



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Citizenship and Immigration

EVIDENCE

**NUMBER 037**

Friday, October 21, 2022

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Chair: Mrs. Salma Zahid





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• (1300)

[English]

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

Welcome to meeting number 37 of the House of Commons Standing Committee on Citizenship and Immigration.

I would like to welcome the new members to this committee. We have with us Mr. Maguire, Mr. Kmiec and Ms. Rempel Garner.

Welcome to the immigration and citizenship committee.

Today we will continue our study on application backlogs and processing times.

I would like to welcome the witnesses who are appearing before this committee. All witnesses will have five minutes for their opening remarks, and then we will proceed to a round of questioning.

In our first panel today, we are joined by Elizabeth Long, a barrister and solicitor for Long Mangalji LLP; Janet Dench, executive director of the Canadian Council for Refugees; and Mary Roman, executive director of the Ottawa Community Immigrant Services Organization.

Welcome to this committee. Each of you will have five minutes for your opening remarks, and then we will go into our round of questioning.

We will start with Ms. Long.

Ms. Long, please begin. You will have five minutes for your opening remarks.

**Ms. Elizabeth Long (Barrister and Solicitor, Long Mangalji LLP, As an Individual):** Thank you very much for allowing me to testify.

I'd like to speak with you today about the issue of backlogs for temporary resident applications, work permits, study permits, visitor visas and temporary resident permits that deal with inadmissibilities.

Temporary resident applications, for the most part, are urgent. Employers need workers to start working for them right away. Students need to go to school. Visitors need to see their families. However, we are seeing egregious processing times for these applications: for example, inland work permits, 168 days; work permits at visa posts like Dubai, 32 weeks; Singapore, 35 weeks; Pakistan, 37 weeks; super visas at the New York visa post, 508 days. Caregiver applications haven't even been processed since the program opened

in 2019. Temporary resident permits and other temporary resident applications that are filed in Canada and transferred to local offices now take two to four years to process.

The result means people's lives are held in limbo for untenable lengths of time. There are many people in Canada who become destitute because they're not able to work, while their employers experience labour shortages. Classrooms have empty spots because students can't get their study permits. Family members are unable to reunite with their loved ones.

How do we fix this? I have a few suggestions.

Number one, we need to look at who evaluates the applications. Currently we're still following the old system that was developed decades ago, of using visa posts. That was when we had paper applications, and applicants were interviewed by officers at the visa posts. These visa posts are determining, still, most of the applications that are filed in a particular area. This is unnecessary. The law changed in 2019 to allow applications to be processed by any office, yet we're still following the old system, whereby the visa posts are processing them.

Now we have applications that are all submitted online. IRCC does not need to go to hire people from overseas or bring people overseas. Instead they should be hiring in Canada. They should be decided in Canada, where we develop officers and teams with specialized expertise to deal with particular applications. This will increase efficiency. It will also eliminate the discrimination in processing times and rejection rates based on where an applicant is based.

Secondly, we need to develop proper criteria that are outlined clearly so that the officers and the public can understand how these determinations are made. Currently the criteria for an officer's making this vague decision about whether they feel an applicant is going to return back to the country are much too vague, and that leads to frustrations on both sides, as well as clogging up the Federal Court with challenges to decisions that are unreasonable.

Finally, we need to be careful about using tools such as Chinook. If the refusal rates jump dramatically after the adoption of these kinds of tools, the assumption should be that there is an issue with the system. Now, I understand your committee has already had several studies dealing with these tools and the underlying issues with them, but I would just like to point out that many of these decisions that come from systems that have adopted these tools are unjustly rendered. As a result they lead to the Federal Court's being clogged with challenges. Then further resources are being employed.

What may seem to be efficient, if it ends in injustice, will actually cause further backlogs and delays.

Thank you very much.

• (1305)

**The Chair:** Thank you, Ms. Long.

We will now proceed to Ms. Janet Dench, executive director, Canadian Council for Refugees.

The floor is yours. You can please begin.

**Ms. Janet Dench (Executive Director, Canadian Council for Refugees):** Thank you for the invitation to address the committee as part of your study on application backlogs and processing times.

The Canadian Council for Refugees has many concerns about backlogs and processing times, but today I would like to focus on applications for permanent residence from protected persons in Canada and their family members. We addressed this issue in a submission we made in July, entitled “Accepted refugees: on hold and separated from their family”, which I hope you have before you.

Firstly, who are we talking about? Protected persons in Canada are people who have made a refugee claim in Canada and have been determined to be convention refugees or protected persons. They can then apply for permanent residence for themselves as well as for their immediate family members, spouses and children, whether inside or outside Canada.

At the end of January 2022, there was an inventory of nearly 70,000 applications of accepted refugees; in other words, protected persons and their family members. However, in February the government announced a target of only 24,500 for protected persons in Canada and dependents abroad. According to the government's multi-year plan, the target goes up very slightly next year, to 25,000. This means the government is planning for some of the applicants in the January 2022 inventory not to receive their permanent residence until 2024.

The gap between the number of applicants waiting and the target in the immigration levels will only grow, because the Immigration and Refugee Board is making more decisions on refugees. This is due to the pandemic and the addition of new decision-makers. Already in 2021, over 30,000 people were accepted as refugees by the IRB, up from 16,000 in 2020.

The 2022 immigration target of 24,500 for protected persons is clearly far too small for the 30,000 people accepted as refugees in 2021, even before considering their family members abroad. As the gap grows between the number of people accepted as refugees and

the immigration target, people will be forced to wait longer and longer.

Our submission outlines some of the serious consequences for refugees who must wait years to receive permanent residence, but the most devastating impact is prolonged family separation. People are often forced to flee, leaving their immediate family behind. Their spouses and children may remain in the home country, subject in some cases to threats from the same agents of persecution that the refugees fled. In other cases, family members have also been displaced from their home country and are surviving in precarious circumstances in a third country. Some parents have had to leave their children behind in the care of an elderly relative or even a neighbour.

I invite you to listen to the words of one mother.

• (1310)

[*Translation*]

I had to leave my spouse and two of my children behind. I travelled because I had to—it was the only choice and I was crying a lot, but I was pushed by my family to leave.

In 2018 I started my refugee journey in Canada. I had no family, no friends and I didn't know anything about the system in Canada or life in Canada.

[...]

It's so stressful to wait for a hearing and then wait for your permanent residence and then wait until your overseas family get their permanent residence. It has taken almost four years to be at the point of being reunited with my family.

My children and I lost four years of our life together. We suffered a lot [...] I couldn't stand life without my children, and my children suffered at the same time. They stopped going to school; they lived in constant fear. No health care, no school, their life and mine stopped.

I always wondered how a large developed country like Canada could allow families to be separated for so long, especially if children are involved.

[...]

I think those four years will always have an impact on us. We will never forget them. The pain we suffered will never go away.

I would like to point out that IRCC refuses to publish processing times for the family members abroad of accepted refugees, either globally or by region.

In 2021, IRCC informed a journalist that, for family reunification cases finalized between April 2020 and March 2021, the processing time was 39 months, so more than three years. In the experience of our members, the timescales vary greatly by region, and people in Africa or Haiti generally wait a very long time; this situation is completely at odds with the department's commitment to fight racism.

[*English*]

Our report concludes with four recommendations: ensure that the ministerial letter mandate for family reunification applies to refugees and not only family class; increase immigration targets for protected persons in Canada and dependents abroad; publish the processing times for dependants of refugees abroad; and amend the law to provide automatic permanent residence for accepted refugees.

Thank you.

**The Chair:** Thank you.

We will now proceed to Mary Roman, the executive director for Ottawa Community Immigrant Services Organization.

Ms. Roman, you have five minutes for your opening remarks.

**Ms. Mary Roman (Executive Director, Ottawa Community Immigrant Services Organization):** Thank you, Madam Chair and committee, for inviting the Ottawa Community Immigrant Services Organization to share our experience regarding the backlogs of IRCC file processing times.

For 45 years, OCISO, working in partnership with IRCC, has been supporting newcomers settling in Ottawa. We have dealt with many complexities related to immigration waves from different sourcing countries. Today we would like to highlight the challenges related to two specific immigration classes within the general stream: the backlogs for government-assisted refugees', or GARs', citizenship applications and PR renewals, and also the backlogs for refugee claimant processing times.

Most GARs are vulnerable, multibarrier clients, with a high percentage of disability cases. Most of them have challenges in language and digital literacy. As we appreciate the launch of the online application system of IRCC, we also acknowledge that these clients cannot navigate the systems by themselves. Rather, they depend on our settlement practitioners to help them in processing PR renewals or citizenship applications and to provide responses in cases of delays.

The backlog has extended to two years for decisions on citizenship and to six months or more for PR renewals. Because of repercussions and for their security and safety, GARs cannot return to their sourcing country or be reunited with their families until they have Canadian citizenship and passports. In the meantime, we have noticed that the applications submitted post-COVID, in 2021, were prioritized and finalized, whereas applications from 2019 and 2020 are still pending.

We've tracked some cases requiring disability accommodation for hearing and for speaking, but they could not be processed for months, whether it was for their citizenship test or the citizenship ceremony. Our practitioners struggle to get responses via the web form supplied or in reaching an agent over the phone. There are children attached to adults with delayed processing times. There was no option to process their independent files without finishing those of the parents. This is combined with the economic challenges of the costs of the application process for GARs.

Today, OCISO recommends to this committee and to IRCC doable solutions that might work, such as adopting the same approach as the CRA, where a help desk for non-profits and volunteers was initiated during the tax season. We suggest that IRCC create a helpline regarding overdue processing times that is accessible only by organization-specific codes for settlement practitioners and non-profits in order to get responses to attend to our clients. We also suggest freezing for a few months all of the new applications for citizenship to finish the queue of the backlog for the previous years, and then starting to accept new files after clearing all of those queued behind.

We have a dream, and we are sharing it with you today. We look forward to the future innovation of artificial intelligence to triage the applications, whereby the components of the applications are in view of the CRA, the CBSA, security clearance and the IRCC, all linked via an intragovernmental network, so that the system, by itself, can sort out and finalize the complete packages automatically, minimizing the processing time and the workload on different immigration officers and their human inputs into the revision of those files.

I now want to reference the refugee claimants.

The backlog to get the work permit is now up to one year. It is a fact that refugee claimants are usually skilled and ready for employment, but for one year, everything is frozen for them. They are not able to have a driver's licence issued, to work or to study in universities. They live on income assistance, which in itself is a load on taxpayers and the government. Without residency status, they are not able to leave the country, bring in their families or process any application for reunification with their loved ones.

• (1315)

OCISO's recommendation is for IRCC to grant open work permits right away to all claimants to alleviate the pressure until the processing of their case is done. We are asking for this as it aligns with the approach adopted by IRCC regarding the Canada-Ukraine authorization for emergency travel, CUAET, which was a successful experience. It put them into employability immediately. We hope to apply this to all refugee claimants as well.

Thank you very much.

**The Chair:** Thank you. You are right on time.

With that, we will proceed to our round of questioning. We will begin with Mr. Maguire.

Mr. Maguire, you have six minutes for your round of questioning. Please begin.

**Mr. Larry Maguire (Brandon—Souris, CPC):** Thank you, Madam Chair.

I'd like to give notice of the following motion, which my office will make available to the clerk:

That Immigration, Refugees and Citizenship Canada table in both English and French with the committee, until further notice, the previous month's number of people entering Canada through non-official points of entry who claim asylum, not later than the 5th of the month succeeding the data.

Thank you.

I have a number of questions I'd like to proceed with for Ms. Dench today. I'll get right into them.

Ms. Dench, after reviewing the statistics on the Immigration and Refugee Board's website, their most up-to-date data has 13,389 pending asylum claims from irregular border crossers. We know that the number will rise drastically, as the RCMP has already intercepted 23,358 individuals as of August 2022. It's also clear that we're on track for over 30,000 irregular border crossers for this year. Is the Immigration and Refugee Board prepared to process this dramatic increase in asylum claims so people aren't waiting for this to get either a yes or a no?

• (1320)

**Ms. Janet Dench:** Of course, you'll have to speak to the Immigration and Refugee Board to have a sense of their capacity, but there has been a very welcome increase in capacity at the Immigration and Refugee Board. They have adapted. I think they were one of the institutions that adapted the most quickly to the pandemic situation and having online hearings. They have also been given a budget to hire new decision-makers, so there's quite an increase in the number of decision-makers, which increases their capacity.

**Mr. Larry Maguire:** Thanks.

Do you know what specific law or regulation the Liberal government used to stop irregular border crossers from claiming asylum during the pandemic?

**Ms. Janet Dench:** It was the order in council that was part of the pandemic border ban. It didn't prevent them from making refugee claims, but it directed them back, so people who came up to the border and made a refugee claim at an irregular point were told to return to the U.S. and that they would have to come back later to pursue their claim.

**Mr. Larry Maguire:** Yes. That was my next question.

My colleagues on this committee may not know this, but, as you mentioned, the IRCC's website has a section entitled "Asylum claimants who were directed back to the U.S." Under that it says, "We're contacting individuals who wanted to make a claim for asylum in Canada, but were directed back to the U.S. because of the COVID-19 border restrictions. These individuals will be able to return to Canada to continue their claim."

Do you know how the government collected the contact information for those individuals? Do you know specifically how the government is now contacting these individuals? Is it by phone, by email or by letter? Do you know the means of contact?

**Ms. Janet Dench:** I think that was happening mostly last year. They had some contact information because, when the person came to the border, they took contact information, so they used that information. They also worked through the non-governmental organizations that the CCR brings together under its umbrella. We took the information and made sure we passed it out to organizations that might be able to be in touch with people to encourage them to return to Canada.

**Mr. Larry Maguire:** Was there a time frame on that? They were directed to go back and come back once they were contacted, which could have been years.

**Ms. Janet Dench:** Before the pandemic border ban was lifted, they were given individual appointments to return, but at the end of November of last year, when the border ban was lifted, they could

choose to come at any time they wanted. I think most of them have either come or are probably not going to come.

**Mr. Larry Maguire:** Back in 2017-18, the Liberal government was not transparent regarding conversations it was having with the United States administration about amending the safe third country agreement. Since the election of President Biden, are you aware of any conversations between Canada and the United States about amending the safe third country agreement?

**Ms. Janet Dench:** We have followed the news and the rumours like you have, but we don't have any privileged information.

I'll take the opportunity to say that we would hope the government would withdraw from the safe third country agreement, and then there would be no more irregular crossings.

**Mr. Larry Maguire:** That's interesting as well. Thank you.

With the increased numbers of people walking across the border to claim asylum this year, which are already higher than what we saw back in 2017 and 2018, are you aware of any Liberal ministers travelling to the United States as they did in previous years to discourage people from irregularly walking across the border to claim asylum?

**Ms. Janet Dench:** No.

**Mr. Larry Maguire:** Thank you.

Madam Chair, I will cede the rest of my time to my colleague, Ms. Rempel Garner.

**The Chair:** There are 25 seconds.

**Mr. Larry Maguire:** Oh, well....

• (1325)

**Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC):** That's a lot of time for me to get in trouble, Chair. Thank you.

Ms. Dench, earlier this year, actually this month, the CBC published an article stating, "The federal government is aiming to create a program that will provide a path to permanent residency for up to 500,000 immigrants who are working in Canada but do not have official standing."

Has your organization or has anyone in your organization been consulted by the government on this potential amnesty program?

**Ms. Janet Dench:** We have made a submission, which is available on our website, and we had a meeting with the department to discuss our submission.

**The Chair:** Your time is up, Mrs. Rempel Garner.

We will now proceed to Ms. Lalonde.

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

**Mrs. Marie-France Lalonde (Orléans, Lib.):** First, I want to say thank you to all our witnesses who are in person or on Zoom today. I really appreciate your time and your presentations.

I'll start with Mrs. Roman for my first questions. I'll reflect on something that happened in previous testimony, and I want your impression on this. We heard from a witness during the committee that Canada should withdraw from its UNHCR commitment to aid only privately sponsored refugees. In your opinion, what damage would this do to the overall perspective of helping individuals here who are the most vulnerable in our world?

**Ms. Mary Roman:** I believe this is going to be a very challenging issue, because it doesn't create equity and justice for everyone. We understand the concept of refugees; they are coming to different countries not by choice, but because they are forced to. I believe that's going to be very challenging.

The privately sponsored refugees have some supports of an entourage that is providing them with economic and moral support, whereas others are quite vulnerable and multibarriered. I believe through the UNHCR this is their only way to a safe haven.

**Mrs. Marie-France Lalonde:** Thank you very much for that answer, and thank you for the clarification for us. I think it's most important for our government to help the most vulnerable individuals.

You referred in your testimony to wanting to talk to us about GARs and refugee claimants. You did open the door to certain solutions. You mentioned future innovations, and that's certainly something that's top of mind for the government and certainly the ministry. We know the paper aspect was definitely very difficult during the pandemic, so we are modernizing it.

I'm interested to know more about the better system interlink that you were.... Could you just explore a bit more in that sense with us? That's very interesting.

**Ms. Elizabeth Long:** It's definitely a great thing that everything now is online and paperless, for a few reasons. One, it's easier for applicants to submit the application, and two, it's easier for the IR-CC officers to pass the files around. We no longer need to be in a specific physical location to access the files. Because of this, we no longer need to go back to just adhering to the old system of the visa posts and having officers at the visa posts deciding applications for people who are in the countries or in the countries around them. The law also changed in 2019 to allow the minister to have anyone look at these applications.

What I am suggesting is instead of hiring all these people overseas at the visa posts, let's hire in Canada and let's provide jobs for people in Canada. Let's train officers to specialize in specific applications, in post-grad work permits or in inter-company transferees. We have some visa posts determining things in four weeks. Others are determining things in 37 weeks—

• (1330)

**Mrs. Marie-France Lalonde:** Ms. Long, I'm so sorry. I would like also to hear from Ms. Roman, if you don't mind.

**Ms. Elizabeth Long:** I'm so sorry. I thought you were asking me the question.

**Mrs. Marie-France Lalonde:** We appreciate every witness. Maybe allow Ms. Roman, based on her testimony, to refer back.

Thank you.

**Ms. Mary Roman:** We were talking about adopting the same model as for some exams, like the IELTS or the TOEFL, which are being automated and triaged online. If the application components, which are usually ticked for the CRA and CBSA components, are automated and everything is according to the code and everything is meeting, the system should triage the applications as complete or incomplete. That would cut down on almost 75% of the work done by humans, because it's ticking all the points.

Again, it takes a lot of time to make that cycle between the different government departments, so until the CRA and CBSA provide their input.... If it's all present on an intranet—a government network—I believe they will automatically answer each other and finish the application.

That's what we are trying to do. It's to take the caseload of human effort away from the human officers who are dealing with it. They have an extreme, aggravating caseload. It's to just try to triage those that are complete and ready to put in the funnel, process them more quickly, and make an equitable standard for everyone. This is not subject to opinions or to the evaluation of different ones. It's a standardized process that's going to be applicable to everyone.

**Mrs. Marie-France Lalonde:** Thank you for that.

I would say, you know—

**The Chair:** I am sorry for interrupting, Mrs. Lalonde. Your time is up.

We will now proceed to Mr. Brunelle-Duceppe.

You will have six minutes. You can please begin.

[Translation]

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

First of all, I thank the witnesses who are here today very much for this extremely important study, which concerns us all. They have touched on a number of topics in their opening remarks; I will not have enough time in six minutes to cover them all.

I will address you first, Ms. Dench. I have listened to you with great interest. Just recently, in the response of Minister of Immigration, Refugees and Citizenship, Mr. Sean Fraser to a report arising from a study on the inequities between the number of students accepted from Africa and the number of students accepted from elsewhere in the world—

[English]

**The Chair:** I'm sorry for interrupting, Mr. Brunelle-Duceppe. There is an interpretation issue. I think there is some echo. We will just check it before we proceed.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** Is it working now?

[English]

**The Chair:** Yes, it's okay now.

Please go ahead.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** All right. Will you reset the clock, Madam Chair?

[English]

**The Chair:** Yes, we'll restart.

[Translation]

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

I welcome the witnesses who are participating today in this very important study. They have touched on a number of topics in their opening statements, so I won't be able to cover them all in just six minutes.

Ms. Dench, in a response from the Minister of Immigration to a report produced following a study by this committee into the selection of foreign students and the inequities that existed between students from Africa and those from elsewhere, the minister bluntly admitted that there was racism — that's the word he used — within IRCC and that it could affect whether or not a person got a study permit, depending on where they came from.

In your opinion, does racism within IRCC affect the processing times of cases, as this is what we are interested in in our study today?

**Ms. Janet Dench:** Yes. We find that there is a lot of systemic racism within the department, and it's good news that the department recognizes this. We see some good progress being made through the working group that has been set up within the department. We have been able to have discussions with them and we see that they are willing to tackle these issues.

In terms of resource allocation, this is an area where we have a lot of criticism. For decades, the resources allocated to African countries, for example, have been much less than those allocated in other parts of the world. This has an impact on processing times.

• (1335)

**Mr. Alexis Brunelle-Duceppe:** This is, in fact, downright racist. Thank you very much.

I also heard you talk about the Safe Third Country Agreement. I am very interested in that. The Bloc Québécois is calling for the suspension of the agreement, because the government is still not using the tool provided for in one of its articles. The minister tells us that he wants to modernize this agreement with the United States.

Since negotiations are taking place, wouldn't this be the right tool to help the refugees who come here, and would it not also make the negotiations with the Americans go much faster?

**Ms. Janet Dench:** We believe that we really should suspend the agreement or withdraw from it altogether. We at the Canadian Council for Refugees believe that our withdrawal from or the suspension of the agreement would be of benefit to everyone. Claimants would be able to present themselves in an orderly fashion at ports of entry across the country, and it would be an end to

the movement on Roxham Road, which causes all sorts of headaches.

**Mr. Alexis Brunelle-Duceppe:** That's fantastic.

I think it would also be much more dignified and humane to welcome these people through the front door rather than the back.

Thank you very much, Ms. Dench.

Ms. Long, you touched on the subject of dual intent in your opening remarks.

You were saying that Canadian law allows a student who has obtained a study permit to apply for permanent residence after some time, but that the same law gives an officer the authority to deny a study permit to a student because they may decide to stay in the country following graduation.

I'd like you to expand on that and tell us how this kind of power given to officers can affect timelines.

[English]

**Ms. Elizabeth Long:** Was that question directed to me?

[Translation]

**Mr. Alexis Brunelle-Duceppe:** Yes, Ms. Long.

[English]

**Ms. Elizabeth Long:** As a country, we have essentially had policies to encourage international students to come to study in our country and for them to get permanent residence. They are the ideal immigrants. As international students, they are young, have a high level of education and are integrated into our society.

However, when we apply for study permits, we have to explain to the officers why it is that the students don't want to study in their home countries and how their programs are going to help them, not in their careers in Canada or anywhere else, but in their careers back home.

Applications are routinely denied because the officers say they don't think the students will return to their home countries. This dichotomy in the policy is really confusing.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** It's even a little schizophrenic.

I'll move on to another topic.

Ms. Long, in your work, have you noticed that IRCC was ill-prepared when an international crisis like the Ukrainian crisis, the Afghan crisis, or even the earthquake in Haiti occurred? Unfortunately, this directly affects the timelines. During the Afghan crisis, between 15% and 25% of IRCC staff were sent to deal only with the files related to what was happening in Afghanistan.

In your opinion, shouldn't IRCC have an emergency mechanism that it can put in place quickly, rather than being caught off guard every time there is an international crisis?

[English]

**The Chair:** There are 30 seconds left.



[Translation]

**Mr. Alexis Brunelle-Duceppe:** I would just like you to answer me with yes or no.

[English]

**Ms. Elizabeth Long:** I agree. This is where you shouldn't have officers process at visa posts. You should have teams in Canada, who are much more equipped to deal with different situations from around the world.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** That's fine.

Thank you so much.

[English]

**The Chair:** Thank you. The time is up for Mr. Brunelle-Duceppe.

We will now proceed to Ms. Kwan.

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

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Madam Chair, and thank you to all the witnesses for their presentations.

First I'd like to ask Ms. Long a question.

With regard to the processing delays that are happening pretty well in every single stream within IRCC, you made some suggestions on how to enhance the system. I really liked the idea of having specialized agents on various streams.

The other issue is that we also have over 500,000 people in this country who are temporary foreign workers or undocumented individuals. At the same time, we also have industry clamouring for more workers, and we tend to then turn to more temporary foreign workers.

Should the government be looking to regularize the people who are already here for a variety of reasons as well as to meet the immigration needs caused by the labour skills shortage?

• (1340)

**Ms. Elizabeth Long:** Yes, absolutely. We have a ready and available labour force in Canada. Many people who are out of status are out of status because of issues in the system. It took too long—for example, over six months—for a work permit to be evaluated in Canada.

When the Conservative government was in place before, it had a law that said workers had to leave Canada if they'd been working here for more than four years. Many people couldn't leave, and they had to stay.

Many of these workers are good workers. A system that allows them to go back into the system will provide us with taxpayers, and it will allow families to stay in Canada and finally be able to live their lives peacefully.

**Ms. Jenny Kwan:** Along those lines, if the government were to regularize these individuals, would it need to also address that with

a companion piece to address the immigration numbers accordingly?

**Ms. Elizabeth Long:** Yes, it would. Immigration levels need to be raised in accordance with labour shortages. We are in competition right now with the rest of the world for labour. It's not just for high-skilled labour, but what the government says is low-skilled. It's across the board. If we don't increase immigration levels, we are going to lose out.

**Ms. Jenny Kwan:** I have the same two questions for Ms. Dench.

**Ms. Janet Dench:** We would like to see people who are in Canada regularized, and that includes people who have refugee status. As I was saying, even with refugee status, people are waiting a very long time for permanent residence, which causes great hardships.

At the same time, it's important for us not to do that at the expense of other people who are in need. The number of people in need of resettlement and refugees in need of resettlement around the world is extraordinarily high. Canada needs to do more to be responsive to them, as well as to respond to emergency situations in an equitable way. That would include emergencies in Africa, for example, which have always been neglected.

**Ms. Jenny Kwan:** Yes. Hence the immigration levels need to be adjusted accordingly. Otherwise, you will be robbing Peter to pay Paul.

Did I interpret that correctly?

**Ms. Janet Dench:** Yes, exactly.

**Ms. Jenny Kwan:** Thank you.

In a similar vein, with respect to regularizing people, what suggestions do you have for the government to streamline that process? Right now, the red tape is very burdensome.

Ms. Long, for people whose work permits have expired because they couldn't get them renewed in time, should the government streamline those individuals, regularize their process, do away with some of the red tape to save work and efficiency, and maximize efficiencies built into the IRCC?

I'll hear from Ms. Long and then Ms. Dench.

**Ms. Elizabeth Long:** Yes, absolutely. Right now, we have some very stringent timelines. For example, you have only 90 days to restore your status. Some people didn't get their decisions back, or they may have submitted something and it was returned after 90 days, so it made it impossible for them to do so. There are so many easy ways we can allow people to regain their status.

**Ms. Jenny Kwan:** Go ahead, Ms. Dench.

**Ms. Janet Dench:** I would say that, obviously, digital offers the opportunity to do things much more quickly and efficiently, but we haven't necessarily seen that paying off. Instead, what we've seen is that more and more, the applicants have the burden of doing all the paperwork, often with online tools that are very difficult to use, and the processing times don't seem to improve as a result. We don't seem to be benefiting as fully as we would expect.

**Ms. Jenny Kwan:** One of the witnesses at our previous meeting, Ms. Desloges, suggested that streamlining the process may well mean there could be situations where some people would be able to get through without having met all the requirements. However, for the purpose of trying to streamline the process, she thought it was worth the risk, as long as criminality was not an issue.

Would you agree with that?

Please go first, Ms Long, and then Ms. Dench.

• (1345)

**Ms. Elizabeth Long:** Yes, absolutely. We have the mechanism of the temporary resident permits right now to allow people to right their status. The problem is that right now, to apply for temporary resident permits, it's two to three years or more—

**The Chair:** Sorry for interrupting, Ms. Long, but time is up for Ms. Kwan. You can come back in the next round of questioning.

We will now proceed to our second round.

Ms. Rempel Garner, you will have five minutes for your round of questioning.

**Hon. Michelle Rempel Garner:** Thank you.

I will continue my line of questioning with Ms. Dench.

One of the potential avenues that was suggested for the government to have a regularization program was to include, essentially, amnesty for refugee applications that may have been denied.

Does your organization support that recommendation?

**Ms. Janet Dench:** We are supporting a broad regularization. It's something that also takes into account the various circumstances, so a particular category of people who are of concern to us and have long been a concern are people whose refugee claims may have been denied but who have remained in Canada because the situation in their home country is so bad that Canada does not deport them. They remain in Canada, and they think there should be an expedited way for them to get—

**Hon. Michelle Rempel Garner:** Thank you.

Going back, taking out the categorization, or the requirement of refugee claims that have been denied, the applicant would have a moratorium due to the situation in the country.... If our nation determines that it's safe for someone to return to their country, and a refugee claim has been denied, is your organization supporting an amnesty, or regularization, for that class of person?

**Ms. Janet Dench:** We don't have a recommendation specifically on that point, no. We have a broader point around having a broad regularization.

**Hon. Michelle Rempel Garner:** I guess, asked another way, if the government announced regularization for refugee applications that have been denied, do you think that would perhaps create a pull factor into Canada for refugee claims that would fall into a similar category?

**Ms. Janet Dench:** It would depend on how it was framed. If it was a time-specific one.... Sometimes programs say you have to be in the country by such a date to benefit. Then, obviously, it doesn't create so much of a pull factor.

**Hon. Michelle Rempel Garner:** If that were to happen, is your organization recommending that the refugee review process, going forward, be changed to sort of, in general, extend long-term that type of regularization into the system?

**Ms. Janet Dench:** As I said, our recommendations are not really related specifically to refugee claimants, but more to the various different circumstances in which people find themselves in Canada. We think it is good to have an ongoing situation, so we don't keep on creating situations in which people remain here for many, many years without status.

**Hon. Michelle Rempel Garner:** I guess I'll just be blunt in where I am coming from. I think the government has failed to provide pathways to permanent residency for classes like temporary foreign workers. I find the name of that program pejorative in its nature. I am worried that if the government talks about regularization, or amnesty, for refugee claimants whose claims have been denied, and our country finds it safe for them to return to their house, this will become a very politically polarizing issue.

The point of the program, and some of the objectives that your organization is working on, might become very politically polarized. It's important for organizations like yours to have a clear position on this issue. I'm just trying to give you an opportunity to avail yourself of a clear position in that regard.

**Ms. Janet Dench:** As I said, our position is outlined in the submission we have provided, and it's available online.

**Hon. Michelle Rempel Garner:** Does your organization support amnesty for refugee applications that have been denied, where Canada has determined that it is safe for them to return to their home country?

**Ms. Janet Dench:** There could be many reasons somebody might have been denied refugee status, but then sometimes there are gender-based reasons, for example, women who have not been able to bring forward the gender-based aspects in refugee claims.

• (1350)

**Hon. Michelle Rempel Garner:** Isn't that a deficiency with the refugee selection review process, as opposed to a rationale for amnesty?

**Ms. Janet Dench:** Well, there are many deficiencies in the refugee determination system. We would also like to see the refugee determination system reformed, so that there are fewer people—

**Hon. Michelle Rempel Garner:** Is that perhaps, though, a better route than saying that civil society and politicians should be declaring amnesty on groups whose applications were rejected by public servants?

**Ms. Janet Dench:** We didn't say that.

**Hon. Michelle Rempel Garner:** Well, you kind of did. I think it's important for organizations such as yours, that have a big footprint in this space, to be clear on this issue. I certainly wouldn't like to have us sitting here in a big political fight when the lives of refugees and perceptions are at stake.

At the close of my time, I would just, for the record, express concern, particularly for this committee, on how the committee undertakes a recommendation in this regard.

**The Chair:** Ms. Rempel Garner's time is up. We will now proceed to Ms. Diab.

Ms. Diab, you will have five minutes for your round of questioning. You can begin, please.

**Ms. Lena Metlege Diab (Halifax West, Lib.):** Thank you very much, Madam Chair.

First, let me welcome all three witnesses to our committee, where we're continuing to study backlogs and processing times for all immigration streams.

Let me start off with Ms. Dench. On behalf of the Canadian Council of Refugees, a brief was submitted. I read it with a lot of interest because, on the provincial side, I worked quite a bit with refugees as well as all immigration streams. It was entitled "Accepted refugees: on hold and separated from their families", and in it you urged the minister to strengthen family reunification by introducing electronic applications, specifically suggesting that refugee family reunification and not only family class should have electronic applications.

Let me specifically ask this: In your opinion, should IRCC proceed with electronic applications for refugees who seek family reunification? Do you believe that the electronic applications would allow for a more speedy process? Would they be processed, do you think, more speedily? What about resources to complete these forms and permit separated families to have more direct channels of communication with IRCC officials?

**Ms. Janet Dench:** In terms of family reunification for refugees, we have worked with the department on various mechanisms to try to speed up the processing. One of the things they have been looking at is potentially processing in Canada, along the lines of what Ms. Long was talking about also.

The problem, which is what we are highlighting in our brief, is that you can have efficient processing, but if the levels prevent people from being landed, it doesn't matter how efficient your processing is. They are still going to wait until next year. That's what happens. If the levels are set for only 24,500 this year, once they have landed that number of people, they are not going to process any more until the next year. The levels are the key issue there.

In terms of the second point, in terms of having some way to talk to somebody, that is a crying need. We are constantly hearing from people about where the thing seems to have gotten lost somewhere, where it's incomprehensible why it's not moving forward in the correct way, or where there has been some sort of misunderstanding, yet it's so difficult to speak to anybody in the immigration department.

**Ms. Lena Metlege Diab:** Let me bring you back to family reunification. The brief, obviously, talks about a number of mothers' not being united with their children. That is a case with refugees but also other people who are in Canada and are awaiting processing.

I guess the question I'm trying to ask... I'm thinking you're going to say they should all be treated the same, I guess, regardless of the reason or how they got into Canada, whether it's as a refugee claimant or a temporary resident, or regardless of the stream they came in. We need to put family reunification in terms of processing times all at an equal level. Would you agree with that?

**Ms. Janet Dench:** Yes, I think part of what we're saying is that refugee families should not be treated worse than families that are coming through the family class. That is currently the case. There are processing standards for family class, but there are none for refugee family reunification, and that has consequences and leads to longer delays.

• (1355)

**Ms. Lena Metlege Diab:** Thank you very much.

Ms. Long, let me ask you. You practised law for a long time and have appeared in front of this committee, I think, before as well.

Are you seeing any improvements?

**Ms. Elizabeth Long:** Improvements in processing times? Not currently. Currently, everything is backlogged.

I think the improvement in being online is an improvement from before.

**Ms. Lena Metlege Diab:** With respect to the clients you have served, what's the most important recommendation that you would like to see come out of this report?

**Ms. Elizabeth Long:** One is the standards for the criteria with regard to how officers are evaluating overseas applications for a temporary resident. There is too much discretion. There are not enough standard operating guidelines for the workers.

The second one—

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

**Ms. Lena Metlege Diab:** Thank you very much.

**The Chair:** We will now to proceed to Mr. Brunelle-Duceppe for two and a half minutes. Please begin.

[Translation]

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

Ladies, you are experts in your respective fields. As politicians, our job is to listen to you and make sure that the report we write is really going to reflect what you have told us.

The idea of creating an immigration ombudsman is gaining momentum, even though not everyone agrees with it.

I'd like to hear from the three witnesses on that.

Ms. Roman, you may begin.

[*English*]

**Ms. Mary Roman:** I'm sorry. I didn't hear the class of immigration.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Madam Chair, I think there is a problem with the interpretation, and I hope my time will be reset.

What do you think about the idea of an immigration ombudsman?

[*English*]

**Ms. Mary Roman:** I'm not hearing the translation very well. I'm sorry.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** The interpretation is not working, Madam Chair.

[*English*]

**The Chair:** I'll stop the clock. Let me have a look.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Madam Chair, I would like my time reset to zero, as Ms. Roman did not hear my question.

[*English*]

**The Chair:** I'll first make sure that the interpretation is working.

Madam Clerk, can you make sure that the interpretation is working before we go on?

**The Clerk of the Committee (Ms. Stephanie Bond):** Yes, it is.

**The Chair:** It's good.

You can begin, Mr. Brunelle-Duceppe. I'll start the clock over.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Madam Chair, I want to make sure that Ms. Roman hears the interpretation.

Is this working, Ms. Roman?

[*English*]

**Ms. Mary Roman:** Yes.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Very well.

Ms. Roman, I would like to hear your opinion on what some people have proposed, which is the creation of an immigration ombudsman position.

[*English*]

**Ms. Mary Roman:** It's a very new approach. I do not have experience with that.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Okay. That's fine.

Ms. Long, what do you think about the idea of creating an immigration ombudsman position?

[*English*]

**Ms. Elizabeth Long:** I think it would be good, if they had any power. They would certainly have to have a large capacity to be an ombudsman.

Right now, I think most MPs are sort of acting in that role. People are going to MPs to ask them to speak on it. I certainly think as long as there's enough—

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Before you say you are in favour or not, you need to know what kind of office it is going to be.

Ms. Dench, I would like to know your opinion on this.

**Ms. Janet Dench:** I support Ms. Long's point of view.

That said, as this office will be inundated with complaints, it will need to be properly structured and staffed.

**Mr. Alexis Brunelle-Duceppe:** We should not end up with an office similar to the office of the Canadian Ombudsman for Responsible Enterprise. I don't think anyone wants that for immigration.

Ms. Long, you mentioned the Chinook tool.

In your opinion, should there be a moratorium on the use of Chinook, to see if it works well or if it creates more problems? Shouldn't this moratorium last until the light is shed on this program?

• (1400)

[*English*]

**Ms. Elizabeth Long:** Absolutely. Right now, the number of refusals coming out and the types of refusals just do not make sense.

You are playing with people's lives in deciding their immigration applications, and we can't do that.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Do you feel that since Chinook has been used, preconceptions have been amplified and crystallized? Before, the agents may have had preconceptions, but now it seems like the AI system has outright crystallized and amplified those biases.

[*English*]

**Ms. Elizabeth Long:** Yes, when a refusal rate....

Sorry, I'm hearing a big echo.

**The Chair:** You have five seconds.

**Ms. Elizabeth Long:** Okay.

When a refusal rate goes up.... I've seen statistics on refusal rates going from 30% or 40% up to 60%, which is untenable.

**The Chair:** I'm sorry for interrupting, Ms. Long. The time is up for Mr. Brunelle-Duceppe.

We will now proceed to Ms. Kwan for two and a half minutes. You can please begin.

**Ms. Jenny Kwan:** I'll let Ms. Long quickly finish her thought and then I want Ms. Dench to answer that last question that I put to her.

**Ms. Elizabeth Long:** When refusal rates go up like that, it's untenable. We certainly need to take a further look at the system before we implement it throughout immigration.

**Ms. Jenny Kwan:** Thank you.

Go ahead, Ms. Dench.

**Ms. Janet Dench:** I'm sorry; I'll need a reminder of the question.

**Ms. Jenny Kwan:** Okay. With the regularization process to streamline the red tape, the government may need to forgo some of the stringent eligibilities. For example, it was put to us by a previous witness that some people may not be able to pass a language test to the high level that the government has required and that we should forgo that in order to streamline the processing.

Would you support the idea of the government looking at those kinds of measures to streamline the process?

**Ms. Janet Dench:** I think there are two ways in which things can be streamlined. One is in terms of the criteria, and certainly things like language testing or proof of language are a big barrier for people. Often people do speak English or French, but it's hard for them to provide the proof.

The second thing is around the kinds of documentation that people require and the ways in which they are sort of second-guessing.... We see this, for example, in the refugee family reunification. Somebody has declared that they have a spouse all the way through—they have documentation for it—and yet the immigration department is still asking them for all kinds of extra paperwork and justifications and so on. That slows down the process and is extremely burdensome for people.

**Ms. Jenny Kwan:** Thank you.

With regard to processing delays, oftentimes the government will make an announcement that going forward, these applications will meet the processing standards, yet they don't put resources into processing the people who are already in the queue and are delayed.

Do you think the government should establish a separate process to ensure that applications that are in the queue are also processed and not just sitting gathering dust?

**Ms. Elizabeth Long:** Yes, absolutely. We're supposed to follow a first-come, first-served situation. It becomes really unfair when people are waiting for three years for an application to be decided, and then new people come in and their applications are decided in a few months.

**Ms. Janet Dench:** Yes, absolutely. There's a lot of frustration. People compare and ask why this person is being processed ahead of them.

It's hard to understand why it isn't first in, first out, because with the digital tools, it should be easy for the immigration department to see which applications have been waiting the longest.

**Ms. Jenny Kwan:** On digital tools, a lot of times—

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

With this, our first panel comes to an end.

On behalf of all the members of this committee, I want to thank the three witnesses for appearing. If there is something you would like to bring to the committee's notice, you can always send a written submission to the clerk of the committee.

With that, I will suspend the meeting for a few minutes so that we can bring the second panel in.

Madam Clerk, you can do the sound checks and then we can begin.

The meeting is suspended. Thank you.

• (1400) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1405)

**The Chair:** I call the meeting to order.

We are joined by three witnesses in this panel. Thanks to all the witnesses for appearing before this committee.

I would like to welcome Mr. Omer Khayyam, lawyer from Omni Law Professional Corporation, who is joining us by video conference. We are also joined by Roger Rai, director, Regency Immigration Solutions; and from the same organization, we are also joined by Shervin Madani. Our third witness for today is Siavash Shekarian, chief executive officer and managing attorney, Shekarian Law Professional Corporation.

Welcome again.

All of the witnesses will have five minutes for their opening remarks, and we will start with Mr. Khayyam.

Mr. Khayyam, you will have five minutes for your opening remarks. You can please begin.

**Mr. Omer Khayyam (Lawyer, Omni Law Professional Corporation, As an Individual):** Good afternoon, everybody. Thank you for inviting me.

My name is Omer Khayyam. I'm an immigration lawyer in Saskatoon, Saskatchewan. I'd like to share some thoughts on the growing immigration backlog and possible recommendations.

Immigration delays have direct consequences on all areas of life for temporary residents. I'm going to give some examples of clients' experiences in the past week or two.

I have a client right now who can't travel to his ailing father because IRCC has delayed issuing his COPR, his certificate of permanent residence, from the PR confirmation portal. He has had to delay because he can't get his PR card to travel and return.

I have another client whose initial Federal Court filing took a long time to even get approved because of backlogs that are now occurring at the Federal Court.

Health cards cannot be renewed when work permits are delayed. Others struggle even to get their first health card. I had a client who was very sick, and she failed repeatedly in getting a health card renewed. In the case of another family I had, the parents had to remove their children from public school because the parents simply couldn't get their work permits approved in time.

I have some clients who delay weddings in order to meet express entry scores, others who delay business start-ups until they become permanent residents and others who want to purchase a home in an expensive Canadian market, but they don't have their status. Some of them may go ahead and purchase it; some of them will delay it. Ultimately, they'll end up paying more.

It's a dehumanizing situation. People become file numbers and category types. In the media we see something else: self-congratulation and smiles. My clients get a progress bar, and they will repeatedly ask me what percentage it is at, but they quickly learn that it is a misleading and fictitious creation by IRCC to keep them placated.

Immigration should be about new beginnings, new relationships and fostering trust. The first lesson an immigrant learns is not to trust the Canadian government. As lawyers, our caseloads have grown with the backlog. Clients are more frustrated than ever. While programs such as the TR to PR pathway approve permanent residents in three months, programs like the caregiver program can take three to four years, so people don't know what to expect. Predictability is being eroded, so how can there be any certainty?

I want to bring home those three points: certainty, predictability and consistency, because these are crucial to the rule of law, and that applies to immigration. It's not just a government program; it's part of the legal system in Canada.

My suggestions are to approach this 2.7-million backlog problem differently. I don't think you can get out of this problem with the same thinking that got you into it. Some suggestions may be more drastic, but I'm offering some food for thought.

Our criminal justice system sees two million arrests a year. We can maybe learn a thing or two from this area of law. When I worked in legal aid, I noticed that when they could not handle the caseloads, they would outsource to the private bar to have lawyers deal with certain cases. Maybe in immigration we can outsource some work to lawyers to handle the parts of the visa processing on the front end that are not crucial to the decision and at least lighten the load for the visa officers who will ultimately be making the final decision.

Some provincial courts have weekend programs whereby a judge, a prosecutor and a private bar lawyer will come in on the weekend to lessen the load for the coming week. Can the backlog be solved on a 9-to-5, Monday-to-Friday schedule? I think IRCC should use the resources they have and offer incentives to experienced officers to work longer hours and into the weekend at times.

There have been some suggestions about ramming people through and approving a number of people en masse. I think a controlled lottery of approving low-risk applicants, maybe 1% to 2%, may solve the problem in the short term, but it would put strain on other areas. I can maybe discuss a little bit more about that later,

but I think you need to consider the unintended consequences that can happen when we take some of these unpredictable measures.

I don't have concrete solutions; I can only suggest that the existing problems be looked at differently.

• (1410)

There's one thing I was looking at, but I don't know how much time I have to get into this.

**The Chair:** Your time is up, Mr. Khayyam.

**Mr. Omer Khayyam:** Okay.

**The Chair:** You will get an opportunity when we go into the rounds of questioning. Thank you, Mr. Khayyam.

We will now proceed to Mr. Rai. You will have five minutes for your opening remarks.

Mr. Rai is representing Regency Immigration Solutions.

**Mr. Roger Rai (Director, Regency Immigration Solutions):** I'd like to thank the committee for inviting us to speak on the current problem with application backlogs and processing times.

I'm a former CBSA officer who worked at the Pacific border crossing in Surrey, British Columbia, from 2007 to 2012. From 2012 to the present, I have been the owner and director of Regency Immigration Solutions, located in Surrey, British Columbia. I'm also a registered Canadian immigration consultant.

To my right is my associate, Mr. Shervin Madani.

**Mr. Shervin Madani (Regulated Canadian Immigration Consultant, Regency Immigration Solutions):** My name is Shervin Madani. I am also a former CBSA officer. I had pretty much the same career path as Mr. Rai: from 2007 to 2012 with Canada Border Services Agency at their land border, and from 2012 to the present as an associate with Regency Immigration.

**Mr. Roger Rai:** I've watched some of the committee's previous meetings regarding these issues, and therefore I'll try not to repeat the issues and hardships as identified by some of the other witnesses.

My previous experience as a border services officer for five years and my current occupation as an RCIC for the past 10 years have provided me with some unique insights on how the application process works. I have some ideas that we can implement, or at least study, that could significantly reduce the application backlog as well as prevent a further workload from accumulating.

Before I address the areas we have identified that could be looked at, I'd like to take a minute to stress the urgency of dealing with this problem. As I don't have time to go over all the problems and negative impacts of this backlog, I would just like you to consider what I think is the most important issue facing our country today, which is the economy.

In my 15 years of working in the immigration field, I have never seen a shortage of workers of the kind we face today. It is my firm belief that if this issue is not immediately addressed, we face a real prospect of some sort of economic collapse and the nullification of any recovery efforts post COVID. From small businesses to large corporations, the desperation for workers has never been so great, and if we don't find a solution fast, we will soon be past the point of no return.

We've identified a few problems. If we can solve them quickly, we think this backlog will be reduced significantly.

Number one is that in the training of inland and overseas officers, we see a lack of knowledge of program requirements. Officers are often asking for irrelevant documents and, as I think some of the other witnesses testified earlier, there are a lot of unjustified refusals of applications. The result is that we have to sometimes put in additional applications. It's either that or go to the MP inquiries or look for judicial review.

At the ports of entry, Canada Border Services is the agency that processes many applications for people coming into the country. They have a memorandum of understanding with IRCC, and I feel that the job they're doing at this time is either not working well or that there need to be some changes made, because I think a lot of the officers are not happy with processing immigration at the border.

We can go into that a bit more, because Shervin and I have experienced it first-hand.

Here are some of the solutions we've looked at.

One is an online portal for the reconsideration of applications, but we would need to have very specific criteria on the types of files and the issues that would be reconsidered.

IRCC inland offices or ports of entry should be processing work permit extensions, study permit extensions, work permits and study permits in the way it was done prior to 2004. That's when the amalgamation took place between CBSA and CIC, and since that time, a lot of issues at the ports of entry have happened. I think that if we went back to the previous way.... I know it's asking a lot, but I think we could solve a lot of the problems.

Also, then, if we separate the backlog from the current new files and set a firm date, all applications after that date should be processed with the new technologies and systems, and then we'd have to delegate a team of experts to work on just the backlog alone.

The processing of these backlogged files and new applications should be categorized on how complicated the file is. For example, a visitor extension is something that's very easily done. You can do it at the border or you can do it online. You don't need to have it in a queue for six months. If you just sort out the high-risk files from the low-risk files, we can have those files processed very quickly

and eliminate the ones that we don't need to spend a lot of time on. Then the ones that do need more work can have the highly experienced officers working on them.

Another solution we've considered is the super visa program that has been implemented for parents and grandparents. A lot of those people are working here. Why not have them introduced into the workforce properly, give them work permit and—

• (1415)

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

You will get an opportunity to talk further when we get into rounds of questioning. Thank you.

**Mr. Roger Rai:** Thank you.

**The Chair:** We will now proceed to Mr. Shekarian, chief executive officer and managing attorney for Shekarian Law Professional Corporation.

Mr. Shekarian, you will have five minutes for your opening remarks. You can please begin.

**Mr. Siavash Shekarian (Lawyer, Shekarian Law Professional Corporation, As an Individual):** Madam Chair and honourable members of the committee, hello and good afternoon. Thank you for inviting me to appear today.

Backlogs and delays are not new to our immigration system. They have always been part of it. We have tried many things to solve the problem, from terminating 300,000 skilled worker applications back in 2012, with no notice or explanation, to creating express entry in 2015, with the sole promise of eliminating backlogs. That itself is now one of the main contributors to the problem. We have committed billions and have recently committed millions more to solving this problem, but it just keeps getting worse.

As a lawyer, I was trained to think within the limits of precedent. I was trained to think within the limits of what had been done before me. I was trained to think within the limits of a box, but I was an engineer long before I became a lawyer. As an engineer, I was trained to approach old problems in entirely new ways. As an engineer, I was trained to understand that there is no box. Today, I'd like to encourage you to think about this problem anew—to step back, zoom out and rethink the big picture.

Backlog is essentially a collection of tasks required to achieve a larger strategic plan. In other words, if you fix your strategy, you fix your backlog.

What is our immigration strategy? Today, it has been reduced to numbers. Just look at our official rhetoric. Look at our official announcements. In 2021, for example, we celebrated exceeding our target of 401,000 new permanent residents despite COVID. Our executives shook hands and took pride in being confident in setting even higher targets for the years to come.

Of course, under this strategy, backlog isn't even a problem. The incumbent minister himself admitted so in delivering his keynote speech at the CBA Immigration Law Conference back in June when he said that the backlog is a good thing because it shows that Canada is in high demand.

Madam Chair and members of the committee, numbers don't make the future of our country. Our future does not depend on how many people we admit, but on whom we admit, how we treat them and how we set them up to integrate and succeed in our country.

How do we want to grow our Canadian family? Do we want world-class artists, athletes and cultural figures who can expand our national horizon and inspire us to become the leader of the free world? No, because even if you have multiple Olympic medals, Academy Awards, accolades and recognitions, you still need to submit tens of irrelevant documents and wait 41 months with only a 17% chance of success under the federal self-employed program—or you can choose the United States, show only your internationally recognized awards and get approved in less than a year.

The Business Development Bank of Canada deems us a nation of entrepreneurs. It claims that our economy is unequivocally dependent on small and mid-sized businesses. SMEs account for 90% of all private sector jobs and 55% of our GDP, yet our only other federal program targeting entrepreneurs is the start-up visa program, which has a backlog of more than 6,000 applications with processing times of well over 32 months.

This is a joke for the time-sensitive and incredibly risky innovative ventures that we want to come to Canada and become the next Shopify, the next Google or the next Facebook. It's no wonder passport shoppers are way more interested in this program than genuine entrepreneurs.

On the provincial side, things are not any better. Look at our most popular, populous and economically prosperous province of Ontario. Its entrepreneur program has had only two nominations in the seven years since its inception.

Things are even worse with our family reunification and humanitarian programs.

Madam Chair and members of the committee, backlog is a product of our immigration strategy. Our immigration strategy must be a function of who Canada is and who Canada wants to become. It takes more than just one ministry in the government. It even takes more than the entire government itself; it takes all Canadians.

Therefore, I recommend that Parliament legislate to mandate IR-CC to institutionalize public participation in its policy-making, such that civil society and all other stakeholders can effectively be engaged in sourcing ideas, co-creating solutions and tackling complex policy problems like our current backlog.

I further recommend that in the interim, processing of certain immigration applications be outsourced to certain Canadian professionals under well-defined public-private collaboration frameworks and robustly monitored service contracts.

Thank you.

• (1420)

**The Chair:** Thank you.

With that, we'll now go to our round of questioning. We will start our first round with Mr. Kmiec.

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

**Mr. Tom Kmiec (Calgary Shepard, CPC):** Thank you, Madam Chair. My question will be for Mr. Shekarian.

That was just a breath of fresh air. Thank you, sir, for saying all the things I've been thinking for several years now. You talked basically like an engineer, saying that there is no box and that we should rethink the way we do things.

I was going through the departmental plan and comparing past results to current results. You talked about the targets that we have in the immigration system, which is solely based on targets, not results.

I wonder if you could explain this from an engineer's point of view. If you pour in 30% more people—the department has grown since 2016 by 30%—with more people doing more work, and all the while the backlogs have grown more and more, what would you make of it?

**Mr. Siavash Shekarian:** By adding more people to the department, are we expecting that the processing times would be better? This department is a black box. We don't know how it works. We don't know how it operates.

As a lawyer, we file ATIP after ATIP just to get the most basic information. The most recent thing that we know, based on Lexbase, is that the department, back in COVID-19, was at 80% capacity at best. I don't know if they're hiring.... If they're growing by 30%, I don't know how those resources are allocated.

• (1425)

**Mr. Tom Kmiec:** Do you think that putting in even more people will help the department meet any of its targets or actually reduce backlogs?

**Mr. Siavash Shekarian:** Not necessarily. It's not about quantity; it's about quality.



**Mr. Tom Kmiec:** On that quality question, throughout the federal government, throughout the public service right now, lots of people are electing to work from home. There's a 699 code in the public service as well. Do you think that's having an impact with people not having their files available? This happens to me quite often.

I have a case file manager in my office, Suki, who handles these. Oftentimes, she is told on the phone that a particular person can't be in the office and therefore doesn't have access to a paper file. It seems like nobody can go into that person's office to scan the file or take a picture on a phone to send it to another visa officer to continue the processing. How often does that happen to you?

**Mr. Siavash Shekarian:** That happens every day. We don't know now, but my colleagues.... You've heard testimony after testimony in this very committee. We said back in COVID-19 that officers should have been essential workers. They just left. I have a super visa application. We submitted it on paper, and then for a year and a half we didn't even have an acknowledgement. This is not respectful to those people whom we want to become the future of Canada. This is actually happening. It happened in the past, and we don't know if it's still happening.

**Mr. Tom Kmiec:** The backlogs are also causing officers to sometimes not process files of deserving individuals who are fleeing countries with horrible human rights records. I'm thinking of the country of Iran. I think you're very familiar with it. I have lots of Kurdish friends from Rojhelat. I file lots of access to information requests on their behalf for their files. You've said before that Canada has laid the red carpet for embezzlers like Khavari and torturers like the ex-police chief of Talaei. We're also refusing 70% of Iranian students and imposing sanctions on persons and entities with no interest in Canadians. I think I saw this on your LinkedIn, and I liked it so much that I kept it. I entirely agree with you.

What more do you think Canada could do to make sure these types of individuals aren't allowed to come to Canada, and that we do right by Canadians with Iranian heritage, with Kurdish heritage, who see this going on? I get messages almost every week from people telling me so-and-so from Sanandaj or Mahabad or Kermanshah is being allowed into the country, but they have links to the regime. They're intimidating people once they get here, or intimidating the families who are back in their countries of origin. These people don't feel safe in Canada, the country they call home.

**Mr. Siavash Shekarian:** I agree. To me, integrity is when you say something, you have to abide by it. I don't see it in the treatment that we have happening in Iran right now. We allow people who don't deserve it, and then here's the double standard we have. Ukraine happens, Afghanistan happens and Iran happens. With Iran, we're saying, "Oh, we added some names to some list, and we're not allowing these people to come into this country." They never even thought about coming to this country to begin with.

Instead, we could have said, "Hey, we're going to lay out a red carpet for whoever is on the streets and doing protests. We'll let you come here, be in a free country. You have the media. Talk to the media and cause some change to that country."

Instead we're doing something that I don't think has any benefit.

**Mr. Tom Kmiec:** Madam Chair, how much time do I have?

**The Chair:** You have one and a half minutes.

**Mr. Tom Kmiec:** Perfect. Thank you, Madam Chair.

Mr. Shekarian, you also talked about the backlog for entrepreneurs, people who want to come to this country and invest in our economy and create more jobs. That was the experience of my family when we came here. My family wanted to give back. My mother started a very simple business—commercial cleaning of homes and restaurants.

You talked about the 42-month wait times. My staff often have to go online and check what the wait times are before we take on a case file to see if we can reasonably actually fix the problems people have. How often do you actually refuse people and say, "This wait time is just too long. You're never going to get a response in time for a marriage or a birth. You're not going to be able to reconstitute your family." How often does that happen to you?

**Mr. Siavash Shekarian:** In my practice, we focus on business immigration a lot. That's the biggest part of our business. When you're a businessperson, you accumulate wealth. You have expertise. You want to take it to a new home. We treat you the way we treat you.

It happened in the last year that we had three clients who turned to Australia and took their businesses to Australia, because they have a much easier and much more friendly system for entrepreneurs. Our immigration system is not entrepreneur-friendly, despite the statistics that I gave you. BDC deems us a nation of entrepreneurs, yet look at how we treat them.

• (1430)

**Mr. Tom Kmiec:** Thank you—

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

We will now proceed to Mr. Ali. You have six minutes for your round of questioning. Please begin.

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

I'd like to thank all the witnesses for taking the time to give us the benefit of their knowledge and experience.

Mr. Rai, you talked about work permits and super visa applicants. Could you please expand on your suggestion about work permits and successful super visa applicants?

**Mr. Roger Rai:** We do a lot of super visas for families. I believe the issue—I obviously don't have the resources to research this—is that a lot of them are already working. The parents come in, and the young families need help economically. The parents are going and working on farms, which is labour work. It's basically unregulated. If they're already coming in, I think it's very important that we be practical. We can either take an enforcement action against them or we can do the practical thing and say, "Listen, we know you guys are probably working." They have their own private insurance when they come in. We have the ability to say, "If you want to work, we'll issue you a work permit."

In that way, first of all, they're contributing back to the economy. They're being tracked. We can see who's doing this, and right now, in terms of the shortage, I don't see any reason that we wouldn't implement that.

**Mr. Shafqat Ali:** Some of the witnesses talked about longer processing times for applicants who apply from certain countries and regions and are processed at certain visa offices. Since you've been in this industry for a long time, in your experience, can you educate us on two things?

First, which immigration streams and which regions are subject to longer waiting times? Second, in your opinion, how could Immigration, Refugees and Citizenship Canada improve processing times in those visa offices?

**Mr. Roger Rai:** I'd like to defer to my associate Mr. Madani here. He probably has more expertise in that field.

**Mr. Shervin Madani:** I deal with quite a few different offices. I have a lot of clients from Brazil, from Iran and from India. Our office deals with a variety. As I said, it's not limited to a certain country.

To give you an example, in Iran a work permit currently goes typically about a year without any answers. In Brazil, which was very fast at one point in time, even under certain streams for which the government had committed to 15 days for work permits, such as the global talent stream, you're looking at about 16 weeks right now. These are IT shortages. In India, I see usually about.... The fastest we had recently was about six months to eight months. These are overseas.

The overseas offices are obviously dealing with a lot of different cases as well, such as sponsorships. With work permit applications, in a lot of cases there are ways the current technologies we have right now that CIC is implementing can reduce the backlogs from within Canada. A lot of these work permits are decided here in Canada.

I'll give you a very good example: extensions for work permits. It doesn't need to be a very lengthy process if the labour market is there. We have the technology. When the visa applications for Ukraine came out, there were very minimal documentation requirements. They got the visas. Why can't it be done with a work permit extension to have the LMIA renewed when a person's already working for somebody? This can very much be an automated system, which would free up officers' times to look at complex cases. They can be done here within Canada.

As I said, the legislation already allows it. Why does a work permit have to go overseas, when we're already dealing with sponsorships overseas? We have the resources here. If there were places people could go to make an appointment to get work permits when they were already in Canada, it would free up officers' time to look at these applications that are overseas and it would expedite processing. No employer I have is willing to wait a year to get their employees into Canada while they're suffering labour shortages. It's unrealistic, whether they are from Iran, whether they are from India or whether they're from Brazil.

• (1435)

**Mr. Shafqat Ali:** Do you think the regions you have just mentioned face challenges or delays for totally different reasons?

I'm wondering whether you would suggest a one-size-fits-all approach in every region or whether IRCC should be looking at region-specific solutions.

**Mr. Shervin Madani:** On work permits, as I said, if you're doing labour market work permits, simple cases in which the government, Service Canada, has proof that this employer is eligible to bring in somebody, then the document requirements are very straightforward. The officers are given straight directions about what documents they should request and how they should not delay other things by requesting additional things. Those processes can be done in Canada. They don't need to be done overseas.

**Mr. Shafqat Ali:** Okay.

My question was a little bit different.

Mr. Khayyam, I will ask you this because I have limited time. Do you have some thoughts on this same question?

**Mr. Omer Khayyam:** I think there was a witness who spoke earlier, Ms. Long, to build on Mr. Madani's point about doing it in Canada. The Internet is essentially one big visa office now.

**The Chair:** I'm sorry for interrupting, Mr. Khayyam, but time is up for Mr. Ali.

I will just remind members that all questions should be directed through the chair.

We will now proceed to Mr. Brunelle-Duceppe. Mr. Brunelle-Duceppe, you will have six minutes for your opening remarks. You may begin.

[Translation]

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

I want to emphasize that today, in the two hours of the meeting, we have had some strong witnesses. All the testimonies, the opening remarks and the answers we have been given are extremely relevant. You can see that people know their work and are active on the ground. This will help us to write our report.

Mr. Shekarian, you told us that increasing the thresholds will not necessarily solve everything. In that respect, it won't solve the issue of backlogs. Rather, it's how we integrate and accept people here.

People make a direct correlation between the labour shortage and newcomers. But that's a bit dangerous or simplistic, because these people will need housing and public services. They will also consume.

Is raising immigration thresholds in the belief that this will solve the labour shortage really a solution? More to the point, what effect will this have on processing times?

[English]

**Mr. Siavash Shekarian:** Well, most of the money we give to IRCC goes to settlement programs. You can see on GC InfoBase—that's the website I looked at—how they are spending the money.

At the same time, I'm going to read to you from a university study that went to the NGOs that are delivering these settlement programs on the ground. They are all saying that IRCC, when they consult with them, have answered the questions before going to them. There is no meaningful collaboration between civil society and the government. That is exactly what I'm asking for.

You're spending most of your money on settlement. What is settlement good for? We want whomever we bring to this country to stay in this country. Right now, our retention rate, as of two weeks ago—you heard the testimony—is 50%. People are leaving. We are doing something wrong. We are definitely doing something wrong. We should be spending most of our money on something that will help people stay here, but nobody is consulting us. Civil society is not consulted.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** In fact, you talked about the fact that you are not consulted.

Earlier in your testimony you also talked about opacity, lack of transparency and poor communication between the department and you.

How does this affect your work and the timelines, which is what we are looking at today?

[English]

**Mr. Siavash Shekarian:** Yes. In terms of my capacity as a lawyer, I'm like a mechanic. You give me the law, and I want to apply it. I want information, so when a client comes to me with a refusal, the first thing I will do is file an ATIP. Then I have to wait months. Then they'll come knocking on my door to do a follow-up with IRCC. I'll have no luck. You heard this testimony from my colleague last week, Chantal Desloges, who said exactly the same thing.

Transparency itself has a lot of value, but transparency on its own is not something we're after. Transparency is the very first thing we need. When a system is transparent, I can look at it; I can analyze it and I can make recommendations based on what I'm seeing. We are still at the transparency level. In testimony after testimony, just do a “control F” on whatever you have on paper and you

will see how many times this issue has come up. Where are we right now?

● (1440)

[Translation]

**Mr. Alexis Brunelle-Duceppe:** We were talking about transparency. Some witnesses suggested that we record interviews between agents and applicants.

In your opinion, is this a good idea?

[English]

**Mr. Siavash Shekarian:** Of course, it's better than not taping them. Taping interviews is definitely better than not taping them. My colleague has much more experience than I have—I think she started practising immigration law before I was even born—and that's what she said. There is no reason to not tape them. I'm referring to Ms. Desloges' testimony.

[Translation]

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

Mr. Rai, you mentioned that you were a border services officer before you got into the immigration business. You have some pretty fascinating expertise.

If I remember correctly—I don't have the article in front of me, but I have a good memory—the border services officers' union came out publicly, in June or May, saying that its members were ready to help when there is an international crisis like the one in Ukraine. The union said that the border services officers had some training in immigration, but the government did not use them. That could have helped us reduce delays. At that time, many IRCC officers were sent to deal with the Ukrainian crisis. Meanwhile, at the Canada Border Services Agency, there were trained people who could have helped. This would have helped reduce delays in all programs. There would not have been any repercussions.

What do you think?

[English]

**Mr. Roger Rai:** I would like to say that there are some officers who have the knowledge to be able to help in that situation. It's not the majority of them. You would have to see who would be willing to go to do that job.

There has been a very big disconnect at the border since 2004 about what their role is. They've been given the role of immigration officers as well as enforcement officers. Immigration is service-related, for the most part.

**The Chair:** You have 30 seconds left.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** In this case, wouldn't additional training, with financial compensation for these agents, be welcome to help the IRCC people? Border services officers would be asked to do this work and trained properly.

At the moment, in Quebec, 98% of asylum seekers entering Roxham Road are processed by the RCMP and only 2% go through customs. This makes no sense.

[English]

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

We will now proceed to Ms. Kwan.

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

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

Thank you to all the witnesses for their presentations.

I'd like to first ask a question of Mr. Rai and his colleague, who have CBSA experience. A lot of my constituents are faced with delays in processing because of the criminality checks. It's stuck in the system. We have no way of trying to find out where it is, and sometimes it's just stuck there. There is no information.

Can you provide any insight into that process within the CBSA and how that can be more transparent? It's not to try to influence the decision; it's just to get information on where things are.

**Mr. Shervin Madani:** That's a very good question.

Unfortunately, the government is very tight-lipped about this. I can tell you that previously when we, as CBSA officers, were using the system to do security checks, it was very... Back in the day, they had this system called FOSS. It's a similar system to CAIPS, the global entry system where they prepare the files.

For the CBSA, when we have refugee claimants or typically for work permit applications that show up at the border, this process is actually not done, the security checks. A lot of times you can ask the applicant to show up with a police certificate to satisfy yourself that they don't have any criminality, but on the security check itself, the government is very tight-lipped.

Even at the officer level.... There were two boxes that we had to click to ask for security checks. One was to CSIS and one was to the RCMP—sorry; there was a third one to go to the CBSA. We, even as officers, didn't know exactly how this process worked. Eventually we would get an automated message on these ones, saying “security passed”.

I couldn't shed any further light on those, especially for the PR process and what the background checks look like. However, at the border when somebody comes to do their work permit application, this is not actually part of the regular process. The extent to which you can go is a police certificate, and that should satisfy you about criminality, if not security clearances. There could be somebody, let's say, from a terrorist organization who shows up. Unless for some odd reason they show up in some sort of a system that the CBSA would have access to, you wouldn't actually know.

• (1445)

**Ms. Jenny Kwan:** I see. Thank you very much for that information. It is interesting to note.

In terms of the processing backlog, one issue raised is that often the government will make an announcement and say that going forward, these new applications will be processed within processing standards. In the meantime, the people in the backlog are stuck in the system and often just left languishing there.

Mr. Rai, do you have any suggestions as to how the government should deal with the existing backlog? Take, for example, the suggestion of some witnesses that the government should have two separate bodies to process the new and the existing applications in order to clear the backlog.

**Mr. Roger Rai:** Yes, I think I touched upon this a bit in my opening, definitely.

I wouldn't say we need to have two separate bodies, but perhaps two teams within the same organization. There's no point in trying to reduce a backlog if you're going to keep having more applications come in. They're going to keep piling up.

Let this one team come out with new criteria for assessing files, then have them deal with the new stuff. When it comes to the existing backlog, have a second team of more experienced officers, because usually some of those backlogs are due to complicated cases, so the files get stuck in limbo. Have the more experienced officers, as a special task force, work on those specific cases to clear the backlog.

Shervin has a good example. He used to work for CRA, and they had a similar problem. Do you want to elaborate on that a bit?

**Mr. Shervin Madani:** I know that this process, as far as it goes, is not actually service-standard-friendly, because people say, “This person's file got processed faster than mine.” However, at some stage, there have to be some sacrifices made in order to catch up.

If we have a queue and stuff is being added onto the back of it constantly, we're never going to be able to catch up. We have to take some of these, put them in a bundle and say, “Hey, we are very sorry, and we are going to get to you, but we're going to put this as a priority and dedicate officers to this backlog to make sure it gets cleared.”

Right now, with what we are seeing, the time frames keep changing. TR to PR was supposed to be finishing by 2022. It moved to 2023. Now, all of a sudden, it's 2024. There is no consistency. This is what leads to frustration for people. The policies coming up are sometimes so poorly designed that they shoot immigration in the foot.

I'll give you a perfect example. This 40-hour work for students—

I'm sorry. I just want to give you a quick example.

**Ms. Jenny Kwan:** I'm sorry. I'm quickly running out of time, so perhaps you can send the examples in to the clerk for distribution.

**Mr. Shervin Madani:** Yes.

**Ms. Jenny Kwan:** What I heard from Mr. Rai is that there should be two separate streams in terms of staffing to process these applications. With regard to the processing of the applications, it really doesn't help unless the immigration level number is also adjusted to accommodate it, so—

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

We will now proceed to our second round. We will have Mr. Redekopp. Mr. Redekopp, you have four minutes for your round of questioning. Please begin.

• (1450)

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

Mr. Khayyam, some witnesses have suggested that the department mass-approve whole categories of low-risk applications. We talked about that today. The suggestion is that this would reduce our backlog with very minimal risk to Canada.

In your opening remarks, you talked briefly about this, and I heard you say the words “unintended consequences”. I'm just curious about what your thoughts are on that.

**Mr. Omer Khayyam:** That's right. If we think about it, if we were going to mass-approve a number of applications, we'd have to consider what would happen. I think something like that would only cause more uncertainty and unpredictability in the system and lead to unanticipated consequences. Let's say 2.7 million applications have been approved overnight. Then the second question is how to issue all those PR cards, the citizenship certificates and those permits. How are you going to print them off so quickly?

Then let's say those permanent residents want to travel home to visit their families. Then you're going to have a jam at the airport and then you're going to have another traffic jam at the airport for PR landings.

Those unintended consequences have to be considered. That's why I think predictability and certainty and consistency are important values in the rule of law. I think what we should do is work backwards. What is the top speed at which we can approve applications? How many work permits can be approved how fast or how many PR cards or citizenship certificates can be issued per year, per month, per week, per day and per hour? Working backwards from there and setting a target would make sense. What's the Donovan Bailey of the immigration system? How fast can we go?

Then we figure out how we can be Terry Fox at the same time and find a middle ground, maybe 60% of our top speed. Once we know those types of things, I think it's a little bit easier to understand what unanticipated consequences there will be.

Ramming people through—

**Mr. Brad Redekopp:** Thanks. That's good.

Mr. Shekarian, I'm just wondering if you have any additional or different thoughts on that.

**Mr. Siavash Shekarian:** I think it would send a wrong message.

Let's just create a lottery and be proud of it. The U.S. had lotteries and they were straightforward about it. Imagine you're applying to Canada today and then you realize that if you'd done it six months ago you would have gotten in with no trouble.

**Mr. Brad Redekopp:** I want to switch gears a little bit and speak about the judicial review process.

Other witnesses have spoken about this, and people say there needs to be something done. You guys are lawyers. I'm curious to hear your thoughts. Some have suggested scrapping it altogether in favour of Immigration Canada working more co-operatively, while others say that IRCC seems incapable of being co-operative and maybe we need a judge to get through this. I'd like to see a report on this recommendation about the judicial review process.

Mr. Khayyam, do you agree with those who say to scrap the process? Should we keep it? Do you believe there's room for improvement?

**Mr. Omer Khayyam:** We should not scrap it at all. I think it's crucial to the rule of law. When my clients don't know what else to do is when we start talking about the Federal Court. Yes, sometimes the costs can be prohibitive, but the cost comes in a number of ways. I think there needs to be some redress that foreign nationals can seek and I think that's the purpose of having a judge, so I don't think we should scrap it. If we did scrap it, where else are they going to turn? Who else are they going to go to?

**Mr. Brad Redekopp:** Mr. Shekarian, do you have thoughts on that?

**Mr. Siavash Shekarian:** I agree with Mr. Khayyam on that point.

**Mr. Brad Redekopp:** Excellent.

With all the changes that have been attempted and the mess that we have in IRCC, Mr. Khayyam, do you have any confidence that IRCC could actually implement some of—

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

We will now proceed to Mr. El-Khoury.

Mr. El-Khoury, you will have four minutes for your round of questioning. You can please begin.

[Translation]

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

I welcome the witnesses, and I thank them for agreeing to testify before the committee.

My first question is for Mr. Rai.

Mr. Rai, IRCC uses an advanced analytical method to process visitor visas and to screen applications for study and work permits, as well as spousal sponsorship applications submitted in Canada.

Can you tell us what the benefits of this tool are for applicants?

[English]

**Mr. Roger Rai:** Without having knowledge of what kind of algorithm they're using to make these decisions, it's very hard to say. Is it just something generic, a form that they go through, or are they actually using some sort of AI to make these decisions? It's very hard to answer that question without having more specific knowledge, which I don't have on that subject. I'm sorry.

• (1455)

[Translation]

**Mr. Fayçal El-Khoury:** Mr. Shekarian, from what you know of the situation and from your experience as a lawyer in this field, what is your opinion about the online application portal? Do you think it helps to speed up the processing of applications?

[English]

**Mr. Siavash Shekarian:** Of course it would. It's a good thing. We should have done it a long time ago, but it's one thing to launch an MVP, most viable product, and another to have the resources to be able to back up all the troubleshooting and manage everything that can go wrong with the system, so doing everything online.... Of course, we have to do it, but we have to make sure that we dedicate enough resources to the system to troubleshoot it.

Right now all the applications are online. IRCC is pushing for it, but just look at the CBA listserv or the CILA listserv. There is everyday frustration from many lawyers across this country, saying, "This portal doesn't work", "That doesn't work", "I don't know what to do with that error message", and nobody is responsive.

[Translation]

**Mr. Fayçal El-Khoury:** Mr. Madani, do you have a positive view of the tool to select applicants according to the economic needs of this country? What do you think about it? Are you able to tell us more about it?

[English]

**Mr. Shervin Madani:** I think any country has a right to choose the countries they desire for their economy. We currently have a huge pool of people in Canada who are starting to leave because of the restrictions of express entry and because they don't qualify for permanent residency.

IRCC has the tools to make this happen for the people who are here, who have been established here, who have placed roots here. For students, there could be easy programs implemented for them to become permanent residents. If people have work experience here in Canada—one year of work experience—express entry can be easily manipulated for them to become permanent residents, but we are not using the existing tools that we have.

At this stage, we are just trying to advertise that Canada is the best. Everybody knows that. People want to come here, but when they get here, we have to have options for them to stay here permanently. Whether they are low-skilled workers, whether they are high-skilled workers, these people deserve a chance to be part of our fabric, part of our society, because they contribute.

Sometimes it is not relevant when we bring in people who don't have any connections to this country—

**The Chair:** I'm sorry for interrupting, but the time is up for Mr. El-Khoury.

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

Mr. Brunelle-Duceppe, you can please begin.

[Translation]

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

I would like to acknowledge once again the quality of the testimony we have heard today during this two-hour committee study session.

Mr. Khayyam, this is my first question to you.

If we could only put one recommendation in the report that we are writing on the current study, what would be your top recommendation?

[English]

**Mr. Omer Khayyam:** Thank you for your question.

I can only suggest that the existing problem be looked at differently. Lately I was looking at how cities manage traffic flows. There is a whole branch of mathematics that looks at this, and they observed that adding lanes to a highway increases traffic congestion. It's called Braess's paradox. I'll send in more details to the clerk.

When we added the TR to PR pathway, we added another lane. We have almost 80 programs in Canada, and congestion seems to be increasing. I think more people want to pull onto the highway ramp. The backlog seems to have grown very quickly since some of these programs have come into being.

The counterpart to that paradox is that removing a main road could result in speeding up the traffic flow. That doesn't really make sense. It sounds counterintuitive, but that seems to be what's happened in a number of cities. Maybe we can think about that, and look at the problem through that lens.

What would be the main road? I don't want to say what that could be, but it could require some thought on what would happen. Work permits are probably the biggest road, but maybe it could be express entry. Maybe eliminating a category for a short period or converting a category into another program—changing the size of the vehicle, so to speak—could—

• (1500)

**The Chair:** I'm sorry for interrupting, Mr. Khayyam; time is up for Mr. Brunelle-Duceppe.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** Thank you all.

[English]

**The Chair:** We will now proceed with Ms. Kwan for two minutes.

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

I want to go back to my last question to Mr. Rai and his colleagues.

In order to facilitate processing in the different streams, what is also required with the adjustments to the immigration levels? Sometimes with [*Inaudible—Editor*] level numbers there, people's files just sit there and collect dust. Do you have any comments about adjusting the immigration level numbers every time measures are introduced? How can we facilitate the processing of the backlog?

**Mr. Roger Rai:** I think this will continue on from your answer from the previous question.

**Mr. Shervin Madani:** Obviously, adjusting the numbers definitely needs to be implemented.

There is obviously a reason the government is capping these numbers. Are we saying we are not able to process enough applications? Is that why we have only 400,000 people per year? Is that what we are saying, or do we have the capability to do up to a million people, but we just don't want to because there's not enough staff?

Yes, those numbers should be increased to be able to facilitate and add additional routes for people that are here in Canada.

Going back to the previous point I made, we have a huge pool of people already here. We are turning our backs on these people, and

they are leaving. They are leaving because they don't have paths. If we have increased numbers and actually add people who are qualified, that will definitely help people.

**Ms. Jenny Kwan:** One of the issues in terms of the backlog and the delays is that often when IRCC processes an application, someone might omit some information or forget to submit a document. IRCC will then reject the application. Individuals will then have to start the whole process all over again, which is a waste of resources for everyone. It puts them at the back of the queue, and they have to work their way up. It just—

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

With that, our panel comes to an end. On behalf of all the members of this committee, I want to take a moment to thank all the witnesses for appearing before the committee. You have provided some important input in regard to our study on processing times. If there is any information you would like to provide to the committee, please feel free to send a written submission to the clerk of the committee, and that will be circulated to all the members.

I want to let all the members know before we end that on Tuesday we will have a subcommittee meeting from 3:30 to 5:30. Only members who are on the subcommittee will be attending the meeting.

Have a great weekend, and I'll see you on Tuesday.

The meeting is adjourned.

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