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Chair: Mr. Sukh Dhaliwal



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• (1105)

[English]

The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)): Good morning. I call this meeting to order.

Welcome to meeting number 116 of the House of Commons Standing Committee on Citizenship and Immigration.

I would like to remind participants of the following points. Please wait until I recognize you by name before speaking. All comments should be addressed through the chair. Whether participating in person or by Zoom, please raise your hand if you wish to speak. The clerk and I will manage the speaking order as best as we can.

I would like to welcome a few of the visiting members today.

First, Mr. Arpan Khanna, welcome to the committee. I hope you become a permanent part of the committee. It's always great to see you.

Mr. Greg McLean (Calgary Centre, CPC): I'm training him to replace me.

The Chair: Well, we'd miss you, but we'd love to have him.

Some hon. members: Oh, oh!

The Chair: On the Liberal side, we have Mr. Chris Bittle and Mr. James Maloney.

Welcome to the committee.

Online, we have the parliamentary secretary, Mr. Maninder Sidhu, and of course Ms. Dhillon.

Welcome to both of you.

We are here to study pension transferability and access to the mandatory provident fund and delays in permanent residence and visas for Hongkongers.

Before we begin, on Thursday, November 28, we will have three witnesses on the recent reforms to the international student program in the first hour. For the second hour, we are planning to give drafting instructions to the analysts for the study on MPF. However, the written responses from IRCC, requested on Monday, November 18, may not be available for that day.

Would the committee like to give drafting instructions without these responses?

Mr. Brad Redekopp (Saskatoon West, CPC): I think we need to wait.

The Chair: We need to wait. Is everybody good with that?

Okay. Excellent. The clerk will invite the witnesses for the second hour, then.

For your information, on Monday, November 25, the minister will appear on the 2024 annual report to Parliament on immigration and also the supplementary estimates (B) for 2024-25.

Pursuant to Standing Order 106(4), the committee will commence consideration of the request to undertake a study of the urgent issue of a passport being issued to a known convicted human smuggler with a court order issued forbidding possession of any travel documents.

We have Mr. Kmiec and then Mr. Paul Chiang.

Mr. Tom Kmiec (Calgary Shepard, CPC): Chair, thank you for giving me the floor.

We on the opposition side have signed this letter ordering that this meeting be done on an emergency basis because of media reports that have found a human smuggler, a convicted human smuggler, in Canada in possession of a Canadian passport despite a court order saying that he wasn't allowed to have one, and Passport Canada issued him a new passport, so I'm moving the following motion:

That, pursuant to Standing Order 108(2), the committee undertake a study on the recent media reports that a convicted human smuggler, with a court order forbidding possession of any travel documents, was found in possession of a Canadian passport, issued in 2023 after the trial, and found during an RCMP raid of his residence;

That the committee invite the following witnesses to appear:

1. For two hours each, accompanied by senior officials from the Royal Canadian Mounted Police, Immigration, Refugees and Citizenship Canada, Canada Border Services Agency, and Passport Canada:

a. Marc Miller, Minister of Immigration, Refugees and Citizenship; and

b. Dominic Leblanc, Minister of Public Safety;

2. As well as any other witnesses the committee considers necessary, in accordance with the usual practices of the committee; and

That these witness meetings take place prior to December 18, 2024.

Chair, I believe that the motion will be distributed in French and in English to all members of the committee.

I want to briefly go over what we know so far from media reports and some of the early research I've done looking at relevant pieces of legislation. There are some really serious questions to be asking if the Liberal government can't even do the basics right, which is not to give known criminals who are forbidden from having a travel document by court order a legal passport so they could use it again.

In this particular case, from the timeline I have, in 2021, this man was charged as part of a group of four. He was charged with criminal offences, i.e., importantly, trafficking and human smuggling. Then, in 2021, he had to surrender his passport. He pleaded guilty two years later during his trial.

My understanding is that he was living at home with one of those electronic bracelets on his ankle. I don't know why you would give house arrest to a human smuggler, especially in a case where his smuggling network is credibly accused of having caused the death of eight persons. I find that baffling.

In April 2023, he was issued a new passport. In February, when he pleaded guilty, presumably his passport was still valid when it was seized through court order, and the RCMP came and took possession. In September 2023, he was sentenced to 15 months.

There are a lot of questions to ask, primarily, how Passport Canada could issue a new passport to a well-known criminal with an existing court order forbidding him from having a travel document. I went through the passport application process, and there are multiple spots where he could have not disclosed that situation or Passport Canada has made a serious mistake, and the Liberal government completely failed to provide proper oversight.

My understanding is that the Canadian Police Information Centre would have received the notification that he's not supposed to have a travel document. That is relevant, because in the Canadian passport order, in paragraph 9 (1)(b), it says very clearly anyone who "stands charged in Canada with the commission of an indictable offence" and paragraph (d) says, "is subject to a term of imprisonment in Canada or is forbidden to leave Canada or the territorial jurisdiction of a Canadian court by conditions imposed with respect to" and then there's a list.

In this situation, he shouldn't have been eligible for this passport in order to be allowed to travel by the government. How could you allow someone like that to obtain such a document?

In this situation, there has been an abject failure.

Canadian citizens expect the very basics from their different levels of government such as to collect taxes from those who owe them, and at the municipal level, to pick up the garbage. Canadians expect the government to give passports to those who ask for them when they are legally allowed to have a passport, but not to give them to those who aren't supposed to have them, such as known criminals convicted of things like human trafficking.

Let's say the government comes up with some legal Criminal Code reason for why this person shouldn't have received it. At the very end, paragraph 9(1)(g) says "has been issued a passport that has not expired and has not been revoked." This brings the question

as to when the court ordered it. The court would have known when its expiry date was.

• (1110)

There are pictures in the media reports from this entrepreneurial reporter showing that this was a 10-year, legal, long-term passport. Did his passport expire while in the possession of the court? Was the Canadian Police Information Centre not advised of this fact? Was it not updated? Did it not have the information? This has been botched at multiple levels. There are two ministries involved. One is the passport side of it and the other is the public safety side of it, the RCMP side of it.

This is a database that is monitored and used actively by the Royal Canadian Mounted Police. How could they have let this happen? How could they have let a known convicted human smuggler who traffics in people be allowed to obtain a valid Canadian passport? Why was he under house arrest, of all things? Why wasn't he in prison? An open question should be asked right now. He violated the terms of his bail. He should be behind bars. I hope he is serving actual time in a physical prison and is not out and about, especially after these media reports.

That's why we need this motion passed today, Mr. Chair. That's why we've called this meeting.

We expect all members to vote in favour of getting to the truth of how the two ministers and their departments could have failed so badly to ensure the public safety of Canadians.

The Chair: Mr. Chiang.

Mr. Paul Chiang (Markham—Unionville, Lib.): Mr. Chair, first, let me state unequivocally that what is alleged to have occurred in this case is unacceptable. Canadians rightfully expect rigorous oversight and coordination to prevent a situation like this.

Mr. Chair, I would like to ask to suspend for a few minutes, if possible, to discuss this further with my team.

The Chair: We will suspend.

• (1110)

(Pause)

• (1135)

The Chair: I call the meeting back to order.

I have Mr. Chiang still on the list.

Mr. Paul Chiang: Thank you, Mr. Chair.

Thanks to the member across for bringing forward that motion.

Mr. Chair, I would like to move a friendly amendment to Mr. Kmiec's motion to include the following: "that the study consist of no less than two meetings".

The Chair: Mr. Kmiec, are you okay with that?

Mr. Tom Kmiec: I am okay with that.

The Chair: Mr. Kmiec is okay with it, so this friendly amendment is accepted.

Is there anything else you want to say, Mr. Chiang, before I go to Mr. Brunelle-Duceppe?

Mr. Paul Chiang: No, thank you, Mr. Chair.

The Chair: Thank you, Mr. Chiang.

Mr. Brunelle-Duceppe, go ahead.

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Mr. Chair, I would just like to add a few words.

I am very pleased that this motion has been put forward. This is a shocking, disturbing and serious matter. For years, the Bloc Québécois has been asking questions in the House about the problem of human smugglers. I must admit, I'm almost jealous I did not propose this motion myself. I say that publicly.

I will obviously be supporting it.

Since we agree on the Liberal subamendment, I think we can move to a vote fairly quickly.

[*English*]

The Chair: Thank you.

I still have a speaking list. I have Mr. Redekopp, then Mr. Khanna and then MP Kwan.

I will go to Mr. Redekopp now.

Mr. Brad Redekopp: Thank you, Mr. Chair.

I just want to quickly review this.

We have a human smuggler who pleaded guilty to smuggling someone from the U.S. into Canada in 2021, who was out on bail conditions, which means that he had an ankle bracelet. He was living at home, which is a whole other issue with the "bail not jail" system that we have in our country. However, one of his conditions was to surrender his passport and not be able to get a new one, and so he did that. The RCMP took his passport.

Obviously, when you're a human smuggler, you don't smuggle just one person, so the RCMP continued to investigate this person, and when they searched his home again, they found that he had a new passport. That's the subject of this motion that we're making today, because this is a huge failure on behalf of the NDP-Liberal government to keep Canadians safe. We have a criminal who was on conditions, was wearing an ankle bracelet, was actually told that he could not have a passport and was issued a passport by the government anyway.

It really makes me question the integrity of our passport system and our ability to contain criminals who are on conditional sentences. It gets even worse because the same man, about 15 years ago, actually spent time in jail because he showed up at Canada's border with two passports in his hands that were not even in his name, so this man had a long history of abusing passports.

It makes me wonder how Service Canada actually looks at applications when they come in. They have to fill out a form. Is it all on the honour system? Apparently, there is a database where where they are able to know if people have committed crimes, but I'm just wondering what kind of database this is. Are we talking about yellow sticky notes on the wall that remind people? How does this work exactly?

I think it's important to have this study because we really need to know how the system is working and how the government could possibly have let this happen. As well, how does it deal with criminals, and how does it interact with the court system and with the criminal system to know who's who and who is able to have a passport or not have a passport?

On Wednesday, Minister Miller did say that he would verify the story and that he'd be happy to report back to the House. I think that coming to this committee and speaking to this motion at committee would be a great way for him to report back to the House. That's why I am in support of this motion, and I hope that everybody will also support this motion.

Thank you.

The Chair: Thank you, Mr. Redekopp.

Mr. Khanna, please go ahead.

Mr. Arpan Khanna (Oxford, CPC): Thank you, Mr. Chair.

I think this is a very serious breach in our system. It's a massive breach by the government when it comes to public safety. It's a massive breach when it comes to national security. It's a massive breach when it comes to our immigration system. It's a massive breach when it comes to our justice system.

The news that we've heard over the last few days is shocking. Something that's supposed to be so basic, a system that Canadians are supposed to have confidence in, clearly isn't working in the way it's supposed to. The Liberal government let in a convicted human smuggler who was responsible for the death of families and children, who was ordered by the courts not to have a passport and it was surrendered by a court order. All this guy had to do was apply to Service Canada to get a brand new passport issued. That is a massive breach.

It's troubling that we're seeing a pattern of this. We're seeing a pattern from this Liberal government that they're lax on the rules, that the left hand isn't talking to the right hand. That is troubling because Canadians are losing confidence in our system. If we can't do the basics right, we're in trouble.

From the reports we've seen, they had no idea how this happened. It wasn't until the RCMP went in again and raided this person's house that they discovered this passport. Service Canada had no idea what they had done, so the question is very simple. Why did this basic breach happen, something that's really so basic in nature? How many others are there like this in our country right now? This government has no idea.

We're in support of this motion to get to the bottom of this. These folks with long rap sheets, who have been ordered by courts not to have passports, should not have passports, and it shouldn't be this easy to get one. The study that we're supporting today, I think, is very important for that reason.

I look forward to having the minister and his staff come so that we can dive a bit deeper to find out where they messed up.

Thank you, Mr. Chair.

• (1140)

The Chair: Thank you, Mr. Khanna.

The speaking list is MP Kwan, Mr. Maloney and then Mr. Bittle.

MP Kwan, the floor is yours.

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

There's no question that this situation is horrendous. How is it possible, first off, on the question around human smuggling, that this is allowed to happen, where people died?

Then we have a situation where, under the current circumstances, people are pushed further into desperation because of changing attitudes toward refugees, changing attitudes toward people with a status that has fallen out. People are desperate and, in that desperation, they turn to human smugglers. They are taken advantage of. They have their lives put in jeopardy, and some people have died. The people who benefit from it are human smugglers.

There's a question that needs to be asked: What is the government doing in facilitating or even creating an environment that pushes people into that desperate situation? We also need to examine the circumstances and the environment in which government policies and attitudes have created this desperation in the hearts and minds of those who are fleeing persecution, who are fleeing those circumstances and who are desperate enough to seek out a human smuggler. That is an important question that somehow, I'm sad to say, the Liberals are not particularly interested in and the Conservatives couldn't care less about. We're perpetually in this environment that causes people harm.

Mr. Chair, are you flagging me for something?

The Chair: I think someone on the English channel is speaking French.

I'm sorry, MP Kwan, for interrupting you. Please go ahead.

Ms. Jenny Kwan: Okay. No worries.

Turning to this current situation, according to the news report, the individual was in court. It's correct to say that he was actually home and had an electronic ankle bracelet. He was under strict con-

ditions while he was waiting for his sentencing on a guilty plea back in February 2023 on account of breaching the Immigration and Refugee Protection Act for his role in smuggling a Sri Lankan national from the U.S. into Canada in 2021. He was indeed, according to the media report, forced to surrender his passport to the RCMP back in 2021 as part of his release conditions. Later on, he was further intercepted.

At that time, as part of that court decision, according to the media report, he was forbidden from applying for any travel documents. I'm going to pause here because there is a big question in my mind. Once the court made that decision, how was it communicated to the relevant departments? Was it, in fact, communicated?

The relevant department would have been the passport department, which processes applications. Does it have that on record, or did anyone communicate that information to it? Did the court even communicate that to it?

One would assume that someone would have undertaken that responsibility, because you can't expect the IRCC or the passport office to know that there is this court order in place. When the court made that decision, who within that system took up the responsibility of ensuring that the relevant departments were aware of it?

Those are the questions that we don't have answers to. It seems to me that it would be the RCMP's responsibility and public safety's responsibility, and maybe even HUMAN. Technically, the passport operation is under that ministry. Who failed to ensure that their responsibility was followed up on?

There are also public safety questions in my mind. Why is this matter not being studied at public safety? To me, it's a big public safety question. In this instance, it's this person, but there may be other instances that have not made the news and that we're unaware of.

I was looking at the passport process. Incidentally, I just applied for an adult passport for my son, who turned 16. He now has to go through that process himself. At 16, he's not quite an adult, but he's deemed to be an adult, according to the passport application forms. At least when I filled it out with him and when I looked back at the application form, nowhere does it talk about criminality or anything. It doesn't ask if you have any travel restrictions in place as a result of a court decision or anything like that. It doesn't ask for that information. What the document asks for is primarily verification of your citizenship.

On page 1 of the document, it seeks personal information. It asks for things like your last name, first name, date of birth and all that personal information you're supposed to provide. In the next piece, you're supposed to provide a declaration of a guarantor. That's somebody who verifies that you are who you say you are. The third section talks about previous Canadian travel documents. The fourth section talks about proof of Canadian citizenship. This is where you're supposed to provide citizenship cards, if you are an immigrant, or, if you are a Canadian-born individual, your birth certificate and government-issued proof of citizenship documents.

• (1150)

It goes on to ask for documents to support your identity. It lists what those documents are to prove it. It then moves on to talk about how long you want your passport to last. It could be four, five or 10 years. There's additional information, which talks about your employment and where you've been in the last 10 years. In the case of my kid, he's been at school. It then asks for references and, finally, an emergency contact.

That's the sum of the application process. Nowhere in the document did I see it ask about issues related to criminality or, more particularly, if there is a court order or decision against you such that you are not allowed to obtain travel documents. That, to me, is a fault line in this instance. That, to me, is a major concern and a failure in communication, I would assume, from the courts to the passport office so that it is aware of the situation for the particular individual.

Mr. Chair, it seems to me that it would be important for the public safety committee to study this. Before I make a decision on where I go with this motion, I have a question. Do we know whether or not this matter has been brought up at public safety? Do we know whether or not public safety might be undertaking a study on this? Do we have that information?

I'm just going to pause and see whether or not we can get that information, because we should be fully informed about this before we move ahead.

The Chair: MP Kwan, the clerk and I have no information about whether this is being studied by any committee other than this one.

Ms. Jenny Kwan: Okay, so we don't know.

Seeing as this actually came from the Conservatives, it's curious that they aren't making sure this matter is brought up at public safety—and the Bloc as well. The Bloc co-signed the letter. Why wouldn't they...? Maybe they have. Maybe they can share this information.

Maybe I can pause and they can let committee members know whether or not this matter is also being brought up at public safety.

The Chair: At MP Kwan's request, I would ask if the Conservatives or the Bloc want to respond.

Mr. Kmiec.

Mr. Tom Kmiec: Yes. It's simple. The responsibility for Passport Canada falls within IRCC and the Minister of IRCC, not directly with the Minister of Public Safety. The issuance of passports is the responsibility of Marc Miller and his department.

The Chair: Thank you.

MP Kwan, you still have the floor.

Ms. Jenny Kwan: Thank you.

I gather the request was not made to public safety.

It's true that the issuance of passports is done by Public Safety. However, the court decision related to travel documents did not come from Passport Canada or IRCC; it came from the courts. There is a real question about the failure of that system in ensuring that the responsibility is taken care of and that there is communication. It would appear in this instance that there wasn't.

Aside from having the public safety minister—the motion includes having the minister show up—I think officials from Public Safety should also show up because it would be important for the committee and for Canadians to know what system we have or don't have in place, not just in relation to this case, but in relation to other situations as well.

Is there regular communication? If so, how is it done? If there isn't regular communication about court decisions to relevant departments in relation to travel documents, why isn't it in place and how long has it not been in place? Is this just a Liberal failure, or has it always been like this, for decades of successive Liberal and Conservative failures? I'm very curious to know and learn about that as well, Mr. Chair.

To that end, Mr. Chair, I would move an amendment to this motion to add that officials from Public Safety also be invited.

• (1155)

The Chair: Is there any discussion on the amendment moved by MP Kwan?

Mr. Bittle, go ahead.

Mr. Chris Bittle (St. Catharines, Lib.): I'm not opposed to it, but my understanding, from reading the motion, is that it is in there because it's the ministers and senior officials from the RCMP and the CBSA. Those are Public Safety officials. It's redundant, but we won't oppose it if it speeds up the matter.

The Chair: Thank you.

Before I go to Mr. Redekopp, Mr. Brunelle-Duceppe, do you have your hand up? No. Okay.

Mr. Redekopp, you're speaking to the amendment.

Mr. Brad Redekopp: Thanks.

I agree with Mr. Bittle. I'd be okay with adding it in, just to make it crystal clear. That would be fine.

The Chair: Okay.

MP Kwan.

Ms. Jenny Kwan: I just want to add my comments. In the way I read the motion, I took it to mean that those officials were IRCC officials because the request for Minister LeBlanc came in a separate clause. I think it's very specific to have the officials from Minister LeBlanc's office, outside of the CBSA, because it's not just the CBSA that might be responsible for this; it is the court system.

I want to be very clear that it's the court system's failure, and we need to make sure that those officials are here.

The Chair: Thank you.

Mr. Bittle.

Mr. Chris Bittle: If we're looking at officials from the court system, under the Constitution, the administration of the courts is a provincial matter. Public Safety has no jurisdiction over the administration of the courts. If Ms. Kwan is looking to get that information, Public Safety won't have it.

The Chair: Okay. Are there any more speakers to the amendment?

MP Kwan.

Ms. Jenny Kwan: I would love for the minister and the officials to come and say, "Hey, it's not me, man. I have no information. Oh, and by the way, with respect to the issuance of passports, for decades, we've never bothered to find out and we've never bothered to make sure that the court talks to its provincial counterparts so that this information is being passed on with respect to the issuance of travel documents."

Let's just hear that from officials and the minister.

The Chair: Thank you.

Is there any more discussion on the amendment? I don't see anyone else.

(Amendment agreed to)

The Chair: Now we are back on the motion as amended by MP Kwan. Is there any more discussion on that?

You had your hand up earlier, Mr. Maloney.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): I'm not talking if we're going to vote on the motion. I'll gladly withdraw my name.

The Chair: Thank you.

I don't see anyone else, so we'll be voting—

Mr. Chris Bittle: If I can, I'll speak very quickly.

The Chair: Mr. Bittle.

Mr. Chris Bittle: I appreciate Mr. Maloney taking his name off the list.

I want to say thank you to Mr. Kmiec for bringing forward this motion. This is fundamentally important. This is how Parliament is supposed to work and it's how Canadians want us to be engaging on these types of issues. When there are serious flaws and serious issues that need to be addressed, they want all parties to come together to find the answers.

To clarify my remarks, Ms. Kwan, I think the provincial court system...that's a question that needs to be asked. At what level did this information not get into the hands of Passport Canada? Did it have the information? Where did this break down? At what level did it break down?

It's fundamentally important that we come together to find those answers, so I want to appreciate the members for bringing this forward. I'm disappointed I won't be here for the study as I'm not a usual member, but thank you so much.

The Chair: Thank you.

Before we vote on the motion, I just want to bring to your attention that when we brought the motion forward, it said, "possession of a Canadian passport, issued in 2021". Instead, it should read "2023". Is that correct?

• (1200)

Mr. Tom Kmiec: Yes.

The Chair: Okay. Is every member clear on that? Good.

I don't have any more speakers, so we are going to take the vote on the—

Mr. Chris Bittle: Shall we pass it on consent or have a recorded vote?

The Chair: You would like a recorded vote.

(Motion as amended agreed to: yeas 11; nays 0)

The Chair: Mr. Redekopp, you have the floor.

Mr. Brad Redekopp: Mr. Chair, I move that we adjourn.

The Chair: There is a motion to adjourn. It's a non-debatable motion.

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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