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# **Standing Committee on Citizenship and Immigration**

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**EVIDENCE**

**Thursday, May 6, 2010**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Thursday, May 6, 2010

• (1530)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Good afternoon, ladies and gentlemen. This is meeting number 13 of the Standing Committee on Citizenship and Immigration, on Thursday, May 6, 2010. For orders of the day, we have Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act.

We have with us today as our guests the chairman of the Immigration and Refugee Board of Canada, Mr. Brian Goodman; the executive director, Mr. Simon Coakeley; and the senior general counsel, Ms. Sylvia Cox-Duquette.

Welcome to you all, particularly Mr. Goodman.

I thank you for giving up your time and coming to help us with this bill this afternoon.

I understand you have a brief presentation. You have up to 10 minutes.

Thank you again for coming. You have the floor.

**Mr. Brian Goodman (Chairperson, Immigration and Refugee Board of Canada):** Thank you, Mr. Chairman.

I appreciate the opportunity to appear before you to discuss Bill C-11, the Balanced Refugee Reform Act.

[Translation]

I know we do not have a lot of time today but, since this is my first appearance before the Committee, I would like to take a minute to introduce myself.

I have been a member of the Immigration and Refugee Board of Canada, the IRB, since 2001. Immediately prior to my appointment to the IRB, I was a member of the Consent and Capacity Board of Ontario. Before that, I was a senior public servant in Ontario, where I served as an Assistant Deputy Attorney General and Executive Lead for Agency Reform. Prior to that, I was Chair of the Rent Review Hearings Board and Acting Mining and Lands Commissioner. I have a Master's degree in Public Law.

Since joining the IRB, I have served in two of the Board's three divisions: first as a member of the Refugee Protection Division, then as Deputy Chairperson of the Immigration Appeal Division. I was appointed Interim Chairperson in March 2007 and I was formally designated in June of that year. I am honoured to be the chairperson of the IRB and to lead such a dedicated group of professionals.

Since its inception 21 years ago, the IRB has gained a reputation—both in Canada and around the world—for its innovative practices, the excellence of its adjudicative support and the high quality of its decisions. In fact, while in Ottawa last month, the United Nations High Commissioner for Refugees, Mr. Antonio Guterres, reiterated these sentiments. The IRB has also been recognized by the Federal Court of Canada and by the Auditor General for the thoroughness and professionalism of its training program for new members.

The IRB is Canada's largest administrative tribunal and our members make anywhere from 40,000 to 60,000 decisions annually. Our mission under the Immigration and Refugee Protection Act, as the committee knows, is to resolve immigration and refugee cases efficiently, fairly and in accordance with the law. We fulfill our functions through three divisions: the Immigration Division, the Immigration Appeal Division and the Refugee Protection Division.

While the Board is funded to finalize 25,000 refugee claims a year, as the minister indicated on Tuesday, the number of claims referred to the Board has consistently exceeded our funded rate for the past several years. This high intake of refugee claims and an historical shortfall in the member complement have resulted in a large backlog in the Refugee Protection Division. Measures taken by the government last year to slow the intake, along with an increase in withdrawals and abandonments and enhanced productivity at the IRB, have stopped the growth of the backlog, which sat at 59,000 at the end of March 2010. And I am pleased to report that the IRB has recently reduced the backlog by approximately 1,000 cases, although I must stress that significant new resources will be required if the Board is to substantially reduce or eliminate the backlog.

The RPD is currently operating at nearly full capacity. As of today, it is one member short of its funded complement of 127. This is in addition to the 37 GIC appointees in the Immigration Appeal Division and the 30 public servant decision-makers in the Immigration Division.

All of our decision-makers receive extensive upfront training, mentoring and ongoing professional development, legal support, and country-of-origin and claimant specific research.

• (1535)

The work of an IRB member is difficult and demanding. It frequently involves giving testimony regarding torture or human rights abuses, and decisions are life-changing for the refugee claimants and their families. These factors, combined with the volume of work, result in significant pressures on our members.

I am proud of the way that IRB members continue to meet or exceed the expectations set for them. I believe that our success in this regard can be attributed to the practices, procedures and tools we have put in place at each stage of a member's career. It begins with the selection process, is reinforced during the training and integration phase, and continues throughout the entirety of the member's mandate.

[English]

Now I'd like to speak specifically about the proposed legislation, Bill C-11. As this committee knows, the IRB has no role in policy-making, as this is the responsibility of Citizenship and Immigration Canada, but I want to assure you that we have been consulted appropriately during the drafting of this legislation on all aspects that affect the mandate of the IRB. I also want to reassure you that the IRB will implement any resulting legislation professionally and effectively.

While we're proud of the work we do as part of the refugee determination system in Canada, the fact is that the public has lost confidence in the refugee system for reasons beyond the control of the IRB. The minister spoke about this on Tuesday.

The current system is in need of reform—the entire system—so that refugee claims can be heard and determined more quickly, and unsuccessful claimants can be removed more quickly, all the while maintaining procedural fairness. Bill C-11 is how the government has chosen to seek an improved system.

The main elements of the proposed system that impact refugee determination at the IRB include the requirement that a board employee conduct an information-gathering interview on a date fixed by the referring CBSA or CIC officer, in accordance with the IRB rules to be developed. At this interview, a hearing will be scheduled in accordance with the IRB rules, to be conducted by an RPD public servant decision-maker.

If a refugee claim is rejected by the RPD, all claimants except those from places or classes of nationals designated by the minister would have a right of appeal on the merits on all questions to the IRB's new refugee appeal division, RAD, staffed by Governor in Council appointees. The RAD would receive new evidence and, in certain circumstances, would hold an oral hearing. In the event that a negative RPD decision is upheld on appeal, appellants would have the right to seek leave for judicial review of the appeal decision from the Federal Court. The RAD, in addition to upholding an RPD decision, could substitute its own decision to avoid having it sent back to the RPD, or in rare cases may return the case for a rehearing before a new panel.

Members of the new RPD and the RAD, whether GIC appointees or public servant decision-makers, will be selected through a process that ensures they are suitable and qualified. They will benefit from a similar high level of ongoing training and adjudicative support as is provided to decision-makers at present. I also fully expect that we at the IRB will continue to find creative ways to make the system work in the most efficient way possible.

The IRB will remain steadfast in its commitment to high-quality decision-making and will continue to maintain the high standards we have set for ourselves. Above all, our thoughts are never far from the

people whose lives depend on the decisions we make, as well as the safety and security of Canadians.

The IRB will deliver, to the best of its ability, on the requirements of the legislation as determined by Parliament, and we will do so within the timeframes given and within the budget allotted, fulfilling our mandate to resolve cases efficiently, fairly, and in accordance with the law.

In closing, I would like to say to the committee that, as it can appreciate, there are still many questions that need to be answered as we prepare for implementation after royal assent. We will have to develop rules and procedures, develop staffing strategies to meet the new requirements, and determine our fit-up needs, to name just a few.

Now I'd be pleased to do my best to try to answer any of your questions.

• (1540)

**The Chair:** Thank you again for coming, sir. We appreciate you and your colleagues and the experience you have in assisting the committee to make recommendations to Parliament. As you know, we will have one round of seven minutes for each caucus.

Mr. Karygiannis will be the first person to ask you questions.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Good afternoon, Mr. Goodman. I really appreciate the fact that you and your colleagues are here.

Sir, I realize that you've been a member of the IRB since 2001. You've been there through two governments and you've seen the levels of applications, as well as the number of board members that you have had and what the balance has been.

Am I incorrect to assume that in the early stages of your career with the IRB there was a backlog of cases and extra members were appointed in order to deal with the backlog?

**Mr. Brian Goodman:** Extra money was allocated for the appointment of those new members.

**Hon. Jim Karygiannis:** That's fantastic.

In 2002, 2003, 2004, and 2005, the IRB was chugging along and processing at about 127% capacity in order to deal with the backlog. Am I correct?

**Mr. Brian Goodman:** Yes, that was with new resources.

**Hon. Jim Karygiannis:** From 2006 to 2008, you took in 87,767 cases, while the IRB processed 52,500 cases.

**Mr. Brian Goodman:** I'm sorry, but what were the numbers you gave?

**Hon. Jim Karygiannis:** In 2006 to 2008, you took in about 87,000 cases and you processed about 52,500.

**Mr. Brian Goodman:** I don't have the figures directly in front of me.

**Hon. Jim Karygiannis:** But I mean roughly. That means you were processing 59%. Was this because the IRB did not have the staff? Was this because the IRB was hindered from doing its work? Or is this because the IRB did not want to do its work? What was the case between 2006 and 2008 such that the IRB did not function at its full capacity?

**Mr. Brian Goodman:** Well, I can tell you, sir, it's certainly not that the IRB didn't want to do its work or didn't try to do its work.

**Hon. Jim Karygiannis:** Okay.

**Mr. Brian Goodman:** The fact of the matter is that, as the minister indicated, two things happened over that period of time. First of all, the number of refugee claims continued to increase dramatically. Second, it of course took some time for the new government, following the implementation of a new selection process for GIC members, to establish the process and to then decide on new appointments and reappointments.

**Hon. Jim Karygiannis:** Mr. Goodman, I would ask you, sir, to provide this committee with the numbers of applications—if you don't have them handy—between 2001 and 2008, the number of number of refugee applications that were done, as well as the number of members that you had along the way.

Because in looking at those numbers, sir, I don't think there was an excess of applications in 2006, 2007, or 2008. I have looked at those numbers myself, and it was the same numbers of people that were applying since the beginning of the decade. If you can give us those numbers—

• (1545)

**Mr. Brian Goodman:** I'd be happy to do that, sir.

**Hon. Jim Karygiannis:** —it would be greatly appreciated.

Sir, if I were to put it to you that members were not appointed between 2006 and 2008 because the government wanted to drain your resources in order to create a backlog, would I be wrong?

**Mr. Brian Goodman:** I believe so. Yes.

**Hon. Jim Karygiannis:** Okay.

Did you have as many members? You stated a couple of minutes ago that you didn't have as many members in 2006, 2007, 2008.

**Mr. Brian Goodman:** That's right.

But you're attributing an intention behind the government's failure to appoint and reappoint members during that period of time, or a sufficient number of members. Certainly some were appointed and reappointed over that period of time.

**Hon. Jim Karygiannis:** How many members were you short in 2006, 2007, and 2008?

**Mr. Brian Goodman:** I don't have the figures in front of me. I'll provide those to you as well.

I understood that we were here to talk about Bill C-11, so that's the only reason I don't have them with me.

**Hon. Jim Karygiannis:** That's fine.

You probably have a good memory of the board and what was happening. If I were to say to you that you were staffed at about 70%, would I be incorrect? Was it at 80% you were staffed?

**Mr. Brian Goodman:** During what period, sir?

**Hon. Jim Karygiannis:** I mean from 2006 to 2008.

**Mr. Brian Goodman:** It was less than that, I believe.

**Hon. Jim Karygiannis:** You were staffed at less than 60%?

**Mr. Brian Goodman:** No. I thought you said 70%.

**Hon. Jim Karygiannis:** Yes, it was 70%.

**Mr. Rick Dykstra (St. Catharines, CPC):** You can't change your numbers, Jim, when you're asking a question.

**Voices:** Oh, oh!

**Mr. Brian Goodman:** Can you give me one moment, sir?

**Hon. Jim Karygiannis:** Sure.

**Mrs. Alice Wong (Richmond, CPC):** Can I have a point of order, sir?

**Mr. Brian Goodman:** The average—

**The Chair:** While we're waiting, Mr. Goodman's correct; you are in order with your questioning, but I thought we were here to talk about the bill.

**Hon. Jim Karygiannis:** We were discussing the bill, Chair.

Do you want to stop the clock? If you want to take a point of order, stop the clock, please.

**The Chair:** Okay. Go ahead. We have a point of order over here.

**Mrs. Alice Wong:** Yes, because if Mr. Goodman is to provide any figures after today, they should be provided to the clerk so that all of us will have access to them.

**The Chair:** Oh, of course. I think Mr. Goodman understands that.

Thank you, Mr. Karygiannis. You have the floor again.

**Mr. Brian Goodman:** Do you want an answer to your question, sir?

**Hon. Jim Karygiannis:** Yes, please, sir.

**Mr. Brian Goodman:** The figures that I have now in front of me suggest that the actual complement in 2006-07 was 123. This is for both the RPD and the IAD together, because we had backlogs in both. It's important to understand that. The numbers were 169.5; well, to have 0.5 of a member, but....

**Voices:** Oh, oh!

**Mr. Brian Goodman:** Anyway, in 2005-06 it went down to 123, and to 101 in 2007-08, and it was down to 62.4% in 2007-08 from 80.3% in 2006-07.

**Hon. Jim Karygiannis:** So if you were at 80% staffing, sir, then the 87,000 people who have applied between 2006 and 2008, you would have been able to deal with.

**Mr. Brian Goodman:** No, sir.

**Hon. Jim Karygiannis:** Did you want more members?

**Mr. Brian Goodman:** Of course, because we're funded for 25,000 claims a year. We were getting many, many more than that.

**Hon. Jim Karygiannis:** Were the claims increasing?

**Mr. Brian Goodman:** Yes.

**Hon. Jim Karygiannis:** They were increased from previous years?

**Mr. Brian Goodman:** Yes.

**Hon. Jim Karygiannis:** And you will supply us the numbers.

**Mr. Brian Goodman:** Yes, I will.

As I was explaining, as the number of members declined, the number of claims continued to increase, as the minister indicated.

**The Chair:** Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Thank you, Mr. Chair.

Many questions have been raised about the advantages and disadvantages of having public servants rather than Board members deal with cases. After scrutiny, one realizes that both methods have advantages and disadvantages. Usually, Board members are considered to be more independent from the government since they cannot be removed.

However, they are often considered political appointments, and there have been some under this government and some under the previous government. As to public servants, the balance of advantages and disadvantages is reversed.

As far as costs are concerned, can you tell me if there is any benefit from hiring public servants? Are the costs similar for public servant decision-makers and Board member decision-makers?

● (1550)

[English]

**Mr. Brian Goodman:** The cost of a person appointed by the Governor in Council is likely to be slightly higher than the cost of an RPD decision-maker in the event that the position is classified at the same level as the current classification for the immigration division members.

[Translation]

**Mr. Thierry St-Cyr:** You say that the cost is slightly higher. What is the difference?

[English]

**Mr. Brian Goodman:** I believe the difference is about \$25,000, but I'll confirm that.

[Translation]

**Mr. Thierry St-Cyr:** All right. Since you deal with regular immigration cases, do you believe that this two-level structure—with public servants making the first decisions and Board members hearing appeals—is beneficial in the sense that it allows for some balance between the advantages and disadvantages of each type of decision-makers? Do you think this is one of the strengths of the present system for dealing with immigration claims, and of the future system for dealing with refugee claims?

[English]

**Mr. Brian Goodman:** Sir, are you talking about the current system with the immigration division and the immigration appeal division?

[Translation]

**Mr. Thierry St-Cyr:** Yes.

[English]

**Mr. Brian Goodman:** Yes, I think there are advantages to having a mixed model. I do. And I must say that this is in keeping with the models in other countries, which is to have a first-level public servant decision-maker and then an appeal, which in most cases is to an immigration court. Here, it's a specialized court.

[Translation]

**Mr. Thierry St-Cyr:** So, you believe that having a mixed model for immigration is a benefit. I suppose you also believe that it would be beneficial to have the same type of mixed model for dealing with refugee claims.

[English]

**Mr. Brian Goodman:** That's a matter of government policy, sir. I really can't comment on that.

I can certainly tell you that for the immigration cases I do believe it's an advantage.

[Translation]

**Mr. Thierry St-Cyr:** I understand that you would not want to express an opinion on that.

However, this is one of my concerns. I believe that the mixed system is a good system. What is unfortunate is that we will lose that benefit in the case of citizens from designated countries since they will not have access to both types of decision-makers. So, there will not be the same type of balance as that offered by the immigration system.

I also have a question about hiring public servants for the first decision-making level. Will you restrict your hiring to the pool of career public servants, that is to say to people already working in the public service, or will you be ready to hire specialists from the general public?

[English]

**Mr. Brian Goodman:** Mr. St-Cyr, are you asking about the new refugee protection division?

● (1555)

**Mr. Thierry St-Cyr:** Yes.

**Mr. Brian Goodman:** We're going to ensure that the IRB has a high calibre of decision-makers at the first level, as it is important that the first level remain strong. That's what we're renowned for. We're renowned across the world for our high-quality decision-making. That won't change.

While the work description for the new RPD member position has yet to be drafted, it is expected that the competencies will be based on those contained in the existing competency profile for GIC members under the current system. I have those, if you would like to hear them.

**Mr. Thierry St-Cyr:** Bon—

**Mr. Brian Goodman:** If I may continue...?

**Mr. Thierry St-Cyr:** Ma question—

**Mr. Brian Goodman:** I understand.

In hiring, the objective will be to have a suitable mix of qualified candidates. The IRB will adhere to the Public Service Employment Act and the Public Service Commission core values of merit and non-partisanship and the guiding values of transparency, access, representativeness, and fairness in the development of its human resources plan. It will build on its best practices and successes with respect to the recruitment and management of the new cadre of GIC decision-makers for RAD and the public servant decision-makers.

[Translation]

**Mr. Thierry St-Cyr:** Allow me to stop you here, Mr. Goodman. I do not doubt that you will try to find the most competent people possible, that you have good policies and that the public service has good policies.

My question is much simpler: will you implement an internal hiring policy based on the traditional public service or will you also be able to hire directly from the general public people who are not public servants but who may be qualified for this type of work?

[English]

**Mr. Brian Goodman:** You ask a good question and make a very good point. The fact of the matter is.... It has been my experience—and I've been both a public servant and a Governor in Council appointee—that the best model is a model that includes people qualified, people who are selected from all parts, from everywhere, so the answer is that the positions will be open to all Canadians. But it's too early to determine how many positions will be available.

**The Chair:** Thank you, Mr. Goodman.

Ms. Chow, you have up to seven minutes.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** I'll just follow up on what my colleague was talking about. The difference between now and after Bill C-11, if it passes Parliament and the Senate, will be that rather than through the Governor in Council it would be through the public service association. What role would you play and how would that change?

**Mr. Brian Goodman:** Very simply, the Public Service Commission is given the statutory authority—

**Ms. Olivia Chow:** I know that.

**Mr. Brian Goodman:** Okay. And that's delegated to deputy heads. I have the capacity of a deputy head, so I'm responsible for staffing at the board. I'm accountable for it. I have an executive director—

**Ms. Olivia Chow:** Right now, you mean.

**Mr. Brian Goodman:** Yes.

**Ms. Olivia Chow:** But in the future?

**Mr. Brian Goodman:** I still will be.

**Ms. Olivia Chow:** Okay.

**Mr. Brian Goodman:** The executive director is the seniormost public servant at the board, Simon Coakeley, who is here with me today. The public servants report through to him and he reports to me.

**Ms. Olivia Chow:** Right. I'm talking about the order-in-council appointees, the board members.

**Mr. Brian Goodman:** The board members currently report to me.

**Ms. Olivia Chow:** Right. I understand that. They are appointed by the minister, right?

**Mr. Brian Goodman:** They're appointed by cabinet on the recommendation of the minister.

**Ms. Olivia Chow:** Exactly. That won't change come the new—

**Mr. Brian Goodman:** That won't change for the.... Well, it'll be a new refugee appeal division and those persons will be appointed by order in council. The refugee protection division, which is the first level, would change. It would consist of public servants.

**Ms. Olivia Chow:** Right.

How do you plan to implement the audit done by the Public Service Commission that said there were hirings in the past that were not completely based on merit, etc.? That report came out six or seven months ago, I believe. I'm sure you've read it.

Do you have a work plan on how to address the recommendations and the fairly serious allegations in that report?

**Mr. Brian Goodman:** First let me say that the board responded to the audit by the Public Service Commission and indicated it was prepared to comply with all of the recommendations. It is in the course of doing so and provides regular reports to the Public Service Commission. I'm going to ask Simon Coakeley to speak directly to it.

But the big problem in the audit wasn't that there wasn't merit; it wasn't demonstrated because there weren't documents on file to satisfy the person doing the audit. Now the Public Service Commission has conducted investigations to determine whether there was merit in certain cases. We have yet to get the final determination, but so far, so good.

**Ms. Olivia Chow:** Rather than drilling into that, because I only have seven minutes and I have another area that I need to question, would you be able to share the commission's responses to the audit with our committee?

● (1600)

**Mr. Brian Goodman:** Yes. I'd be pleased to do so.

**Ms. Olivia Chow:** Thank you very much. That would eliminate lingering doubt that came from the audit.

On a separate issue, because the timeline is now shortened, the first one being eight days, those, I would imagine, would be your protection officers, then the hearing would be your officer again, and the appeal would be the board member. On the first two processes, how would you help them facilitate finding counsel if they wanted it?

They have the right under the law to choose to have counsel, although it is very difficult to find counsel within eight days. They could get hooked up with people who give them bad advice, such as consultants who may not know much of the refugee laws. As a result, their case might get totally messed up. We have certainly seen those cases and they will probably happen again unless we regulate and legislate those consultants. What process or protocol would you put in place to at least reduce the likelihood that they are given terrible advice or wrong advice?

**Mr. Brian Goodman:** Those are good questions, Ms. Chow, and I'll endeavour to answer them.

First of all, it's important to distinguish between the eight-day interview and the hearing. The eight-day interview is for obtaining information from the claimant necessary for the determination of the claim and for sharing information with the claimant about the process. So that's important.

We'll have to develop rules about the information we share, but I expect that it would include, for example, to advise them that they have a right to counsel. Now, under the act, the right to counsel, it's important to bear in mind, is not restricted to legal counsel, and counsel who are registered members of CSIC can appear before the board.

**Ms. Olivia Chow:** Or non-members of CSIC. I could. Anyone—

**Mr. Brian Goodman:** Well, non-members if they don't charge a fee—

**Ms. Olivia Chow:** Oh, so if I volunteer to, and charge a fee later, I could still do that.

**Mr. Brian Goodman:** No, you couldn't. You're not allowed to charge a fee.

**Ms. Olivia Chow:** Okay.

**Mr. Brian Goodman:** If you charge a fee, you have to be registered. That's number one.

It's not necessary to have a lawyer at the interview. What we intend to do, and of course this will have to be in the development of the rules, is provide the claimant with a disc of the actual interview, so that when he or she obtains a lawyer or counsel—if they do, because many choose to be self-represented—then that counsel would have the benefit of hearing exactly what happened at the interview, as opposed to an officer's notes of what happened. We doubt that many of the claimants will have legal counsel for the eight-day interview, for the reasons that you suggest.

**Ms. Olivia Chow:** For the first one, yes. You need it for the second one. Eight days is too soon....

**Mr. Brian Goodman:** It's too soon. But once again, it's not an adversarial process. It's a process for obtaining information—

**Ms. Olivia Chow:** What about the hearing?

**The Chair:** Ms. Chow, this is important, but our time has expired.

Maybe you could be quick.

**Ms. Olivia Chow:** I'm glad you acknowledge that this is important. Someone else will pick it up.

**The Chair:** They're very important, these questions you're asking.

I'm going to move to perhaps another round.

Mr. Calandra.

**Mr. Paul Calandra (Oak Ridges—Markham, CPC):** Thank you, Mr. Chair.

Thank you for coming.

I want to make sure I understand something. The Public Service Commission has a set of rules and regulations in place with respect to staffing and that's delegated to you. Mr. Coakeley assists you, but you must follow the rules when you're hiring. It's been delegated to you, but you still work within the framework as set out by the Public Service Commission.

**Mr. Brian Goodman:** There's a letter of delegation that is co-signed by me and the chair of the Public Service Commission. When I became chairperson, I received a visit from Ms. Barrados, president of the commission. We subsequently signed a letter in which she delegated the staffing authority to me. Then I sub-delegate that. She expects that to happen. That's the way it works now. The hiring is done by hiring managers, staffing managers. They're trained to be able to do that in accordance with the act before they get the delegation.

● (1605)

**Mr. Paul Calandra:** It might be too soon to ask this, but I wonder if you've given any thought to how you will hire the public servant decision-makers. Have you given any thought as to how you're going to be doing that?

**Mr. Brian Goodman:** We've started to give thought to doing it. The fact is that we're a long way from there. First of all, we have to draft a job description. Then we have to have it classified. There's a whole process within the public service for doing these things.

Then we have to decide on what the area of the competition will be. Our current thinking is that we would not restrict the staffing activity, as I mentioned, to persons within the public service or even persons within the board. We would open it up to the public at large. Remember: it's anticipated we will need 100 public servant decision-makers at the first level. It remains to be seen how many positions will be available for each of those categories.

**Mr. Paul Calandra:** With respect to training, how are you going to ensure, and how do you ensure, that the people who are hired in the new refugee protection division, the protection-makers, are competent, that they can do the job they're expected to do and keep the best interests of the people—the board, the government, and the people seeking asylum—top of mind?

**Mr. Brian Goodman:** Well, it's absolutely critical that this happen: that we select the right people and train them so they're able to discharge their functions competently and in accordance with a code of conduct we have for all our members. That includes our immigration division members.

It starts with selecting the right people. We've talked about that. My view is that we ought to have a mix. It shouldn't be restricted to people at the board or people in the public service, because my experience is that people from outside the public service bring a lot to the board, both when they come as public servants and when they come as GIC appointees.



Honestly, our training at the GIC level is second to none. As I mentioned, I was responsible for agency reform, that is, adjudicated tribunal reform across the Ontario government for the Attorney General. I'm familiar with the training systems of smaller tribunals. We're very fortunate that we're a larger tribunal. We're renowned for our training. If you ask any of our members or former members—and I invite you to do so—they will tell you about the quality of the training.

We will offer the same kind of training to our decision-makers, whether they're public servant decision-makers or GIC decision-makers in RAD. It's fantastic training, it really is. It includes mentoring. No one is permitted to sit as a sole decision-maker given the importance of the decisions they make until we determine that they're ready to do so, and of course, until they believe they're ready to do so.

There will then be monitoring to ensure they're carrying out their responsibilities effectively and in accordance with the law. We do that currently for the GIC decision-makers and for the public servant decision-makers in the ID. That includes sitting in on hearings, reviewing tapes or discs of hearings, and reviewing reasons. That's done as part of our performance evaluation system.

Once again, we have annual performance evaluations for both public servants and for GIC decision-makers. Of course, we have an end-of-mandate performance evaluation for all GIC appointees that is sent to the minister at least six months in advance of the expiry of a member's term. On that basis, I make a recommendation to the minister as to whether or not someone should be reappointed.

Public servant decision-makers are generally indeterminate appointments, so they're not appointed for a term. If they're not performing according to expectations, we'll find out why. We'll see what we need to do to help them and, if they're not measuring up, then they won't sit on claims. It's as simple as that. It's too important.

•(1610)

**Mr. Paul Calandra:** Sorry, Mr. Chairman, how much time do I have?

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

**Mr. Paul Calandra:** Thirty seconds? I won't ask another question. Thank you.

**The Chair:** Thank you very much. That concludes the first round.

Mr. Bevilacqua.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Thank you very much, Mr. Chairman.

Mr. Goodman, you said you were consulted by the government before the government introduced Bill C-11. I was wondering if you could share with us not all the points you've raised, but your top three top-of-mind points you made to the government, because in the final analysis you were a very important part of the architecture of this system.

**Mr. Brian Goodman:** As you can appreciate, I can't really give you the advice I gave to government because I'm not permitted to do that. What I can tell you is what we were consulted about. We were consulted on the impact on the IRB, what the cost would be of doing this, and generally how we would do it.

For example, is it doable? Can you do this? What amount of time are you going to need to prepare for this? So, for example, that consultation went into the coming into force date, which is no later than two years from royal assent. As the minister and staff indicated at your hearing on Tuesday, an incredible amount of work needs to be done. We're establishing two entirely new divisions within the IRB.

**Hon. Maurizio Bevilacqua:** Yes. You can understand why, as a member of this committee studying this bill, which will in fact either approve or not approve this bill...you play such an important role to this committee that it would be important for us to know the type of input you gave. Quite frankly, as a member of Parliament I have the right to ask what the chair of the Immigration and Refugee Board thinks of the bill, because we're here to study this bill. For us not to be able to access that type of information concerns me.

But having said that, let me perhaps rephrase it so you can answer it. Having read Bill C-11, what do you think the major challenges will be for your organization in implementation of this? That's a fair question, right?

**Mr. Brian Goodman:** It is.

I'll just say one word about the first question, though. I think you can appreciate that, once again, we do not make government policy. It's CIC and the government that make government policy. So my views as to whether the policies are the right ones or not are not germane. It's important to know that. But we are consulted, as I say, about what the impact of any particular provision would be on the board. I won't repeat that, because I've already said that.

In terms of the challenges, I think the challenges will be, first of all, to get the right people in the right places for the right time. We must succeed in developing a high-quality first-level decision-making body in the public service in the board. We must.

Because that has been a problem with other countries like Great Britain, where the first-level decision-makers stay for about a year, in most cases—I was there. They're very young. Their decisions are not very professional in the sense that there is a very high overturn rate. More than 20% of the decisions are overturned on appeal.

Now, to give you an idea, while I realize that judicial review is not an appeal, our success rate on judicial review is that only 0.05%, half a per cent, of the decisions of the IRB in any year are overturned on judicial review—one half of one per cent.

•(1615)

**Hon. Maurizio Bevilacqua:** If I may, these are points that I raised in debate with the minister in the extensive consultation that was held with us and the minister as well, so I appreciate the sensitivity of that.

Now, let's get to some sort of basic things that make this world work.

**The Chair:** Maybe it could be one thing, because you're almost out of time.

**Hon. Maurizio Bevilacqua:** Yes, maybe one thing. It's the amount of money allocated for this reform. I think it's in the neighbourhood of \$540 million.

What percentage of that amount of money would you require to carry out the functions that you need to carry out? You can certainly project; I mean, you've been there long enough. You know this public service business probably better than most so you would probably be able to tell me as a parliamentarian the amount of funding that is required to bring the system to the level that it needs to be at.

**Mr. Brian Goodman:** Mr. Bevilacqua, we have told the government what we need. We have yet to hear what we're going to get. We have a global amount, but we haven't been told what portion of that our portion will be, and over what period of time.

**The Chair:** That's it. Thank you.

Sorry, Mr. Bevilacqua, but you're well over.

Monsieur St-Cyr.

[Translation]

**Mr. Thierry St-Cyr:** Thank you.

First, I would like to make a comment.

You said that currently, under the present legislation, only .5% of first-level decisions are reversed at the judicial review stage. As far as I am concerned, this proves that this is not a real appeal system. Too much is the same as not enough. If too many decisions are reversed on appeal, that indicates there is a problem at that level. However, if none or only a few first-level decisions are reversed, that indicates there is a problem with the appeals system. That being said, I will leave that aside since we are here to talk about the future.

Let us talk about Bill C-11. Earlier, I asked you a few questions about hiring first-level decision-makers from the general public. Can you tell me what proportion of people are hired from outside the public service in the division where this model exists, the Immigration Division? Then, what would be a reasonable target for this type of hiring for the future Refugee Division?

[English]

**Mr. Brian Goodman:** Mr. St-Cyr, since I have been chair I don't believe there have been any competitions for the immigration division, any staffing processes, that have been open to other than public servants. I believe that's so.

Now, they have been open to persons employed at the board. Some have been open to persons employed at the board, which then includes former GIC appointees. In fact, some of our GIC appointees are public servants on leave. We have about 14 of those.

[Translation]

**Mr. Thierry St-Cyr:** What you are telling me applies to Board members. My question relates to first-level public servant decision-makers in the Immigration Division. Are you telling me that all of them were hired from inside the public service?

[English]

**Mr. Brian Goodman:** That is my understanding. I don't believe there have been any competitions since I have been chair that have been open to persons outside the public service.

[Translation]

**Mr. Thierry St-Cyr:** In your previous answer, you said that it might be worthwhile to consider hiring directly from the general public to staff the future group that will be created for refugees under Bill C-11. Do you believe there is an optimal target or threshold to aim for?

[English]

**Mr. Brian Goodman:** I think what we want is an appropriate balance, a mix. After all, it is called the Balanced Refugee Reform Act. I think we need a balance in those who make refugee determinations.

[Translation]

**Mr. Thierry St-Cyr:** Is the ratio 10/90, 50/50 or 25/75? What would be the optimal ratio?

[English]

**Mr. Brian Goodman:** Well, we haven't arrived at that yet. It's really too early in the process to determine that.

[Translation]

**Mr. Thierry St-Cyr:** You say that you deal with 25,000 cases per year at this time. Of that number, how many are accepted each year? How many claimants are accepted as bona fide refugees? Also, have you tried to estimate what the figure would be under Bill C-11? For example, once the system is stable—three or four years after implementation—how many people would be accepted, in both cases?

● (1620)

[English]

**Mr. Brian Goodman:** I certainly can't estimate how many cases will be accepted under the new system because I don't know what the mix of claims will be. I can tell you that the acceptance rate in 2009 was 42%, and it was the same figure in 2008. So 42% of all claims that were finalized were accepted.

[Translation]

**Mr. Thierry St-Cyr:** If the ratio between the number of claimants and the number of cases dealt with remains the same, will more claimants be accepted?

[English]

**Mr. Brian Goodman:** Once again, each claim is determined on its own merits. And the countries of origin change.

**The Chair:** Thank you.

Mr. Dykstra has the floor.

**Mr. Rick Dykstra:** Thank you, Mr. Chair.

I wanted to give you a minute or two to conclude. I have a little bit of extra time because we have two spots coming up and I am going to take both.

I did want you, Mr. Goodman, to finish up on Mr. Bevilacqua's question with respect to the financial component of this. I thought it would be fair to give you a minute or two to conclude your comments on the overall structure of the financial component of what this endeavour will actually cost.

**Mr. Brian Goodman:** Well, I believe that figure was provided to you by the minister, but there are a number of components, and we are simply one important recipient of the funding. There are others. In particular, there is the Canada Border Services Agency, so that it can do front-end security screening in cooperation with CSIS and, more importantly, so that it can remove unsuccessful claims. That is what I talked about earlier. You can't concentrate on only one part of the system because you create bottlenecks in the other.

The Federal Court is going to require more judges, because we will hopefully be getting some money to address the backlog of cases. That currently stands, as I mentioned, at about 59,000.

Now, it's important to understand—because you've read Bill C-11—that the transition provisions apply to the backlog cases when the new act comes into force, and that the timeframes that will be stipulated in the rules, it's clear from the legislation, will not apply to the backlog claims—that is, the 8 and 60 days, etc.

**Mr. Rick Dykstra:** Of course, until the bill is actually delivered through to royal assent and enacted, some of the perceptions and some of the thinking on this can't be implemented.

You made the point that the discussion regarding the financial aspect of this will obviously involve a great deal of time and effort on your behalf. You would acknowledge, though, and I think you did, that your involvement in this process ostensibly started 18 months ago. And really, from day one, the ministry has made sure that you, your department, and your organization have been included in terms of the research and some of the proposals that have turned into what is now Bill C-11.

**Mr. Brian Goodman:** Once again, we are not responsible for policy development, so we weren't consulted about what the policy should be. But as I mentioned, we were certainly consulted about what the implications of any policy choice would be for the board, including what moneys would be required to deal with the backlog and to implement the new system.

I should tell you, Mr. Dykstra, that the process of identifying to the government what resources would be required started long before there was talk of reform.

**Mr. Rick Dykstra:** Thank you.

You certainly can't speak to the policy that was worked into Bill C-11, necessarily, but to give folks an understanding, what are your comments, perhaps, on what the problems in the current system are and what your input was from a structural perspective on where change needed to happen?

• (1625)

**Mr. Brian Goodman:** Well, as I mentioned, the fact of the matter is that it takes too long for refugee claims to be determined. The current average processing time is over 19 months; it's 19.2 months. I attended the annual meeting of the Canadian Council for Refugees a couple of years ago now, I think, when that time was at 16 months or something, and I said then that it was too long.

And it is—far too long. People's lives are on hold. Genuine refugees are waiting to have their terms accepted and it's not fair to keep them in suspense. Their lives and those of their families are on hold. The fact of the matter is that we need to determine refugee claims more quickly.

We then need to make sure that those whose claims are unsuccessful, once they've gone through all their appeals, are removed quickly. Otherwise, we become a haven for people who believe that all they have to do is come here and make a refugee claim and they can stay here forever, or virtually forever.

**Mr. Rick Dykstra:** One of the things we've been able to do, and actually, it was tabled by the minister when he came to present last week, is sort of view other.... In fact, we've used these TVs here to speak with some folks from across the world about how their systems work and about recommended changes that could potentially improve immigration procedures.

The British House of Commons report, which was published in June 2009, and I'll quote from it, said that around 20% to 25% of appeals against a refusal decision are upheld. So I'm asking what measures would be in place to ensure that a similar overturn rate does not happen in Canada when public servants begin making first-level decisions.

**Ms. Olivia Chow:** Make the right decision first.

**Mr. Brian Goodman:** Well, that's right: make the right decision first. That's what Ms. Chow said, *sotto voce*, but I heard her. I guess lawyers aren't supposed to use Latin, but that's a musical term or whatever.

Anyway, the fact of the matter is that the key is to make the right decision the first time.

I was at a meeting of the International Association of Refugee Law Judges, and Mr. Justice Marshall Rothstein of the Supreme Court of Canada spoke. He indicated that the goal is to make sure that you make the case best before the Immigration and Refugee Board, because your chances of success after that are not very great. That's because there is tremendous deference now, I'm pleased to say, even more so as a result of the Kosta decision, to the expertise of the board. We are an expert body. We know what we're doing.

So the trick is to get the right people, train them properly, monitor them, and look at the overturn rate, for example, to ensure that they get it right the first time. That's what we do now, even in the absence of an appeal.

**The Chair:** Thank you, Mr. Dykstra.

**Mr. Rick Dykstra:** Is that it?

**The Chair:** I'm afraid so.

Mr. Goodman, our time is up. You're very good at what you do. I'm glad we had you here and I want to thank you and your colleagues on behalf of the committee for spending some time with us this afternoon. Thank you very much, sir.

**Mr. Brian Goodman:** It's my pleasure. Good luck in your deliberations.

**The Chair:** Thank you.

We will now suspend for a few moments for the next hearings.

• (1625)

(Pause)

• (1635)

**The Chair:** We'll reconvene.

We have two witnesses before us for the second hour.

We have Julie Taub with us, who is an immigration and refugee lawyer and a former member of the Immigration and Refugee Board of Canada.

Good afternoon to you, Ms. Taub.

**Ms. Julie Taub (Immigration and Refugee Lawyer, Former Member, Immigration and Refugee Board of Canada, As an Individual):** Thank you for having me here.

**The Chair:** We also have with us Mr. Martin Collacott, all the way from Vancouver. He is on the TV screen. He is a former Canadian ambassador in Asia and the Middle East.

I think both of you have appeared before this committee before.

Sir, welcome to you. How is the weather in Vancouver?

**Mr. Martin Collacott (Former Canadian Ambassador in Asia and the Middle East, As an Individual):** It's cool here.

**The Chair:** It's okay here.

We're going to start.

Ms. Taub, I think you indicated that you wanted to introduce yourself.

**Ms. Julie Taub:** Yes, since I was asked to come at the very last minute yesterday—

**The Chair:** And I thank you for that very much.

**Ms. Julie Taub:** —I'm sorry that I don't have speaking notes to hand out now, but I can hand them out tomorrow if you wish.

Just briefly, regarding my background, in addition to being a senior immigration and refugee lawyer in Ottawa with a vast refugee practice as well as an immigration practice, I am a former member of the Immigration and Refugee Board.

I think it's also important to understand my personal background. I am a child of Holocaust survivors. We came from eastern Europe in 1949 before the international convention on refugees was implemented in 1951, so I've had a personal and very moving experience with the issue of refugees and their not being accepted in a time of need during World War II. When I look at this whole issue of reform of the refugee system, I see it from a personal perspective, that is, from my life experience as well as from a professional perspective.

I would like to add that before I became a lawyer—before I went to law school at the age of 40—I was a high school teacher in the French public board, where I taught predominantly in schools that had a majority of refugees in their student population.

I would like to start by saying that I have to commend the government, that I praise the government, for its efforts with its legislation to streamline the refugee determination process. It is a step in the right direction, and I applaud Mr. Kenney for his efforts. I don't think it has gone far enough, but it is a first step in the right direction.

It is very difficult for anybody to actually admit that the current system is working; I think we can all agree that taking 19 months before having a hearing and five years to get rid of failed refugee claimants is excessive and unacceptable. What also cannot be

contested is that there is a lot of abuse in the refugee system. I see it on a regular basis. I do not accept all of the clients who come to me to make refugee claims when I am convinced beyond a reasonable doubt that they are not genuine refugees.

So when I speak of cases, I don't speak from an academic point of view, or a theoretical point of view, or even a political point of view. I speak...[*Technical Difficulty—Editor*]

**The Chair:** I'm sorry, Ms. Taub, something has happened in Vancouver. We're sort of new at this, so you'll have to excuse us.

We're sorry for that interruption. Please continue.

**Ms. Julie Taub:** That's okay.

So I speak from hands-on experience. I am not talking for political motives.

I will give you a most recent example. This happens on a regular basis. I got a call last week from a gentleman, an Armenian in the United States, who's there on an ESL visa, either to study or to teach. I wasn't quite sure. He said that he wanted to make a refugee claim and he was there legally with his family in the United States. I said, "Well, make a claim in the United States". According to the international convention of 1951, a genuine refugee will make a claim in the first safe country he arrives in.

He told me that he knew he had a good claim because he had consulted with an immigration lawyer in the United States and was told that he had a good claim. I said, "Well, then, make your claim". He said, "But no, here in the United States, I have to pay for a lawyer, I have to pay to live somewhere, and I have to support my family". He said, "I want to come to Canada because I know I can get a free lawyer and free housing, and if I want to get a work permit, I can get one". I said, "Well, I'm sorry, but I can't help you".

This was not an exceptional call that I got. This is a run-of-the-mill call.

I should also advise you that I am duty counsel for the legal aid panel of refugees and immigrants. Every other week on Monday afternoons I go to OCISO, the Ottawa Community Immigrant Services Organization, on Wellington. I have hands-on experience with what's going on in the community. Through my consultations with people who come to OCISO, I see that many are attempting to use the refugee determination process as a back door to immigrating to Canada.

People come to me and say they want to sponsor their parents who are here as visitors. I tell them to start the sponsorship. They're very open because they know there's client-solicitor privilege and I'm not identifying anybody. They'll say, "Well, we were told" by one of the settler workers, "that my parents should just make refugee claims and then we don't have to sponsor them and they can stay here". Then they won't have this 10-year obligation; they're very open about it. I tell them, "Well, I'm sorry, but I'm not here to give you that kind of advice, and I really can't help you".

This is not unusual. We do have to tighten up the system. We have to make sure that the refugee determination process is used for legitimate refugees and is not hijacked by those who want to immigrate another way and those who want to avoid financial obligations for their parents or grandparents. That is not what it's for. And we have to respect that genuine refugees are made to wait far too long to get their status determined because of a significant portion of applicants—claimants—who are not genuine.

As for the safe country of origin, I'm an advocate for this, because I cannot understand why we would even look at or consider a case from any of the European Union countries. Any citizen of any one of those 27 countries has the right to work and live in one of the other 26 countries—not to make a refugee claim, but to work and live. So I cannot quite understand why they would come here, unless I were to be facetious and say that in the other 26 countries they have the right to live and work, whereas in Canada they have the right to live, make a claim, and not work. Maybe I am being facetious, but we have to take this into consideration.

I can't understand why we would accept claims from the United States, Australia, or New Zealand. They are democratic countries. We are not the only democracy in the world; we are not necessarily the best. I don't think anybody could argue about New Zealand, Switzerland, or most of the EU countries. Those are safe countries of origin and have to be respected.

We cannot let people from those nationalities who come from those countries abuse our system here. We have to focus on genuine refugees. We have to focus on having non-genuine refugees or failed claimants removed from our country, or those who have come in and lied and may happen to be criminals, terrorists, or persecutors—like from Rwanda.

• (1640)

I think of the case of Mugesera. It's one of the most infamous cases we have. In 2005 the Supreme Court of Canada deemed that Leon Mugesera, exiled ethnic Hutu hard-liner, was a war criminal, and ordered him deported for helping incite the genocide we all know about that occurred in Rwanda. He was a failed refugee claimant from 1995. It's now 2010 and he is still here, appeal after appeal. That is not what the refugee process is for.

Then we have another one from 1987: Mahmoud Mohammad Issa Mohammad. He's a Palestinian terrorist who received a 17-year sentence from a Greek court for an attack on an El Al airline in Athens in which a passenger was killed. He entered as a landed immigrant by using a false identity. He has managed to avoid deportation to this day even though he was ordered deported. I believe his latest appeal is on health reasons: that he cannot get the same level of health care back in the West Bank that he can here.

I have a whole list, but I won't go through it. I'll be happy to include it in my speaking notes.

So yes, the government is going in the right direction. I believe it's only a first step. More reform is needed to tighten up the refugee process and make it more efficient and effective for genuine refugees—not for bogus claimants.

• (1645)

**The Chair:** Thank you very much for coming in at the last minute. Your frankness is very refreshing.

Mr. Collacott, thank you for agreeing to help us this afternoon. You have up to 10 minutes.

**Mr. Martin Collacott:** First of all, thank you very much for inviting me to speak before the committee.

Before making my comments on Bill C-11, may I say that I share with other Canadians the belief that Canada should give protection to a reasonable number of genuine refugees? I would add that some of my own family members, my in-laws, were boat people who fled from an oppressive regime. I got interested in these issues when I served as ambassador or high commissioner in various countries in Asia and the Middle East, where there were large flows of refugee claimants as well as immigrants in general.

We have to acknowledge, though, that despite public support for a good refugee system, there are major problems with the current system. The public is concerned about this and there is strong public support for reforms to the system, both to speed up the process for cases that have merit as well as finalize decisions and arrange for the speedy removal of the large numbers of claimants who are not considered to need our protection.

It's abundantly clear that a very large number of the people who make refugee claims in Canada are not fleeing persecution, but are, rather, abusing the system simply to gain permanent residence in this country, in most cases for economic reasons. Even though Canada is one of the most difficult refugee-receiving countries for asylum seekers or refugee claimants to reach because of its geographical location, we nevertheless receive a very substantial proportion of the claims made globally because we have the most generous system of benefits for claimants and, on average, we approve three times as many claims as other countries do.

In 2009, for example, we received over 33,000 new refugee claims. The UNHCR made a survey of 44 industrialized countries. Out of those 44, we ranked behind only the United States and France in absolute number of claims. Both of those countries have significantly larger populations and are much more geographically accessible to most asylum seekers.

In the time allotted to me, I'm going to concentrate my remarks on the provisions of Bill C-11 that deal with what are described as designated countries of origin, which are widely referred to internationally as safe countries of origin.

If members of the committee wish, I'll also try to answer questions on other aspects of Bill C-11, such as the use of public servants in the first or initial decision level of the determination process.

The term "safe countries of origin" is used to describe countries that are democratic, have a good human rights record, subscribe to the UN conventions on human rights and refugees, and are considered not to persecute their citizens. Many refugee-receiving countries won't even consider a claim from a national of a safe country of origin, or they at least have in place a system for dealing quickly with such claims so they don't clog the system and these countries can concentrate on claims that have merit.

Canada, however, until now, has been practising no such restraint and has allowed people to make claims who are nationals of a host of countries that would not seriously be regarded elsewhere as refugee producing, that is, that persecute their citizens as defined in the UN convention.

In 2008, for example, we allowed claimants into our refugee determining system who were Norwegians, New Zealanders, Australians, Germans, French, British, and American, and the list goes on. While the number of nationals from most of the countries I just mentioned was in most cases relatively small, some were not. In 2008, for example, more than 2,300 U.S. citizens made refugee claims in Canada. That's not an insignificant number when it comes to the time and resources required to deal with their claims.

Perhaps more noteworthy, however, are the sudden increases that have occurred in a number of claimants from specific countries, many of which would be considered by other refugee-receiving countries as safe. Most recently, these have involved claimants from Mexico, the Czech Republic, and Hungary, but there were similar occurrences going back decades and involving people from Portugal, Trinidad and Tobago, Turkey, Argentina, and Chile, etc.

• (1650)

This type of problem has arisen in part because of the way we've stretched the definition of persecution in the UN convention. Ironically, Canada some years ago warned the international community at a UNHCR meeting in Geneva that if the refugee definition is drawn too broadly, we risk defining the problem into complete unmanageableness, and that is what has happened, to a large extent.

The Canadian representative at that particular meeting went on to make the point that it was particularly unfair that we spend thousands of dollars each on individuals who manage to reach our territory whether or not they are deserving of our help, yet relatively little on those languishing in refugee camps.

In the case of the spike in claims last year by people from the Czech Republic, the argument was made by refugee advocates that although members of the community from which most of them came, that is, the Roma—or as they are sometimes called, the gypsies—weren't being persecuted by the Czech government, the fact that the latter could not prevent members of the population in general from discriminating against the Roma was the equivalent of persecution and, therefore, they should be eligible to make refugee claims. Under this expanded definition of persecution, we would be obliged to accept, for example, applications from the more than 100 million of the Dalit, or untouchable caste, in India.

Clearly, the refugee convention was never intended to deal with this kind of problem, and if the convention is to be applied in a realistic and practical manner, it cannot be interpreted in a way that results in us being expected to solve other people's social problems by moving all of their people in difficult circumstances to Canada. It's worth noting in this regard that the other members of the European Union will not consider a refugee claim from a Czech national, Roma or otherwise, since the Czech Republic is a democratic country with a good human rights record.

In the circumstances, it is quite appropriate that Canada establish a list of designated countries of origin, particularly in cases where there are rapid increases in claims from nationals of countries that do not persecute their citizens. In my view, the answer is clearly yes: we should establish such a system.

Until now, we've been reduced to imposing visitor visa requirements in such cases. This is a very awkward way of dealing with such situations and it usually brings with it a number of negative consequences, including adverse reactions from the countries affected, and it might include retaliatory impositions of visa requirements on Canadian travellers.

A further negative consequence of the ease with which virtually any non-Canadian can make a refugee claim in Canada is the extreme caution we often have to exercise in issuing visitor visas to nationals of many countries. When I was working at various Canadian embassies overseas, we frequently had to turn down visitor visa applications from people who were probably bona fide visitors but who we could not take a chance on because it was so easy for them to claim refugee status once they arrived in Canada. If we had a more sensible refugee determination system, we would not have to turn down as many visitor visa applications as we do now.

Now, will the provisions for designating countries of origin in the proposed legislation work effectively if indeed they're approved and implemented? That remains to be seen.

People from countries so designated will still be allowed to make refugee claims but will not be able to lodge an appeal with the refugee appeal division if their claim has been turned down. The expectation, presumably, is that this restriction will deter most such individuals from making claims in the first place. But should this not turn out to be the case, should it not be a significant deterrent, the government would be well advised to consider firmer measures to control the unjustified spikes from nationals of those countries of origin.

• (1655)

**The Chair:** Sir, you have one minute, please.

**Mr. Martin Collacott:** I'll wrap up.

We may have to simply refuse to process applications from such individuals.

In conclusion, I'd like to point out Canada is more than generous in terms of its refugee policy. As I mentioned already, we have the most generous system of benefits in the world, as well as one of the highest rates of acceptance, and this is a major reason why we attract so many claimants.

We also are well above average in terms of refugee claimants approved as well as refugees resettled from abroad. Despite this, the refugee advocacy groups, such as the Canadian Council for Refugees, keep claiming that Canada is far from generous and that the new legislation would make the situation even worse.

This is simply not true. We need to keep the system fair and efficient; Canadians want this. Those who argue that we should open our doors even wider are simply not in touch with public opinion.

I commend the government for making these proposals. I might mention that I, like Julie Taub, am non-political. I'm not a member of any political party and I'm quite happy to brief members of any party on some of the issues of both immigration policy and refugee policy, if they're interested.

I thank you again for inviting me to speak today. I'll conclude my remarks.

**The Chair:** Thank you very much for your presentation, sir. The committee members will have some questions for you.

First of all, we have Mr. Karygiannis.

**Hon. Jim Karygiannis:** Good afternoon. Thank you to both of you.

Mr. Collacott, sir, you said something about Turkey. Am I to understand that Turkey is not a refugee-producing country?

**Mr. Martin Collacott:** The spike occurred about 20 years ago. I don't think there was any basis at that time for people making refugee claims as they did. Most of them were turned down. A lot of them were already in the country, and to try and get out of the situation, the government at the time told them they all had to go home but they would be considered for immigration. Many were allowed to come in as immigrants. But it was clearly, from the decision made then, that they were not—

**Hon. Jim Karygiannis:** Mr. Collacott, sir, my question was very simple. Is Turkey a refugee-producing country or not, in your opinion?

**Mr. Martin Collacott:** It is sufficiently democratic that it would probably fall into the category of safe country of origin—

**Hon. Jim Karygiannis:** So, sir, someone—

**Mr. Martin Collacott:** —even though they do have some internal problems, there's no doubt about that.

**Hon. Jim Karygiannis:** Sir, somebody who is there as the Ecumenical Patriarch of the Orthodoxy and/or the Patriarch of the Armenians, he should have no problem, correct?

**Mr. Martin Collacott:** Are you asking me a question?

**Hon. Jim Karygiannis:** The Ecumenical Patriarch, sir, of the Orthodoxy, should he have a problem in Istanbul? He shouldn't. It's a democratic country, right?

**Mr. Martin Collacott:** I haven't followed his.... Yes, they do have some problems, but I'll suspend my judgment on Turkey.

Let me mention where there has been a spike: Mexico, where there is a lot of domestic violence—

**Hon. Jim Karygiannis:** Mr. Collacott, sir, my question is on Turkey.

**The Chair:** Order.

Mr. Karygiannis, I have a problem. Both of you are speaking at the same time.

**Hon. Jim Karygiannis:** Chair, my question was on Turkey—

**The Chair:** Well, I'm speaking—

**Hon. Jim Karygiannis:** If—

**The Chair:** Mr. Karygiannis, I happen to have the gavel.

**Hon. Jim Karygiannis:** Stop the clock, sir.

**The Chair:** I am not going to stop the clock until you listen to what I have to say.

I'm saying to you that both of you can't speak at the same time, so please, when you ask a question, let him finish the answer before you ask him another question.

**Hon. Jim Karygiannis:** Chair, I thank you for that.

Mr. Collacott, sir, I'm not interested in Mexico. I'm interested in Turkey. If you cannot answer on Turkey, then say so. Can you answer questions on Turkey, sir?

**Mr. Martin Collacott:** I would like to look at Turkey in more detail, but I listed a host of countries that are clearly safe countries of origin and where there is no doubt.

**Hon. Jim Karygiannis:** Mr. Collacott, sir—

**Mr. Martin Collacott:** Some countries we might have to have some discussion on whether they're safe or not. I'm—

**Hon. Jim Karygiannis:** Mr. Collacott, *un moment, s'il vous plaît*.

**Mr. Martin Collacott:** —not going to discuss marginal cases at this point.

● (1700)

**Hon. Jim Karygiannis:** Mr. Collacott, sir: Turkey. Is it a safe country, yes or no? A simple answer, sir, yes or no.

**Mr. Martin Collacott:** No. I'm not going to give you a simple answer. I would want to consider it further. I've already named a host of countries where there is a very clear question.

**Hon. Jim Karygiannis:** Well, let me—

**Mr. Martin Collacott:** If you're trying to find a marginal case, I'm not going to proceed further.

**The Chair:** Just a second. Here we go again. Both of you are speaking at the same time. I'm not going to stop the clock. I've warned you before.

The translators have a difficult time translating when both of you are speaking at the same time.

Mr. Karygiannis, you're an experienced member of Parliament. You know that.

You may proceed.

**Hon. Jim Karygiannis:** Sir, if you want to ramble on, that's fine. I thank you. I disagree with you on Turkey and I'm going to leave it at that. When the Ecumenical Patriarch cannot be replaced because Turkey has put pressure on them, and right now the Armenian Patriarch cannot be voted again because Turkey has put pressure on them, sir, I tell you, Turkey is not a safe country.

Ms. Taub, I want to go back in history with you to the 1960s. A safe country, the United States, had the draft dodgers. A lot of them escaped to Canada. We have something like 60,000 or 70,000 of them and their offspring and so on and so on. Yet the United States today is involved in a war that is not sanctioned by the United Nations. Some of the people from the United States have come up here. This committee has passed a decision that says we should allow people who are seeking refuge in Canada, who are fleeing a draft situation because they had to go to war against the United Nations.

So how do you define the United States as a safe country vis-à-vis our history with the draft dodgers and vis-à-vis the history that we had them coming up here?

**Ms. Julie Taub:** I can just reply to you that if you knew your history you would know that there was a compulsory draft for the Vietnam War. There is no compulsory draft in the United States today. It is not the same situation. There is no comparison. That's number one.

Number two, I consider the United States to be a democracy, just like Canada.

**Hon. Jim Karygiannis:** Was the United States a safe third country in the 1960s?

**Ms. Julie Taub:** I wasn't a member of the refugee board and I wasn't a lawyer.

**Hon. Jim Karygiannis:** So I guess you forgot your history...?

**Ms. Julie Taub:** Oh, I know my history quite well. They were welcomed. They were welcomed with open hands.

**The Chair:** Mr. Karygiannis, you know—

**Hon. Jim Karygiannis:** Chair, you know what? I object because you're cutting me off all the time.

**Ms. Julie Taub:** Mr. Karygiannis...this is his history—

**The Chair:** Mr. Karygiannis, you can object all you like, and I'm not going to stop the clock until you hear what I have to say.

**Hon. Jim Karygiannis:** You don't have to stop the clock, sir. I'm asking the witness some questions—

**The Chair:** Well, no, I—

**Hon. Jim Karygiannis:** —and if you, sir, don't like the questions—

**The Chair:** Sir—

**Hon. Jim Karygiannis:** —that's fine.

**The Chair:** Sir, I'm asking you to be courteous to this witness.

**Hon. Jim Karygiannis:** I am being very courteous.

**The Chair:** No, you're not. Try to improve your ways.

Proceed, sir.

Thank you.

**Hon. Jim Karygiannis:** Historically, in the 1960s the United States was a democratic country. Am I correct?

**Ms. Julie Taub:** And it still is a democratic country.

**Hon. Jim Karygiannis:** But we allowed thousands of people, because they were fleeing the draft, to come to Canada.

**Ms. Julie Taub:** We allowed thousands of people because it was politically motivated.

**Hon. Jim Karygiannis:** Politically motivated how...? Because they were coming to—

**Ms. Julie Taub:** By the current government at the time, because it was anti-Vietnam War. There was a climate of opposition to the war in Vietnam and I was part of the opposition. I marched in demonstrations at the time as a student at the University of Toronto.

But it is irrelevant, completely irrelevant, to today's situation in the United States. There is no compulsory draft. People who are in the U.S. Army—

**Hon. Jim Karygiannis:** Ms. Taub, please, just give short answers.

Historically in 1960 and today—

**Ms. Julie Taub:** It's a democratic country and I believe it's a safe country of origin—

**Hon. Jim Karygiannis:** Sorry, Chair, could you ask the witness to please not cut me off until I finish my question?

**Ms. Julie Taub:** I will finish it with that. I believe I've answered your question. I think you are just carrying on as usual.

If somebody else would like to ask a question, I'd be happy, but I will not engage in this kind of trite debate.

**Hon. Jim Karygiannis:** Well, it's my seven minutes.

**The Chair:** You'll be pleased, Ms. Taub, that his time is up.

Madame Thi Lac.

[Translation]

**Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ):** Good afternoon, Mrs. Taub.

Good afternoon, sir.

I am pleased to see you before this committee.

First of all, I want to tell you that I come from a country that saw many of its citizens come here as refugees. I came from Vietnam and I can tell you that this Board is very important. Even though the situations may not be comparable, many American citizens as well as Vietnamese citizens came here because this legislation existed. I did not come to Canada as a refugee but I came here during the same period.

Some of your statements fill me with anger. You systematically condemn all claimants in saying that they abuse our system. However, did I not hear you say that some of the people who call you are referred by consultants? We know that consultants are not regulated at this time. Some fly-by-night consultants give very bad advice to illegitimate refugee claimants. I would have liked to see this profession regulated in this Bill.



Yesterday, we heard the minister say that he intends to do that but later on. You said that many claimants try to abuse the present system. Do you not believe that the fact that the Minister did not regulate the profession at this time, like the legal profession... By the way, I believe that people who call you are protected by the fact that your profession is strongly regulated.

Some say that the system is clogged, but that is not due only to false claimants. It is also due to fly-by-night consultants advising illegitimate claimants to try and abuse the system.

• (1705)

**Ms. Julie Taub:** Allow me to clarify something. Here in Ontario, consultants are regulated. There is an association that is supposed to manage those consultants. Unfortunately, I regularly get calls from clients of such consultants and I always tell them to make an official complaint. I try to help them. When you call those consultants, you always get answering machines. There is never any follow-up.

This type of control is nearly nonexistent in Ontario. The association of consultants was set up by the government of Ontario but it does not work.

You are right, but this is not only a matter of regulating consultants, we shall also limit their number. I fully agree with you, having fly-by-night consultants is a major problem...

**Mrs. Ève-Mary Thāi Thi Lac:** Do you not believe that the minister should have regulated consultants in this Bill instead of saying that he will do so later on with another Bill? Should he not have used this Bill to do so now instead of simply establishing new deadlines to try and limit the number of false claims?

**Ms. Julie Taub:** I agree that we should stop those consultants but there is nothing we can do about those from other countries. Our government cannot restrict their power, their practices, overseas. What happens overseas is terrible, I know.

**Mrs. Ève-Mary Thāi Thi Lac:** However, it would still have been a good start for those who are...

**Ms. Julie Taub:** Indeed, we should begin here in Canada but it should only be a first step. The Bill is a step in the right direction but it has to be followed with other measures if we want to stop those who abuse the system.

**Mrs. Ève-Mary Thāi Thi Lac:** Mrs. Taub, you say that the Bill is a good first step. However, even if it is passed, if the number of public servants hired is not sufficient compared to the number needed, is there not again a danger that we will end up with a huge backlog?

**Ms. Julie Taub:** Are you referring to public servants?

**Mrs. Ève-Mary Thāi Thi Lac:** If the number of public servants sitting on the Board is lower than what is needed, do you not think that it will once again create a backlog?

**Ms. Julie Taub:** I do not believe that the exact number has been determined. I believe it will be set after the Bill is passed.

**Mrs. Ève-Mary Thāi Thi Lac:** I do not agree with you, Mrs. Taub, for the simple reason that a third of the member positions have been unfilled since 2006. This has contributed enormously to the backlog, which is not due only to the present legislation. Since the Conservatives got into power, a third of the member positions have been left vacant. This undermines public trust in the system. Do you

not believe that, politically, the Conservatives share part of the blame because they have left a third of the positions vacant?

• (1710)

**Ms. Julie Taub:** I believe that the Board should be reformed before appointing new members. I believe also that you ignore the fact that, according to some rules—I know because I am a member—members are obliged to put their reasons on paper when they disallow a claim but not when they allow it. So, a member might receive a refugee claim and accept it after one, two or three hours, or even 10 minutes. However, if the member disallows the claim for good reasons, he or she has to justify the decision in writing, which might take 6 to 10 hours of work. The legislation is deficient in this regard.

**Mrs. Ève-Mary Thāi Thi Lac:** Let me simplify my question. One person cannot do the work of three. Even if the legislation is changed, do you not think there will still be a backlog if a third of the members needed are not appointed?

**Ms. Julie Taub:** Yes, members must be appointed to make decisions, but I believe that decisions should be made mainly by public servants rather than by Board members because those latter appointments are highly political. Furthermore, I believe that we should pay much closer attention to the level of education and the experience of those who are appointed to the board.

**Mrs. Ève-Mary Thāi Thi Lac:** Still, there must be enough of them to do the work.

[English]

**The Chair:** Thank you very much.

Ms. Chow, you are next.

**Ms. Olivia Chow:** Thank you.

Mr. Collacott said that, in his experience, some of the visitors who would like to come to Canada didn't get approved even though they probably had really legitimate reasons to come to visit their loved ones in Canada, because there was the fear that they would claim refugee status in Canada. Unfortunately, as a result of that, whether it was a legitimate reason—a wedding, a funeral, or a birth of a grandchild—those people couldn't come to Canada because there was a fear they would stay and submit a refugee claim.

I just want to say that, really, that's not a good reason to turn down a visitor, because most visitors are here to celebrate some special event rather than wanting to claim refugee status. Some countries end up having visitor visas being turned down at the rate of 30% or 40% at some visa offices.

I also heard Mr. Collacott say that Mexico would be a safe country.

Rather than talking about Turkey, you were trying to say Mexico is a safe country, but what I have found is that a large number of refugee claims are being supported by the Immigration and Refugee Board because they are legitimate, in that they were fearing drug lords, they were fearing domestic violence, etc.

So I think it is very difficult for us, or for the minister, for that matter, or for anyone, to say which country would be a safe place. Because it seems to me, and according to people who are involved in human rights, you really can't say that a country is safe or not safe. It's the individual case....

My question is for Ms. Taub. What do you think should be the number of refugees we should admit into Canada each year? If you were to be immigration minister tomorrow, how many refugees should we accept within Canada?

**Ms. Julie Taub:** I don't think we can establish a limit. I don't think we can establish a limit to the number of genuine refugees. That's why I think it's important to streamline the system in such a way that we can avoid having the system overrun with bogus refugees.

You cannot limit the number of genuine refugees. I cannot give you a number. All I can say is that I believe there is a substantial number of bogus claimants. This is based on my personal experience as a member of the refugee board, as a lawyer, and as a legal aid duty counsel. I see it, unfortunately, on a weekly basis.

So I am saying you cannot limit. If a genuine refugee makes it to this country, I can't say, all right, you're number 7,000, so that's it, finished. No: if you're a genuine refugee, you're in.

What I want to do and what I'm hoping the government is attempting to do—and they're going in the right direction—is to set aside the bogus claimants who are trying to use this as an alternate route to get to Canada because they don't qualify on their own or because Canadian sponsors who don't want a 10-year obligation of paying for their parents tell them to make a refugee claim. This is what I would like to eliminate, but there are no absolute numbers.

• (1715)

**Ms. Olivia Chow:** Thank you very much.

Thank you. I'm done, Mr. Chair.

**The Chair:** Mr. Dykstra.

**Mr. Rick Dykstra:** Actually, Ms. Wong is going to take the seven minutes.

**The Chair:** Dr. Wong.

**Mrs. Alice Wong:** Thank you very much to both of our witnesses today. Thank you for your time.

I have to address one of the remarks made by our honourable opposition here. We need to add something about the discouragement of bogus consultants in each bill. What do you think? We had similar challenges for temporary foreign workers. We had similar challenges for live-in caregivers who were cheated by consultants. We also had other cases.

Should we not, collectively, have one law to just address that program, which covers all the consultants, rather than what has been suggested just now, which is that if this is not directly handled in Bill C-11, then it shouldn't be there, that we shouldn't really approve Bill C-11...? I'll open this up to both of you.

Ms. Taub.

**Ms. Julie Taub:** I'm not sure if I quite understood. I gather what you're saying is that if we're not addressing the issue of consultants, we should not proceed with Bill C-11.

**Mrs. Alice Wong:** That's what the member opposite said. I do not agree.

**Ms. Julie Taub:** I don't agree either, because while I agree that the scourge of consultants is terrible and contributes to the abuse of the system, Bill C-11 is attempting to address the issue of bogus claims in another way: by addressing safe countries of origin and having them go through another stream, a speedier stream, to be dealt with. I agree with that.

As for the consultants, this has been a festering issue for a long time. I think it's going to take a lot more consultation with different members of law societies of the various provinces, as well as victims of consultants, before the government can come to some significant decision on new legislation. I don't think one should mix up the other, because the government has to consult with all the law societies and with those who were victims. I'm sure they can find thousands of them.

**Mrs. Alice Wong:** Thank you.

You also have given us some cases which demonstrate that our current asylum system is vulnerable to abuse. How do you think the measures in Bill C-11 will deter abuse?

**Ms. Julie Taub:** I think by having countries of safe origin in a separate stream, as they do in the European Union; in some of the countries, they deal with claimants from their list of safe countries of origin within 48 hours to three weeks. I have all the lists here of how they deal with it.

If we can effectively deal with a stream of claimants from safe countries of origin in a speedy way and have them removed from the country, then we will have more resources and more time to deal with genuine refugees so their cases can be heard in a more timely fashion as well.

• (1720)

**Mrs. Alice Wong:** Why do you think the proposed changes to our current refugee system are necessary? You talk about abuse and you talk about speedy removal as well. What other areas in the bill do you think will be a big improvement?

**Ms. Julie Taub:** I think the biggest improvement is designating safe countries of origin. That's the one I would recommend the most. The fact that the government is now going to implement RAD for refugee-producing countries will also allow for speedier appeals for claims that are denied.

**The Chair:** Mr. Young.

**Mr. Terence Young (Oakville, CPC):** Thank you, Chair.

I want to ask Mr. Collacott about the ability to exempt subpopulations from a safe country designation under the safe country of origin policy, and if that makes the policy sufficiently nimble to deal with countries where most people are safe, but where there may be discrimination against gays or there may be a particularly dangerous region.

**Mr. Martin Collacott:** I'm not exactly sure how that subnational policy is going to be spelled out. I think you'd still have to look at whether there is government persecution, because there's no question that in many countries there is discrimination against particular groups.

I raised the issue that if we just used discrimination as the criteria, then we could probably take 100 million people from India alone. I'd want to see more about how the subnational group would be spelled out. I think, though, that there's certainly a clear case for having safe countries of origin.

Going back to a question that Ms. Chow raised about Mexico, when we talk about safe third countries, we are not talking about a country simply being safe. We are talking about the nationals from that country being safe from persecution by the government.

Mexico is not a particularly safe country, but the UN convention is not built around simply taking people because there are high levels of crime or, in this case, because a drug war is going on. Otherwise, we'd have to take large portions of the populations of all countries. We're talking about cases of government persecution. And you have to draw the line somewhere.

**The Chair:** Go ahead, Mr. Young.

**Mr. Terence Young:** Thank you for a fulsome answer.

Let me clarify a little bit. I'm talking about where people are at risk. I don't want to get hung up on the word "discrimination". I don't want to get hung up on the word "persecution". I want to talk about where a subpopulation might be at risk. Do you like the concept or do you feel there's a nimbleness to this policy that will allow a minister to determine a safe country but identify a subpopulation that may be at risk?

**Mr. Martin Collacott:** It's conceivable, but to me, either it's a safe country in general terms, because of questions of persecution, or it's not. Now, if a particular group is being persecuted by the government, I think there would be a case for looking at that situation.

**Mr. Terence Young:** Thank you.

I'd like to direct that question, if I could, to Madam Taub.

**Ms. Julie Taub:** The list of safe countries of origin is not a fixed list. It would be a list that could be changed by the minister in reaction to world events, so it's not a fixed list. It's not written in stone. It can change from time to time depending on political events in the world.

For example, I have successfully represented some Mexican complainants, one a Mexican woman in regard to domestic abuse, whose boyfriend was the head of a drug gang. That is an obvious case. Also, there was a journalist who had written against the drug gangs. These are obvious cases where they have high profiles. It's not that they're being persecuted by the government; it is the fact that their government can't protect them.

But in general, the average citizen in Mexico is not being targeted by the drug cartel; they may be innocent bystanders in a shootout.

• (1725)

**Mr. Terence Young:** Thank you.

**The Chair:** Mr. Bevilacqua has the final word.

**Hon. Maurizio Bevilacqua:** Thank you very much, Mr. Chair.

I want to thank both of you for your presentations.

I found your presentations interesting in some ways. I'm concerned about it in other ways, because even when the minister appeared in front of the committee he had some concerns about his own legislation and how to improve it.

It seems to me that both of you are 100% behind this legislation and not really offering much when it comes to improving the legislation, which is the reason why we are gathered here at the committee. I am going to give you an opportunity to—

**Mr. Martin Collacott:** I'm sorry, but I can't hear you out here in Vancouver. Can you speak up a bit?

**Hon. Maurizio Bevilacqua:** I can't speak that loud. You're far away.

**Voices:** Oh, oh!

**Hon. Maurizio Bevilacqua:** The reason we sit here hour after hour is that we want input from people on how to improve the legislation. While you may in fact endorse the legislation—that is obviously your choice—we do really appreciate individuals who come here to also provide us with input that will improve the legislation.

While I understand that you're very supportive of the legislation, I would, as a member of this committee, appreciate your point of view on issues that require our attention for improvement.

**The Chair:** Mr. Collacott, I think that question was directed to you, sir. Did you hear the question?

**Hon. Maurizio Bevilacqua:** It's for both.

**The Chair:** We'll try Ms. Taub.

Go ahead, ma'am.

**Ms. Julie Taub:** Yes, of course, I would have several recommendations to improve it. One would be to deal with this issue of consultants. Victims spend hundreds of thousands of dollars on false promises and they get nowhere. That has always been a festering issue.

But I am not proposing that this bill not be passed because there's not enough.... But you're asking me for my opinion for improvements in general in the refugee system.

**Hon. Maurizio Bevilacqua:** That's right.

**Ms. Julie Taub:** I would also recommend looking into—I may be slightly off topic—the resettlement program. I have had clients who have come to me from Rwanda. I have had clients who have come to me from Afghanistan. They've come in through a resettlement program. They have said that while they greatly appreciate that the Government of Canada has resettled them as refugees in this country, why did it allow their persecutors, their murderers and their killers to come in with them? There is not enough research. Backgrounds are not looked into enough.

I had one such client this afternoon before I came here. She's a wonderful woman from Afghanistan. She and her siblings were accepted in 2006. They came in from Kyrgyzstan, where they had been resettled as refugees. When they came in, she recognized many members and supporters of the Taliban. She asked, "How is this possible?"

I don't know how it's possible, but it's not the first time I've heard of such a thing. If there can be an improvement for refugee determination, it is to look into the background of refugee claimants or those who are resettled, to look more thoroughly to see what their affiliation is so the murderers and the persecutors don't come to Canada with their victims.

**The Chair:** Mr. Collacott, did you have some suggestions to improve the bill?

**Mr. Martin Collacott:** Nothing very broad, because I think there are some good elements there already.

I think having the first decision made by public servants makes good sense. There are pros and cons, but that is what is used in most countries. We still have an independent body for the appeal system.

I think it's absolutely necessary to have some kind of safe country of origin rule. That's not going to be easy to define exactly, but other countries do it, and I think we have to do it.

I'm not sure how well all of this is going to work. We'll have to review it if it doesn't work, but I think it's a first attempt at a comprehensive review in more than two decades, and I do commend the government for trying it. We'll have to see how it pans out.

**The Chair:** Thank you, sir.

One brief question, sir.

**Hon. Maurizio Bevilacqua:** Coming out of today's meetings, one of the issues that I'm sure this committee will have to deal with in a very serious way is that there is an expectation, including from Ms. Taub and Mr. Collacott, that you want the system to work.

In order for the system to work, it's going to require funding, and it's going to require major resources. One of the things I will be

looking for, as a member of Parliament and a member of this committee, is to find out if in fact the \$574 million allocated for this is going to be enough. The IRB chair was here. I read between the lines when people speak, and I wasn't sure whether he's going to have enough money to do his job. That's something we're going to look for.

Anyway, thank you so much for the supportive nature that you expressed, but I think that as a committee we are going to dig a little bit deeper, on both sides. I know that you had only a few minutes to express your point of view.

Mr. Chairman, if Mr. Collacott and Ms. Taub would have additional information to forward to us as a committee—because they're quite knowledgeable on the file—I would certainly welcome receiving it so that we can benefit from their expertise.

● (1730)

**Ms. Julie Taub:** If I provide these notes, do I have to provide them in both official languages?

**The Chair:** No. The clerk will arrange for that.

So if either of you have any more thoughts after today—I know the time has been brief—if you think they would be helpful, we'd appreciate hearing from you. Just send it to the clerk.

Thank you, Ms. Taub and Mr. Collacott. You're obviously both experts and we appreciate your wisdom.

**Ms. Julie Taub:** Thank you very much for having me here.

**The Chair:** Thank you very much.

The meeting is adjourned.

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