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STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

COMITÉ PERMANENT DE LA CITOYENNETÉ ET DE L'IMMIGRATION

EVIDENCE

[Recorded by Electronic Apparatus]

Thursday, March 1, 2001

• 0908

[English]

The Chair (Mr. Joe Fontana (London North Centre, Lib.)): Order, please.

Good morning, colleagues and minister.

Pursuant to the standing order of reference from the House dated Tuesday, February 27, 2001, our order of the day is Bill C-11, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted, or in danger.

I want to welcome everyone to the committee.

I think we have a great opportunity, as a committee and as a Parliament, for the first time in 30 years to strike a new immigration act and refugee act for this country. We all know that immigration has been an absolutely positive asset in helping build this country over the past 130 years or so, and that Canada has a proud history and tradition of compassion for those bona fide refugees who have been persecuted in their own lands. And so we have a great opportunity, working together as a committee and as a Parliament, I believe, to strike the new immigration act for the new century to help build our country. We know it's a very competitive world out there, everybody needs people, by the looks of it, so we're up against some formidable competitors that also want to attract the best and the brightest in the world.

Our first witness this morning, as we start our public hearings, is the Minister of Citizenship and Immigration, the Honourable Elinor Caplan. The minister is going to make about a ten-minute presentation, and then we will go to questions. I also want to take this opportunity not only of welcoming the standing members of the committee, but also Mr. Day, visiting the committee this morning.

Minister.

Hon. Elinor Caplan (Minister of Citizenship and Immigration): Thank you very much, Mr. Chairman and members of the committee.

• 0910

[Translation]

Thank you, Mr. Chairman and members of the committee, for having invited me to speak to you today. I will be making a few comments and then I will be happy to reply to your questions.

[English]

I want to thank you for inviting me to participate in your study and review of Bill C-11, the Immigration and Refugee Protection Act. To begin this morning, I have a few words to say about the bill, and in particular about the changes between this bill and the immigration bill that was before you during the last Parliament. I then look forward to your questions. I hope we will have a productive exchange of views.

Perhaps I could take a moment to introduce the senior officials who are at the table: Janet Cochrane, deputy minister; Michelle d'Auray, associate deputy minister, is here this morning as well; Joan Atkinson, assistant deputy minister responsible for policy; and David Dunbar is the legal counsel representing the department this morning.

I'd also like to take the opportunity to thank my officials and to congratulate them, indeed all members of the department, on the fine work they've been doing, particularly in preparing this legislation to come back. I refer not only to the preparation of Bill C-11 in accordance with the policy objectives established by the government, but also to the special mention that my department recently received from the Auditor General in his review of estimates and estimate documents of 47 government departments and agencies that were released this week. He singled out

Citizenship and Immigration Canada as a clear and concrete example of transparency in setting performance expectations for the purpose of reporting to Canadians. I want to make mention of that as we start our important work at this committee.


At the outset I'd like to make my own views, and those of this government, very clear. We believe deeply, as you said, Mr. Chairman, that immigration is a great source of strength for Canada. Immigrants and refugees built this country, and they will continue to do so if we are to grow and prosper in the future. They are vital to our social, cultural, and economic richness. Their skills and talents and their enduring desire to contribute to our great country are in evidence all around us.

We need look no further than the House of Commons. Many of the members of Parliament were born outside Canada, and they've come to this country not simply to make their home, but to contribute directly to the common good by taking one of the most critically important forms of public service, that is representing their own diverse constituencies here in Ottawa.

Immigration has played an enormously important role in the life of this country, and it will continue to do so. Knowing this, I think we can all agree that we want our immigration and refugee protection systems to be as strong and effective as possible. If we look at our current system, I'm sure we can also agree that there are ways it can be made to work better. That's the point of Bill C-11.

In short, Bill C-11 is designed to ensure that we are able to say yes more often to the immigrants and refugees that Canada will need in the years to come. It does so in part by allowing us to say no more quickly to those who would take advantage of our generosity and openness. It strikes a balance between the need to ensure public confidence in the system, on the one hand, and the need to let that system work to promote Canada's social and economic development, on the other. This, after all, is the dual mandate of my department, to close the back door to those who would abuse our rules, in order to open the front door wider to those who come to us from around the world to help us build our country.

Let me comment very briefly on a few of the specific provisions of the bill before you today. Bill C-11 will enable us to levy penalties of up to \$1,000,000 and life in prison on people, people smugglers, and traffickers—criminals. It will exclude serious criminals and security risks from the appeal process at the Immigration Appeal Division of the Immigration and Refugee Board, so that criminals, people smugglers, traffickers, serious criminals who pose security risks to Canada, can be removed more quickly.

• 0915 

Bill C-11 reintroduces key improvements to our refugee protection system. It consolidates several current steps and criteria into a single protection decision. It combines greater use of single-member panels with an internal paper appeal and a new division of the IRB. Together these measures will see that the important decision of whether to allow a refugee claim will be made more quickly, but fairly, with an opportunity for an effective review.

The regulations to accompany Bill C-11 will include measures to ensure that we're able to select the skilled immigrants and temporary workers who will be so critical to our economy in the years ahead. Skilled workers will no longer be limited to narrow occupational categories; rather, they will be those who are flexible and best able to adapt to our evolving economic needs. Of course, this is not to say that independent immigrants will be limited to professionals with advanced university education. We will also welcome those with education and experience in the skilled trades.

Bill C-11 and its regulations will also strengthen our ability to reunite families. They will expand the family class by increasing the age of dependent children from 19 to 22 years, and they will exempt sponsored spouses, partners, and dependent children of immigrants, as well as refugees and their dependants, from the admissions bar on the ground of excessive demand on the medical system.

We are working to make the entire system better. We've been making significant improvements to client service. We're clearing the backlogs across the system. In fact, colleagues, as we are able to now meet our targets and service standards, we're dropping the word "backlog" and replacing it with the term "inventory", to describe only the persistent demand from people around the world who want to come to Canada.

And we are proposing legislative changes, which are before you in this bill, changes that will give us the tools we need to attract more skilled workers to Canada, bring families together more quickly, and honour our humanitarian commitments.


It is true that Bill C-11 maintains the core principles and provisions of the previous Bill C-31, which was before this committee when the last Parliament was prorogued. But Bill C-11 is not a carbon copy. In fact, it is better. It is better because many Canadians raised concerns that were very well considered. It is better because we have responded to those concerns in a manner that is consistent with our overall policy objectives. The most significant of these changes are directed to three central concerns. The first of these has to do with the very form of the bill itself, the issue of framework legislation.

Most people have long understood and accepted the need for framework legislation like—I would point out—the immigration legislation currently enforced in this country. Concerns were nonetheless expressed underlining the importance of including all fundamental rights and and core policies in the legislation, that is, that they be made explicit in the act itself, rather than in regulations. We have listened, and we have responded.

At the very outset Bill C-11 outlines the key objectives of the immigration and refugee programs. Included are the principles of equality and freedom from discrimination and the principle that our official languages have equality of status. And later we have the principle that children should be detained only as a last resort.

The bill also makes explicit a number of provisions stakeholders considered particularly important, and thus deserving of inclusion in the legislation. Here I refer to the stipulation of parents as members of the family class and our commitment to gender equity and to fair treatment for same-sex partners.

A second general area of concern pertains to the status of permanent residents. Here too I can say we have listened and responded. Bill C-11 introduces a separate definition of "permanent resident" that clearly distinguishes the rights of permanent residents from those of other foreign nationals. In response to concerns expressed by the Canadian Bar Association, Bill C-11 includes the right to an IRB oral hearing for people who want to appeal after having lost permanent resident status.

• 0920 

Other provisions strengthen protections for those who have permanent resident status under the law. These include requiring a warrant to arrest a permanent resident on any immigration matter, and assuring entry to Canada for those without a valid permanent resident card, if they have been away from Canada for less than one year.

Bill C-11 also makes it clear that only people who are making an application, for example, for a visa, for entry to Canada, for extension of that visa, for a change of status, for a sponsorship undertaking, will be required to respond truthfully and to produce requested documentation. These measures will ensure that permanent residents will not be subjected to random or arbitrary questioning at any time.

The third and final area of concern has to do with access to the refugee determination system. Here too we have benefited from some very thoughtful criticism of the previous bill. Though I'd like to thank all of those who submitted briefs, I'm singling out just a few: the Canadian Bar Association; the Canadian Council for Refugees; and the United Nations High Commission for Refugees. We remain committed to barring access to the refugee determination system for serious criminals and those who pose a security threat to Canada.

Bill C-11 nonetheless responds to criticism and concern that genuine refugees could have in fact been denied access to the system. Bill C-11 provides a new mechanism to consider the possibility that criminal convictions outside of Canada may in fact result from politically trumped-up charges. To ensure that there is flexibility in dealing with withdrawn and abandoned claims, the new mechanism will apply.


As with the previous bill, Bill C-11 will allow the IRB to consider, in addition to the Geneva Convention grounds, the convention against torture, risk to life, and cruel and unusual treatment, as grounds for refugee status. Colleagues, let me reiterate that this does not expand the current existing grounds for protection. It merely consolidates the grounds we currently assess at several different stages of the process into a single step at the IRB.

Bill C-11 also clarifies the opportunity for failed refugee claimants to have an assessment of the risk they face in their country of origin prior to being removed from Canada. If there is new evidence or circumstances in their country of origin have changed, they'll have the opportunity to present the information.

In addition, it allows for oral hearings at the pre-removal risk review in exceptional cases, to ensure that our proceedings are both fair and effective. Bill C-11 also addresses the issue of repeat claims by increasing the time limit from 90 days to six months. This will prevent those who are not in need of protection from using the refugee determination system simply to prolong their stay in Canada.

Finally, Bill C-11 introduces a range of other small but significant changes in response to the more general concerns that were raised in relation to the previous bill. For instance, at the suggestion of the Canadian Bar Association, Bill C-11 lengthens the time that refused applicants have to file for a judicial review of decisions made overseas from 15 days to 60 days. In response to legitimate concerns expressed by the United Nations High Commission for Refugees, Bill C-11 will make it easier for convention refugees and protected persons whose identities have been established to obtain Canadian refugee travel documents.

Bill C-11, in summary, is the product of a careful review and of many excellent submissions that were received on previous Bill C-31. Bill C-11 is the product of my own personal discussions with Canadians and with key stakeholders right across this country. It is a balanced bill that has been under consultation for approximately four years, in one form or another.

• 0925 

We have listened, and we have responded. We have listened to the provinces and to the territories. We have listened to the views of parliamentarians, and we have listened to the countless individuals who have an interest in immigration and refugee protection systems. And indeed, colleagues, there is still work to do.

I will, in the weeks ahead, be tabling a discussion paper before this committee on the policy intent of proposed regulations to accompany Bill C-11. I urge you to see this paper as a work in progress that will be developed in ever greater detail as our discussions proceed.

Chairman, colleagues, I thank you once again for giving me the opportunity to address this committee. I now welcome your questions. *Merci beaucoup.*

The Chair: Thank you, Minister.

Before proceeding to questions, I too want to acknowledge the work of the previous committee on Bill C-31. All parties worked diligently, as you know, on that refugee determination system discussion paper that we had, and I was happy to see that Bills C-31 and C-11 adopted an awful lot of those recommendations the committee put forward to you. We appreciate that.

I also want to thank some 80 or 90 organizations from across the country who sent submissions in the summer, as we prepared to do our work on Bill C-31. I want to assure them, as we begin our public hearings... You've indicated, Minister, that you've looked at those submissions. In fact, Bill C-11 reflects some of those concerns and changes, and we appreciate that very much. But I wanted to assure the public that as the committee travels and deliberates on this matter over a number of weeks, they will also have the opportunity of resubmitting or making comments on the new bill.

Having said that, I'll go to the first questioner, who is the—

Mr. Steve Mahoney (Mississauga West, Lib.): I have a point of order, Mr. Chairman. I hesitate to take the minister's time, but I want to raise an issue that I think needs to be put on the table.

There was some confusion in members' offices as a result of a notice that was sent out cancelling this meeting yesterday, followed subsequently in the e-mail by another notice saying it was on again. There are some members who are not here and may have only seen the cancellation notice. We have had situations in the past, particularly in televised meetings, where changes have been sent out that caused certain members not to be in attendance when perhaps they should have been, or would have been in other circumstances. So I want to bring that to your attention. Not to take the time of the minister, perhaps at the end of these proceedings we could have a proper explanation as to why that occurred.

The Chair: Thank you, Mr. Mahoney, for bringing that to our attention.

I've discussed this matter with the clerk, and I apologize in advance to the committee. Unfortunately, as you know, the vote was deferred to the House of Commons; the committee can only act when the House of Commons refers the bill to us formally. That vote was supposed to take place on Wednesday night, as requested by the whips. It took place on Tuesday night, so you had some confusion about the cancellation. I'll apologize in advance, but I believe the committee may want to talk, to make sure we have a better system of communications, so that all members in all parties can be represented.

Thank you for bringing that to my attention.

Mr. John Herron (Fundy—Royal, PC): On the same point of order, I think it's a basic matter of professionalism. Pick up the phone. That's how simple this is. Pick up the bloody phone, because even though we finally saw the second notice, it does inhibit our capacity to be prepared and actually to have an opportunity to see the minister. The minister has been very flexible and approachable on this bill already, so if we wanted to have another crack at this, we might have an opportunity to do that. Pick up the phone.

The Chair: Point well taken. I can tell you I was very frustrated this morning and last night when I heard that some members were questioning whether or not we had the meeting. I can only tell you we were phoning to make sure all parties were represented this morning, because I agree totally.


Anyway, let me assure you, on behalf of the clerk's staff and the rest, that it will not happen again.

Maybe we can proceed, and I'll go to the leader of the opposition. Mr. Day, welcome.

[Translation]

Mr. Stockwell Day (Okanagan—Coquihalla, CA): Thank you, Mr. Chairman.

Madam Minister, thank you for your work and your dedication. I can assure you that the Canadian Alliance, like you, Madam Minister, is convinced that immigration is an important source of strength for Canada. I also agree that immigrants and refugees, as you said, built our country and will continue to do so.

• 0930 

[English]

At the Canadian Alliance we are proud of Canada's heritage as a country that welcomes immigrants from all parts of the globe, from all races, from all religions, and it has been brought to my attention that the Canadian Alliance, as a caucus, actually has a higher percentage of members of Parliament of non-European descent than any other caucus. I was pleased with that. It certainly shows the diversity in our House of Commons, and I know that will continue.

I want to ask some questions related to Bill C-11, and to start by quoting from a CSIS public report on immigration and citizenship screening.

As the number of refugees and immigrants increases, so does the possibility that terrorists and individuals involved in atrocities will try to enter Canada so as to evade prosecution or engage in various activities to support their causes. A comprehensive immigration screening program is essential to prevent persons who could be detrimental to Canada's security and national interests from entering Canada or obtaining immigration status.


I'm wondering specifically what Bill C-11 does to change from the status quo and what the minister can point to directly that will show Canadians we do in fact have a comprehensive screening program in place to catch criminals and terrorists when they apply for visas, landed immigrant status, citizenship, or refugee status. And can she tell us at what stage specifically in the process those records would be checked? At what specific stage are those checks conducted?

Ms. Elinor Caplan: In the bill it's divided between the immigration section and the refugee section. Let me begin first with the refugee section, because some significant changes are being made, particularly the implementation of up-front security screening for all refugee claimants.

At the present time, there is a check done, a fairly cursory check, of the data banks of the RCMP. However, the intention is to have an up-front security screening of all refugee claimants, so that we can identify those who can and should be excluded from access to the IRB. The Geneva Convention permits that exclusion. I've actually had extensive discussions on this matter with officials in Geneva at the UNHCR, and I believe we should be able to identify, before we grant refugee status, those people who are not entitled to protection in Canada and who are inadmissible. So up-front security screening will be an important part of the procedure and the procedural changes in Bill C-11.

The other things we're doing—and this relates not only to the refugee side, but to the immigration side as well—is improving our relationships and information sharing internationally with other countries—signing of memorandums, sharing of information. The linkages, wherever possible, understanding that there are Privacy Act considerations, allow the sharing of information, for example, between the RCMP, CSIS, FBI, Interpol, Europol, and other security organizations. The UN convention on transnational organized crime, with the sub-protocols on smuggling and trafficking in humans, which was just signed in Palermo in December, is another example of the world coming together to combat what I believe is a relatively new phenomenon, trafficking in humans. So a lot of work is being done to ensure that we send out the strongest possible message, with information sharing and the kind of screening, both for immigrants and refugees.

Let me make the point, Mr. Chairman, that overwhelmingly the people who apply to come here are law-abiding, honest, hard working people. We want to make sure we don't send out the wrong message: we don't want refugees or potential immigrants to look at Canada as anything other than a place to come and build new lives and help build this country. We want to stand on guard, if you will, using our national anthem: this is not a country that offers safe haven to anyone other than those who need our protection.

• 0935 

The Chair: Minister, I'm going to ask that your answers be a little shorter.

Ms. Elinor Caplan: I'll try.

The Chair: We only have ten minutes of questions and answers.

Mr. Day, I can assure you that I'll give you a little more time.

I know you both want to make it absolutely fantastic. I could hear the violins in the background in both of the speeches.

Mr. Stockwell Day: Thank you for that observation, Mr. Chairman.

I certainly don't question the minister's sincerity here, and the message is what we're really focused on here. Of course the vast percentage of people applying here are good and upright people, but it is the message we're talking about.

Far from having a comprehensive program, as we know, Canada's system—at least according to some experts—is seen by some as an international joke. Antonio Nicaso—I'm sure you're familiar with this internationally recognized consultant on organized crime, who is a consultant for the FBI, the RCMP, and other police—is the author of at least nine extensive studies on criminal activity internationally. This is his quote—and he said this just recently:

Law enforcement officials everywhere agree that Canada is... the hub of international drug trafficking, organized fraud and corresponding money-laundering operations by many crime syndicates.

He goes on to say:

Canada has always been a welcome wagon for organized crime, a revolving door that lets everyone in regardless of their criminal past.

That's from an international expert and consultant.

We've seen stories just in the last year regarding criminals and terrorists who are operating in Canada, and those stories support Mr. Nicaso's view. Certainly there was the unfortunate incident with Mr. Ressay, who was arrested entering the United States, allegedly with the makings of a bomb. It turns out he had actually declared when he entered Canada that he had served time in Algeria after confessing to being a terrorist, but the department accepted his explanation at face value.

Then, of course, there was one of the more recent cases with one of Interpol's most wanted criminals. He was wanted in two countries internationally for murder, one a fairly recent one in which he's alleged to have shot in the face and murdered a police officer who was investigating the whole area of crime and criminal activity. At the deportation proceedings, Immigration Canada alleges that this man knew of the charges but he failed to mention them while he was renewing his visa last summer. That, of course, is a violation of Canada's Immigration Act, and it just causes us to wonder how many others have forgotten to mention outstanding warrants and charges.

Could I ask the minister to refer directly to the sections in Bill C-11 that show the changes that would give us confidence that the comprehensive screening process is in place to make sure these applicants are asked these types of questions, and what happens? And why is it that, whether they're wanted or not, their explanations are accepted without checking with the police in the countries from which they come? Wouldn't it make more sense for a department to make independent inquiries of Interpol? Can you refer to Bill C-11 directly, Madam Minister, and show us the changes that will give us the assurance?

The Chair: Thank you for the question.

Ms. Elinor Caplan: The point I'd like to make to the leader of the opposition is that the cases he has identified are cases of people who have been apprehended and caught. I think that shows, in fact, that the system is working.

The reality is that we work with international organizations. We use the term "transnational organized crime" because all countries of the world are grappling with highly sophisticated criminal networks around the world. That's why we are sharing information, having memorandums of understanding, and working together to ensure that we do everything we possibly can to not only protect Canada's national security interests, but to share the information that we have with others. There are a number of mechanisms that are in place. The legislation is but one tool.

I can tell the honourable leader of the opposition that there are four countries—Canada, the U.S., Australia, and Great Britain—that work together in this area, in particular in what's called the four-country conference. We also share information with Europe, Interpol, and so forth.

We all recognize that globalization and access to travel makes it impossible for us to—I've used this terminology—shrink-wrap or hermetically seal our borders. We use new technology when it's appropriate, and we look at all of the ways in which we can deal with the reality that not everyone who comes to our ports of entry or who appears in our courts tells the truth.


Mr. Stockwell Day: But Madam Minister—

Ms. Elinor Caplan: But we do believe in due process, and in Canada we're proud of our Charter of Rights and Freedoms, which gives people a fair opportunity to have their say.

Mr. Stockwell Day: I'm just asking where—

The Chair: One final question.

Mr. Stockwell Day: Thank you, Mr. Chairman.

• 0940 

Where are the exact references here in the bill that show a change in the status quo, so that we know and we have some sense that there's a more comprehensive system in place when this becomes law?

Ms. Elinor Caplan: What I can do is ask the department to give you a clause-by-clause analysis of the enforcement provisions. Some of them are increased penalties and some deal with upfront screening. Many as well will be further defined in regulation, but I'd be happy to have that analysis done for you.

The Chair: That would be very helpful to the committee, and I thank Mr. Day for posing those questions. I think all Canadians want to make sure they have confidence in the system, and I think the question was to ensure that Canadians have confidence that we in fact are providing that security.

Ms. Elinor Caplan: I'd like to just make one last comment, and that is on the quote from the leader of the opposition.

Criminals, terrorists, war criminals, those who have committed serious crimes outside Canada, and members of terrorist organizations and transnational criminal organizations are inadmissible to Canada. Right up until the point that an individual is granted citizenship, we can and do take action—through security certificates and deportation proceedings—to remove people. Even if someone is granted refugee status, even if they are granted permanent-resident status, if it comes to the attention of our department that the person is inadmissible to Canada, that they came into Canada fraudulently or surreptitiously, or that they don't have proper status, appropriate inquiry is made and action is taken to deport as soon as possible.

The Chair: Thank you, Minister.

Mr. Stockwell Day: In both cases, it was actually other countries that brought to our attention these particular individuals.

Ms. Elinor Caplan: And that shows again that our international network of information sharing works.

The Chair: I'm sorry, but to the minister and Mr. Day, you have to pose your questions through the chair.

Mr. Day, you're welcome to stay for the next round, if you'd like, but now we'll go to Mr. Mahoney and a ten-minute round for the Liberals.

Mr. Steve Mahoney: Thanks, Mr. Chairman.

It's your fault, by the way, because you're the one who decided you wanted to televise these proceedings, which is going to lead to this kind of demonstration.

The Chair: Well, no, I think Canadians need to know.

Mr. Steve Mahoney: The more things change, the more they stay the same.

I'd like to talk on the message as well, not about criminals, which seems to be the recurring message from the opposition and their predecessors. I'd like to talk particularly about skilled immigrants and the minister's attempts to deal... I'm specifically interested in trades people.


We can get all the skilled immigrants in the high-tech sector that we want. We need bricklayers, we need carpenters, we need electricians. Our housing industry is suffering because they can't get enough people to work in those areas, so there are delays. People in my community, where we grow houses almost as an agricultural product, are sitting with their families and are waiting to move into homes. They can't get into their homes because the homes can't get finished, and that's because the home builders can't get the workers. What are we doing in this bill that will allow us to seek out, attract, and encourage skilled trades people to come to our country?

Ms. Elinor Caplan: There are a number of things we're doing, not only in the bill, but in the regulations that accompany the bill. Those regulations are the new selection system, which, as I said in my opening remarks, no longer has the narrow occupation classes into which people have to try to shoehorn themselves. We will still have an open and transparent point system, and that's something the committee will have an opportunity to look at and to review as part of the regulatory development.

However, under the present immigration legislation we are looking at ways of bringing the people we need to Canada as quickly as possible. We have a temporary worker program, which is in place now. There's a very successful pilot project that has been in place for the high-skilled, high-tech sector. It has been very successful, and we're looking at that as a model to work with other sectors.

Now, you should know—and I know you do—that it's not just the immigration department, because HRDC has an important role to play in identifying where there are legitimate needs for workers. We have to ensure that working conditions are also appropriate and that we're not just bringing people into unfair work conditions. Those are the sorts of things HRDC has to consider.

One of the things this legislation does, however, is create an in-Canada landing class for temporary workers as well. What that means is that you'll be able to apply for landed status from within Canada if you have had a temporary worker's work permit and you have worked for two years. It's modelled on the same live-in caregiver program model. This program will allow us to attract and bring in temporary workers more quickly, and allow people who are well established to be able to land from within Canada.

• 0945 

Mr. Steve Mahoney: I hope we can have an ongoing update on that, because people in the industry across the country are somewhat frustrated that they don't seem able to create that flow. Hopefully, this—

Ms. Elinor Caplan: I'm glad you also said "across the country", because in this area we work very closely with the provinces. You know there's the Canada-Quebec accord, and Quebec has the opportunity to select independent economic immigrants. The issue of temporary workers and others is one all provinces are trying to identify.

We're using provincial nominee agreements very successfully, in Manitoba for example. And we're negotiating agreements with other provinces, so they can identify areas of labour shortage and either bring people in through provincial nominee agreements, or else discuss with us how we can set up an approach under the temporary worker program to respond even more quickly. The truth is, coming as an immigrant takes a little longer than coming as a temporary worker.

Mr. Steve Mahoney: All right. I have a couple of other questions, and maybe I'll put them so that I'm sure to at least get them on the record.

The first question deals with the family class situation—the fact that the age is being raised to 22 for minor dependants and that parents will now be included. What about siblings? Can we look at including brothers and sisters as part of the immediate family, to qualify in the same way?

My second question has to do with minister's permits. I don't want to deal with a specific case, Minister, although I know you're familiar with it. I find this somewhat frustrating. Although I think your system is good at requiring accountability from members of Parliament requesting permits, I'm told that as a result of the Supreme Court decision on Singh in 1991, there's no ability to...

People may have arrived here via a minister's permit, which means in effect that they were turned down in the regular process. They went through the various appeals, did everything they could, and still were turned down as immigrants to this country. Then, through the intervention of a member of Parliament and your office, they were granted a minister's permit to come for a specific period of time.

My frustration is that this process of you allowing them to come in is outside the system—and you, as the minister, do not have the right to more than encourage them to come in, and then kick them out of the country once they've extended beyond the term. If we're going to bend the rules—well, it's not even bending the rules; the system allows for minister's permits. If you're going to have minister's permits to allow people in, there should be a quid pro quo that insists on a process in place to ensure that they leave at the end of it—so as not to unfairly hamper the work of members of Parliament from all sides.


The Chair: Minister.

Ms. Elinor Caplan: Let me address that. There were two issues raised.

The first issue was the expansion of the family class. The bill does increase the age of dependent children up to 22, from 19 in the existing legislation. It was always the intention, and I stated that the last time I was here, to include parents. Many people said it wasn't enough to include it in the regulation, they'd like to see it in the act. We put it into the act, because we wanted to respond in a positive way; but I want to be clear that the policy was always to include parents.

We do discuss immigration policy with the provinces before an expansion of family class. There was a lot of consultation as this bill was under development, as there was with the previous bill. There's been no consensus across the country on any further expansion of the family class definition. But as you know, nothing is carved in stone—except, as I used to say, the names of the former members on the wall. But we don't even do that here; they do that at Queen's Park in Ontario.

That's the issue, and that's why the definition of family class is in the regulation. If, over time, there are agreements—recommendations from committee, and agreements with the provinces that there should be a change in the definition of family class—that can be accommodated with a change in the regulation, without having to amend the act. So at this time, the family class definition is as you see it. It can be further refined and defined by regulation in the future.

• 0950 

The second issue is on minister's permits. It's not the Singh decision, it's actually the Charter of Rights and Freedoms that permits any individual who comes to Canada to either make a refugee claim or to apply in accordance with our laws. That's why, when our visa officers at posts around the world interview individuals who want to come to Canada, they try to determine... And they're very experienced. I've sat in on those interviews, and it's often very hard to make that judgment. I remember saying to one immigration officer, "I'm glad I don't have your job. That would be a really hard decision."

Mr. Steve Mahoney: He was glad he didn't have yours.

Ms. Elinor Caplan: I think it was mutual.

They try to judge, will this person who is being granted a visitor's visa return to his or her country and live up to the terms and conditions of the visitor's visa?

When someone on a visitor's visa comes here and then makes a refugee claim, obviously there's a concern. They actually have a valid visitor's visa, and know the terms in advance. However, the charter does permit them to do that.

We are determined, as a government, to respect the Charter of Rights and Freedoms, and to see that it applies to everyone in Canada all the time—not just some people, selectively. We do not support changes that would unilaterally strip rights away from people in Canada. That's why we believe the additional information a member of Parliament might have, and his or her assurance that the terms and conditions of the minister's permit will be met, allows us—me in particular—to grant minister's permits to people who have been turned down by my officials overseas.

While there have been some cases of people disappointing the MP they gave their assurances to, I would say well over 90% of people have lived up to the terms and conditions of their minister's permit.

The Chair: Thank you, Minister.

We'll go to five-minute rounds. I guess we'll go back to Mr. Day. Five and five—that's what we agreed to last meeting.

Mr. Stockwell Day: Pursuing that question, I'm sorry Mr. Mahoney feels that asking questions and working with you to improve our system is a demonstration... I hope it's a demonstration of our commitment to better government. We're not from the government, but we are here to help. I hope you can feel the love and sense that commitment.

In relation to the economic component of the Canadian immigration program, it was actually the Auditor General, in a televised committee meeting, who noted serious deficiencies in the management and delivery of the economic component of the program. I don't think he was giving a demonstration. The aim of that part of the program is actually to recruit skilled workers and business immigrants, and we applaud that. His reflection, however, was that in fact the department is vulnerable to fraud and abuse. That was his reflection in his report, not mine.


Again, I'm wondering: in Bill C-11 specifically, what can the minister point to showing we're closing that door to vulnerability to fraud and abuse?

Ms. Elinor Caplan: When the Auditor General made his report almost a year ago, I welcomed that report. He said we needed additional money and resources, and last February we got it: \$139 million was made available to my department. Those additional resources and that commitment have helped us to respond in a positive way, I think, to the issues raised by the Auditor General. I'm pleased to say it's not just the legislation

but the resources that go along with it that provide the whole package.

The Auditor General said we needed improvement. We've made those improvements, but we're not perfect yet. I subscribe to the theory of continuous improvement.

We're always willing to look at everything we do. That's why I was so proud that the Auditor General, in his most recent report, identified Citizenship and Immigration Canada as an example of a department that makes clear its benchmarks, makes clear its information so that we can be judged. Our commitment to continuous improvement is, I think, an important commitment that I make publicly.

• 0955 

The Chair: We'd like to get in as many questions and answers as we can, and that can only happen if the questions are short and the answers are even shorter.

Mr. Day.

Mr. Stockwell Day: Thank you.

I have a very short question. If it's just resources, I note that in the main estimates that were recently tabled there has actually been a reduction of \$30 million, especially related to managing access to Canada. Does that offset what was previously gained? Also, what specific references in Bill C-11 can you point to—other than resources, because now it appears they're being reduced—that would help give you the strength you need to close these areas that are causing the problem?

Ms. Elinor Caplan: As a result of some extraordinary occurrences, in particular the arrival of the Kosovo refugees and the four boats in the summer of 1999, my department received money that was over and above so that we would not have to find the funds internally and take them from the important work we're doing. That's the decrease that was reflected in the budget. We didn't need that money because we didn't have any other boats last summer, as you know, and the Kosovo refugees are here. That's the reason for the reduction.

What I can tell you is that our resources have been increased. The base to the department was increased by \$139 million. That has allowed us to do a number of things, including adding more interdiction immigration control officers around the world, which is on the enforcement side, as well as sending out what we refer to as SWAT teams, which are temporary duty officers, to help clear up the backlog so that we can bring the people we need to bring to Canada more quickly.

We're looking to improve everything we do and to put in place quality assurance mechanisms so that we will be able to report to this committee and to Canadians on how we're doing. Bill C-11 gives us the tools, the regulations, that will go along with it. But we already have an Immigration Act and policies and procedures in place that have been working. We think they can be made to work better.

The Chair: Minister, based on the questions asked, I think you've already committed to the committee that you would give us those measures in the bill that in fact increase screening security and those measures that have been alluded to so that we can convey to the general public confidence in those additional measures.

The second issue is with regard to funding. As you know, the committee made a strong recommendation to the government for additional resources. Based on the questions asked, I wonder if the department could provide this committee with a breakdown of what that base budget is, how much you got, and where those resources are deployed. Again, that's in answer to a very good question in terms of whether or not you're getting the resources required to do the job that's required.

Ms. Elinor Caplan: I want to thank the committee for that. Of course, we can always use thoughtful allies in helping to get additional resources.

The Chair: Who knows? That might be an additional recommendation of this committee based on a review of the bill.

I'm just going to go to a final question from Reform. Mr. Grewal.

Mr. Gurmant Grewal (Surrey Central, CA): From the Canadian Alliance.

The Chair: I'm sorry, the Canadian Alliance.

Mr. Gurmant Grewal: I'd like to follow up on the question Mr. Day asked about the resources. The front-end staff of the immigration department and of our foreign missions abroad are often pointed out to be inadequately trained and always overworked. That's one part. What is in the bill that will show that the staff will be properly trained and that the workload will be evenly distributed?

Also, if I can follow up on another note, the health standards used in examining the prospective immigrants are 40 years old, and they have never been reviewed. What resources will be committed so that those health standards are upgraded? Is there anything in the bill the minister can point to?

Ms. Elinor Caplan: The authority, of course, is in the bill to put in place the policies. I want to say that I agree we need to look at all of the policies that are in place to make sure they are updated so we can assure that if there are things that can be done better, they will be done better.

• 1000 

The Auditor General, as you know, did point out some areas, particularly in our medical surveillance program, that needed improvement. We have moved to put in place an internal audit of that program, to develop a quality assurance program to monitor the work that's being done, to look at the issue of what tests we should be doing, and to get the best advice we can from experts around the world.

I had discussions with experts internationally as well as with those in Canada so that we could identify how we could share information better. That's part of the global case management system, which is very significant. I think it's probably the largest technological program in the Government of Canada that's under development right now. It will link our posts. That will provide us with an important management tool, and it

will also give us the data we need to monitor ourselves.

The issue of training is an important one. Part of the ongoing effort of the department is to ensure that our staff around the world are well trained. Implementation of the new legislation will give us a great opportunity, as part of the changes that are being made, to continue the ongoing training, which is an important part of the department's managerial responsibility.

The Chair: Mr. Grewal, you'll have to wait just 15 minutes for the next round.

Mr. Gurmant Grewal: Okay.

The Chair: Next is Jean, and then Madeleine.

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Thank you, Mr. Chairman.

Madam Minister, I'm an immigrant myself. I came here about 41 years ago. As we boast about the contribution immigrants are making to Canadian society, I wonder what we do to the psyche of Canadians, our neighbours, our colleagues, our friends, when we constantly link criminality, fraud, and abuse to the issue of immigrants and immigration. Can we delink that discussion about abuse and criminality from the contribution and the positives to ensure we have immigrants? It's just troubling to me that every time we get into this discussion, we tend to go toward the issues of fraud, abuse, criminals, and all of those negative things. I sit here thinking of all the people I know, and I can't put them in that picture at all.


Ms. Elinor Caplan: One of the things I was particularly proud of was that last year the department achieved the target level. We saw over 226,000 people land in Canada. Of those 226,000, you won't see front-page stories for 225,900 because those are the success stories. It's good news. I think that in the discussions we have here at committee, it's important to remember that.

The department does have a dual mandate, and that is to make sure our laws are respected. Canadians want their laws respected. At the same time, they want to ensure our processes are fair. This legislation is very clear about those who are inadmissible and what the penalties are if there is fraud or misrepresentation.

But it is important to remind Canadians that of those people who come here, the overwhelming majority are people who come here to contribute, to help build this country, and to make new lives, just as the people in the past have done.

You mentioned that you came here 40 years ago. My grandparents came here. The dreams of immigrants today are the same as the dreams of immigrants a hundred years ago, and that is to build the best country in the world. I believe we have to dispel the myths. That's where research is so important. I'm proud of the fact that my department has been very supportive of the Metropolis Project. Sometime this committee might want to invite the researchers here. It's an international network, and information is shared.

I think most Canadians who have an understanding of the importance of immigrants and immigration to this country share the concern you have, and that is that we not stereotype in a negative way, because that hurts us all.

• 1005 

Ms. Jean Augustine: I know that reference has been made to the whole issue of credentials and the individuals who come. I wonder if you can speak to that issue and see how the department in some way can work either with the provincial partners or with professional organizations who do the credential piece. So many of my constituents are here with very high qualifications from their places of origin, are admitted to Canada because of those credentials, and at the same time find it really difficult to establish their place in Canadian society, using their credentials to the best possible effect.

Ms. Elinor Caplan: The issue of credentials, equivalencies, access to trades and professions is one I know very well, but I know it from having worn another hat. The provincial governments have jurisdiction on the regulation of professions. I do believe, however, that the federal government has a role and is able to work in partnership, cooperatively, with the governments of the provinces, which have constitutional jurisdiction, to assure that we take advantage of the human capital and the potential within Canada.

So my department is looking at ways to partner. There's a pilot project in which we will be participating with the Government of British Columbia—the details will be announced very soon, and I don't want to pre-empt them. A statement was made in the Speech from the Throne of our commitment to do our part as a facilitator and as a partner in raising this issue, but you also know that we have interprovincial barriers, because each province regulates differently. So this is an issue for provincial ministers as well as the federal minister. I've had this discussion with every provincial minister I have met, because we need to work together to find a way to not allow inappropriate barriers.


We want people to meet Canadian standards. We want to give them a chance to achieve their potential. At the same time, we know the regulatory authorities often pose unreasonable barriers to access to trades and professions in this country, and the role for the federal government, I think, is in giving prospective immigrants more information, so that they'll know what to expect when they come.

We've developed a website. It's the qualifications website, which is one of the tools we're going to be using to get the information out there. Provincial ministers agree that conferences are good and important, information is good and important, but we have to look practically at some measures that can be taken to help people who are able to participate more fully in the Canadian economy. We're looking for ways to do that, but it's a big challenge. I don't for one minute want to underestimate the difficulties in doing that.

The Chair: Just before I get to Madeleine, let me follow up quickly and say that the internal barriers we have in this country are enormous. It's the Canadian government that is supposed to set immigration policy and numbers and make sure we can take advantage of the benefits immigrants bring, especially as concerns the shortages of nurses, doctors, and engineers we are presently experiencing. But we have a province and some professions that want to keep people out or do not respect their paper work, for whatever reasons. Surely the Canadian government should have something to say about that. We're supposed to have the free movement of people in this country, and yet there are barriers, so that we can't do that.

Ms. Elinor Caplan: We don't regulate the professions, the provinces do, and we are very clear that we are not in any way going to intrude on provincial jurisdictions. We want to work with the provinces to improve the situation.

But let me make one point. I don't think there is a lawyer who emigrates to Canada and expects to be able to hang up a shingle and practise law in Canada. Most lawyers trained outside Canada know there are differences in Canada. The laws are different, and they will have to go back to school. Other professions don't have that same awareness, and that's why we have to give them the information they need, so that they'll know how difficult it will be—it may be different in British Columbia, and it will be different in Manitoba, it will be different in Quebec and in the Maritimes. In each province, because they regulate their professions differently and the professions set the standard for access, that information is extremely important for people to have.

• 1010 

One point I made when I spoke to the ministers in the provinces, Mr. Chair, was that the better the job is that the provinces do in giving people information, the easier it will be for them to attract the people they need. If they've identified a shortage, they can use the provincial nominee agreement, but they can also set up pilot projects—as we're doing—and try to make the changes. We're working with them to see that it will be a success, and we'll monitor the outcome.

The Chair: Thank you, Minister.

Madeleine.

[*Translation*]

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Thank you, Mr. Chairman.

Madam Minister, thank you for being here. I would like to take a half minute to thank you for having listened attentively to the beginning of the debate on Bill C-11, not only by being present, but also by being attentive. For the critics, that is a very clear sign that you intend to see to it that this bill, once it is ready, will meet the needs of Canadians and Quebecers and will be a humane and just law.

I have a certain number of questions for you. Mr. Chairman, in committee I usually ask my questions one after the other. This allows the officials accompanying the minister to prepare things. If you don't mind, I will proceed in that way.

The Chair: Very well.

Ms. Madeleine Dalphond-Guiral: In your statement you referred to Canada's humanitarian responsibilities and to the fact that our society needs immigration. So there is, on the one hand, our interest, and on the other, some philosophical responsibilities.

On the humanitarian side, you referred to everything involving the problem of refugees. The immigrants we want to receive are the skilled ones, those who at least have a secondary education. I wonder whether in a humanitarian perspective this large, rich country—we must acknowledge that—should not consider accepting a certain number of people from countries that are much less well-off than our own, who may not even have had the opportunity of finishing their secondary education, but who because they have skills and motivation, want a better life for themselves and their family. Wouldn't it be possible to consider allowing a certain percentage of persons like that to come here? That is my first question. It is a philosophical question.

Secondly, you said, and we are very pleased about it, that this bill will be meeting the requirements of the Convention Against Torture. Had this bill been in effect in January, would Mr. M'Barek, whom everyone remembers because this is a very recent case, have had time to finish his master's degree at Laval University?

Thirdly, you said that temporary workers who come here with a work visa and stay for two years could submit an immigration application from wherever they are in Canada. Will students also be granted this privilege? I'm going to call this a privilege because, over the seven years I have been a member of Parliament, we have spent our time telling people to return to their homes to apply and follow the normal procedure. You will have understood that this is an improvement. Will students be able to benefit from some equivalent measure or will this be one of the improvements we will be able to make to the bill?

[*English*]

The Chair: Maybe I can give her a bit of time. She'll only have a minute and a half to answer all of your questions.

[*Translation*]

Ms. Madeleine Dalphond-Guiral: I asked three questions, Mr. Chairman.

The Chair: Thank you, that's fine.


Ms. Madeleine Dalphond-Guiral: They are good questions.

[*English*]

The Chair: You asked good questions.

Minister.

Ms. Elinor Caplan: Excellent. Let me begin by saying I'll go backwards.

• 1015 

The in-Canada landing class that is going to be in the regulations that accompanied Bill C-11 will be subject to the scrutiny of the committee, but I've already announced the policy. The intention is to permit in-Canada landing for students who have completed two years of post-secondary in a publicly funded institution in Canada and have worked for one year. They will be permitted to apply for status from within Canada if they meet certain criteria. Temporary workers, as well as spouses and dependants who are legally in Canada, will also be able to apply as part of the in-Canada landing class.

You know that, as a matter of policy and because of privacy considerations, I can't discuss individual cases. I would say that I wish everything we did was perfect, but we always have to look at everything we do. That's what this legislation is about. We're looking at what we do and we're seeing how we can make improvements. The commitment that I make is to monitor, to set standards, to have in place new information systems, so that we can constantly try to improve. We will look at examples of where we could have done better in order to be able to respond better in the future.

The last question that you raised had to do with the level of and decision on who gets to come to Canada. At the present time, we have an independent or, as we refer to them, economic class. We have a point system to identify those people who qualify to come in under the economic class. There are some subcategories there, but that makes up 60% of total immigration to Canada.


We then have our humanitarian commitment to refugees. Within that, we have government sponsorship and private sponsorship. I was pleased and proud that this year we met both the targets for government-sponsored and private-sponsored refugees. For that, I would thank the department, as well as the groups across this country that sponsor privately refugees who come from the camps around the world. We can't solve all those problems ourselves, but we're doing our part to help solve those problems.

A very important part of our immigration program is the family class. For the family class, we don't have any point system. In the family class, we have a sponsorship system. Family class traditionally has been part of the backbone and the building of communities. We don't look at the arrival of a parent or grandparent and expect that they're immediately going to contribute to the economy. We don't hand them the want ads at the airport. We do know they make a contribution in building strong communities, in supporting the family, in providing child care, in cultural support. It allows the integration of the family into the fabric of our society in a better way.

As a government, we've made a commitment to move to 1%. I should point out that family class is approximately 30% of our immigration levels. As we move to the goal to achieve 1%, there are many challenges. We are not going to be able to do that unless we respond to the challenges of the needs of all regions of the country so that we see prosperity across the country as a result of immigration. Dispersion, as we call it, and retention—issues in smaller and medium-sized cities—are important parts of that.

Also, there'll be an opportunity for this committee to give us advice and suggestions as to the kinds of things we can raise with our provincial partners about the kinds of program changes we might want to make that will respond to the concerns you raise. Some countries, for example, have a lottery. That's not something we have in Canada, because we have an open and transparent system coming in three particular categories.

I would be very interested in the views of this committee. It's not a decision we make unilaterally. As part of our multi-year planning process, we negotiate with the provinces. But this forum is a very important and helpful one to inform that debate, not only for all Canadians, but for the provincial departments as well to hear the views of members from all provinces.

• 1020 

The Chair: John.

Mr. John Herron: Thank you, Mr. Chair.

I do want to compliment the minister on the tenor of the debate we've had so far and on her participation in the House with regard to what we've done.

My brief infomercial with regard to the origin of this bill is that ultimately this department may be one of the most important departments of the Government of Canada. Augmenting our immigration levels is not only an economic necessity but also very much a demographic necessity, with the aging baby-boomer generation. We need to ensure that our labour market has an efficient system to get as many new Canadians into this country as you possibly can to help grow our economy. That's the end of my infomercial.

The point of saying that is I want to emphasize the efficiency of the immigration system itself, as opposed to the media-driven aspect of the criminalities whereby some individuals cannot say the word "immigration" without adding the word "criminal" in the same paragraph, and I think that's a shame.

There are some questions I would like to flag. What is the Government of Canada doing with regard to the credential issue in terms of ensuring that foreign trained professionals have quicker access to our labour market? I know it's within the purview of the provinces, but what specifically is the federal government doing in that regard?

Ms. Elinor Caplan: I'd like to speak to the infomercial for a second. You're absolutely right. By the year 2010 the baby boomers will retire, and, to put it into blunt terms for Canadians who are watching, who's going to buy the homes of the people who are ready to retire if we don't have a population to replace those who are retiring? We know our population is aging, and unfortunately we're not having enough babies to replace ourselves. Our fertility and birth rates are stable and declining. So we have a situation where we're getting older and we're not having enough babies, and we don't have enough time by the year 2010 when all of this is going to hit the wall. This is what the demographers are telling us.

This is an international issue. The United Nations has done extensive work on this. What they are saying, however, is that Canada has the opportunity to get it right. Bill C-11 gives us the tools we need to put in place the programs, and it does deal with our levels. Also, I've been pleased with the interest shown by countries around the world, which look at our immigration program as a model.

Mr. John Herron: I'm going to cut you off, because I have only five minutes.

Ms. Elinor Caplan: On credentials, we have the website I told you about. We're doing a number of things as far as working with the provinces on pilot projects. But if I could give some advice or make a suggestion, that might be an area the committee would actually like to do some intense study on. It would be very helpful to look at what are the barriers and the different regimes province by province. That's something where you could make an important contribution.


Mr. John Herron: I have some specific public policy questions. In part 1, division 4, paragraph 38(1)(c) it states:

A foreign national, other than a permanent resident, is inadmissible on health grounds if their health condition... might reasonably be expected to cause excessive demand on our health or social services.

That's in the bill.

It was mentioned by the Alliance critic a few moments ago with regard to upgrading the maladies that are tested in that regard. Obviously, the natural extension is that under regulations, in addition to tuberculosis and syphilis, which I think are the only two diseases that are under regulations right now that require a test, will we see in regulation HIV being a new test?

The second question is, would that preclude a new Canadian entering our country?

• 1025 

Ms. Elinor Caplan: You've raised a very good point. There are two issues. The first issue is testing. I've asked the department to develop an updated program for routine testing internationally so that we can look at what the situation is around the world. That routine testing program should include testing for both HIV and hepatitis B, as well as the existing tests we do now.

Having said that, our medical doctors internationally can order any test. They have complete discretion today to order any test to determine whether a person is well enough to enter Canada and whether they are medically inadmissible to Canada.

Mr. John Herron: I want to try to get one more question in under the wire—

Ms. Elinor Caplan: The point is to modernize our routine testing system, not to make it disease-specific.

Having said that, once we test, it doesn't necessarily mean exclusion. We have to consider what the excessive demand is. We've also stated as a matter of policy that for humanitarian reasons, refugees—and this is for other countries as well—

Mr. John Herron: Work with me, Madam Caplan, because I'm trying to get another one in here.

Ms. Elinor Caplan: But it's a good question.

The Chair: You have a very generous chairman this morning. I'm in a very good mood, John, so go ahead.

Mr. John Herron: All right.

Bill C-11 includes provisions for applicants to provide all the evidence an officer requires, including fingerprint and photographic evidence. Clearly, we want to reduce fraud and stop people who file multiple claims at different access points in order to improve their chances. Is it going to be in the regulations that this evidence, meaning fingerprints and photography, is taken immediately this process begins, or is it something we would see down the road?

Ms. Elinor Caplan: That is another very good question. On this one, as you know, I'm pushing the envelope, because legally we're not permitted to actually start the regulatory preparation and development until the bill is passed. But I've made the commitment to table a discussion paper. I said in my opening comments that I'd like to see this as a work in progress, and I'd like as much input and advice as possible from members of the committee, interest groups, and others as to how we can make sure the regulations are appropriate to the need of serving Canada well.

The legislation gives us the authority. The regulations will set out the policy and procedures. The intention here is very clear, and that is we need certain information, and we have to be reasonable in how we collect it. We make sure that everything we do is consistent with our Charter of Rights and Freedoms, and therefore the regulations will be extremely important.

The Chair: Thank you.


Next is Mr. Bevilacqua and then Mr. Mark.

Mr. Maurizio Bevilacqua (Vaughan—King—Aurora, Lib.): First of all, let me thank the minister for her presentation.

As you know, Minister, historically, immigration has proven to be a very important part of the economic growth engine of this country, and recent reports that have appeared in the national media basically state that Canada may be facing a skill shortage. You've probably seen those reports. I'm wondering, from a government's point of view, how we in fact access the worldwide pool of skilled workers. Will this particular government be going out there and actively recruiting, or will it be an industry-driven initiative, sectorally speaking?

Ms. Elinor Caplan: That's an excellent question. We are competing. There are other countries now that are facilitating and trying to entice highly skilled immigrants, because they recognize the economic importance of human capital and smart people. However, Canada is known around the world as a country that is open. We have an open door and a transparent selection point system. We have, as I've said in the past, shamelessly attracted the best and the brightest, the cream of the crop, from around the world, and we will continue to do that under our economic selection model.

That's different from labour shortages. There, while we don't try to micromanage the economy, we work with the sectors, and that's where HRDC is an important partner.

• 1030 

If we identify that there is a genuine labour shortage, then we can use the temporary worker program or an employer can get a validated job offer on a one-by-one. But we know it's not enough to do it one at a time. We have to respond more quickly where there is a significant shortage, so we do it by sector. We've done it in the high-tech sector, and the pilot project has been enormously successful. We worked with the provinces on that one, as well.

If you would like to advocate for some additional money so we can actually do promotion... I would like to do promotion and marketing, but we don't have the resources to do it. We're using websites, and I would encourage anyone to plug into our website. I think the information from CIC is very important. But I believe we—"we" being Citizenship and Immigration, the federal government, HRDC, the provinces and industry—must work together more closely, and that's why the ideas of sector tables and finding approaches that will allow us to work together are extremely

important.

We still have a competitive advantage in Canada, and I think we can maintain that. I think we can continue to compete successfully to bring the people we need here, but we have to do it as quickly as possible and use different mechanisms. But I think you have to distinguish between labour shortages and overall immigration levels in trying to attract and bring the people who will be flexible enough to respond to the economic challenges and the jobs in the future that they and our economy will create.

The Chair: One final question, Mr. Bevilacqua.

Mr. Maurizio Bevilacqua: A final question in reference to what you mentioned about immigration levels. I know you usually do this in an announcement, but perhaps for the benefit of the members here, what are your thoughts on immigration levels? Do you see them going up? Do you see them staying at the same level?

Ms. Elinor Caplan: This year, the target is the same as last year. Building on the foundation of success, we achieved the level last year, with over 226,000 people landed in Canada. The level for this year is between 200,000 and 225,000. For next year, 2002, as part of our multi-year planning, we've set a target of between 210,000 and 235,000. We have put that out as a proposal. We want to discuss it with the provinces. This is an issue on which we are committed to working together.

We know we want to achieve one percent. Simply because of the demographics and the needs of the Canadian economy over the long term, we believe that's the right number. But given the forces of globalization, there's great demand and we have to find ways of responding. So we're trying new things, like our in-Canada processing pilots. I sometimes refer to myself as the queen of pilot projects. I think there are more pilot projects under way in the department. But that's our commitment: to try new things.

I hope the committee will agree with me that some of those pilot projects should not be successful. If we don't have failures, then we're not being innovative and creative enough. We have to be challenged to try new things and to evaluate them. If they don't work, we have to say we thought it was a good idea or that someone gave us a good idea but it didn't work, so we're going to try something else.

Mr. Maurizio Bevilacqua: As a final question, Madam Minister, as politicians we often are—

An hon. member: —


[*Editor's Note: Inaudible*]

The Chair: No, just hang on a second. You'll have more time. Let's not get nervous. I'm being very fair to everyone. The minister is here until 11:10, so you'll all have an opportunity to ask your questions.

Go ahead, Mr. Bevilacqua.

Mr. Maurizio Bevilacqua: Madam Minister, political leadership comes down to the ability to predict the future, and to at least try to shape it when that's not possible. Of course, one of the issues that we Canadians will have to deal with in the year 2020 or 2030, or even prior to that, is the whole issue of North American integration. That brings me to the question related to immigration: What are your thoughts on free movement of labour?

Ms. Elinor Caplan: Of course, we have our Charter of Rights and Freedoms. The federal government's very clear on the mobility rights of all Canadians right across this country, and everything that we do is consistent with the charter. The discussions with the Americans regarding our commitments under the North American Free Trade Agreement, and any other discussions that will be taking place, are to give Canadians access to the markets—and not only those in North America. As you know, there are discussions under way right now about greater western hemispheric access. When Prime Minister Blair was here, he said we should have better transatlantic trade opportunities.

• 1035 

Canada is a trading country, but you know our single biggest competitive advantage is the people who have come here from around the world, who speak the languages of the world, and who have trade contacts around the world. We are a trading nation, so we are seen, I think, as a model. In fact, we're envied by many because of the human capital potential and competitive advantage.

The question you raised is on the agenda for the April summit, and immigration is an important part. I agree. I think this department and its role in ensuring the economic vitality and future of Canada is often underrated. Therefore, the work this committee is doing on this bill, but also on the issues—because you have an opportunity to study specific issues—is extremely important in informing the debate and in making sure the policy decisions are well considered, not just by department officials, but by parliamentarians and the public.

The Chair: Inky Mark.

Mr. Inky Mark (Dauphin—Swan River, CA): Thank you, Mr. Chairman—finally.

The Chair: We finally get to the critic of the Canadian Alliance. Go ahead.

Mr. Steve Mahoney: We wanted to all along.

Mr. Inky Mark: Thank you, Steve.

First, as the chief critic, let me thank you for being here, Minister. And I also want to thank the committee for all the work they did in the last session.

It is an honour for me, as well as other members here who came to Canada by choice, to be able to sit here in this Parliament and to talk about immigration. I really believe immigration creates opportunity for people around the world, and immigration really is everybody's business in this country. So for those viewers who are watching, I just hope they get involved in this process in order that we do come up with a really good act, because it is long overdue that we do have a new act in place.


I've had this portfolio for about six months, and it's taken me all those months to get up to speed. My own opinion of all that I've read, including

the Auditor General's reports and the committee report from the last session, *Refugee Protection and Border Security: Striking a Balance*, is that there's no shortage of answers.

I think we know what the problems are. I guess the question I raise is whether there is the will to put in place a solution. Everyone comes out with solutions. The committee's report says we need resources. In fact, in the Bill C-31 debate last time, one of the members from Ottawa suggested that, on the security side... Don't get me wrong, because I'm not only worried about the security of this country; I'm worried about the genuine immigrants. As an immigrant, I will never second-guess or short-sell the legitimate immigrant or refugee to this country. That's a lesson in history that we don't want to repeat, a mistake we don't want to repeat.

Because of all the solutions that are out there—and the issues are health, border security, and the credentials of immigrants; we all know them, because they've been discussed many times. I would like to ask the minister... In fact, since we do live in a technological world, the committee suggested that technology be put in place to help the system function better. But again, all this stuff needs money. Will the minister put in place a plan of action to ensure that all the solutions that have been echoed through all these reports that we've read will literally take place? I welcome her discussion paper, which she's going to table to the committee.

Ms. Elinor Caplan: I would like to thank the critic from the Alliance for a good and interesting observation.

• 1040 

The system isn't perfect, and we tend to focus on the things we would like to do better. But the reality is that our system in Canada is the model for the world. Other countries come to us to learn. And this bill is an important step in modernizing, streamlining, and updating the system, making it more efficient.

However, I would caution my critic and this committee that the solutions are not all out there. It is not simple. If anyone suggests a simple solution, it's almost always wrong.

To those who say that technology can solve all our problems, it can't. It can improve the system, and that's why the global case-management system—the new permanent resident card, the sharing of information, and the linking of databases—is all very important. But we have 200 million people crossing our borders. You do not require a passport to go into the United States, nor do you require a passport to come into Canada—a birth certificate or a driver's licence will do. We don't want to hassle legitimate travellers. We want Canadians to have access as free as possible. We want Americans and legitimate business travellers and tourists to be able to come.

You mentioned scanners and technology. That's not going to solve the problem, because not everybody has a passport—and we don't want to force everybody to have a passport to enter Canada. We don't want to force everybody to have a visitor's visa. In fact the world is going exactly the opposite way: faster movement, freer access.

Countries where there are visitor visa requirements are constantly working with us to see how we can improve access to those legitimate visitors, business people. I'm sure you've had constituents call you who are really angry because they've been held up at the border or hassled by a front-line officer from Canada Customs or Immigration, who asked too many questions and took too much time.

Nobody likes to stand in a lineup any longer than they have to, but our front-line officers do a very good job. On the other hand, we need to look at what we do. It's not just a question of money. We need the tools: this legislation, the accompanying regulations, the policies and the resources within the department.

I think I can answer, yes, we will continue to see that the Canadian system for immigration and refugee protection continues to be a model for the world.


Mr. Inky Mark: Thank you for your comments. I agree with you for the most part. But the problem is, it's all optics. We know this business is optics.

How important is it for this country to know who's in the country, who's coming and going? I know we don't keep exit data. Technology helps us to keep track of people's movements. I understand that the world is becoming visa-less, but that doesn't mean the problem's going to go away.

Ms. Elinor Caplan: Let me put it to you this way. I think most Canadians love the fact that we are free. We have great freedom. Nobody monitors our movements. Nobody requires us to wear an electronic bracelet. Nobody checks our whereabouts and makes us feel as if Big Brother is watching us. We have protection of personal privacy.

Governments are held accountable for the information they collect and share about an individual—and so they should. We have a Charter of Rights and Freedoms that protects us, and guards our freedom and civil liberties. I think if we take any actions to limit those civil liberties, we have to be able to justify them to all Canadians as a serious limitation and a serious need.

So we have to approach all these enforcement measures thinking not just about what the impact on our economy will be. As I said, we can't shrink-wrap our borders. People are on the move. Migration is a huge international issue. We're protected by geography to a large degree, but we have the largest, longest, undefended border with our neighbour to the south, and they'll tell you that the challenges they face on their northern border with Canada pale in comparison to the challenges they face on their southern border with Mexico.

• 1045 

The Chair: Hopefully, we're not taking technology to absurd lengths, such as putting an implant or a microchip in everyone.

Ms. Elinor Caplan: I certainly don't want that.

The Chair: I just want to make that clear. I wasn't suggesting you or Inky, but all this talk about technology, and Big Brother watching and wanting to find out where everybody moves—

Ms. Elinor Caplan: That's why we have to proceed very carefully—respecting civil liberties and personal privacy, and guarding the freedoms of Canadians. But at the same time, we should use the appropriate technologies to ensure that Canada's national security interests are always

paramount, and that the health and safety of Canadians is our number-one priority.

The Chair: Andrew, and then John.

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Thank you, Mr. Chair.

Let me just make a comment. I certainly don't want to dwell on it too much. Probably the country that has the best exit and entry controls in the world is North Korea. We certainly don't want to go there.

You're going to be leading a delegation to India. I think that's a very good move, since it's an important source country for us. We should have a much higher presence there than we have in the past, so it's good that you're going.

One of the things you might look for when you're there is the whole issue of how the community, the country, views the brain drain. In Canada we have a very negative connotation for brain drain, whereas in India they see it as professionals abroad, ambassadors to connect India to the rest of the world.

With that in mind, I want to raise an issue that's a concern to me: the brain waste in Canada. We touched on it before. As a country, we're going to lose doctors and professionals to the rest of the world. It's just as simple as that. But this also connects us with the rest of the world. We lose a lot of doctors to the States. We have open borders. We wouldn't want to have a situation where we have closed borders and we don't have free movement for professionals.

But what really bothers me is the huge number of internationally trained physicians who come to Canada and are stopped from practising because there aren't internship positions available. They've passed the Canadian medical exam, so it's not a matter of lowering standards. I know this is a provincial jurisdiction, and I know you were a provincial minister of health.


What's happening now is that these stories are surfacing all the time. These doctors in our country are starting to move to the States, where they can practise. It makes no sense, particularly when I look at my community. We have a shortage of 50 physicians, and we have more than 50 physicians who have passed the Canadian medical exams.

So it's a real challenge for us to start utilizing these people. But if we don't, if we have these barriers, we're not going to be a country that people want to come to. It's a huge challenge for us to attract people who could really make a contribution right now to addressing the very serious problems, in my community and in most other parts of Canada.

Thank you.

Ms. Elinor Caplan: The issue of access to trades and professions, as I said, is under the jurisdiction of the provinces. They regulate the professions. I'm not going to put on my hat as the former provincial minister of health, because that's a whole different discussion. But I would suggest that you direct questions on that issue to the province, particularly when it comes to the supply of human resources in health care. Immigration and the federal government have nothing to do with that. It's entirely provincial. The province decides the size of the medical schools and the numbers of spaces in them, as do provincial ministers across the country.

I won't go down that road, but I will say there's a lot of work we have to do. We have to let people know how difficult it will be for them to have access to programs, to upgrade their skills to meet Canadian standards, to know the barriers they'll face, because they're different in different provinces. In fact that might be an issue this committee would like to undertake. You could hear from some of the colleges and professional regulatory authorities from across the country as they discuss the policy issues that underlie it.

• 1050 

What I will say is that it was the policy when I was Minister of Health in Ontario to give preference to young Canadians who wanted the opportunity to be trained as doctors in our medical schools. We felt that was an important policy and that it was right to make sure young Canadians had preference in getting access to educational and career opportunities, rather than having a policy of importing professionals from other countries. As a result of that, there are no points for doctors who want to come. On the point system, as an occupation it is zero, because anybody who wants to come to Canada to practise as a doctor must prove they can practise in Canada before they come. People need to know these kinds of things.

As I mentioned before, lawyers know they have to upgrade their skills.

Mr. Andrew Telegdi: Minister, the point I want to make is that these people have passed the Canadian medical exams, so they have upgraded.

Ms. Elinor Caplan: I'm saying it's an issue for the provincial government, not for the Department of Immigration.

Mr. Andrew Telegdi: I realize that, but if we have a serious shortage in Canada, which we do, and if we do not utilize the talent we have in this country and they're going to the States, we are losing something, and—

Ms. Elinor Caplan: I think the issue you raise is a very important one, and that is access to trades and professions across the country. It's not an area where the federal government alone can fix the problem. We work with the provinces. We're talking about pilot projects. We have a website to provide information. I'd also say that it differs from profession to profession and trade to trade. It's not in just one sector. We also know there are often barriers for people who want to join trade unions.

The Chair: Minister, you know that when the committee travels to the provincial capitals, the questions—I think from all parties—have touched on the mobility and credentials issues and the shortages. We may very well want to ask the provincial people who will be showing up there specific questions as to how they can collectively help Canada achieve those goals in terms of health practitioners, skilled labourers, and so on, and to help you. As you said, it's a shared provincial-federal jurisdiction, and if we can encourage them to go a long way toward doing those kinds of things, I think we will benefit.

Ms. Elinor Caplan: But the federal government is determined to do its part to ensure we take advantage of the human capital that's here and to give people an opportunity to achieve their potential and to participate fully in Canadian society. The problem is that not all of those levers are in federal hands. They are—

The Chair: Let's see if we can't also break those barriers provincially.

I'm going to go to Madeleine for five minutes, then to Mr. Grewal and John. There's only one questioner over here. Madeleine.


[Translation]

Ms. Madeleine Dalphond-Guiral: Thank you, Mr. Chairman.

In the bill concerning refugees there is a provision that says that the detention of children will only be used as a last resort. I would like to know what you mean by "last resort" and whether that last resort will take the best interests of the child into account. This is a notion that has been widely used and which must prevail. So, I would like you to enlighten me on the term "last resort".

[English]

Ms. Elinor Caplan: It's a very important discussion, and again the answers are not simple. We know we're now dealing with unaccompanied minors who are coming not just to Canada but to other countries and making refugee claims. What we want to say is that the best interests of the child are enshrined in the legislation, and we have signed international conventions that oblige us to ensure we take that into consideration.

• 1055 

We want to make sure we've looked at all other alternatives to detention, but sometimes it is actually in the interests of children to be protected in a secure environment, to keep them out of the hands of traffickers and smugglers who would exploit them. Unfortunately, the trend is that kids are being smuggled and exploited.

So I would not support an absolute prohibition on detaining children. The legislation says that detention will be used only as a last resort, when all other alternatives have been considered. And because, again, there's provincial jurisdiction on child custody, we have to negotiate and discuss this with the provinces. They have a responsibility.

We work with the provinces, who are the legal guardians, to make sure that the interests of the child are considered when the decision is made. We have to look at our procedures and what we do, because unless the immigration department moves to detain at the beginning of the process, we can't make an application to detain later.

When we consider whether or not we're going to make an application to detain, the two primary grounds for detention are fear of flight and danger to Canada. As you know, all detainees receive regular hearings. In Canada, we don't detain people and throw away the key. Everyone has a right to due process and detention reviews on a regular basis. The legislation guarantees that.

But there are special challenges in dealing with children, because sometimes children need protection. The UN protocols on trafficking do provide some solutions for the medium- and long-term approaches to these issues relating to children and unaccompanied minors. It's a very difficult and challenging issue.

The Chair: I'm going to have to ask for everybody's cooperation, because there is another committee scheduled here for 11 o'clock. Not to panic, though.

Can I just have questions? Gurmant, and then John, and then Lynn. I have Anita on our side. Just single questions, please.

Mr. Gurmant Grewal: Mr. Chairman, thank you for continuing to be in a good mood.

I thank the minister and her staff for the briefing we got earlier—it was a good briefing.

I'm a new immigrant in Canada. I have been a member of Parliament for four years and have not completed my first decade here.

The main issue I think I can speak to is skilled workers and academic degrees. Most of the members have commented, so in a short time I'll ask short questions, and I will expect short answers.

The Chair: You have only one question, so make it a good one.

Mr. Gurmant Grewal: Then I will change gears, Mr. Chairman, and ask about the dual intent in the bill.

Dual intent is that a person at the same time can be a visitor to Canada and an immigrant to Canada. This is a new version of the bill, which was not there before. Now it will be difficult to issue visas to visitors to Canada, because they will be allowed to apply within Canada, because applying for immigration inland in Canada is allowed now.

Ms. Elinor Caplan: Only for certain categories.


Mr. Gurmant Grewal: Only for certain categories. So that means either the visitor will find it difficult because of the recognition of dual intent, or some people in those particular categories will have the provision to abuse the system: they will come to Canada and then apply for inland status, which they're allowed to do. That means they will be queue-jumping.

Some people in those categories will be sitting outside the country and waiting for their turn to be landed into Canada. Other people will be going to get visitor's visas and then applying within Canada. How is the minister going to implement that?

Ms. Elinor Caplan: In fact, I think the opposite is true. We have a unique situation today. If people apply for a visitor visa to Canada, they're asked, "Do you think you'd like to be an immigrant to Canada some day?" If they say yes, their visitor visa is denied.

The Chair: That's right.

Ms. Elinor Caplan: The law today does not permit someone to say they might want to go to Canada and see if they like it, and then return home and apply as a landed immigrant. That is not permitted today. If you are considered an intending immigrant, you're not granted a visitor visa.

• 1100 

The whole intention of dual intent is to allow people to be honest and truthful and say, "I'm planning to go to Canada. I might want to consider becoming an immigrant sometime in the future. I'd like to look around and see what the job opportunities are and see if I like the communities. If I do, I will return to my country of origin and make a proper application for immigration." If they can satisfy an immigration officer that they will return, if their ties to their home country are sufficiently strong and secure, then they shouldn't have any problem getting a visitor visa. In fact it should be easier.

I think the circumstances can often change. When someone comes here as a visitor, if they marry and they have legal status in Canada, they will be permitted, if that marriage is bona fide, to ultimately receive permanent resident status in Canada.

The Chair: Thank you, Minister.

John.

Mr. John Herron: I wanted to ask you a question on pardons under division 4, paragraph 36(3)(b), which I flagged in the House. Maybe we can have a chat about that at some point.

The issue I do want to talk about is something I want to challenge the Department of Citizenship and Immigration to abandon. I know you don't like the terminology, but it is still a head tax. Our perspective is that if it's not a head tax, the revenues would not go into general revenues. It's explained that the charge of \$975 is a processing fee. If that were the case, it would be a stand-alone account utilized exclusively by the Department of Citizenship and Immigration. I would like to use this last moment here to discuss this. Unless that's a stand-alone account—and we're not even advocating that—I think it is very disingenuous to say it's not a head tax in terms of what we apply to new Canadians.

Ms. Elinor Caplan: The right-of-landing fee is, I'm pleased to say, not charged to any refugee or humanitarian class. It was initially brought in so that we could maintain services during times of program review. The resources that are generated help to support the over \$273 million available for settlement services. The right-of-landing fee is not charged to children. Many countries have a right-of-landing fee. It is also important for the committee to know that Canada compares very favourably and is competitive with other countries in the world on the total cost of applying for immigration status and for applications.

My department receives an allocation from the consolidated revenue fund. All revenue generated by every department of government goes into the consolidated revenue fund, and allocations are then determined. The revenues we receive from all immigrant applications, visa fees, and so forth help to support the programs. The fees mean we have to get less from general tax revenues.

The Chair: Thank you, Minister.

Anita.

Ms. Anita Neville (Winnipeg South Centre, Lib.): Madam Minister, I'm not going to prolong the discussion. I can see what's going on here.


The issue I would like to address—if not today, another time—is the one you raised earlier, which is the attraction of immigrants to smaller-sized communities and smaller-sized cities. You know I am from Manitoba. It is a big issue for us. Perhaps not today, but another time I would be interested in hearing what the department is doing to facilitate movement to medium-sized communities.

Ms. Elinor Caplan: In fact that is one of the important challenges we face. Use of the provincial nominee agreements is but one tool. I think Manitoba's provincial nominee agreement is a model, and Winnipeg in particular is, I think, an example of the need for immigration.

Ms. Anita Neville: Very much so.

The Chair: Thank you.

Ms. Elinor Caplan: I'd like to make this one last point. The provinces can play a very important role in helping to attract and maintain immigration. The more interest there is from the provinces, the better the strategies will be for small and medium-sized communities.

• 1105 

The Chair: Thank you, members, for your cooperation.

I would hope, Minister, that we could have you back, because there are an awful lot of questions, especially as we get more engaged in talking to our witnesses.

I wonder if I could request one thing of you, Minister. It's the commitment you made to this committee before that we would have that discussion paper on regulation while we're in fact talking to the witnesses. It would seem to me that an awful lot of the questions will be of a regulatory nature, similar to some questions we have. So we need to have that discussion paper at the same time as we're talking to the witnesses so that we can have an idea of where you're coming from and where the department is coming from with regard to the regulations. So if I could have that undertaking—

Ms. Elinor Caplan: What I'd like to suggest, Chair, if it's acceptable to the committee, is that the previous discussion paper be seen as the first working copy, the first draft, if you will, and that you begin with that. As we have updates based on what we hear, we will table them. It is a discussion paper. The formal regulation-making process will not begin until after the bill has been passed. I don't expect the final draft of the regulations to be completed until 60 days after the bill has been passed.

The Chair: We would accept that. Perhaps you could get that paperwork to us so that when we're on our break next week we could begin looking at it.

Ms. Elinor Caplan: We'll get you a copy of the paper that was tabled before.

The Chair: I know we're being pushed. The members of the human resources committee want to get in here. My apologies to them. Unfortunately, we were delayed too.

Members, could I have a motion that when we're back, we'll be able to call the department in for a technical briefing and to answer questions we might have and also start hearing witnesses in Ottawa on Thursday morning of the week we're back?

Ms. Anita Neville: I so move.

(Motion agreed to)

The Chair: Thank you very much, colleagues.

The meeting is adjourned.



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