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Chair: Mrs. Salma Zahid



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• (1100)

[English]

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

Welcome to meeting number 26 of the House of Commons Standing Committee on Citizenship and Immigration.

Given the ongoing pandemic situation and in light of the recommendations from health authorities, as well as the directive of the Board of Internal Economy on Thursday, November 25, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing and must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times. You must maintain proper hand hygiene by using the provided hand sanitizer in the room. Please refrain from coming to the room if you are symptomatic.

I would remind you that all comments should be addressed through the chair. When you are not speaking, your mike should be on mute and your camera must be on.

Before we begin, I would like to indicate a few things for the upcoming meetings. Our Thursday meeting has been cancelled, as another committee required our spot. This means that Tuesday, June 7 will be the last panel on Bill C-242, followed by a panel on application backlogs and processing times.

Does the committee agree to clause-by-clause being scheduled for Thursday, June 9 for private member's Bill C-242? Is everyone in agreement?

Go ahead, Mr. Genuis.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Madam Chair, I don't have a problem with the proposed timeline on clause-by-clause, but in terms of the second panel you're proposing for next Tuesday, I want to underline that we need to address and resolve the issue of the committee's privilege. I believe there's some follow-up correspondence that one member is waiting on for more information. Other than for the private member's bill, I don't know that it makes sense to schedule additional panels for other studies until we decide the steps we want to take as a committee.

We may need to have further discussion in that second hour on the privilege issue instead, assuming that we have the correspondence that members were looking for. I think by then we will.

• (1105)

The Chair: Thank you, Mr. Genuis.

Yes, I have written a letter to the clerk based on the clarifications that one of the members was looking for. As of yet, we have not received any response. I will work with Madam Clerk to see when we can get the response from the law clerk. Once we have that, we can look into scheduling something accordingly.

One more thing, before we go further, is with regard to budget approvals I need. I would like to request budget approval for three studies. The first is on the subject matter of part 5, division 23 of Bill C-19, an act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other measures, for an amount of \$850.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): I propose we approve it.

(Motion agreed to)

The Chair: With regard to Bill C-242, an act to amend the Immigration and Refugee Protection Act (temporary resident visas for parents and grandparents), the budget is in the amount of \$7,575.

Mr. Sukh Dhaliwal: I propose this goes ahead.

(Motion agreed to)

The Chair: With regard to application backlogs and processing times, the total budget, which will include our visit, if it is approved—I'm sorry, the site visit is separate. The application backlogs and processing times budget is \$22,850.

Mr. Sukh Dhaliwal: It's a good idea. We should approve it.

(Motion agreed to)

The Chair: Regarding our site visits in the fall on our study of application backlogs and processing times, I want to let you know that at its last meeting, the Subcommittee on Committee Budgets of the Liaison Committee examined the different travel proposals it recently received. It agreed to and adopted the following motion:

That the Subcommittee invite the Standing Committee on Citizenship and Immigration to prepare a detailed budget not exceeding \$175,000, in relation to its travel proposal for its study of Application Backlogs and Processing Times, and submit it to the Subcommittee by June 3, 2022.

The subcommittee also adopted a motion that all travel budget requests presented to the subcommittee include a maximum of seven members participating, along with the necessary staff.

Does the committee agree that the detailed budget for site visits to Abu Dhabi and Dakar of \$170,697.47 for seven members of Parliament and required staff be approved? Is everybody in agreement?

Mr. Sukh Dhaliwal: It seems right.

The Chair: I see no objections.

(Motion agreed to)

The Chair: Is it agreed that the chair submit the budget to the Subcommittee on Committee Budgets of the Liaison Committee by June 3, 2022? Is everyone in agreement?

(Motion agreed to)

The Chair: Pursuant to the order of reference of Wednesday, May 4, 2022, we will now resume consideration of Bill C-242, an act to amend the Immigration and Refugee Protection Act (temporary resident visas for parents and grandparents).

Today we will be hearing from a number of witnesses. For the first panel, I would like to welcome Dima Amad, executive director, and Rasha Salman, program development lead, from the Arab Community Centre of Toronto; Vance Langford, director, Canadian Immigration Lawyers Association; and Richard Kurland, lawyer and policy analyst, representing Lexbase.

Thank you to all of the witnesses for appearing before the committee today. All of you will have five minutes for your opening remarks. Then we will go into our round of questioning.

We will start with Madam Amad, executive director of the Arab Community Centre of Toronto.

You have five minutes for your opening remarks. Please begin.

Ms. Dima Amad (Executive Director, Arab Community Centre of Toronto): Thank you, Madam Chair.

Members of the committee, good morning, and thank you for inviting the Arab Community Centre of Toronto as a witness this morning in regard to the reuniting families act.

My name is Dima Amad. I am the executive director. Joining me today is Ms. Rasha Salman, our program development lead. We will both speak to the ACCT's position on the bill being discussed today.

We first wish to express our thanks and appreciation to the federal government on its fervent commitment to the humanitarian values of Canada by consistently opening up opportunities for refugees and immigrants to relocate to Canada, particularly its recent commitment to welcome at least 40,000 Afghan refugees and unlimited Ukrainian refugees through various programs and partnerships. The prioritization of human life over financial interests has always been a characteristic of different Canadian governments, and we hope it will continue to be so for a long time.

We have seen and experienced first-hand the challenges these populations face by having to leave their homes and seek refuge and a better life somewhere else. Some of these are life-threatening challenges, and world solidarity is much needed today. Indeed, with 26.4 million refugees worldwide, demand on immigration and

refugee programs is only bound to increase, and we all must do our best to help.

As an organization whose raison d'être is to help refugees and immigrants, we deeply appreciate the government's understanding of this complex world emergency, and we thank you for your continuous support of our mission and programs. We also highly value the opportunity to contribute to policy discussions such as today's and strive to be a faithful messenger of the concerns and needs of a large and important chunk of the Canadian population.

This brings me to our discussion today. I am going to start by going straight to the point.

The ACCT supports the bill proposed by MP Seeback and considers it a great improvement to the original super visa program. I will get to our assessment of the bill in what follows. I will also detail some observations we have and recommendations that we hope will feature in the coming discussions of this bill.

When the super visa was introduced in 2011, it came as a welcome measure to reduce backlogs in immigration applications and to facilitate family reunification. The flexibility of the super visa and the shorter processing times were indeed great solutions for people wishing to reunite with their families for short periods of time. However, it is understandable that improvements to the visa are due.

From experience and literature, the ACCT has learned of many concerns over the limitations of the original super visa. Some research suggested that, due to its temporary nature, the super visa actually did not support family reunification and prevented families from making meaningful long-term plans.

The costs of travel and insurance and minimum income requirements were thought to be prohibitive for many people. We have heard concerns that forcing parents to buy insurance for the whole year when they were staying for a few months made it impossible for many to apply for the super visa.

Sometimes families or single parents needed help with child-rearing, which back home was a job for the grandmother, and couldn't afford day care costs. One cited a monthly bill of \$1,800.

At other times, immigrants expressed concern for parents or even siblings left alone during war or conflict when remaining members of the family have passed away or have fled to safer havens. Many of those immigrants or refugees prefer to reunite permanently with their parents in Canada, but in the absence of a sponsorship opportunity, many resort to the super visa.

Furthermore, some research in the past few years showed that super visa approvals were heavily skewed in favour of European or U.S. parents or grandparents as opposed to racialized populations. Scholars argued that there was a much lower approval rate from the global south, such as Africa, Asia, and the Middle East, than from the U.S. and Europe, which meant that super visa reinforced racial stratification.

Finally, people on super visas cannot work. This means that while Canada might have visitors staying for up to two years—and now five—these residents, who may well be as young as 45 or 50, cannot contribute to the economy.

Having said that, I will say that the new bill comes with much-needed improvements: extending the number of years of stay from two to five; allowing insurance to be purchased from providers outside Canada; and addressing the minimum income threshold. These are excellent improvements, and we believe they will greatly facilitate the lives and integration journey of many new immigrants. However, we believe that these measures should not be a substitute to the paths for permanent relocation of parents and grandparents.

• (1110)

I'll now give the floor to my colleague Rasha to expand on this.

• (1115)

The Chair: Ms. Amad, your five minutes are up. You will get a further opportunity when we go to our round of questioning.

Ms. Dima Amad: Thank you.

The Chair: We will now proceed to Mr. Langford, director of the Canadian Immigration Lawyers Association.

Mr. Langford, the floor is yours. Please begin.

Mr. Vance P. E. Langford (Director, Canadian Immigration Lawyers Association): Madam Chair, honourable committee members, fellow witnesses, ladies and gentlemen, good morning.

Thank you for the invitation to participate in this study of Bill C-242.

The Canadian Immigration Lawyers Association was founded under the Canada Not-for-profit Corporations Act on January 1, 2021, with the purpose of promoting the rule of law, access to justice and the development of Canadian immigration law and policy through legal research, education and related activities. CILA currently has over 400 members, including lawyers, students, academics and non-governmental organizations across Canada. A top priority for CILA is addressing the exclusion of legal counsel in Canada's immigration system. More information can be found at cila.co.

Regarding the amendments proposed by Bill C-242, there are diverse views among CILA members. We absolutely support programs that will streamline procedures and facilitate family reunification while maintaining the integrity of our immigration system and social systems, including health care. We strongly oppose abuse by agents and members of the public that would take advantage of our fair and generous immigration system.

Regarding the authorization of foreign health insurance, CILA acknowledges that additional competition in the insurance industry

may benefit Canadian citizens, permanent residents and their parents and grandparents who apply for super visas. I did a bit of research and found that there are at least 30 companies in Canada selling private health insurance for super visas, so it may be that competition is alive and well. Nevertheless, costs are very high, ranging from about \$1,800 to over \$5,000 per year for a 70-year-old with no pre-existing medical conditions.

There is significant risk associated with authorizing foreign insurance companies. To maintain program integrity, we would not object to a limited number of foreign insurance brokers and underwriters being subject to equivalent standards to brokers and underwriters in Canada. We also recommend that any authorization of foreign health insurance involve robust information programs to make it clear that only authorized insurance brokers and underwriters are eligible, to avoid the victimization of Canadians and their parents and grandparents.

Regarding the proposed extension of the period to enter and remain in Canada under a super visa from two to five years, CILA is not convinced that the increase is necessary or advisable. I read the transcripts from the May 17 meeting of this committee. It appears there was a misunderstanding where it was stated that, "The original super visa allows the family to stay for two years over 10 years." As well, if extended to five years, "They could come for five months a year [over] 10 years." In fact, the super visa authorizes entry for up to two years at a time, not two years over 10 years. It authorizes multiple entries during its 10-year validity. A person could actually be in Canada for nine years or more as long as they left every two years. Further, a super visa holder can apply to extend their temporary resident status from within Canada and, if approved, remain for longer than two years at a time.

CILA foresees that if super visa holders are allowed to remain in Canada for up to five years at a time during its 10-year validity, they will have little incentive to maintain ties to their country of origin and residence there. On the contrary; more super visa holders may apply for permanent residence in Canada on humanitarian and compassionate grounds, flooding what is already a limited category. H and C is an exceptional measure. It is not simply another means of applying for permanent residence in Canada.

There has been, and likely will continue to be, more demand than supply for parent and grandparent immigrant visas, but it may not be prudent economically to expand this category. Therefore, the importance of the super visa to facilitate family reunification, albeit on a temporary basis, is critical, especially if Canada is going to continue to attract strong economic immigrants. Potential immigrants need to know that super visas facilitate parents and grandparents visiting and the process is not too onerous.

In summary, CILA recommends maintenance of the super visa, valid for up to 10 years, with admission for up to two years at a time, and the implementation of a stable, transparent, user-friendly parents and grandparents sponsorship program.

Regarding the proposal to require the minister to prepare a report on reducing the minimum income requirement, CILA fully supports this element of Bill C-242 in further research and reporting. If the research indicates that reducing the income requirement enables Canadian citizens and permanent residents to leverage the benefits of parents and grandparents to work more hours, access education and increase household income, then we would support a reasonable reduction in the minimum income requirement.

● (1120)

The Canadian Immigration Lawyers Association thanks the committee for consulting with us. I am available to answer your questions.

The Chair: Thank you, Mr. Langford, for your testimony.

We will now proceed to Mr. Kurland, lawyer and policy analyst.

Mr. Kurland, the floor is yours. You can begin.

Mr. Richard Kurland (Lawyer and Policy Analyst, Lexbase): Thank you, Madam Chair.

It's a good bill. The five-year duration is excellent. The insurance aspect is a red flag. We may want to scrutinize Canada's international obligations to ensure the free flow of goods and services, so we may not be able to limit or restrict the selection of an insurance product to only a Canadian product. This is a heads-up for that.

There are unintended consequences that will flow from Bill C-242. In theory, it's a nice portrait. However, the practical reality is that after a five-year period, we're going to see extraordinary numbers of parents and grandparents stressed and anguished at the thought of forcibly being returned to the homeland after half a decade with their family in Canada. That's cruel. Unless there is a kind of consumer protection waiver signed at the front end, this is a titanic and compassionate humanitarian disaster in the making. Here is the cure.

Canada, annually, has a target or a quota, if you will, of parents and grandparents who will be allowed to remain or to enter Canada's permanent residence. There's nothing wrong with that. The problem we have now, which will be sorely exacerbated if we bring in a five-year super visa framework, is that every year people submit their expressions of interest to sponsor a parent or a grandparent. What used to happen every year was a lottery was held and the inventory was emptied.

We can't proceed along this path anymore. What should occur is that when there is an inventory of expressions of interest—right now, there are close to 100,000—and we know that we're only going to select a range, let's say 30,000 to 35,000 individuals, you should not be emptying that inventory annually. Instead, when you are in the inventory, the floodgates should close, no new expressions or interests will be allowed to be uploaded into the system, and then you diminish the inventory every year by the number of parents and grandparents you wish to select every year.

What's the difference for Canada? Zero. It's the same number of parents and grandparents. What's the difference for IRCC? Zero. They're going to process the same number, operationally. The difference is in the humans in the inventory. It is no longer a question of "if" I can sponsor my family member; it is a question of "when".

If you're going to pop a five-year matrix, and you know that people are going to be stressing about being forcibly removed from Canada, you keep them in this inventory. The floodgates open. They enter if they wish to seek permanent residence, and not all do. They know that over the three- or five-year period, there's a high likelihood of being processed for permanent residence, and then you open the floodgates again and take the next batch.

I'll leave that for now.

In terms of the eligibility on minimum income, here is something creative. We don't need to.... We can lower it—there are no problems with that—but what we should be doing is giving a \$5,000 credit on that minimum income threshold for every child 12 and under in that family, because we need to reward the homemaker, the person raising the children.

● (1125)

We need to understand the economic value of having a parent or grandparent take care of a young child, because it may free up the biological mom or biological dad to go into the workplace where they will be paying taxes to contribute to our economy.

Those are my five minutes, Chair—

The Chair: I'm sorry for interrupting, Mr. Kurland.

Thank you to all the witnesses.

We will now proceed to our round of questioning. We will begin our first round with Mr. Redekopp.

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

Mr. Brad Redekopp (Saskatoon West, CPC): Thank you, Madam Chair, and thanks to all the witnesses. You've all provided some very interesting testimony.

I want to circle back to Ms. Salman. You didn't have a chance to finish, and Ms. Amad had mentioned some possible recommendations.

Could you very quickly list those recommendations?

Ms. Rasha Salman (Programs Development Lead, Arab Community Centre of Toronto): Thank you, Mr. Redekopp and Madam Chair, and thank you, Dima.

We distilled our observations on the bill and for it not to need to replace the path for permanent residence for parents and grandparents. We basically focus on the fact that multi-generational families are a cultural aspect of many immigrant families, and there's a need to expand our definition of "family" to consider newcomer family structures. We also focus on the economic and non-economic contributions of parents and grandparents, which is consistent with research as well, basically allowing the chance for productive aging. It has been mentioned how, when parents and grandparents live with the family, they free up time and resources for the parents to go out and seek more employment and education.

We have also highlighted that many immigrants consider it their cultural duty to take care of their parents financially, even if they live in separate countries. Many immigrants are actually sending money abroad. Instead of taking trips to countries of origin or buying health insurance abroad, immigrants can spend these resources in the Canadian economy if their parents live with them.

Mr. Brad Redekopp: I'm going to interrupt you there, because I only have a very limited time. I do want to talk about insurance, and I know that in our first meeting there was a lot of discussion about this. The Liberals on the committee, especially, were pretty concerned about the insurance.

One of the considerations that was made clear was that the minister will have the ability to decide which companies are able to provide that insurance.

There kept being questions about this and if it would work and everything else. I would like your response on the following, because when I travel abroad to the U.S. or wherever, I get insurance in Canada for my trip to that country, so I'm essentially getting insurance here for a trip somewhere else. Why can't we allow the same for someone coming to Canada? I guess I'd like a little more information from each of you.

Maybe we'll start with Mr. Kurland.

Mr. Richard Kurland: Yes. I think we can adopt a proven enforcement device that's used for designated educational learning institutions. We create an authorized list, a prescribed list, if you will, that specifically names an authorized insurance product or company. That way we can monitor and control, for enforcement purposes, who's selling insurance products to whom, and we guard against the unscrupulous overseas companies. We have no defence against them, so controlling it from Ottawa, if you will, with a prescribed list of authorized insurance vendors is better.

Mr. Brad Redekopp: Mr. Langford, did you have some concerns?

• (1130)

Mr. Vance P. E. Langford: Well, I agree with Mr. Kurland, and I don't have concerns about a prescribed list. If the minister designates a list of prescribed foreign insurers, CILA would be fine with that. It's just a matter of public protection and protection of people who come here with some foreign insurance that doesn't ultimately pay their medical bills, and the Canadian system has to cover that.

The other note about insurance is that there is currently a gap in the system for super visas, whereby a parent or grandparent coming on that visa needs to get insurance for one year, but if they enter

Canada and remain for two years, they could effectively save money and let their insurance lapse while they're here. That is something to note as a concern. They would be offside their visa, they would be non-compliant, and there could be potential consequences for that; but if they remain in Canada, they could effectively let their insurance lapse. This has to be balanced with the concerns that were raised by the Arab Community Centre of Toronto about the overall cost. The insurance costs are very significant.

Hopefully, what we could get to is a reduced cost with a foreign insurer who is reputable and vetted, so there isn't a gap whereunder parents or grandparents are letting it lapse while they're here.

Mr. Brad Redekopp: Ms. Amad or Ms. Salman, do you have a thought on that?

Ms. Rasha Salman: Dima, I can take this.

Actually, to commence on the insurance issue, one of the things that we thought could help is allowing parents or grandparents to finance their own stay and to allow flexibility in the insurance coverage by allowing it to be according to the length of stay. Practically, why should they be forced to buy for a year if they want to stay for only three months, for example?

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

Mr. Brad Redekopp: Thank you.

The Chair: We will now proceed to Mr. El-Khoury.

Mr. El-Khoury, you will have six minutes. Please begin.

[*Translation*]

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Thank you, Madam Chair.

I'd like to welcome our guests. We're very grateful to them for testifying before the committee.

My first question is for Dima Amad.

Ms. Amad, as you know, the super visa is a facilitation tool designed to protect visitors by ensuring that they can be financially supported by their host children or grandchildren and that they have insurance coverage so they can receive emergency medical care.

Do you believe members of your community would benefit from being able to purchase coverage from international insurers?

[*English*]

Ms. Dima Amad: Thank you.

The truth is that for our community the insurance is very costly, and it's prohibitive for many families to bring their parents and grandparents here. That's why one of the recommendations, as Rasha mentioned, is to have it based on the length of stay.

I might have missed a bit of the question at the beginning because I didn't realize that I was only on the French channel, but for the communities we serve, having flexibility in the insurance and having the ability to purchase from the outside is definitely something that might reduce the costs, so we would welcome it.

However, at the end of the day, we think this is a temporary measure until they are reunited with their families through a proper sponsorship program.

I am not sure if I answered the question.

Mr. Fayçal El-Khoury: It's good.

[*Translation*]

I'd like to ask Mr. Kurland and Mr. Langford a question based on Ms. Amad's response.

I have two cases in my riding where the grandparents have come to visit the children and grandchildren several times. They are now over 70, and they find the cost of insurance so steep that they have had to withdraw their visa application. Therefore, they will not be able to come visit their family.

I would like to hear what you would say to them. Do you have a suggestion, recommendation or proposal for us as to how we could bring down the cost of insurance while still ensuring medical care as needed or in emergency situations?

• (1135)

Mr. Richard Kurland: There is a very practical solution. The super visa is not mandatory. People can apply to come to Canada with temporary status for a limited time.

Who says they have to apply to come to Canada for 12 months or two years? They can choose to come for a few weeks, a month or two months. The most important thing is that an operational guideline is needed: If the parent or grandparent applies for two to three months and the officer is not satisfied, the family must be allowed to amend the application or apply for a super visa. They should start with a standard application for a short visit, a short stay in Canada, and then they can amend the application if the officer requires that they apply for a super visa.

Mr. Fayçal El-Khoury: Mr. Langford, do you have anything to add? I'd like to hear what you have to say about this.

[*English*]

Mr. Vance P. E. Langford: I would agree with the other witnesses who have said that the cost of buying insurance for a full year if you're not going to be here doesn't make sense. Mr. Kurland is suggesting that a parent or grandparent who is elderly does not apply for a super visa, but instead applies for a temporary resident visa and then has insurance for an appropriate period when they are coming to Canada, so that they are reducing the cost.

We would not be in favour of simply waiving all insurance requirements so that an elderly person could come to Canada without

medical insurance. That would not be advisable, but I think there are creative ways to reduce the cost, and I think they have been mentioned by the other witnesses.

[*Translation*]

Mr. Fayçal El-Khoury: Thank you.

I have another question for Ms. Amad.

With respect to bringing one's parents or grandparents to Canada for an extended stay, I'm sure you have had the opportunity to see the impact of that. Can you share with the committee what you have observed in terms of the economic, social and cultural value of family reunification?

I hope the interpretation is correct.

[*English*]

I hope the translation is.... If not, I will try to do it in English.

Ms. Dima Amad: No. That's fine.

The Chair: I'm sorry for interrupting. The time is up for Mr. El-Khoury. You will get an opportunity in the second round.

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

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Thank you, Madam Chair.

I would like to thank all the witnesses today, who are taking the time to help us formulate our recommendations and study this bill.

Mr. Kurland, I am a little confused about something. The length of stay now granted with the super visa will lead to applications for permanent residence in better conditions. However, according to what has been stated, you need to ensure that the family member voluntarily leaves Canada once the visit is over.

Therefore, on the one hand, they are told they must return home, and on the other, they are told to extend their stay so that they can apply for permanent residence. Do you not see an institutional contradiction there?

Mr. Richard Kurland: That contradiction is provided for in the legislation. It's the doctrine of dual intent. One can simultaneously intend to stay as a permanent resident and intend to stay with temporary status.

Officially, it's a huge contradiction, but that's how our system works.

• (1140)

Mr. Alexis Brunelle-Duceppe: Exactly, that's our system. Shouldn't we try to improve it, then? This dual intent issue comes up in a number of other programs, including the international student program, where we tell them to go back to their country once they complete their studies. It's kind of the same thing with this bill and the system as it is. Isn't there a way to fix the dual intent issue once and for all?

Mr. Richard Kurland: Well, try as we might...

In December 2021, I believe the Prime Minister instructed the minister to take it easy and let a married couple into Canada without a hitch, for example, instead of putting the application for temporary status on hold while the permanent residence application was being processed.

That kind of instruction was needed to address the contradiction in the law.

Mr. Alexis Brunelle-Duceppe: Shouldn't this issue be resolved with something more substantive than "taking it easy"? In my opinion, "take it easy" might not be the best solution in a G7 country.

I'd like to hear Mr. Langford's opinion. He represents Canada's immigration lawyers.

[*English*]

Mr. Vance P. E. Langford: I think if your main point is suggesting that there's a problem on the back end with super visa holders, their compliance with the expiry of their visa and their leaving Canada, that compliance issue exists for all people who enter Canada temporarily. Enforcement really does fall to Canada Border Services Agency when people are seeking admission to the country, and also if they're overstays. It is a major problem for the country, and for every country in fact. We're not unique in Canada. We have to deal with people who overstay.

I don't think the issue is unique to super visa holders. The one thing that CILA said in their opening statement is that the change from two years to five years weights it more in favour of these people severing ties with the country of origin, not maintaining their residence and being less inclined to leave Canada. That would be the reason that we actually don't see the change as necessary from two years to five years for a single stay.

[*Translation*]

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

Ms. Salman, I would like to ask you a question. Two weeks ago, Mr. Seeback, who introduced this bill, told us that some felt the income threshold should be eliminated.

Do you have an opinion on that statement?

[*English*]

Ms. Rasha Salman: Thank you.

At ACCT we know that sometimes immigrants living here may not have a very high income, but their parents living abroad have assets and resources. This is why we included the recommendation to give the option for parents to finance their stay. When local immigrants have to meet a certain income threshold, sometimes if they are below that threshold, this prohibits them from bringing

their parents from abroad. In fact, there are resources that can be used. The immigrants just don't have them; the parents have them. We do believe that yes, the income threshold should be studied and perhaps lowered.

[*Translation*]

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

How much time do I have left, Madam Chair?

[*English*]

The Chair: Sorry, your time is up. Thank you.

We will now proceed to Ms. Kwan. You will have six minutes for your round of questioning. You can please begin.

• (1145)

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

Thank you to all of the witnesses for their presentations.

I'd like to ask all of the witnesses this question. The system we have at the moment does not allow for an appeal process. That is to say, under certain extenuating circumstances a person might all of a sudden be disqualified.

As a case in point, I actually had someone tell me that in their final year of meeting the income requirement, their baby came early. As a result of that they had to go on maternity leave, literally in the last month of that requirement. As a result, their income dipped when they went on that leave and that disqualified them, after having waited the entire time, getting the draw and all of that. There's no appeal mechanism for an extenuating circumstance to understand the situation and allow for the application to proceed. Right after the maternity leave, for one month the individual went right back to work, and their income went right back to where it was before.

I'd like to ask the witnesses to comment on whether or not we should have a provision in Mr. Seeback's bill that would allow for the minister to consider a mechanism for appeal in this regard.

Maybe I can start with Mr. Kurland, and then we can go through to the other witnesses.

Mr. Richard Kurland: There is an appeal to the appeal division of the Immigration and Refugee Board when the minimum income threshold fails as a test. There's that, but it takes a long time.

It may be an idea to have a second set of eyes, another decision-maker, to look at cases where temporary status applications have been declined. That's been posited for some time by policy analysts.

I'll allow my good colleague Vance to take this one.

Mr. Vance P. E. Langford: Thank you, Mr. Kurland.

Thank you, Ms. Kwan, for the question.

I think the situation you outlined happens to a lot of people. There should be some appeal process. For a visa application, I believe an application could be made to the Federal Court for leave and for a judicial review of the decision. That would be determined based on whether the officer who reviewed the visa application fettered his or her discretion. That's an impractical, long and expensive process and it would be, ultimately, based on whether the person met the income requirement. That may not be worth pursuing.

Another idea I had—and others can comment on it—is that the minister could issue a temporary resident permit for someone who didn't meet the requirement. That's one idea.

The third thought is that these visas are issued and the program criteria are developed through ministerial instructions. One of the questions that was considered in the past meeting of this committee on this bill, on May 17, was whether IRPA should be amended, the regulations should be amended or it should be dealt with in another way. Our submission would be that it should continue to be dealt with by ministerial instruction, so that there could be more flexibility. I would suggest that if the research shows it's warranted, the flexibility be built into reducing or eliminating the low-income cut-off or allowing for credit, for example, for the assets and resources that the parents and grandparents have. You can't necessarily post a bond. We might not like to go there, but if there's another way to guarantee that those resources can be accessed, that would be a good idea as well.

There are a range of options, and I think this could be dealt with within the program itself.

Ms. Jenny Kwan: Thank you.

I want to highlight the current process. You have to go to the Federal Court, and it is an onerous process, as you indicated. A lot of people would give up at that level. However, I think if you allow for an appeal process that's doesn't require it to go to the Federal Court and where the government or the officials can make that determination—or even the minister can make that determination—that would be much more efficient.

Ms. Salman, I don't think you had a chance to respond, so I'm going to give you a quick chance to respond before I follow up.

• (1150)

Ms. Rasha Salman: Actually, if you don't mind, Ms. Amad had her hand raised for this question, so I'm going to go to her.

Ms. Dima Amad: Thank you.

Ms. Kwan, first of all, we agree with you 100%. For a lot of the immigrants who we serve and the communities that we come from, they are overrepresented in precarious employment, and to produce approval of three years of income, even a minimum threshold income, is too much to request. If you're going to purchase a home, the bank doesn't ask for three years at the same level of income in order for you to be able to get the mortgage.

For us, I'd like to stress that although we welcome the improvements in the bill, because we believe the families have the right to bring in their parents and grandparents, we see it only as an alternative to them sponsoring, or while waiting for the sponsorship to kick in, so that they can be reunited.

The Chair: I'm sorry to interrupt, Ms. Amad. The time is up for Ms. Kwan.

We will now proceed to our second round, and we will have Mr. Benzen. You will have four minutes for your round of questioning.

Mr. Bob Benzen (Calgary Heritage, CPC): Thank you, Madam Chair.

Thank you to all of the witnesses for being here today.

Regarding the minimum necessary income, some critics have suggested that we should look at it on a regional basis. The costs are different in different parts of Canada, and it's unfair for somebody living in the Prairies to have to have the same income as somebody living in Toronto or Vancouver.

Can all of the witnesses give their comments on whether that should be a consideration when that is looked into?

Mr. Vance P. E. Langford: I can go first this time, if that's okay.

There are complexities that will be introduced if you have regional income cut-off requirements that will change over time and that have to be kept up to date. One suggestion might be for rural versus urban income requirements, depending on the location of the family. That's obviously going to be a difference. It's something to manage if you start to do that, so I think you would have to weigh that in balance with whether you reduce it overall.

Mr. Bob Benzen: In regard to that, other critics have said that it should be totally removed altogether and that there shouldn't be any minimum requirement.

What are your thoughts on that, and what would the negative impact of that be?

Mr. Richard Kurland: Money—it boils down to money. It's not an exciting immigration selection category in the first place. You're either related to the parent and grandparent or you're not.

Still, if we were to allow zero income as a threshold, I don't know how many applications we could expect to pour into the system, but we can make the problem go away by giving a credit of \$5,000 to each young person in that family by reducing the threshold based on family size. Under those circumstances, I think the regional issue will dissipate.

Mr. Bob Benzen: I found it interesting that you and Mr. Langford both suggested that the five-year period was probably not going to be a good idea and that we don't really need that either. I was wondering if it's just a case of our not explaining to the applicants and the visa holders how... Is it a question of just educating them better on how the current system works, that you could be here up to nine years right now? That was what Mr. Langford said earlier. It already works, so do we just need to educate people about it better?

Mr. Vance P. E. Langford: I don't know if others have comments, but I would agree with that. That information needs to be very clear. In the program instructions it is clear, so there could be more information, better information, for parents and grandparents and their children who are in Canada. That's how it works, and if you have a good immigration lawyer, it will be explained to you for sure.

• (1155)

Ms. Dima Amad: Can I comment on this, please? Is that okay?

Mr. Bob Benzen: Yes.

Ms. Dima Amad: They have to leave after two years, and this is also costly. If they needed to stay, for example, for three years, and then after two years, reapply again, leave and come back, that's why we kind of welcome the fact that, if they want to stay for longer periods of time, especially those who are waiting for the sponsorship applications to kick in, then it saves them money.

Thank you.

Mr. Bob Benzen: Thank you very much.

The Chair: The time is up for Mr. Benzen. Thank you.

I'd just like to remind all the members and the witnesses to please address all of your comments through the chair.

We will now proceed to Ms. Lalonde.

Ms. Lalonde, you have four minutes. You can please begin.

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

Certainly I want to say thank you to all of our witnesses today.

I would like to come back to Mr. Langford's comments regarding keeping the super visa in ministerial instructions.

Can he expand a little bit on what the limitations or challenges would be if it were moved under the authority of IRPA?

Mr. Vance P. E. Langford: The answer would be, Madam Chair, flexibility.

Amending IRPA to provide a different duration, amending IRPA to do other things that are proposed in the bill, allowing for an insurance provider or reducing the minimum income, are all sort of programmatic requirements. The only one I would see as worthwhile to consider putting into the act or the regulations would be the duration of the visa, but I think the Canadian immigration system would benefit from the use of ministerial instructions to adjust or change something like the duration of a visa without having to amend the act. I think there are more fundamental things that would be done in the legislation.

I would also agree with caution about the use of ministerial instructions for many things and that, when ministerial instructions are used, the government has an obligation to report to Parliament at least annually on the use of ministerial instructions.

Mrs. Marie-France Lalonde: Thank you very much.

Through you, Madam Chair, to your knowledge, are there any other temporary visa programs built into the IRPA, Mr. Langford?

Mr. Vance P. E. Langford: I think, Madam Chair, in IRPA there are the outlines for programs, visa programs, but the specifics are in the operational bulletins and the guidance that's used by the department to administer them. I can't say definitively that there are no specific programmatic visa requirements in the act or regulations, but generally the criteria used to evaluate the structure of a visa program and its requirements are in the program itself.

Mrs. Marie-France Lalonde: Thank you again.

My colleague, Mr. Fayçal El-Khoury, tried to get and answer from Madame Amad and Madame Salman regarding—and I'm just going by memory a little bit—the economic, social and cultural values of families being reunited.

I'm wondering if we could finish on that, Madam.

Ms. Rasha Salman: Should I take this?

The Chair: Ms. Lalonde, who are you directing your question to?

Mrs. Marie-France Lalonde: I wanted to give the opportunity to Madame Amad from the Arab Community Centre to finish sharing with us, if I may, Madam Chair.

The Chair: Madam Salman, you can begin.

Ms. Rasha Salman: Thank you, Madam Chair.

I'm going to comment on two of the questions that were just addressed concerning the income and the length of stay extending from two to five years. We do support lowering the income threshold and the extension from two years to five. Two years is a short period, as Ms. Amad mentioned. It may be too onerous for reapplication, but five years is a reasonable period for a reassessment. Maybe even the immigrant's socio-economic situation has changed. Maybe they have a higher income now, or if it's a lower income, and things need to be reassessed. We do believe that the five-year improvement is a useful change.

• (1200)

The Chair: Sorry for interrupting, Ms. Salman, but the time is up for Ms. Lalonde.

We will now proceed to Mr. Brunelle-Duceppe for two minutes.

You can please begin.

[*Translation*]

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

As this is the last time I will have the floor today, I'd like to thank the witnesses for being with us this morning.

Ms. Amad, I believe you are the only person to whom I haven't given the floor. So I'm giving you carte blanche for the minute and a half I have left, if you have anything to tell us about Bill C-242, the reason we're all here today.

[English]

Ms. Dima Amad: Thank you.

The only thing I can say is that when we're thinking of families, we're thinking about real lives and about the right of families to be reunited. We shouldn't put a cost and benefit to the taxpayers above having the families' rights to be reunited.

At the same time, the problem with having them come on temporary visitor visas is that a lot of people get declined, because the parents have to prove that they have the income and will return.

The super visa came, as we mentioned before, as a welcome measure for the families to be reunited. It's too bad that we didn't get to talking about the benefits of having grandparents and parents together, but I think all of us come from families, and we do realize the value of having parents and grandparents around in terms of the language, in terms of passing on the heritage, in terms of the wisdom, and in terms of just having that connection. For us, it's a matter of making it easier for our communities to be able to reunite with their families.

Whatever bill comes in that would make it easier for families, less costly, and from a human perspective gives an opportunity for families to be reunited, we obviously welcome—

The Chair: Sorry for interrupting you, Ms Amad, but the time is up for Monsieur Brunelle-Duceppe.

[Translation]

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

[English]

The Chair: We will now end our panel with Ms. Kwan.

Ms. Kwan, you have two minutes.

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

I want to note that in the previous Parliament in 2015, this issue was actually studied by committee, and the witnesses indicated all of the concerns that people have raised here, including the income threshold being too onerous for parent and grandparent reunification. At that time, recommendations were made, by the way, to the government, which, of course, sat on the books, and six years later nothing has happened.

I am concerned about the idea that somehow this should be dealt with through ministerial instruction, as if that would actually do the trick, because we know that so far it hasn't.

To that end, my question is for Ms. Amad. Is it important then for us to clearly lay out what measures should be put in place to reduce the onerous requirements for parent and grandparent sponsorship? I ask because if we don't, and we rely on the government to act on its own, at least in my tenure, in the last 6 years, nothing will happen.

Ms. Dima Amad: I'm not really sure how to respond to that, because I'm not an economist or a politician. We definitely need to have flexibility. We need to look at the human aspect of it, and make sure that people are able to be bring their families, their parents, and grandparents here. I'm sorry that I'm not able to comment

more. I don't know what measures could be taken in this regard, but I agree, it is prohibitive.

• (1205)

Ms. Jenny Kwan: Go ahead, Ms. Salman.

Ms. Rasha Salman: Just to add to what Ms. Amad mentioned, I believe that community development or the community support sector can make meaningful contributions in offering strategies and working with the government, not leaving the government on its own to work on this, but perhaps instead by the sector's suggesting improvements.

The Chair: Thank you, Ms. Salman.

The time is up for Ms. Kwan.

With this, our first panel comes to an end. On behalf of all the members, I really want to thank all of the witnesses for your important input as we consider private member's Bill C-242.

I will now suspend the meeting for two minutes, so that sound checks can be done for the second panel.

Madam Clerk, please do the sound checks for the next panel.

• (1205)

(Pause)

• (1205)

The Chair: I call the meeting back to order.

I would like to welcome the officials from the Department of Citizenship and Immigration who are appearing before the committee today as we consider Bill C-242, an act to amend the Immigration and Refugee Protection Act (temporary resident visas for parents and grandparents).

I would like to welcome Michèle Kingsley, director general, immigration; James Seyler, director, immigration program guidance; and Ben Mitchell, counsel.

Welcome, and thanks for appearing before the committee.

You will each have five minutes for your opening remarks. You may begin, and then we will go to our round of questioning.

• (1210)

[Translation]

Ms. Michèle Kingsley (Director General, Immigration, Department of Citizenship and Immigration): Thank you, Madam Chair.

I'm pleased to join the committee, and would like to take a moment to acknowledge that the land from which I'm joining you today is the traditional unceded territory of the Algonquin Anishinaabe Nation.

As director general of the Immigration Branch within the Department of Immigration, Refugees and Citizenship Canada, I am happy to speak today about the super visa and the proposed amendments presented by Bill C-242.

I am joined by my colleagues James Seyler from the Operations Sector as well as Caroline Forbes and Ben Mitchell from Departmental Legal Services.

[English]

Canada's immigration system recognizes the importance of family reunification and the social, cultural and economic benefits of reuniting parents and grandparents with their loved ones in Canada.

The super visa was established in 2011, and since its introduction it has been a popular and facilitative multi-entry visa that successfully reunites families in Canada.

The super visa is valid for up to 10 years, and it allows parents and grandparents to stay in Canada for up to two years each time they enter the country. They can also extend their stay from within Canada for up to two more years with no limit on the number of requests for extensions within the country.

There are also no limits on the number of individuals who can apply for the super visa, and IRCC approves approximately 17,000 of them each year.

Because of longer stays, applicants must meet additional criteria, including a one-time standard medical exam at the time of application, private health insurance from a Canadian company, and financial support from a host who must meet a minimum income cut-off. These safeguards are in place to protect clients and our health system.

Madam Chair, I would like to now address the proposed changes to the super visa brought forward by Bill C-242.

With regard to authorities, Bill C-242 proposes that certain conditions of the super visa be established in the Immigration and Refugee Protection Act. Currently, the act serves as a framework legislation, and authorizes the making of regulations and ministerial instructions to deliver programs and services. Program criteria for the super visa are established in ministerial instructions and not the act. This approach allows for program changes to be pursued quickly to respond to emerging needs of clients.

The proposed changes by Bill C-242 would mean that future adjustments could only be done through legislative procedures that can require years to complete.

Bill C-242 also proposes to establish the length of stay in the act, increasing it from two years to five years per entry. As I mentioned, under the current super visa, clients can request extensions while here, meaning that they already have the possibility to stay for five years or even longer without needing to leave Canada.

Another important feature of the bill would allow private insurance from international providers to be designated by the minister. Under the current super visa, insurance from a Canadian company is required, because we know these providers. They are regulated in Canada, and they are reliable.

IRCC does not currently have expertise in the international health insurance market, and allowing foreign providers, as proposed by the bill, would require consultations with health sector experts as well as with provinces and territories to determine which criteria should be included in such a designation scheme. Simply

put, there are many unknown impacts of broadening health insurance to foreign providers, which require further examination.

[Translation]

Bill C-242 also proposes that a report be tabled to review the financial criteria for the super visa. Current income requirements are based on low-income cut-off, defined by Statistics Canada, and are intended to ensure that visiting parents and grandparents are supported by their host while in Canada.

The government agrees with the requirement to table a report on the impacts of lowering these thresholds.

[English]

I would like to thank the honourable member for Dufferin—Caledon and all committee members for bringing forward Bill C-242. The super visa is an important pathway to reunite parents and grandparents with their loved ones in Canada.

We continue to review existing criteria, and we welcome opportunities to strengthen our supports for family reunification.

I'm happy to take your questions now. Thank you.

● (1215)

The Chair: Thank you, Madam Kingsley.

We will now proceed to our rounds of questioning. As a reminder to all the members and the witnesses, all of the questions should be directed through the chair. Thank you.

We will begin our first round with Mr. Genuis.

Mr. Genuis, you will have six minutes for your round of questioning. You can please begin.

Mr. Garnett Genuis: Thank you so much, Madam Chair.

Thank you to the witnesses, and if they are still listening, to the witnesses from the first panel as well.

I wonder if all of the witnesses could comment on the issue of the income cut-off a little bit more. This issue is addressed in the bill. In particular, I guess, the presumption of even having an income cut-off is that those who are coming are drawing on the resources of those who are providing for them, when, in fact, as we've heard at this committee, in many cases there is—if it's not too crass to say—an economic benefit to the family that's associated with the presence of parents and grandparents in terms of various kinds of support.

In that light, does it make sense to have an income cut-off at all?

Ms. Michèle Kingsley: Chair, we take a step back and consider Statistics Canada's definition of the low-income cut-off, I think that's a good place to start.

The low-income cut-off is the threshold below which a family will devote a much larger share of its income in comparison to the average family to basic necessities, such as food and shelter and clothing. That is why it was established as the threshold for the super visa because it takes into account the basic necessities that extra family members would bring. It is meant to balance the fact that it is a longer-stay visa and to make sure that clients are appropriately supported while they're here.

That said, the government agrees that this is something that should be continually revised. We'll be examining it, and the minister will be tabling a report—if this bill is adopted—on the low-income cut-off and whether other considerations, including those that have been raised by other witnesses, should be considered.

Mr. Garnett Genuis: Thank you.

I won't press the point with you, but for the committee's reflection, that still seems to come from a perspective of assuming that there is a cost to the family instead of an economic benefit. It may be that for families who are struggling economically, one of their big challenges might be child care, and having a supportive grandparent present will allow them to improve their economic situation.

I want to drill down further on the issue of ministerial instructions. Some members of the government on this committee have said that action could be taken by ministerial instruction on some of these issues.

The nature of a bill, especially a private member's bill, is that it takes a long time for it to wind through the process. We're trying to deal with this bill as quickly as possible, but assuming everything goes well, it will go through report stage, third reading and likely committee study at the Senate as well.

The government could move forward to demonstrate its commitment on some of these issues on ministerial instructions right now, could it not, even while the bill is proceeding? It doesn't make much sense to me that they would argue that we don't need these provisions because we can do it by ministerial instructions, when they have actually failed to act when it comes to ministerial instructions.

Could you maybe just clarify the timelines that would be involved in ministerial instructions, if the government were to try to move on some of these issues right now?

Ms. Michèle Kingsley: That's correct. Legislation can take months and years to pass. Whereas, ministerial instructions, depending on the complexity of the issue involved, can be drafted in weeks to months, with a level of flexibility that is really desirable in these types of situations. I would say that in the context of the super visa, new ministerial instructions could be drafted and signed in weeks.

Mr. Garnett Genuis: Okay.

To your knowledge, is the government in the process of doing that at the moment, preparing revisions or instructions that address the issues in this bill?

Ms. Michèle Kingsley: I think the government is watching closely what's happening with this bill and is open to making changes to enhance the super visa as well as other lines of business.

• (1220)

Mr. Garnett Genuis: Right.

My point, though, is that it seems that the argument being used by some is, "Well, we shouldn't have certain provisions that are in this bill because the government could act by ministerial instructions."

My point is that the government could have acted by ministerial instructions by now and they haven't, and if they want to act by ministerial instructions, one way they could strengthen their case is by moving forward with those actions right away. You're confirming that the government could do so. They could do so in a matter of weeks. However, they have chosen not to.

From my perspective, that strengthens the rationale for legislative measures, because it shows that the government has been unwilling to make some of these changes. That's where you need legislation. It's often when you see the government unwilling to move on something that legislation becomes important, because it requires government action.

I have 20 seconds left. I don't know if you want to comment on that, as opposed to me just sharing an opinion. Do you want to comment on any of that?

Ms. Michèle Kingsley: I'm sorry, Chair, was there a specific question that I could answer?

Mr. Garnett Genuis: I guess it's, what is the impact on the government's rationale for saying that this should be in ministerial instructions when the government hasn't actually brought in ministerial instructions that respond to the concerns raised?

The Chair: I'm sorry for interrupting, Mr. Genuis; your time is up. You'll get an opportunity in the second round.

We will now proceed to Mr. Ali.

Mr. Ali, you will have six minutes. You can begin.

Mr. Shafqat Ali (Brampton Centre, Lib.): Thank you, Madam Chair.

Thank you to the officials for being here.

Through you, Madam Chair, I would like to better understand the bill's proposed changes to the Immigration and Refugee Protection Act.

The program in question, the super visa, is currently under the authority of ministerial instructions. To be quite honest, I'm not entirely sure that everyone has a full understanding of what ministerial instructions are and how they differ from legislation. If we set the changes in Bill C-242 in legislation, what would that mean the next time the program needs to be adjusted to reflect the needs of clients?

Anyone can jump in to answer.

Ms. Michèle Kingsley: As I was saying in my opening remarks, the Immigration and Refugee Protection Act is a framework legislation. Any changes to the act would mean that any future programmatic changes would have to be done via legislation again, which can take months or years. Keeping these provisions in the ministerial instructions gives flexibility to any minister to be able to introduce changes.

I might turn to Mr. Mitchell to elaborate on the benefits of legislation versus ministerial instructions.

Mr. Ben Mitchell (Counsel, Department of Citizenship and Immigration): IRPA contains various provisions that allow the minister to issue special instructions to immigration officers that enable the government to best attain its immigration goals.

Ministerial instructions can touch on a diverse range of issues, from temporary residence processing or, in our case here, the super visas, whereas, as my colleague Ms. Kingsley previously mentioned, changes to the actual act itself will require legislative changes that take much longer to do.

Mr. Shafqat Ali: Thank you.

I understand from your previous answers and your opening remarks that placing the super visa under the authority of IRPA would make it much more difficult to change in the future.

Bill C-242 calls for the minister to table a report about reducing the minimum income requirement of the child or grandchild in Canada. If that report shows that reducing this income requirement would be appropriate, what would have to happen to make that change happen in IRPA versus if the change only needed to be made by ministerial instruction?

Can you give some examples of instances when changes to the super visa or other temporary resident streams could be done expeditiously through ministerial instructions? Secondly, are there any other temporary residence programs that are entrenched in IRPA?

Thank you.

• (1225)

Ms. Michèle Kingsley: I don't have any examples of when ministerial instructions brought in changes to a temporary resident pathway. I would turn to counsel to confirm that, but, to my knowledge, there are no temporary resident pathways contained in the act itself.

Mr. Shafqat Ali: Thank you.

Do you want to add something, Mr. Mitchell?

Mr. Ben Mitchell: Yes, I'll confirm that that is correct. The framework for temporary residents is set out through the regulations, and ministerial instructions can be used to complement those with selection criteria and conditions.

Mr. Shafqat Ali: Thank you.

During his appearance at this committee on May 17, the sponsor of Bill C-242 stated that he had very little faith that the government would bring about the changes proposed in the bill, if these were not done through legislation. It's my hope that your appearance here today can help us to convince the sponsor that his concerns are un-

founded. In your view, do the changes proposed in the bill align with any of the government's objectives?

Ms. Michèle Kingsley: Thank you, Chair.

I think that the objectives of the bill to recognize the social, economic and cultural contributions of parents and grandparents to not only their families but to our society are completely aligned with government objectives. The current super visa provides for an initial entry of two years, but it also provides for unlimited renewals from within Canada for period of two years at a time. I believe that's completely aligned with the objective of the bill for longer stays as well.

I believe that the objectives of the bill for family reunification, recognizing the benefits, and for longer stays are already provided through the current super visa, and the government welcomes furthering those objectives. Really, the issue is to be consistent with the framework legislation that we have and to keep it as ministerial instructions, rather than including it in the legislation, which would result in future changes being extremely cumbersome and difficult to pass.

The Chair: I'm sorry for interrupting, Ms. Kingsley. The time is up for Mr. Ali.

We will now proceed to Mr. Brunelle-Duceppe, for six minutes.

You can begin.

[*Translation*]

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

I'd like to thank all of our friends from the department who are here today.

I'd like to ask a few specific questions, but I will let the witnesses decide who can respond most appropriately.

In 2016, a lawyer pointed out to the committee that it was difficult for widows to obtain a super visa because the visa officer is less likely to be satisfied that the parents and grandparents will leave Canada at the end of the authorized stay. The lawyer recommended removing the requirement to leave.

Considering that Bill C-242 extends the authorized stay to five years, what effect would this have on widowed or other vulnerable individuals applying for a super visa?

Ms. Michèle Kingsley: Madam Chair, I thank the member for his question.

The dual intent principle applies here, just like it does in all of our programs. The requirement to leave the country when temporary resident status expires exists, and it can coexist with the dual intent principle. It's simply a way of recognizing that in some cases permanent residency will not follow or will not follow immediately. In a managed immigration system, we need some assurance that people will return home once their residency status expires. I don't believe that what's at issue right now is really going to change that analysis.

I can ask Mr. Seyler if he wants to add anything.

• (1230)

Mr. Alexis Brunelle-Duceppe: Actually, I'd like to go back to what you just said.

The question isn't whether or not people will obtain permanent residency. For a widow, widower or vulnerable individual, dual intent makes it downright harder to get the super visa. The issue isn't whether or not they will leave. Dual intent disproportionately affects these individuals, according to the lawyer who testified before the committee in 2016.

Would Bill C-242 make us do things differently or lead officers to turn away fewer widowed or vulnerable individuals?

Ms. Michèle Kingsley: I don't see how any kind of vulnerability or being widowed, among other things, would make it less likely that an individual would be granted a super visa. The requirements remain the same. Therefore, I don't see how vulnerability would make it harder to get the super visa. To be able to comment on this, I would have to read, review and assess the attorney in question's report.

I don't know if my colleague Mr. Seyler wishes to add anything.

[*English*]

Mr. James Seyler (Director, Immigration Program Guidance, Department of Citizenship and Immigration): Thank you, Madam Kingsley.

Thank you to the Chair for the question.

I would agree with what my colleague from the department just said. The additional period of time prescribed in the bill of up to five years could make it more difficult for officials to find that the person is a temporary resident with the intent of leaving Canada. Often, the longer someone stays in Canada, the weaker their connection to a point outside of Canada can become. Therefore, with a shorter project of entry as is currently the case, it may be easier for anyone, including those in a vulnerable situation, to obtain the super visa.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Thank you for these responses.

Perhaps we can get the testimony of this attorney who appeared before the committee in 2016 sent to you. If not, you could simply ask the Library of Parliament staff provide it to you. I'm sure they will be happy to send it to you.

Some Immigration, Refugees and Citizenship Canada critics say it's too demanding, because it assumes that a family's income will not vary from year to year and never fall below the income threshold during recessions. However, we're about to go through serious economic upheaval. We saw some upheaval during the COVID-19 pandemic. In terms of the post-pandemic period, the forecast varies depending on which economist you talk to.

How do the new reporting requirements in sections 4 and 5 of Bill C-242 address this issue?

Ms. Michèle Kingsley: Thank you.

That's a good question. Tabling a report in the House on the low-income cut-off will help us examine these issues, which were raised

by previous witnesses, and determine whether there are circumstances where temporary changes to the financial criteria should be considered. The government is quite open to looking at these kinds of changes and sharing its findings with the House in the report that the minister will be required to table under this bill, should it pass.

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

Madam Chair, do I have—

[*English*]

The Chair: I'm sorry for interrupting. Mr. Brunelle-Duceppe, but your time is up.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Okay. Thank you.

[*English*]

The Chair: Thank you.

We will now proceed to Ms. Kwan. You have six minutes. Please begin.

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

Thank you to the officials here.

On this question around the appeal process, we discussed it briefly during the last panel. It was stated that people can always go to a judicial review, the Federal Court and so on and so forth, which is an onerous and expensive process.

Based on the information you have, could you advise the committee how often that appeal process is exercised by people who have been rejected by the parents and grandparents sponsorship program?

• (1235)

Ms. Michèle Kingsley: To be clear, Chair, is the question about the parents and grandparents sponsorship program or the super visa program?

Ms. Jenny Kwan: Actually, I'm interested in both, because it's relevant. The super visa is, obviously, a surrogate for the parents and grandparents sponsorship program.

Do you have that information that you can share with the committee?

Ms. Michèle Kingsley: I don't have information on the number of times that these types of recourse have been pursued. I'd turn to counsel and see if counsel has that information, or my colleague in operations.

Mr. Ben Mitchell: I apologize, Madam Chair. I don't have that information.

Mr. James Seyler: Nor do I, Madam Chair. Thank you.

Ms. Jenny Kwan: Fair enough. Maybe we could have that information submitted to the committee for our review.

The other piece is related to the issue around the income threshold. There's been a lot of discussion about this. In fact, I remember distinctly back in the first Parliament I was elected to, this issue coming up at the CIMM committee. There was extensive discussion with witnesses as well. Along with it, there was a series of other recommendations. To date, as far as I can tell, none of those recommendations have been acted on, including the request for the department to look into the contributions of parents and grandparents in other ways to Canada's cultural mosaic, as well as to our economy.

Why is that? Why has the government not responded and provided information with respect to those critical questions that are now before us once again?

Ms. Michèle Kingsley: Madam Chair, the officials have continued to look into the various recommendations that the committee has made in the past. Following those CIMM recommendations, officials consulted with the health insurance industry on the super visa requirements. Those discussions ended up having stakeholders raise concerns more around whether insurance was sufficient, given the demographics of the population and their likelihood of having variable health statuses, which, of course, would lead to more expensive insurance.

In 2020, the length of extension that one could apply for from within Canada was increased to two years, really providing for an opportunity—

Ms. Jenny Kwan: Sorry, I'm going to interrupt here.

I was asking specifically about recommendations on the contributions of parents and grandparents to Canada, culturally and economically. I don't believe any data or information has been provided with respect to that. I want to ask this question with respect to parents and grandparents. It's related to that. The suggestion was that this should be dealt with through ministerial instructions as opposed to legislation. The argument is that it's easier for government to act, and it's less cumbersome. The counter piece, of course, is that, without legislation, what will compel the government to act? So far, we haven't seen action, realistically. The whole idea with the super visa, in essence, is to fill the gap—the lack of parent and grandparent sponsorship application process.

How do you answer that question? What can compel the government to act if we don't do this through legislation?

Ms. Michèle Kingsley: Thank you, Madam Chair, for the question.

I would say that the objectives of the bill—to achieve longer stays—are already provided by the current super visa with an initial entry of two years, but with unlimited renewals from within Canada. Keeping it in ministerial instructions is not just a question of government facility. Should further changes be wanted, it allows for a faster, more nimble response for the benefit of clients.

I would come back to the fact that the goal of the legislation to increase the stays is already met by the current super visa, which is ministerial instruction.

• (1240)

Ms. Jenny Kwan: If you talk to parents and grandparents, they may offer some other points of view with respect to that.

Around insurance, one issue that surfaced from previous committee review is the idea of allowing parents and grandparents to access provincial insurance.

Was that ever looked into?

Ms. Michèle Kingsley: Sorry, did you say “access provincial insurance”?

Ms. Jenny Kwan: Yes, I mean access to provincial MSP. In my province, we call it “MSP premiums”—the B.C. MSP premiums.

The Chair: I'm sorry for interrupting, Ms. Kwan. Your time is up. You will get an opportunity in the second round.

We will now proceed to Mr. Hallan for five minutes.

Mr. Hallan, please begin.

Mr. Jasraj Singh Hallan (Calgary Forest Lawn, CPC): Thank you, Madam Chair, and thank you to the previous witnesses and officials for being here today.

I want to focus on the social aspect of this bill. I want to get feedback from each of the witnesses.

Could each of you speak to.... Let's look at it through the family and social lens. We know that a lot of culture communities rely on this super visa. It is our belief that it would strengthen family ties and family structure in Canada.

I'd like each of you to comment, looking through that lens.

Ms. Michèle Kingsley: Thank you, Madam Chair.

I agree. I think the super visa is an extremely facilitative tool that has been used quite a bit since 2011. IRCC approves some 17,000 super visas every year, which means that parents and grandparents who contribute economically, socially and culturally to our communities, country and, of course, families are able to reunite.

Again, that super visa has a validity of 10 years and the initial entry is currently set at two years. It can be renewed any number of times from within the country. It enables family reunification to continue without interruption should super visa holders continue to renew from within the country.

I'm not sure whether my colleague Mr. Seyler or counsel would like to add to that.

Mr. Jasraj Singh Hallan: Would you like to respond to that?

Do you see a benefit in this? We see a really big backlog right now in the immigration system. Would this visa help to alleviate some of that stress? In your opinion, would there be fewer renewals with that kind of visa?

Ms. Michèle Kingsley: I'll turn to my colleague in operations in a moment.

I'm not sure if we have data on how many super visa holders are actually renewing them. Presumably, having a longer initial stay would result in fewer renewals. I think that is intuitively a conclusion that one can draw.

Mr. James Seyler: Indeed, would potentially reduce the number of extension applications made from within Canada with a longer stay. Those, however, are not numerous at this point. Over the course of the 10 years that the super visa has existed so far, approximately 32,000 extensions have been submitted. When you look at approximately 17,000 super visas applied for and issued each year, that's a relatively small number over the course of 10 years.

Mr. Jasraj Singh Hallan: Whatever number it is, or the impact of it, would you see a net benefit in this? Would it help to alleviate some of the backlog, or the pressure on processing times, because there would be fewer renewals?

Mr. James Seyler: I would say yes. Any reduction in the number of applications would have a potentially positive effect on the overall volume of cases that would need to be processed.

• (1245)

Mr. Jasraj Singh Hallan: I want to ask your opinion on whether it's the economic side of things, or whether it's the social side of things, where you see a net benefit from this. Whether it's the family side of it, or the processing side of it, would there be a net benefit from the current bill the way it is right now?

I'd like everyone's feedback on that.

Ms. Michèle Kingsley: It is very difficult to quantify social and cultural benefits, but there's no question that there are economic, social, and cultural benefits to having parents and grandparents reunited with their children and grandchildren. The super visa does that currently, and it takes into account that balance of having longer reunification stays with some criteria that don't apply to a regular, shorter six-month visa.

The Chair: Time is up for Mr. Hallan.

We will now proceed to Ms. Kayabaga for five minutes.

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

I would also like to start by thanking our past witnesses and the witnesses who are here today. Thank you for taking the time to answer our questions.

I have a question regarding the medical requirements that individuals must have. If individuals are current super visa holders and they want to extend their stay here in Canada, how does it work for their medical clearance? Do they have to have any medical exams and show proof of recent medical insurance every time they apply for an extension?

Ms. Michèle Kingsley: The requirement to have a medical exam only applies to the initial application. When applicants send in their first request for a super visa, that is when a medical exam is requested. If and when applicants want to renew their application, that medical exam does not need to be redone. However, they do need to continue to meet the insurance requirements.

Ms. Arielle Kayabaga: Another question I have concerns the safeguards around insurance policies. What kinds of mechanisms does IRCC have to ensure that these policies can guarantee coverage in a timely manner once the applicant is on Canadian soil? Is there a push to make sure that it's met on time?

Ms. Michèle Kingsley: Thank you.

Currently, because the super visa requires the private health insurance to be provided by a Canadian provider, the integrity is ensured essentially by the fact that these insurance providers are regulated within the Canadian system. We know them, we know that they're regulated and that we can trust them.

Should we consider foreign insurance providers the way that this bill does, we would really have to come up with a designation system that takes into account new criteria that the department doesn't currently have the expertise to develop. We would have to work with provinces, territories and health experts to determine what those criteria are. Are they around the solvency of companies? Are they around the compliance with laws and regulations abroad? What are the modalities of payments, including criteria around having payments at point of service to protect clients, for example?

Of course, we would have to ensure that any designation scheme has ongoing monitoring to ensure that clients continue to be protected by anyone who's designated.

It's a complex issue that would just need to be really looked into in consultation with experts in the field and provinces and territories.

Ms. Arielle Kayabaga: Thank you. It sounds like a very complex issue, so I'm going to ask further questions on that.

There is no guarantee that there wouldn't be scams through that for applicants. If there was to be other insurance companies as the bill suggests, there's no way to safeguard for people to make sure that they're not going to get scammed. You wouldn't be able to track whether it can be delivered in a timely manner, which would cause and create more issues for the applicant.

• (1250)

Ms. Michèle Kingsley: That's correct, Chair. There is a higher likelihood of fraud. We would be very concerned about that and we would need to develop really stringent criteria around all of these issues and ensure that there is very close, ongoing monitoring of any of thousands of companies that might be interested in being designated through such a model.

Ms. Arielle Kayabaga: I have another quick thought on that. How much time would that take, relatively, if you have to consult with different provinces through their different health care systems?

I'm sure you can't really give me an exact answer on this, but I just feel like it would take time to get through all of that.

Ms. Michèle Kingsley: It would definitely take quite a bit of time to make sure that we get it right and to make sure that clients are protected from fraudulent actors, from possible companies that may not actually pay in time or may not pay up front. It would take quite a bit of time to determine all of that. I can't really speak to how much time that might take.

Ms. Arielle Kayabaga: That's okay. I figured you wouldn't be able to answer that.

I have another last question on that same topic because it's a very interesting one.

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

Ms. Arielle Kayabaga: Thank you, Madam Chair.

The Chair: Thank you.

We will now proceed to Mr. Brunelle-Duceppe for two and a half minutes.

[*Translation*]

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

Once again, I'd like to thank the witnesses. This will be the last time I address them today.

I understand that Bill C-242 has consensus across all parties. It contains no major pitfalls that would cause any party to oppose it.

So, I'm wondering, in your opinion, is there a way to speed things up so that what the bill proposes can be implemented as quickly as possible? Is there a way?

Ms. Michèle Kingsley: Thank you for your question.

As you say, all parties agree on the principles of the bill, and so do we. The purpose of this bill is to facilitate family reunification for extended periods of time. The current super visa already allows that. It's valid for 10 years, and it allows parents or grandparents to enter the country for an initial period of two years and then stay on.

So I believe the current super visa, which is designed based on an instruction to the department, already achieves that goal.

Mr. Alexis Brunelle-Duceppe: How long do you think it will take before this all comes together, given everything on the table right now?

Ms. Michèle Kingsley: As I was saying, the super visa already does that. It already has some—

Mr. Alexis Brunelle-Duceppe: Yes, but Bill C-242 provides for changes.

Couldn't the department provide some direction to make this happen more quickly? Since we already have a consensus and agreement among all parties, it would go much faster.

Ms. Michèle Kingsley: As I said earlier, changes to departmental instructions in a context similar to this one could take a few weeks.

Mr. Alexis Brunelle-Duceppe: Therefore, it would go much faster than if we had to do all readings of the bill in the House, have the bill considered in the Senate, and have the Senate refer the bill back to the House. You're telling us that we could save time.

Ms. Michèle Kingsley: I believe you could.

Mr. Alexis Brunelle-Duceppe: Thank you for those great responses.

I will turn the floor over to my esteemed colleague from the NDP.

[*English*]

The Chair: Thank you, Mr. Brunelle-Duceppe. Your time is up.

We will now proceed to Ms. Kwan. You have two and a half minutes. Please begin.

Ms. Jenny Kwan: Thank you, Madam Chair.

Previously, I asked the question around whether or not officials have undertaken to contact provinces and territories to see if it is feasible for them to make available their provincial or territorial medical insurance coverage for parents and grandparents, with them paying for it. Is that an option that could be entertained?

Ms. Michèle Kingsley: Thank you, Chair.

To my knowledge, we have not asked provinces and territories about making their public health insurance regimes available to super visa holders. It is something we could do. To my knowledge, it has not been done.

• (1255)

Ms. Jenny Kwan: I would encourage officials to undertake that, because I think it's another viable option—as opposed to private insurers—if the provinces or territories are willing to provide that at a cost. That cost may be lower for parents and grandparents as well.

With respect to moving forward on this, part of the problem with the current parents and grandparents sponsorship program is that it's so limited. So few families can access it. The issue with the income threshold is that it doesn't take into consideration the cultural and economic contributions of parents and grandparents to Canada.

Should the government not be thinking about those contributions as they evaluate the financial requirements? If so, how can they measure them and take them into consideration?

Ms. Michèle Kingsley: Thank you, Chair.

The member is referring to the parents and grandparents sponsorship program, which is the permanent residency program. I would just highlight the latest levels planned have record admissions targets and have increased them considerably to 25,000 for this year, 28,500 for next year and 32,000 in 2024—

Ms. Jenny Kwan: I'm sorry to interrupt. My question was about the evaluation of their contributions economically, socially and culturally. How are they being accounted for?

Ms. Michèle Kingsley: I was saying earlier that it's really difficult to put an economic number on something like cultural and social contribution—

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

We will now have two minutes for Mr. Hallan, and then end the panel with two minutes for Mr. Dhaliwal.

Mr. Hallan, please begin. You have two minutes.

Mr. Jasraj Singh Hallan: The time's going to be passed to Mr. Benzen.

The Chair: Okay.

Go ahead, Mr. Benzen.

Mr. Bob Benzen: Thank you, Chair.

With regard to the health insurance, an earlier witness today said his study showed that there were 30 companies providing insurance. Thirty companies is an extremely low number of companies. I think we need to have well over 100, 200 or 300 companies that can provide health insurance, so that we have a very competitive market. This would help reduce the prices.

Would you agree that we need to increase the number of companies that are providing health insurance?

Ms. Michèle Kingsley: Thank you, Chair.

I think that increasing the number of insurance companies has the potential to reduce prices, but there are a lot of questions around whether opening it up to foreign insurance providers would result in that. It's a really complex issue, and, as I was saying earlier, we can look at setting criteria for companies that would meet those criteria and make sure that we're protecting clients. How the international insurance market would react to that designation scheme with added criteria is an open question that we don't have an answer to.

Mr. Bob Benzen: But, nonetheless—

Ms. Michèle Kingsley: Nonetheless, the basic.... Yes, excuse me.

Mr. Bob Benzen: Nonetheless, the witness earlier was saying that it would be up to \$5,000 a year for a person to pay for insurance that they might not even use, which is extremely expensive. We need to find ways to make that market more competitive and to lower these prices, to make it more affordable for everybody.

The other thing I'd like to mention is that we have—

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

Now we will proceed to Mr. Dhaliwal.

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

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

I'll carry on with Mr. Benzen's question.

It's very frustrating to see the insurance costs for children who want to bring the parents and grandparents on super visas. Not only that, but when they come here and at some point one of those people have to go to the hospital, the insurance doesn't even cover the whole amount.

How can the government help? I think it's a good idea that, just like provincial insurance, if MSP can cover it—at least then they don't need to worry about going back and forth between the insurance companies.

Panel members, I would like to hear your comments.

• (1300)

Ms. Michèle Kingsley: Madam Chair, I think those examples that we see of parents and grandparents on super visas having issues getting insurance companies to pay for their costs and so on are reflective of how important it is that we have reliable, robust insurance for these super visa holders.

The bottom line is the health and the financial security of these visitors. I think that those examples really underscore how much we have to be sure that we get it right and that any insurance provider that is accepted in our programs will actually deliver what they promise.

Mr. Sukh Dhaliwal: I would also like to know what could be the impact on the whole if the minimum necessary income requirement were reduced for children or grandchildren under the super visa.

Ms. Michèle Kingsley: I think that's what the report that the minister will be tabling—if this bill goes through—will look at. The threshold that's currently established really is the bottom line under which families have to devote a larger share than the average to basic necessities such as food.

I think that we're open to examining it. We're open to seeing what the the impact would be of reducing it, and we'll table a report as to the results of that study—if this is adopted.

The Chair: I'm sorry for interrupting, but the time is up. With this, this panel comes to an end.

On behalf of all the members of this committee, I would like to thank all the witnesses for appearing before the committee.

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

Mr. Sukh Dhaliwal: Let's adjourn.

The Chair: Okay.

Thank you once again to all the witnesses.

The meeting is adjourned.

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