the spousal sponsorship application process was back to 12 months of processing for new applications. Recently, that was changed to 19 months. Why are there no solutions available to families that are suffering right now? The red tape must be reduced to clear the huge backlog.

One common bureaucratic issue is the loss of humanity for those who are being served. We want to make the staff in charge of managing the immigration process related to family reunification understand that what is involved are our most irreplaceable personal connections, as well as our families' mental, physical and financial health.

That said, allow me to share our recommendations to help eliminate the backlog in the family reunification category.

I will first present our short-term recommendations. The department must provide a special temporary resident visa for families by granting an exemption to subsection 179(b) of the Immigration and Refugee Protection Regulations and really accept dual intent applications. An ombudsman's office is also needed to process complaints. Creating a position of ombudsman would reduce the number of cases the Federal Court and the Immigration and Refugee Board, IRB, have to process. Transparency would be actively demonstrated in the measures taken to resolve disputes, and families would not be financially strained. Couples who are recommended must also be interviewed. Finally, interviews must be recorded to avoid misunderstandings.

I will now present my long-term recommendations. First, immigration officers must be required to rotate every two to five years, so as to avoid familiarity and jaded employees. That rotation must also be part of the job requirements. Mission staff must be increased or missions must be added to improve the situation. For example, the Accra office handles 12 countries, and the Dakar office handles 16 countries. The department must also implement mandatory training on cultural differences, to be attended every six months by hired staff and visa officers. Transparency must also be prioritized.

In short, we are favourable to the study underway. However, you should know that many spouses are diagnosed with depression and that suicidal thoughts are on the rise. Canadian citizens and permanent residents feel betrayed. Bureaucracy has no place in family affairs, and all the families involved are victims of the system.

In closing, remember that no one is born equal, but that people born with privilege must lead by example.

I now look forward to your questions on the issues raised.

• (1230)

[*English*]

The Chair: Thanks a lot.

We will now proceed to our first round of questioning.

Mr. Hallan, you have six minutes. The floor is yours.

Mr. Jasraj Singh Hallan (Calgary Forest Lawn, CPC): Thank you, Madam Chair.

Thank you to the witnesses, and in the first panel as well, for sharing not just your hardships but also the emotions that a lot of other people are probably reaching out to you about as well, through the hardships that all of you are facing.

I want to touch on the recording of interviews, because that seems like a theme. It's something we hear about in our offices as well. Sometimes when a decision is made, we see that the officer has something else in his notes, and our constituents are often telling us something different.

Imam Badat, you touched on the point that sometimes there are cultural differences that maybe the officer does not understand as well.

Ms. Bien-Aimé, can you elaborate a little more on how recording these interviews would create more transparency and would not just hold the officer more to account but would also give the applicant a little bit more power in their hands in the process?

Ms. Marie Carmel Bien-Aimé: Thank you for the question.

Basically, the reason I say that we should tape or record these interviews is that I'm in the process myself. My husband went through the interview. What he told me happened and what the agent wrote in the GCMS note were completely different.

It's not the first time I've heard this. As a spousal sponsorship advocate and administrator, I'm also a therapist during those times, because I hear the same thing over and over again. They always say, "I said this, but it's not in the notes." Recording these interviews would hold the visa officer more accountable. If this person had implicit or explicit bias, they would not have any space to project their own bias onto the person they're interviewing.

I think it's very important. It should be mandatory to record all of them.

• (1235)

Mr. Jasraj Singh Hallan: I agree with that. As I said, I think it would make the officer a lot more accountable.

Imam Badat, can you elaborate a little more for the committee on the sometimes insensitive questions that get asked? Again, as MPs we hear in our offices all the time about the sometimes insensitive questioning. What kind of impact does it have on the applicants?

Mr. Yusuf Badat: As I briefly mentioned in my presentation, the cultures that we come from differ. Here are some of the questions that might be asked: When did you start dating? Where was your first kiss? Is this an arranged marriage? How did you meet? Is it even possible that you guys got married? These are questions that sometimes turn off the person who's being interviewed and make it more challenging for them.

I hope these few examples give you some clarity on that.

Mr. Jasraj Singh Hallan: Imam Badat, do you feel that maybe culturally appropriate training should be introduced to CBSA officers and IRCC officers?

Mr. Yusuf Badat: Definitely; definitely. Understanding different cultures and different communities would make the process much smoother and more respectful for all.

Mr. Jasraj Singh Hallan: Thank you for that.

Ms. Bien-Aimé, you and one of our other witnesses mentioned TRVs for spousal applications. I think that's a good idea. I would agree with you that if the person is already going to move here, and they have the intent to come here to work and contribute to Canada, at a certain stage maybe a TRV would be a good idea.

Can you elaborate a little on some of the benefits of the TRV?

Ms. Marie Carmel Bien-Aimé: Thank you for the question.

Basically, to make it short, IRCC should give all of the spouses a special TRV. First of all, paragraph 179(b) should not even be considered. Yes, obviously they have ties to Canada, because the spouse is here, but why would an officer say that they feel that the spouse will never go back to their country? Why would a principal applicant ruin their chance of staying permanently in Canada by overstaying their visa? For me, it makes no logic.

To answer your question, they would help the economy, they would pay tax and they would be with their family. They would also see if they liked the country. Maybe they won't like it. Maybe the family will move out and go to the home country of the principal applicant.

Basically it would help, because right now we need labour. We have tons of jobs but nobody to fill them. These people are spouses and very hard-working people. I don't believe they would stay on the couch and watch TV, so it would definitely be beneficial for the spouse, the children, the families and this country as well.

Mr. Jasraj Singh Hallan: Thank you for that.

How much time do I have left?

The Chair: You have 30 seconds.

Mr. Jasraj Singh Hallan: Maybe you can just elaborate, Ms. Bien-Aimé, about transparency and accountability.

Ms. Marie Carmel Bien-Aimé: For transparency, they should provide clear status updates and not just say your file is on queue. They also have to keep better records of the documents they receive and not ask for them three or four times. They should provide a timeline and respect the timeline provided. Please stop the blanket automatic email responses and respond to email in a timely manner and respect the time frame provided.

The Chair: Time is up, Mr. Hallan. Thank you. We will now proceed to Mr. Dhaliwal.

Mr. Dhaliwal, you will have six minutes. You can please begin.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

Madam Chair, I will echo your comments that you made to Imam Badat about Ramadan. I would love to wish him *Ramadan mubarak* on this religious and spiritual occasion.

I also have a question for the imam as well. I know many applications are passed, but many people come to my office with issues, particularly with regulation 4, which was brought in by then immigration minister Jason Kenney and the Conservatives. I would love to see regulation 4 abolished today, because it asks the couples, number one, to prove that their marriage is genuine. It already presents many difficulties, not only in the Islamic community but also for Sikhs, Hindus and others in India and Pakistan, which I have experienced.

The first one is on the genuineness of the marriage and the second is when you entered into the marriage. It was a marriage of convenience if you never met before. I am also one of those who had an arranged marriage 34 years ago.

Imam, I would like to ask you how many such cases do you see, and would you agree with me that regulation 4 should be abolished?

• (1240)

Mr. Yusuf Badat: As an imam, at the particular mosque where I work, we have at least three or four thousand coming for the Jumu'ah prayer, which is the main prayer of the week. I would say at least one-third of those who have applied for immigration are coming up with these concerns and these questions about the delay and why their marriage is not considered valid.

I was actually brought for expert testimony by IRCC on a case. The spouse was away from the other spouse for 10 years, and they finally gave the go-ahead. They weren't moving the case forward because they did not believe that they were actually married. There was also a child who was born, and the spouse who is here, a citizen of Canada, was going every other year to spend some time with the other spouse. They just couldn't believe that the marriage actually took place, and the concern was, "Why don't you have photographs of your wedding? Where's the invitation card?" Some of these villages where people come from back home don't have all these flashy weddings. It's just a simple thing and they don't meet beforehand. It's just an arranged type of marriage. Finally the case was completed, after 10 years.

Again, to answer your question, it's a sizable number. I would say at least one-third of my congregation who have some form of immigration application on file are waiting, and it's delayed anywhere between two and 10 years, as I said.

Mr. Sukh Dhaliwal: Madam Chair, this is a very serious issue that the imam faced in his congregation and I faced in my constituency as well. I would like to find some tangible solutions from the honourable imam that we on this side can use to improve this situation.

Mr. Yusuf Badat: I think that cultural sensitivity is very important. You gave a recommendation earlier about abolishing what Jason Kenney put into place. Any laws or policies that block this need to be removed. We need to treat everybody with equity, fairness, justice. We need to understand that all these people who are coming to Canada—Canada's a land of immigration—only enhance the country, and we need to unite families, not disenfranchise families and communities based on personal biases or the lack of understanding of various cultures.

Mr. Sukh Dhaliwal: Madam Chair, through you to the other witnesses, do they have any other suggestion to remove these cultural barriers that some of the communities face? Are there tangible solutions that they have in mind?

Ms. Debbie Douglas: Mr. Dhaliwal, I would suggest that in addition to what the imam has suggested, we also take a look at the collection of data on this aspect.

We have lots of anecdotal information. I often say that what gets measured gets addressed, so let's get the hard data so we can continue to prove that our communities have absolutely been correct that they are facing differential treatment based on their countries of origin, religion and race. Until we have that data....

We are very clear as Canadians that we expect the department to answer when we see the disproportionate impact on particular communities, and then to put these things in place. I think cultural education is really good. We have to begin to hold those with decision-making power accountable for the decisions that are being made by the department. If folks know that jobs are on the line, that they will need to publicly report on the decisions and on the various communities that are disproportionately being affected, I believe that also changes behaviour.

I think there are a number of tools that we need to use. Education and cultural training absolutely are good, but let's also collect the data, report it, and have the department talk about what it's doing to address the findings of the data collection.

• (1245)

Mr. Sukh Dhaliwal: Ms. Bien-Aimé or Mr. Badat, do you have anything to add?

Ms. Marie Carmel Bien-Aimé: To continue what Ms. Douglas said, I completely agree that we need data, and we need to interview people.

I need to stop, but I agree with her. I have nothing else to add.

The Chair: Thank you, Mr. Dhaliwal. We will proceed to Mr. Brunelle-Duceppe.

Mr. Brunelle-Duceppe, you have six minutes. Please begin.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I'd like to thank all the witnesses for being here this afternoon.

Ms. Bien-Aimé, I listened carefully to your testimony. I especially liked that you made several suggestions and recommendations to the committee; that will be very helpful to us. I also liked that you shared your personal story with us.

I have a few questions for you.

You suggested that a special temporary resident visa be issued for the purpose of family reunification, but with the 179(b) exemption.

Would that put an end to the debate on dual intent, in your view?

Ms. Marie Carmel Bien-Aimé: Thank you for your question.

I believe it would, because people who come from countries that do not require visas don't have this problem. Why do immigration officials only apply paragraph 179(b) to countries that require visas? This would not resolve the backlog at all, but it would at least reunite families until their applications are processed. That way, these families could just be together.

I don't see why there is a difference between people from countries that don't require visas and people from countries that do.

Mr. Alexis Brunelle-Duceppe: Thank you for your answer.

In your presentation, you talked about creating an immigration ombudsperson position. What would the ombudsperson's mandate be? Is it really necessary? If so, how much is it needed?

Ms. Marie Carmel Bien-Aimé: I will answer that question by saying that an immigration ombudsperson position is definitely needed. Their mandate could be to create a diverse committee tasked with revamping policies and programs. In doing this, immigration officials could demonstrate inclusiveness and fairness when making decisions.

A review board is also needed and its mandate would be to review denied spousal sponsorship applications. It would have a duty to give families a fair and independent review prior to the appeal process. The team could recognize the systemic oppression of individuals from countries requiring visas. It could also challenge assumptions and stop implicit and explicit biases. Finally, it could also embark on a path of change and transformation.

Earlier, I heard someone say that the office should be completely independent. I agree with that. They would also have to invest in the project, because when applications are rejected, the appeal process costs everyone dearly. So they could put the money back in the right place, to ensure that applications are processed fairly and equitably.

Mr. Alexis Brunelle-Duceppe: Thank you for that great answer.

You made another suggestion that I think is quite innovative. We'd never heard this suggestion before at committee. I think it's a great one.

You suggested that we require immigration officers to rotate every two to five years to avoid familiarity and even jaded staff members. Those were your words, I believe.

Could you elaborate on that? Could you share your thoughts about this suggestion with the committee?

Ms. Marie Carmel Bien-Aimé: Thank you for your question.

When an immigration officer has been there for 5, 10 or 15 years, they develop bad habits, whether you like it or not. So when that officer has decisions to make, they base them on what the local employee says and what they see. Rotation will prevent them from developing bad habits.

I did say "jaded", yes, because when you're always in the same position and always interviewing people for the same reasons, it becomes a little easier to reject applications based solely on your own biases.

They should rotate every two to five years and it should be a requirement for the position. That way, people who apply and are in the process will know, for example, that they will have to stay in Accra for two years and then go to Egypt or another country for three years. They will know that they have to rotate.

This will help them build a wider knowledge base. They will also become more open to other cultures, because travelling and seeing other people is also a form of self-education.

• (1250)

Mr. Alexis Brunelle-Duceppe: Thank you very much.

I'd like to ask you one last question.

Everyone's talking about backlogs. We hear it on television, in the newspaper, on the radio.

You have personal experience with IRCC, though. When we hear about backlogs, is it true?

Ms. Marie Carmel Bien-Aimé: Yes, it's true.

I know because I'm currently in an ongoing process. My husband is from one of the "30 most corrupt countries". He's Nigerian. I've been waiting 35 months for him, but he still hasn't arrived here.

Yes, it's true. I'm living proof of it. Our group has 5,000 to 8,000 members who all tell us the same thing. They all say it's taking a long time and they don't understand why it happens faster for white countries.

I see that there's a backlog. I also see that there are biases that have a huge impact on decisions.

Why are applications from countries requiring visas not handled the same way as those from countries that do not?

It should be consistent. The treatment should be the same. Unfortunately, that's not the case. I am living proof: I've been waiting for 35 months.

Mr. Alexis Brunelle-Duceppe: Thank you very much, Ms. Bien-Aimé.

[English]

The Chair: Thank you. We will now proceed to Ms. Kwan.

You will have six minutes. You can begin, please.

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

I'd like to follow up with Madame Bien-Aimé with this question.

Oftentimes IRCC will cite reasons based on section 179(b) of the IRPR regulations to refuse people's TRV applications. These reasons are based on travel history, based on the purpose of the visit and based on the limited employment prospects in the country of residence.

Would you say that those reasons and the policies that IRCC adopted to allow for those reasons to be used are inherently discriminatory?

Ms. Marie Carmel Bien-Aimé: Thank you for your question.

Yes, they are 100% discriminatory, absolutely.

Ms. Jenny Kwan: To follow up, would that be a reason that an independent ombudsperson should be put in place to review exactly those kinds of policies and their implications, to determine and root out discriminatory policies within IRCC?

Ms. Marie Carmel Bien-Aimé: I absolutely agree with your statement.

If there is an ombudsman office, the agent will be very careful in how they process applications because they know there's someone up there who will look at their work. Nobody likes to be reprimanded at work, so for sure everybody will be more careful, and their work will actually be done properly.

Ms. Jenny Kwan: In the meantime, while we wait for this process to be in place and for this thorough, and I hope independent, review to be done by an ombudsperson, should the government suspend the use of section 179(b)? Alternatively, should they not be allowed to reject TRV applications on the basis that they believe someone would not return to their country of origin unless there is a pattern of violations of immigration measures?

Ms. Marie Carmel Bien-Aimé: Absolutely. Right now the IRCC uses paragraph 179(b). It states that there will be a refusal if the processing officer doubts that the visitor will return to his or her home country within the visa period. The refusal is totally unfounded in the case of married couples. By attempting to stay in the country illegally, obviously, as I stated previously, they will jeopardize their application, and they don't want to do that.

We want the temporary visa because a foreign spouse from a visa-required country can come and live with their Canadian partners and children, just like spouses from visa-exempt countries, while the government continues to process the application. It won't clear the backlog, but at least these people would be together. Right now, under the current system, TRV applications from foreign spouses are systematically and categorically denied. My spouse was refused three times under all the rules of all the articles of paragraph 179(b).

We should definitely have the temporary visa.

• (1255)

Ms. Jenny Kwan: Thank you very much.

I would like to go to you, Ms. Douglas, on the issue around discriminatory policies within IRCC. I would like to touch on the caregivers program.

Caregivers are made to go through inordinate hoops while separated from their loved ones. One of the issues that was touched on in the last panel was around language requirements. The intended purpose of the language proficiency requirement for immigration is to help ensure that immigration applicants have the necessary language ability to transition successfully to a life in Canada.

Caregivers, having obtained their work permit here in Canada and working here in Canada already, have already proved that they have the language proficiency to do their jobs here in Canada. Why should they be made to do the language proficiency test requirement to pass level 5? Do you think the government should do away with that requirement?

Ms. Debbie Douglas: Absolutely. It is something that we have raised with the government in the past when someone is already working in the language. We see that for caregivers from English-speaking countries as well, such as the Caribbean. It makes no sense if someone is already working in the language. They have already proved that they are able to communicate. They certainly have the language needed to do their job. It makes no sense for them to have to once again take a language test to prove it for PR purposes, and then, after being a permanent resident, they may have to do it again for citizenship. It makes absolutely no sense that we continue to language-test folks.

There is another issue around deafness. How do we then test for language at all? That's a whole other conversation that we can have.

To answer your question, no, there isn't any need for caregivers, especially those who are having such a difficult time transitioning to PR, to have to pay to take classes and then take the test to prove that they can speak a language that they have been working in for two, three or four years, if not longer.

Ms. Jenny Kwan: Thank you.

On the caregivers program, we also run into another problem. With all of the delays and the quota that is in place, many of the applicants would not even be able to get a spot to apply. What's your recommendation on how to address that situation?

Ms. Debbie Douglas: I believe the government needs to lift caps. I understand the backlog. I think it's something we're all struggling with, in all streams of immigration. The government needs to build capacity in the system.

I agree with Madame Bien-Aimé in terms of removing some of the bureaucracy for particular streams, particularly things like family reunification, spousal sponsorship and those pieces. We need to build capacity in the system. We need to lift the cap on caregivers being able to transition from temporary workers to PRs.

The Chair: Thank you, Ms. Douglas. Your time is up, Ms. Kwan.

With that, I will thank all the witnesses for appearing before the committee.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: There are two minutes left on the clock. I would love to have them, since I'm up next for questions. Is that okay?

The Chair: Since not everyone will be able to have it—

Mr. Garnett Genuis: I know, but the round shows me next, so...

The Chair: We can have a quick 30 seconds for each person, if that's the will of the committee. We have two minutes left. To provide an equal opportunity for all, with a time slot for everyone, each party can have 30 seconds.

Go ahead, Mr. Genuis.

Mr. Garnett Genuis: Thank you.

Imam Badat, *Ramadan mubarak*. Thank you for being with us.

I want to distinguish between two issues—the issue of the principle of marriage verification and the issue of how it's been imple-

mented. Clearly, you identified some problems in implementation. The government has been in for seven years. They haven't improved on the implementation at all. I think the policy objective is maybe a good one, but the implementation is clearly problematic and not being done in a culturally appropriate way.

Could you share with us some suggestions on how we could implement the policy objective of ensuring that we're verifying that we're talking about real marriages but doing it in a way that's culturally sensitive and that responds to the realities of how marriage operates in different cultures?

Mr. Yusuf Badat: Thank you so much.

If we understand how marriage takes place, for example from a cultural point of view, then it will be easy to identify that the marriage has taken place. If we don't have any idea of how marriage takes place in different cultures and different communities, it would be challenging to assume that marriages only take place in a particular way.

I think that cultural education would help. Input from the experts of that community and that society will facilitate a better understanding so that it can be verified that this is a genuine marriage.

• (1300)

Mr. Garnett Genuis: Thank you.

I wonder if you could just follow up in writing with any specific suggestions that could guide IRCC in the process of verification, specifically in your—

The Chair: I'm sorry for interrupting, Mr. Genuis. Imam Badat, you can submit that in writing.

Mr. Genuis got one minute and 30 seconds, so we will give one minute and 30 seconds to Mr. El-Khoury.

Mr. El-Khoury, you can begin, please.

Mr. Fayçal El-Khoury: Thank you.

[*Ramadan mubarak, Imam Badat.*]

Imam Badat, I totally agree with you that the Harper government complicated the process, and it was terrible. Since 2015 the government in power has reformed it—and I could give you some examples—by reducing the unification time between spouses for up to 12 months and continuing, but COVID complicated the issue.

I understand your pain, because I have a lot of Muslim communities in my riding. Mind you, when we put doubt in the mind of the agent, he has to go further in the applications. Honestly speaking, in my riding we found a couple of marriages that were fake. When this comes to the minds of the staff, they have to verify for security whether there was some terrorist activity beyond that.

However, in order to come to a point to solve this issue, I will request you, if it's possible, to submit to this committee in writing what your concerns are and recommendations to solve this and clarify a way to continue our efforts in solving this problem.

Thank you.

Mr. Yusuf Badat: You're very welcome. Yes, I will definitely do that.

I do understand that there are genuine cases and that there might be fraudulent activity as well, but we need to create that balance where the majority that are genuine cases are not affected by the procedures that we adopt.

It will be my pleasure to submit documentation for your review.

The Chair: Thank you for that, Imam Badat.

Your time is up, Mr. El-Khoury.

We will have 45 seconds for Mr. Brunelle-Duceppe. Mr. Brunelle-Duceppe, you can begin, please.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I would like to recognize Ms. Bien-Aimé, if she would like to add anything. I found what she said so topical and fascinating that I will let her have the last word.

Ms. Marie Carmel Bien-Aimé: Thank you, and I would just like to add a comment.

With respect to 179(b), I would recommend that temporary resident visa applications be processed in Canada, because Canada is a little more open to cultural differences. It would also be great if the officer making the decision on the visa application wouldn't be jaded because they work in a local office. The goal is to eliminate geographic bias.

[*English*]

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

We will now end our panel with Ms. Kwan for 45 seconds.

Ms. Kwan, you can go ahead, please.

Ms. Jenny Kwan: Thank you very much, Madam Chair, and thank you to Madame Bien-Aimé for that clarification. I absolutely agree with her proposal.

I'd like to ask Ms. Douglas this question, though.

The government has provided emergency visas for Ukraine and then also announced that they would provide special immigration measures for extended family members from Ukraine. Do you think that the government should apply the same special immigration measures to people from Afghanistan and other regions where people are also faced with dire situations?

Ms. Debbie Douglas: Absolutely. Thank you for that question.

We especially applaud the government on the extension of the definition of "family". It is something that we absolutely support, but these family reunification measures must also be extended to other communities, to Afghans and to other refugee populations and other folks who are also displaced.

I think it's long overdue for us to recognize that the nuclear family is a western construct. It doesn't necessarily represent the majority of the world. If families are willing to support each other to bring each other into Canada, it makes absolute sense that they be supported to do so.

I believe that after redefining "family" for the purposes of Ukraine, the government needs to extend that redefinition to all communities who want to come to Canada, whether they are coming here as refugees or through family reunification.

• (1305)

The Chair: Thank you, Ms. Douglas. Our time is up.

On behalf of all members, I want to thank all the witnesses for appearing before the committee and for your important input on this study we have undertaken.

Is it the will of the committee to adjourn the meeting?

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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