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—
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Mr. Norman Doyle

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• (0900)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): We'll call the meeting to order.

I want to welcome all of you again as we continue our cross-country meetings tour that we've been on now for about a week and a half. Today we're in the great riding of Scarborough—Agincourt, and that's the riding of my colleague Mr. Karygiannis here. I want to thank him, on behalf of the committee, for the invitation to be here today.

As you're aware, we're the House of Commons Standing Committee on Citizenship and Immigration. We've been mandated to hold meetings right across the country on three different topics: temporary and undocumented workers, Iraqi refugees, and the immigration consultants issue.

We're going to be meeting in all the provinces, finishing up in mid-April sometime in St. John's, Newfoundland. We've met in Vancouver, Saskatchewan, Edmonton, Manitoba, Waterloo, and now we're here in Toronto for a couple of days. We will move on to Montreal, Quebec City, Fredericton, Halifax, and St. John's. So we have quite a schedule for ourselves.

At the end of it all, we will have met with about 52 panels. We have our officials with us, who will, in the final analysis, when it's all over, write a report to make recommendations to government about what we're hearing here today and what we hear as we go.

I want to welcome you as panellists here.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): If I may, sir, I'd like to welcome everybody to the great riding of Scarborough—Agincourt, and especially my colleagues from out west—and I'm talking about west Toronto or out west in Vancouver—and the great province of Quebec. I certainly thank you and the clerk and the rest of the committee members for coming to Scarborough—Agincourt. It means a lot to the people of Scarborough—Agincourt as well as a lot to me personally.

Having said that, I might have to, on a personal matter, slip out for about 10 to 15 minutes this morning, and I mean no disrespect to the panel. Again, welcome to Scarborough—Agincourt.

The Chair: Thank you, Mr. Karygiannis. It's a pleasure for us to be here.

I want to welcome the witnesses. We will have an hour for this group of witnesses.

Representing the Assyrian, Chaldean, Syriac Student Union of Canada is Alda Benjamen, educational coordinator and member of the board. From the Assyrian Society of Canada is Paul Baba, member. As an individual—no, Mr. Adelman is not here. Representing the Welfare Committee for the Assyrian Community in Canada is Mirza Shmoil, who is chairman and executive director; and from the Mandaean Human Rights Group, we have Nabil Farhan.

Welcome to all of you.

I think you know how the committee operates, Mr. Shmoil. I understand you're going to be going a little bit over the seven minutes, but we're here to accommodate you in whatever way we can. Feel free to go over a bit, and also, relax. We're interested in what you have to say. We just want to interact a little bit after you make your presentations and talk a little bit about your problems and what have you. I want it to be as unofficial and laid back as it possibly can, because I feel that's the best way to get good dialogue going between us. Relax and make your presentations, please.

I guess we'll start with Alda.

• (0905)

Ms. Alda Benjamen (Educational coordinator, Member of the board, Assyrian, Chaldean, Syriac Student Union of Canada): Good morning, honourable members of Parliament.

My name is Alda Benjamen, and I'm a representative of the Assyrian, Chaldean, Syriac Student Union of Canada, or ACSSU of Canada. Our organization was founded in 1999, and it has since established branches in most Canadian universities, focusing on assisting immigrant students to integrate into the Canadian system and enhance their level of education. I am a byproduct of this union. With their support, I obtained a Bachelor of Science, become an intermediate public school teacher, and I have now returned to graduate school in near and middle eastern civilization studies at the University of Toronto.

I thank you for taking this opportunity to discuss the issue of Iraq refugees. I will attempt to share information and statistics from various human rights supports, ACSSU's communications through grassroots civil society organizations in Iraq, and my personal trip to Iraq in the summer of 2007, where I conducted research on civil society organizations. My focus will be on the Assyrians, who are also known as Chaldeans and Syriacs, and are herein referred to as ChaldoAssyrians.

ChaldoAssyrians are the indigenous people of Iraq and speak Neo-Aramaic, or Syriac, the language spoken by Jesus Christ. They embraced Christianity in the first century and have numerous monasteries in Iraq dating back to the fourth and seventh centuries. They played a critical role in building the Islamic civilization, especially during the Abbasid period, and they were heavily involved in the translation movement from Greek to Syriac to Arabic. They have endured numerous atrocities and genocides in the past, making them a minority in their indigenous lands and reducing their numbers.

In current times, and due to their ethnic and religious background, they have been severely targeted. Although they constitute 5% of Iraq's population, they make up 20% of the Iraqi refugees in neighbouring countries. One in three ChaldoAssyrians is a refugee, and the IDP figures in all of Iraq show a greater internal dislocation.

Why are they leaving?

The first reason is Islamic extremism. ChaldoAssyrians in the Dora district of Baghdad, for example, in March and April of 2007, were given these options: convert to Islam; pay Jiza, which is a non-Muslim tax; give a daughter or sister in marriage to a Muslim; leave; or die. In a matter of months the neighbourhood that was home to 20,000 ChaldoAssyrian families was completely ethnically cleansed. Other stories include the killing of clergy, bombing of churches, abductions, beheadings, literal crucifixions, and rapes of ChaldoAssyrian women.

The second reason is discriminatory policies in the Kurdish Democratic Party. The United States Department of State's *Annual Report on International Religious Freedom* for 2006 alleges that the Kurdish regional government continues to engage in discriminatory behaviour against religious minorities. Minorities living in the areas of north Mosul such as Yazidis and Christians asserted that the KRG encroached on their property, eventually building Kurdish settlements on the confiscated land, further arresting minorities without due process, denying service to some villages, and preventing the employment of non-KDP or PUK party members.

The Iraq Sustainable Democracy Project conducted a field mission with the Iraqi refugees in Syria, Jordan, and Lebanon in March 2007. Here are a few of their responses: "There are signs everywhere, and reminders brought to our doors—even delivered with bullets and/or blood—stating that Iraq is not for Christians any longer." Another person said: "I tried to go to the north, to the Nineveh Plains or the Kurdistan Region in Iraq. I could not get a job, I had to join the Kurdish Democratic Party to work." And yet a third person: "The north would be nice, but there is nothing there for us, nothing developed to survive there. If it was developed to allow us to live, I would stay."

With respect to the situation of students who are part of the ChaldoAssyrian Student and Youth Union of Iraq, during interviews with various branches of the ChaldoAssyrian Student and Youth Union, they disclosed that their members faced difficulty in attending schools since they have no security measures in their towns and schools. Due to this, many decide to leave the country. For example, I interviewed a student from Baghdeda/Qaraqosh, a Christian town located in the Nineveh Plains, near Mosul. This young man described the day that he, along with seven other

ChaldoAssyrian students, were abducted on their way to school. Their parents had to pay heavy ransoms. Until this day, no security official has recorded the incident or interviewed them—until this day.

On Canada's role in Iraq, Canada needs to make sure that Iraq continues to be an ethno-religiously diverse and multicultural country. The ChaldoAssyrian Christians, along with other minorities, are an integral part of Iraq and will enable it to be a pluralistic society rather than governed by national or religious fundamentalists.

• (0910)

Temporary assistance includes a careful examination of the situation of Iraqi refugees in which hasty and priority access is to be afforded to the most vulnerable refugees, who include, *inter alia*, widows and those who have been tortured, abducted, and raped.

Effective Canadian assistance, preventive measures. In 2003 the Government of Canada committed \$3 million in the effort to assist Iraq in its reconstruction. This assistance emphasized three parts, which if used effectively and extended to the real minorities of the country, can prevent ethnic and religious cleansing and decrease the refugee problem.

The first objective Canada committed to was helping Iraq rebuild its social and economic base. We propose that the Canadian government extend this objective to the Nineveh Plains as well.

The Nineveh Plains is an area in the Nineveh governorate that is famous for Mosul city. The Nineveh Plains is the ancient homeland of ChaldoAssyrians and home to Iraq's real minorities, such as the Yazidis and the Shabaks. According to the Assyrian Society, a charitable organization in Iraq, approximately 15,000 internally displaced ChaldoAssyrian families are currently residing there. Using the five per family average, the total will be 75,000 people. Since this area has always been home to minorities, the previous Baath government did not care to invest much in it, a situation that is currently repeating itself.

Therefore, the Nineveh Plains already lack the needed infrastructure to sustain its existing population, let alone take thousands of IDP families. At the end of 2006 and the beginning of 2007, the Nineveh Center for Research and Development, a civil society organization in the Nineveh Plains, conducted a survey of the IDPs in this region.

Due to the lack of basic needs, 71% of the IDPs stated that their current situation encouraged them to become refugees outside of Iraq, while 75% stated that they know family and friends who would move to the Nineveh Plains if housing or work were available.

Canadian funding should be directed to an NGO or a grassroots organization such as the Assyrian Aid Society and Babylon Charitable Society, located conveniently in the Nineveh Plains, to provide food, create jobs, build basic infrastructure, the basic necessities of life.

Canada's second commitment to Iraq is to help Iraq develop effective governance and security structures, ensure respect for human rights and the rule of law, and promote gender equality. We also propose the implementation of this objective in the Nineveh Plains. This can be achieved by training security officials from among the inhabitants of the Nineveh Plains, who are willing and ready. This will ensure the physical security of these minorities indiscriminately. This will avoid the politically motivated security forces currently in the Nineveh Plains, which are responsible for various human rights violations and the overall instability and insecurity of the region.

Canada's third commitment—

The Chair: Could I slow you down a little bit for our translators. Thank you.

Don't hurry. We're trying to give you as much time as we can. If we have to go over a little bit, that's fine.

Ms. Alda Benjamin: Sure. I'm trying to stay within the seven minutes.

Canada's third commitment is to promote regional democratic development. We propose the promotion of regional democratic development in establishing local administration in the Nineveh Plains to ensure fair representation and direct authority of the real minorities in managing local council, the police force, and local courts according to article 125 of the Iraqi constitution; and to allow internally displaced ChaldoAssyrian Christians and other persecuted minorities displaced from central and south Iraq and, externally, in Syria and Jordan to resettle in their indigenous lands and escape the violence, circumventing the refugee crisis in neighbouring countries such as Syria and Jordan.

We Canadians are known for our support of human rights, respect for diversity, and promotion of multiculturalism. We hope our government is employing these basic Canadian values in their assistance mission and commitment to rebuilding Iraq and addressing the refugee problem.

Thank you.

● (0915)

The Chair: Thank you very much, Alda.

Mr. Baba.

Mr. Paul Baba (Member, Assyrian Society of Canada): Honourable members of the Standing Committee on Citizenship and Immigration, thank you for having me here today.

On behalf of the Assyrian Society of Canada, I would like to commend Canada for its efforts to aid Iraqi refugees. This work is greatly appreciated and a shining example of Canada's positive contributions on the global stage. As Canadians, we are fortunate to have a democratic country that makes an effort to solicit input from its citizens on matters such as this.

To begin, it is helpful to resolve an important issue that, if left unresolved, can sometimes lead to confusion. As a byproduct of a rich and ancient heritage, the Assyrians have come to be identified by many names over the years. Various names such as Chaldeans, ChaldoAssyrians or Syriacs all refer to the same indivisible people,

hereafter referred to as ChaldoAssyrians. Accordingly, these different names should not be allowed to act as an impediment to the understanding and resolution of the situation of ChaldoAssyrians.

Furthermore, it may also be noticed that many refer to ChaldoAssyrians in Iraq as simply Iraqi Christians. This is unfortunate, as that term does not take into account the ethnic identity of the ChaldoAssyrians and only emphasizes their religious affiliation, despite the fact that 95% of Christians in Iraq are actually of ChaldoAssyrian ethnicity. ChaldoAssyrians possess a different language, ethnicity, culture, and heritage from those of the neighbouring Arab or Kurdish populations.

Since the fall of the previous government, the ChaldoAssyrian population in Iraq has decreased by approximately 20% to 25%. This information is based on U.S. Department of State reports that upwards of 200,000 have fled as non-Muslim minorities. Department of State also indicates in its religion freedoms report that the population in 2003 was approximately one million. Such a rapid decline in population will result in an Iraq devoid of any meaningful ChaldoAssyrian population and can only be described as ethno-religious cleansing.

It is important to note the ChaldoAssyrians and other minorities have endured and persevered through previous phases of persecutions, wars, and sanctions. To note that these same people are now fleeing, whether becoming refugees or internally displaced persons, is a testimony to the incredible pressures they face over and above the hardships faced by the Iraqis.

Despite these pressures, the ChaldoAssyrian population in Iraq still significantly outweighs the number of refugees in surrounding countries. Without appropriate and immediate intervention, a full-scale exodus could ensue. The Assyrian Society of Canada therefore recommends that Canada prioritize preventing ChaldoAssyrians from becoming refugees through aid that would maintain the ChaldoAssyrian IDPs in Iraq.

Most of the ChaldoAssyrian IDPs first opt to head north when fleeing major cities. This is a reflection of the reality that most ChaldoAssyrian Christians originate from the north, particularly the Nineveh Plains. The Nineveh Centre for Research and Development, a local NGO and think tank located in the Nineveh Plains, used ration card registries and petrol station gas ration registries to enumerate the number of IDP families that arrived between January 1, 2006, and the end of September 2006—a period of nine months. They tabulated an influx of 3,859 families that were registered. This does not include a large number of families that did not register out of fear.

The Nineveh Plains, comprising the fertile lands that lay north, east, and southeast of Mosul, is singularly the largest destination point for Christian IDPs. While exact numbers are difficult to provide, even the refugees interviewed tell of their effort to head there first, and also to Dohuk and Irbil governorates.

In early 2005, the ISDP published its first needs assessment in the Nineveh Plains. At that time, approximately \$236 million was estimated for the development needs of the region. The Nineveh Plains was neglected by Saddam due to the lack of support for minorities living there. The economic hardships from Saddam's wars further ensured the lack of development there. Since the fall of Saddam, neither Arab nor Kurdish authorities have been committed to ensuring equitable development and redress for the Nineveh Plains. It was unable to viably support its population base before the IDP influx. Now, with thousands of families arriving there, it is completely destitute.

It follows that the Assyrian Society of Canada strongly believes that focusing aid on IDPs in the Nineveh Plains can prevent the disproportionate number of ChaldoAssyrian refugees. This is not to say we are opposed to accepting Iraqi refugees in this great country. In fact, the Assyrian Society of Canada is thankful for all the efforts made to accept and accommodate refugees, especially those who are considered to be individuals at risk. We simply accept the fact that the most feasible and efficient method of providing assistance is to help prevent the creation of refugees in the first place.

● (0920)

Focus should be placed on securing basic needs such as homes, potable water, access to food, education, and health care. This targeted aid will not only prevent IDPs from becoming refugees but will represent an essential and long-overdue humanitarian response.

Short-term aid needed includes non-food item relief along with essential staple foods to ensure that basic nutritional requirements are met. Mid-term efforts could then focus on employment, infrastructure, and essential services such as health and education.

Canada has the opportunity to ensure that the road to a new Iraq is not paved with ethno-religious cleansing of the ChaldoAssyrians. This represents a chance to ensure that pluralism remains alive and well in Iraq through the critical intervention to aid ChaldoAssyrian IDPs in the Nineveh Plains. Modest efforts that can be implemented today will make a difference overnight.

The Chair: Thank you very much, Paul.

Mr. Shmoil.

Mr. Mirza Shmoil (Chairman and Executive Director, Welfare Committee for the Assyrian Community in Canada): My name is Mirza Shmoil. I'm a Christian Assyrian originally from Iraq, but a loyal and grateful Canadian citizen. Our family came to Canada in 1968, and there were few Assyrian families in Toronto at that time. Today our population has increased to approximately 25,000 to 30,000 souls, and the majority have settled in Toronto, in the suburbs, while smaller communities exist in British Columbia, Alberta, Winnipeg, and Quebec.

I was personally involved in the first committees for the establishment of social and religious institutions for our growing Assyrian community. I'm pleased to say that we now have a beautiful building for our social club and an equally nice building for our Assyrian church, which holds approximately 700 seats.

For the last 25 years, I've been managing our immigration and refugee affairs as the chairman and executive director. In 1989, we registered our foundation as a charitable non-profit organization

called the Welfare Committee for the Assyrian Community in Canada. We are a sponsoring agreement holder, having an agreement with the Minister of Citizenship and Immigration Canada, which is renewable every two years. Our board of directors consists of five members.

With the removal of Saddam Hussein and the collapse of the Baath Party by the intervention of the American coalition forces who invaded Iraq to liberate the Iraqi population, the majority of the Iraqi people were relieved and hoped for a better and brighter future. However, there appeared groups of armed insurgents whose aim was to disrupt the newly formed Government of Iraq by murdering its new leaders as well as highly educated classes in the government. Not satisfied with this, these armed terrorist groups started targeting Christians working for the new government, as well as all those who were working for American and coalition enterprises in Iraq.

At the same time, there was a deep conflict between Shia and Sunni communities that affected the Christian communities very seriously throughout the country, in large cities such as Baghdad, the surrounding smaller communities, including the city of Dora, Mosul, Nineveh, Kirkuk, as well as the areas occupied by the Kurdish regional government. The result was that millions of Iraqis fled their country seeking asylum in the neighbouring countries of Syria, Jordan, Lebanon, etc.

Large-scale displacement of Iraqi civilians continued due to the ongoing violence, including direct raids, abductions, or killings in many parts of Iraq. The UNHCR estimates that some 2.2 million Iraqis are currently refugees abroad, and over 2.7 million are currently displaced inside Iraq. Among the refugees outside Iraq, it's estimated that at least one million are Christians of different denominations, Assyrians and other ethnic groups included.

It's reported that since 2003, about 33 Assyrian churches have been bombed. Priests and bishops have been kidnapped and tortured to death, and other Christian civilians have been beheaded or kidnapped for ransom money. Assyrian women are at great risk of being kidnapped and raped if they fail to obey the demands of the perpetrators of these savage crimes. Children have been scared to attend school for fear of being kidnapped by terrorists or criminal groups of fanatical Muslims.

It's also reported that the Mujahedeen, an armed Sunni group, along with the Omar Brigade and others, claimed uncontested control of different parts of Dora district, while threatening, abducting, looting, and killing residents with the aim of cleansing Christian Assyrians from Iraq, accused of being supporters of American and coalition forces, or because they are Christians—and the Assyrians happen to be the original residents of Iraq.

●(0925)

Christian Assyrians and other ethnic Christian groups do not have their own security to defend themselves against insurgent attacks, but merely depend upon Iraqi government sources for protection. Unfortunately, the government has no provision or ability to provide any protection to the Christian minority groups in the country. This is the main reason these unprotected Christian Assyrians have no alternative but to flee, leaving their homes to the mercy of fanatical armed groups, and seek asylum outside their own country.

The latest victims are of crimes that happened just within the last three weeks. First, a bishop was tortured and killed in the city of Nineveh, or Mosul, and just two days ago a Christian priest was murdered in front of his residence in Baghdad. No arrests for these crimes or for previous crimes have been made. It appears that the Iraqi government cannot protect its citizens.

The following are my recommendations:

With regard to Muslim Arab refugees outside their country, it is my sincere opinion that such refugees can be easily resettled in the neighbouring countries. If the Iraqi government forces and leaders are honest, then they should be all together with no discrimination between the religions. This is a better choice than the UN spending millions of dollars to keep the refugees in Syria and Jordan.

As regards the Assyrian and other Christian refugees outside Iraq, I feel strongly that they should be resettled in their own homeland in north Iraq, have their own self-rule, and be given the required security guaranteed by the United Nations as well as by the Iraqi government and Kurdish regional government.

The Assyrians and other Christians, being the indigenous people of Iraq, have been living in their own homeland for well over 6,000 years. I'm sure they'll be good neighbours to the Kurds as well as the Arabs in the country. Our preference for the resettlement of Assyrians and other Christian groups in the triangle area is self-rule under the name "Assyria", following geographic borders of the state of Iraq with Turkey and Syria. In the north are the international borders of the state of Iraq with Turkey and Syria. On the east it includes the Nerwa and Rekan region down to the Greater Zab River. On the west is the Tigris River, and to the south it is the point where the Greater Zab meets with the Tigris River.

The Assyrian administration region, if provided autonomy and self-government as in Kurdistan to the north, will be economically viable through the existing industries, as well as trade with neighbouring Syria and Turkey and through investment and the return of perhaps one million Assyrian Christian refugees who are presently outside Iraq and those who are internally displaced within Iraq.

With regard to those Assyrians and other Christian refugees presently outside Iraq who have lost their homes in Iraq and who do not wish to return to their homeland, we would suggest that they be considered for resettlement to Canada or other western countries where they happen to have close relatives already.

For those refugees who wish to come and join their families and friends in Canada, we recommend that our organization, as it is prepared and willing, provide sponsorship to those who have

relatives in this country over and above the present limit of 100 persons that we are allowed to sponsor a year, provided CIC considers sharing with us its responsibility based on JAS or a blended program similar to the programs granted by CIC to the Chinese, Karen and, more recently, Bhutan refugees.

In conclusion, I wish to convey my community's appreciation for inviting me to this meeting to discuss the Christians of Iraq and Christian Assyrian refugees. We are most grateful to the Government of Canada in helping us to sponsor and admit hundreds of displaced and desperate Assyrians and other Christian refugees to Canada, where they enjoy freedom, democracy, and a bright future for their children.

Thank you very much.

●(0930)

The Chair: Thank you, Mr. Shmoil, for your very good presentation.

Mr. Farhan.

Mr. Nabil Farhan (Canadian Chapter Chair, Mandaean Human Rights Group): Good morning, Mr. Chairman, and honourable members of the committee.

I represent the Mandaean Human Rights Group. The Sabian Mandaean community of Iraq is a small ethnic religious minority, which is one of the oldest gnostic religions and is the only living one still surviving in the Middle East. This minority is ethnically distinct from its Arab neighbours and has its own language and culture. The religion is independent from all other monotheistic religions and follows the teaching of John the Baptist. These are peaceful, knowledge-loving people. This peaceful religion prohibits violence in any form.

In the past, the Mandaeans have managed to coexist among their neighbours despite suffering incidents of persecution and government-imposed discrimination. However, since 2003, the Mandaeans have become the target of a sustained and violent campaign by insurgents and militia extremists. Accounts of murders, rapes, kidnappings, forced conversions, and financial exploitation committed against hundreds of Mandaeans in the last five years necessitates an immediate investigation.

Mandaean women suffer the most persecution at the hands of extremist insurgents and militia, who consider them products of treasure. The escalating kidnappings and rapes of Mandaean women have gone unpunished. Many families, young girls, and even children have been subject to forced conversion. In an effort to destabilize the country, the insurgent groups have purposely singled out and persecuted the Iraqi religious minorities. The Sabian Mandaeans are small in number and are not protected constitutionally or socially within Iraq, despite the constitutional reforms under the transitional and current governments.

Since their religion prohibits self-defence, the Mandaeans do not carry weapons and will not reciprocate these attacks. Instead, they choose to stand behind the rule of law, which currently is not protecting them. Furthermore, the Mandaeans do not have a particular area inside Iraq to which they can relocate for safety. Out of 60,000 Mandaeans who lived in Iraq, more than 80%, unfortunately, have fled the country, leaving their homes and occupations. Currently there are more than 12,000 refugees in the neighbouring countries of Syria and Jordan alone.

The United Nations articles on the protection of indigenous ethnic and religious minorities apply to the Mandaean situation. Article 2 of the Universal Declaration of Human Rights against genocide should be considered. There is a moral obligation for the free world, and particularly Canada, to take active and immediate steps to help prevent this small and peaceful community from becoming extinct. We implore the Canadian government to urge the Iraqi government to stop the insurgents and sympathizing religious groups from continuing the systematic attack on the ethnic and religious minorities in Iraq. We also ask the international community to press the Iraqi government to take active steps for the protection of the Mandaean community's culture, historic artifacts, and property, and to provide adequate funds to help Mandaean refugees.

We ask the committee to make the following recommendations to the Canadian government:

The Canadian government should create specific guidelines that recognize the plight of Mandaean people and give them priority as refugees.

The Canadian government should grant interviews to all the remaining Mandaean refugee seekers in Jordan, Syria, Yemen, and Indonesia.

The Canadian government should allow all Mandaean Canadians to sponsor their asylum-seeker relatives.

● (0935)

The Canadian government should encourage the UNHCR to find a humane and durable solution for those refugees who do not ultimately resettle in Canada. When Canada takes leadership—just as it has always done in situations like this—in recognizing this group, the UNHCR will be better able to apply consistent adjudication standards in the different countries that currently host Mandaeans.

Canada has always been compassionate when people have faced such dreadful and dangerous situations. I urge you to give this matter your urgent attention. These peaceful people are in grave danger.

I would like to finish by making reference to a report published by the Mandaean Human Rights Group in March 2008. It outlines in detail the crimes being committed on our people, from kidnapping to murder to rape. I would like to present that report to the committee. I do apologize that it's only in English. I've left a copy with the official here.

Thank you.

The Chair: We'll make sure that we have copies of it distributed in both official languages in due course. Thank you very much for

that, and thank you for your presentation. We really appreciate it. It was very good.

Are you ready, Mr. Telegdi, to ask some questions or to interact with the witnesses?

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Yes, Mr. Chair.

With regard to the community in Toronto, I'm sure the community has talked about the Iraqi refugees. How many people in Toronto would be able to be sponsors?

Mr. Mirza Shmoil: Our organization has a system whereby we find a member who is a resident of Canada and who is a relative of the refugee. We communicate so that instead of a refugee having to settle into a hotel or somewhere else, he can stay with someone. As long as there is someone who's a relative and who's willing to accommodate a person or a family temporarily until the new arrival has been able to find a job and can rent his own apartment, it's a plan with no problems at all.

We have been doing the sponsoring this way, bringing many refugees to this country, without any payments from the government for the first year.

Hon. Andrew Telegdi: Thanks.

I'll now defer to my colleague here, Jim Karygiannis.

Hon. Jim Karygiannis: Thank you.

Thanks to all for coming today.

I'm wondering if you could speak to how women are being treated in Iraq and to the disparities there for women of different religions. Are people forced to convert from one religion to another, with young women being abducted, held for ransom? If you could address that, I'd be appreciative.

The Chair: If anyone would like to step in there, feel free.

● (0940)

Ms. Alda Benjamin: I'd like to make a comment about the first question too. We have to realize that when we're speaking about Christian refugees, we're talking about more than 20% of the Iraqi refugees, more than 400,000 people. Just resettling refugees in Canada will definitely not solve the problem. That's one thing we can do, but that's why we stressed the other things Canada should be doing to help prevent the refugee problem. We will not be able to bring four million people to Canada.

In terms of women, Christian women—and I'm sure the same applies to Mandaean women and other minorities—are very much targeted. We know that in war zones women and children are usually the first targets, but when you are an ethnic and a religious minority, the discrimination is doubled and quadrupled against you.

For instance, we know, from my correspondences with the ChaldoAssyrian Student and Youth Union of Iraq, that a few years ago they were given leaflets at one of the universities—University of Mosul, to be specific—where they were asked to wear the hijab; if not, don't bother coming to school. This was done extensively. There are thousands of women who go to school, so a lot of them stopped going. We know some of them had acid thrown on their faces for coming without covering up or wearing the hijab—the Islamic dress—so there are a lot of things like that.

Even the international community is not really taking the role of women strongly. For instance, when I was in Iraq, in the Nineveh Plains, I visited some of the Assyrian women's union centres, and we see that even the aid they're given does not address their situation very much or help them really empower themselves. In one centre I visited, they were given exercise machines and blow-dryers to teach them, I don't know, how to style their hair and cut their hair. I'm not sure how that's significant in the situation they're facing right now. They don't even have enough food, they have no protection, and you're giving them exercise equipment?

The Chair: It doesn't seem very appropriate, does it?

Ms. Alda Benjamen: No, not at all.

The Chair: If there's anyone else who would like to make a comment, feel free.

Mr. Mirza Shmoil: I'll just add to the question of the women at risk. I think it is because the insurgents know that the Christians have no protection, so they take the risk of kidnapping—or whatever they want to do—just for money's sake or because they know there's nobody to protect them. Also, unfortunately, they think that the Christians or Assyrians are pro-American and coalition forces, so they feel they're doing a duty to their country by just causing problems for smaller groups, really.

The Chair: Thank you.

Mr. Farhan, go ahead.

Mr. Nabil Farhan: Thank you very much.

First, to address the question with regard to sponsorship, the number of Mandaean who live in Toronto is around 400 to 500, so in terms of sponsoring, they'd be more than happy to do whatever they can. But be realistic in terms of what their contribution could be for the number of possible refugees that we hope Canada would accept. That would be the issue.

In terms of women—as I said in my opening remarks—Mandaean women have been targeted, and as my colleague here says, it's because they're a minority and they're easy targets. First of all, they don't consider them human, so they use them for pleasure or whatever.

I should refer to my reports. I have a list of Mandaean women who have been kidnapped. Of course, for obvious reasons, we don't disclose the actual names of the women because of the cultural thing in the Middle East. In May 2003, Ms. B.A.Z., a Mandaean girl, was kidnapped and assaulted. Again, in May 2003, Ms. N.S.S., a Mandaean girl, was kidnapped in Baghdad. In July 2, 2003, S.L.R., age 29, was kidnapped in Baghdad and has not been seen since.

The list goes on and on. It's committed every day against Mandaean women. As I said in my opening remarks, we are forbidden to carry arms—we are a very peaceful people—and the government does nothing to protect us.

• (0945)

The Chair: Thank you.

I guess we'll go about five minutes—Bloc, NDP, and Conservatives. That will bring us up to the full hour.

Go ahead, Mr. Carrier.

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Thank you, Mr. Chairman.

Good morning, ladies and gentlemen.

It's always a bit sad for us Canadian citizens, who have lived without the problems you've had in your country, to hear that. We are well aware that we must make an effort to help you.

However, according to the statistics, Canada received only 190 refugee claims from Iraq in 2006. I don't think that's a lot. Is that because there aren't a lot of Iraqi refugees who would like to come to Canada? Would there be more claims if it were possible to take in more?

[*English*]

Mr. Nabil Farhan: Actually, that's a very good question.

The answer to that is that if you ask UNHCR, they will tell you the numbers of refugees waiting for countries to accept them. If Canada were to open the doors, I guarantee you that the numbers would be a lot higher than that. The question is, to be honest with you—and this is the experience of Canadians who would even sponsor their families here—Canada is really lacking in reacting and trying to accommodate people. When people sponsor their families.... I know of a member who tried to sponsor their parents, and it took two and a half years.

Actually, a lot of Iraqis...and I don't know if this is true, as I'm talking of Mandaean, but I'm sure it's the situation with other Iraqis. Canadians unfortunately are closing the doors on them. They are not listening to them. They are not really accepting them, because of what they hear. So what I urge the committee is to ask the UNHCR and see how many...because I can tell you there are thousands of Mandaean waiting for countries like Canada to take them.

[*Translation*]

Mr. Robert Carrier: So I take note of the fact that Canada could be more open to accepting new Iraqi refugees.

Does someone else want to make any comments?

[English]

Mr. Mirza Shmoil: If I may, there are lots of refugees who do not have any relatives in Canada. So if Immigration Canada really shares a little bit under the JAS program, or a blended program, there would be some early-stage financial assistance for these people until they are able to find jobs. There are lots more who are waiting and really desperate to get to Canada.

Our communities are able to look after them. Especially in our case, our organization has been doing that for the last 20 years, bringing people over without any problems. We are responsible for the first year, so they don't have to go to welfare.

[Translation]

Mr. Robert Carrier: Based on the comments of the previous groups, the emphasis should at least be put on sponsorship cases, with a view to accelerating the arrival of parents or children of individuals who are already in Canada, which would promote family reunification.

[English]

Mr. Mirza Shmoil: The family class is a different thing. There's no problem in sponsoring under the family class, because the member of the family is here in Canada. There is no need for the communities to be involved.

The main problem is that we want to sponsor those who do not have a close relative—just friends and distant relatives—so that we can bring them here.

• (0950)

Ms. Alda Benjamin: I concur with the two points made. They were very good, but if I can, I'll add a third point.

Many of the refugees might be looking to the international community to do something, to see Iraq become better so they can resettle. If in a few years they see that nothing is changing, you will see many more applications being forwarded to Canada, but if something can be done, the number can be prevented.

The Chair: Thank you, Mr. Carrier.

We'll go to Ms. Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): I want to focus specifically on numbers, the immigration committee numbers. In the past, it has been about 500 to 800 refugees from Iraq per year. The recent announcements brought it up to 2,000. We've heard that the number of people in refugee camps outside Iraq is close to two million. What number do you think would be appropriate in terms of the number of Iraqi refugees Canada should bring into Canada per year? That would include, I would imagine, those who don't fit under family class. So if you could look at the entire Iraq program, it would be the brothers, sisters, uncles, and aunts who right now would not fit under the family class application.

What number do you think would be appropriate?

Mr. Nabil Farhan: I would answer this way. If we look back, we can find out what Canada did in other situations.

A voice: Look at the boat people.

Mr. Nabil Farhan: They took 30,000, 40,000, or 50,000 in a situation where there were fewer than one million refugees. Now we have four million refugees and we're taking 2,000.

What number? It should be in the thousands, from the point of view of Mandaean refugees, who, as I said in my opening remarks, are the most vulnerable people. We have 12,000 stranded in Jordan and Syria. They are talking about proposing a safe haven for the north. Mandaeans cannot settle there. It is not like our brethren Christians who have roots and have villages and have history there. Mandaeans don't have that.

So to answer your question, Canada should look back and see what Canada did in situations like this. It would be in the tens of thousands, in my opinion.

Thank you.

Mr. Mirza Shmoil: With regard to the number, it's difficult to say at this end how many people would be coming to Canada, but it is a very simple matter to find out how many there are, because every refugee registers with UNHCR where he wants to resettle. That can be found from UNHCR sources in Syria and Jordan.

Ms. Olivia Chow: I know the number. That wasn't my question, though. The registration is one thing, but the target number per year is something different. That is set by the minister and by the government.

Yes, I do understand the history of the Vietnamese refugees, for example. There were tens of thousands who came within a period of time.

One percent of two million is about 20,000. I don't know what people think of that.

Mr. Mirza Shmoil: Excuse me, the main thing to remember is that we would very much like to see Assyrians settled in their own homeland so that they don't have to come to Canada or to other outside countries. But there are those who have lost their homes, and they are desperate. There are people who want to come. Now is the critical period. It's not a question of what percentage every year, because maybe in two years' time, when Iraq is stable and quiet and everybody is settled down, they won't be coming here. There is no need to give figures for the next four-year period.

A voice: Maybe in 20 years.

A voice: Will it be next year?

• (0955)

Mr. Paul Baba: I tend to agree with Mr. Shmoil in terms of our first choice being to have the refugees settled back in their homes. But I agree that you'd be looking for a target number that the minister could set for the number of refugees that would come to Canada. We need to look at Canada's responses in the past and make sure that the response now is fair and equitable in terms of previous responses and what Canada is capable of taking in.

Ms. Olivia Chow: In your opinion, is it fair and equitable?

Mr. Paul Baba: I don't know the exact numbers for the other ethnic groups of refugees who have come to Canada, in terms of how many refugees there were and what percentage were brought into Canada. So without knowing those numbers, it would be hard to say that it's fair and equitable, but it sounds a little bit on the light side.

The Chair: Good. Thank you, Mr. Baba.

Ms. Alda Benjamen: Can I add something?

The Chair: Go right ahead.

Ms. Alda Benjamen: I have a formula. I'm not going to give you any numbers, because again I'm not a specialist in setting these numbers. However, I believe a formula should be followed—it's very easy—in regard to the ChaldoAssyrian Christians, at least.

For every ChaldoAssyrian Christian who is admitted to Canada, you need to make sure that one ChaldoAssyrian Christian in Iraq does not become a refugee. That's one thing we need to keep in mind here.

I know this is a citizenship and immigration committee, but you need to be working with someone else to make sure the ethnic cleansing in Iraq is stopped. So for every one who is admitted here, make sure that another one does not become a refugee, is not killed, is not raped, is not persecuted.

The Chair: That's a very good point. Thank you.

Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair.

I would like to thank all of you for coming here, and thank you so much for your presentations. We really appreciate that. At the end, if you could give a copy of your presentations to Mr. Chair, we would really like that.

The Government of Canada continually monitors the situation in Iraq, and Canada is also concerned for the estimated two million Iraqis who left Iraq for neighbouring countries, as well as 2.4 million others who are displaced within the country. So given the magnitude of the displacement and its impact on neighbouring countries, I do agree that it is important for other international countries to participate in resettlement efforts.

The Canadian International Development Agency is active in that area. I think all of you should be aware of that. They are providing both reconstruction and humanitarian assistance in that area and responding to the appeals of organizations such as the UNHCR.

Is CIDA doing enough there? That's what we would like to know.

Mr. Nabil Farhan: I could say on behalf of our community that the answer is zero. We've seen nothing.

What I'm saying is that they're doing construction, but we're now facing genocide. So the question is, what can CIDA do to protect them? The question here is, how can we protect these people, and how can we bring them to safety?

So to answer your question, actually, unfortunately it's not helping here. I mean CIDA is trying to help in the construction, but it cannot help in the security situation and the refugee situation.

Mrs. Nina Grewal: And which other countries are accepting these Iraqi refugees?

Mr. Nabil Farhan: In particular, Syria and Jordan are, because they're neighbouring countries. I think these two are.

I think it would be a good idea to give more money to the UNHCR to fund NGOs to help those refugees with schooling and health.

It's a deplorable situation. It's really miserable for refugees. I'm talking about Iraqis in general, but Mandaeans specifically, because they don't have an international organization that really gives them a hand at all. These people have basically sold whatever they had and are spending their savings. So it would be a good idea, for example, for the Canadian government to fund the UNHCR or other NGOs to help those refugees who are in Jordan and Syria currently.

Mrs. Nina Grewal: Mr. Chair, I'll pass my time to Mr. Komarnicki.

The Chair: You have two and a half minutes.

Go ahead, Mr. Komarnicki, and then you can make a point as well, Ms. Benjamen.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you.

I see, Alda, that you have a point you want to make, and I'll stop a little short to give you that time. And I appreciate what you said in terms of their need for infrastructure, food, and jobs. That's the main thing.

Obviously, as Paul Baba said, Canada is a shining example when you compare it to what the rest of the world is doing. We take about one-tenth of the refugees into the country, and we've increased the number of Iraqi refugees by more than 50% for 2008. But more can and perhaps needs to be done, and it's a question of how you do it.

I find interesting some of your comments that we use sponsorship because it's obviously cost-efficient. We certainly need to look at that area.

But one of the things you've said today that we haven't heard, or at least I haven't heard, in these hearings is about looking at the potential of resettling the many who are outside the country. When you compare what we're doing worldwide for refugees to the numbers of those who are displaced, it's really a drop in the bucket in simple terms. But to try to resettle the people and maybe use the resources to provide the infrastructure for that to happen—is the country in a position where realistically that could happen in the short term or the near future? That's my first question.

Perhaps, Alda, you can finish off with what you had in mind, and then I want to hear from Mirza, if I could.

And I realize that you get a balance.... We've put some \$400 million to date into helping out in that area. You might be wanting to put that into Syria or Jordan, or actually into working in the resettlement area itself.

Go ahead.

●(1000)

Ms. Alda Benjamen: That's a very good question, sir. I will also make comments to address what Ms. Grewal asked.

CIDA hasn't really done anything to help the minorities of Iraq. On whether Canada can resettle, we can share reports with you that civil society organizations on the ground have broken down. The specific needs that will help our people stay in Iraq and others come back include projects for food, projects to build homes—a lot of things.

Thankfully, the Christians of Iraq, the ChaldoAssyrians, have many areas, but they are the indigenous people of the Nineveh Plains, where they have roots and monasteries dating back to the seventh century. So there is a huge connection. If Canada invests in areas like increased security...there is no police force there. If Canada invests in building infrastructure and building homes, things will change. It's a very fertile area. Farming is a huge investment for Canada, and it will change.

I can share reports with you. I didn't bring them because they weren't in French, but we can give you detailed reports on what civil society organizations in Iraq are saying.

Mr. Ed Komarnicki: I appreciate your passion on that.

I want to hear from Mr. Shmoil before we close. Thank you very much for your presentation.

Mr. Mirza Shmoil: In my opinion, any money spent by Canada or the United Nations would have better value if it were spent on resettlement, especially of the Christians in the north of Iraq. Then you wouldn't have to spend money in Syria and Jordan to keep the refugees in that situation.

Mr. Ed Komarnicki: Do you feel that's a possibility security-wise ?

Mr. Mirza Shmoil: Yes. If we are given self-rule in our homeland and money is spent for the resettlement of Assyrians and other religions into that area, that is very important.

It's never appreciated that Assyrians joined the allies in World War I and World War II and sacrificed thousands of people for democracy and the Allies. We always think that America, England, and to a lesser extent maybe Canada, owe the Assyrians a great deal and should help them in whatever way they can.

That's my opinion.

The Chair: We'll give a final comment to Mr. Farhan before we wrap up.

Mr. Nabil Farhan: Thank you very much.

I want to emphasize that the option described by my colleague probably works for Assyrians, but it does not work for Mandaeans because Mandaeans don't have that option, those roots. So it's very critical that we look at this minority. It's facing genocide, and 80% have been uprooted from the country and cannot go back. Their homes have been destroyed.

So it's our duty to help them settle here. Also if we have money left, try to spend it on the NGOs that help Mandaeans in Syria and Jordan.

●(1005)

The Chair: Thank you.

I wish we could give you more time. An hour goes by very quickly. But we have other panels waiting to come on. Your presentations were very good, very interesting indeed, and we thank you for them. We'll be making recommendations to the government based on what we've heard you say.

We'll now take a short break.

●

_____ (Pause) _____

●

●(1010)

The Chair: We're a little bit off schedule, but that's okay. We'll try to get our committee members back at the table again.

I want to welcome our second panel today. We have here, from STATUS Coalition, Amy Casipullai, who is the policy and public education coordinator for the Ontario Council of Agencies Serving Immigrants; and Francisco Rico-Martinez, a very familiar face here, who is co-director of Faithful Companions of Jesus Refugee Centre; from No One Is Illegal, Macdonald Scott, who is a certified immigration consultant with Carranza Barristers and Solicitors of Toronto; and Kirpa Kaur, an activist.

Welcome to all of you. You all know how the committee operates. I'm sure you have a seven-minute opening statement, and then we will go to committee members to interact and ask questions.

Will we go first to you, Amy? Thank you.

Ms. Amy Casipullai (Policy and Public Education Coordinator, Ontario Council of Agencies Serving Immigrants, STATUS Coalition): Thank you, Mr. Chair.

First, I want to give you regrets from Avvy Go, a key leader in the STATUS campaign. She had fully intended to be here, but unfortunately, with the last-minute time change due to the committee's schedule, she couldn't be here. So we'll try to do the best we can in her absence.

I want to start by giving you a very brief background on how the campaign came about. We have had the opportunity to appear before a previous standing committee, but a number of the members of this committee are new.

The campaign first came together around 2000, so several years ago. Really, it was a move prompted by employers in construction, the carpenters' association and a number of unions involved with construction work, and a number of organizations working with immigrants and refugees, primarily in Toronto. Lawyers and people working in the legal field came together because almost all of these very different constituents noticed that there was a tremendous rise in the number of people without status, primarily in Toronto but also in cities such as Montreal and Vancouver. At that time, in 2000, we had identified this growing population as something that the government, we thought, needed to pay attention to and to look at what in our immigration policies actually contributed to creating this situation and what facilitated it.

In 2002, we had a change in legislation with the introduction of the IRPA, and we started noticing that the situation was exacerbated. In fact, with the new legislation, there was no process to deal with the existing non-status population in Canada, which has continued to grow, based on what we can see.

You must understand that given the nature of the population, it's very difficult to obtain accurate figures on the actual number of people, but at some point, I believe around 2003 or 2004, the *Toronto Star* reported that they estimated it was around 200,000 people across Canada. That was several years ago. We believe that number would have surely grown since then.

What we brought with us is the proposal for regularization of individuals and families without status that the campaign put together and launched in June 2006. We have reviewed it since then. Nothing has changed significantly for us to change our proposals in this document. We brought copies in English and French.

I'll just quickly go through it, because in a few minutes Francisco will go into some of the highlights of that proposal.

• (1015)

The Chair: So you'll be sharing your time with Mr. Rico-Martinez.

Ms. Amy Casipullai: That's right.

The Chair: Okay, thank you.

Ms. Amy Casipullai: We'll also offer a number of other suggestions that relate to the topic under study.

The proposal essentially looks at the existing regulations, the existing legislation. What we suggest is that there are things the government can do right now without a legislative change. There are processes that exist in our current law. We also try to look at who exactly we mean when we talk about people without status and how they came to be in that situation. I don't want to go into it in too much detail, but it does deal with the situation of refugees, as well as the situation of people who are not refugees—sponsored family members or family members who came through other means, women who have been trafficked, seasonal agricultural workers, and live-in caregivers. All these people have, for the most part, entered Canada legally, one way or the other, through one or another of Canada's various programs, but due to circumstances and the complications of legislation and procedure, have become out of status. Almost all of them have, without a doubt, continued to work

to support themselves in Canada, because they are often not eligible for programs and services.

So again, everything we propose in the document we believe can be accomplished without an extraordinary investment in resources by the government and can certainly be facilitated by community organizations that work with these populations.

I'll stop there and let Francisco continue.

The Chair: Thank you very much.

Francisco.

Mr. Francisco Rico-Martinez (Co-Director, Faithful Companions of Jesus (FCJ) Refugee Centre, STATUS Coalition): Good morning. It's always a pleasure to be in front of the Standing Committee on Citizenship and Immigration.

I will basically touch base on two issues that are going to affect the work we do with non-status people and temporary workers. The first one is about immigration consultants, the Canadian Society of Immigration Consultants. We have a serious issue there, because this organization is a non-profit organization, and there is not a creator of status, so they don't have any power in court or anything. Basically, the decisions they make and the investigations they make are not enforceable.

The situation we have inside the CSIC is terrible. We just want to ask the committee to take a look seriously about the creation of a creator that is in the law and has the powers to regulate inside Canada, outside Canada, and people who are not only members of the association.

Most of the people we serve in our communities have been destroyed by immoral consultants, and we don't have any resources to deal with that. By the way, the RCMP, the police, CBSA, and Immigration Canada don't do anything to stop this situation. We report the cases directly to them, and they don't do anything because they believe that is not the priority.

The other situation you will have to deal with, if you deal with non-status people and temporary workers, is the situation of the immigration consultants overseas. This is the main issue for temporary workers: the people are agents who aren't scrutinized, and they have contacts with the embassies and everything, and they corrupt the system of immigration to Canada on a temporary basis or any other basis.

We make a very small point about the Canadian Society of Immigration Consultants. We have been asking the government to take a look at the society, and it doesn't do anything because it's not a priority. Maybe the standing committee can really do something to scrutinize and do an audit of that society, even though it is non-profit and they go behind that; they protect themselves from that particular situation.

The other thing that is necessary to mention is that we want to ask the parliamentary standing committee on immigration issues to use its wisdom and maturity to do something about Bill C-50. We believe you did the right thing, calling meetings for consultations about every issue you take care of, because you want to have different perspectives. It is, in our opinion, very sad to see how the other changes are changing the whole shift of Immigration Canada and destroying the criteria in the law. It's going to be, may be legally passed, and the committee is not going to have anything to do. I don't know if the committee can call and ask to analyze this bill in their hands. You have the expertise in the area.

Let me finish by saying that we realize Bill C-50 is going to affect non-status people. It's about the backlog. The backlog is related to the people we have inside Canada. They are not dealing with humanitarian applications inside Canada; they are not dealing with any situations of non-status people applying for temporary work inside Canada. Basically what they are creating is this: the backlog is going to increase, because the issue will be that more temporary workers are going to apply to come to Canada. Now we have 500,000 applications for temporary workers. We're going to have maybe double that, and we don't have the resources to deal with that situation.

So please intervene and do whatever is necessary to stop this bill from happening.

• (1020)

The Chair: Thank you. That was nine or ten minutes.

Just to comment with regard to Bill C-50, the committee is going to be looking at that in due course. I think all members, Conservative, Bloc, Liberal, NDP, have agreed that we need to look at it. It is going to happen.

Mr. Scott.

Mr. Macdonald Scott (Immigration Consultant, As an Individual): I'm here to speak briefly about temporary foreign worker permits and temporary foreign workers, and then my colleague Kirpa Kaur will be tying that in as well with some critiques of Bill C-50

Currently temporary foreign work permits, as you're probably aware, are available in a variety of areas. Most involve the obtaining of a labour market opinion from Human Resources and Skills Development Canada, except in a few areas mainly relating to higher-skilled jobs, like jobs under the NAFTA agreement, the GATT, IT jobs, etc. The exceptions in the lower-skilled jobs right now include the live-in caregiver program and the seasonal agricultural worker program. The low-skill program that we had for a while is basically dead at this point.

So essentially you end up with permits in low-skilled jobs being available only where there's a job shortage, with not enough Canadians to fill the position. I'll tie this into Bill C-50, but I think this is going to become more and more a common practice—the issuing of temporary foreign work permits under the Conservative government. Our problem with temporary work permits is that because workers are not permanent residents their rights are greatly diminished. If they complain about their employer, the employer can fire them. They can apply for a new work permit while in Canada,

but that can take up to four to six months, and in the meantime they can have their status revoked and they can be removed.

In my firm we've had a number of recent cases, and I'd like to draw just anecdotally the case of Ashok and Navin, who came here to work for a religious establishment as cooks. They're working 12-hour days, being paid less than minimum wage. When Ashok actually burned his arm while on the job, from a grease pan, he was kept on the job, had to work with just basically a rag wrapped around his arm. Their passports were held by their employers and basically they were forced to make...I wouldn't say a false refugee claim, but basically a refugee claim without merit because they had no other way of keeping their status once they left their employer, and that's what we're looking to in the future.

As the Conservative government issues more temporary foreign work permits, what we're going to see are more people in these situations where they can't complain.

Now, we do have the exception. We have the live-in caregiver program, where of course live-in caregivers can apply for permanent residency after fulfilling two out of three years working in their area, but even there we see terrible situations. We have clients come to us all the time who have had to leave an employer because of terrible situations of sexual abuse. They haven't been able to get a new work permit for four to six months. When the three years are up, they don't fulfill the 24 months, they don't get their permanent residency, and the Federal Court and CIC have offered very little leniency in these situations.

So we're looking at a situation, I think, with Bill C-50—and again. Ms. Kaur will speak more about Bill C-50—where essentially what we're going to be doing is creating two different tiers of immigration. We're going to be creating a situation—and this is also with the Canada experience class, I would add—that allows you to apply after two years in Canada working in a high-skilled job for permanent residency. We're going to be offering permanent residency with all its commensurate rights, privileges, and access to services to those who come from middle and higher classes, upper classes, and preferably from north countries. Then we're going to be offering a sort of serf status, almost, to those who come to lower-skilled jobs, those who come from south countries, those from poor and working classes in other countries.

I would just put this to you. Is this the kind of Canada we want to create: a Canada where there are two classes of people; a Canada where we have an underclass of people who have no rights on the job, suffering through terrible positions like Ashok and Navin suffered through, and then a Canada where we have people in higher-skilled jobs who have rights, access to services, access to status? I would put it to you that this is the direction we're headed in, and I think this committee needs to intervene and make sure this is not the direction we end up in.

I'd turn it over to my colleague.

• (1025)

The Chair: Okay.

Ms. Kirpa Kaur.

Mrs. Kirpa Kaur (Activist, No One Is Illegal): Good morning. My name is Kirpa Kaur. I am a student at the University of Toronto in the equity studies department, a youth crisis worker, and an executive in the Sikh Activist Network.

I'm speaking on behalf of the Toronto, Ontario, No One Is Illegal contingent today. No One is Illegal is a national organization consisting of chapters in six major cities of Canada. My speech today is in solidarity with their voice, mandate, and demands.

We mobilize with immigrants, refugees, workers, trade unionists, students, activists and—

The Chair: May I just interrupt you for a moment? You're going a bit too fast for our interpreters, so if you could slow it down a bit we'd appreciate it.

Mrs. Kirpa Kaur: That is no problem.

We mobilize immigrants, refugees, workers, trade unionists, students, activists, and community members to demand justice and dignity for all immigrants, migrants, and refugees.

We continue to fight against the Conservative government's ongoing attacks on migrant communities. The last year has seen unprecedented targeting of refugees in sanctuary. Asylum seekers have been arrested in schools, workplaces, and even hospital beds. Families have been torn apart. Over 12,000 friends, family, and community members have been deported in the last year.

We continue to mobilize against deportations. We outreach to students, workers, and community members about the need for a full, inclusive regularization program. And we join in solidarity with our allies to fight against poverty, the exploitation of workers, and the conditions that cause displacement, such as war and occupation, corporate terrorism, plundering, and economic market hijacking.

We have forced immigration enforcement out of Toronto district schools and inspired front-line community workers to take up the struggle for access without fear. We have fought for and won a full "don't ask, don't tell" policy in many community agencies.

Today I'm here to speak on the alarming discriminatory, racist, and violent amendments being made to the Immigration and Refugee Protection Act through Bill C-50. As Eva Mackey has stated in *The House of Difference: Cultural Politics and National Identity in Canada*:

Nationalism often depends upon mythological narratives of a unified nation moving progressively through time—a continuum beginning with a glorious past leading to the present and then onward to an even better future. These mythical stories require that specific versions of history are highlighted, versions that reaffirm the particular characteristics ascribed to the nation. In Canada, nationalist myth makers draw upon particular versions of national history to explain the nation's "fairness" and "justice" today.

It is the responsibility of the decision-makers of the present—that's you—to reflect insightfully upon Canadian history and make sure that mistakes are not made again.

The series of amendments being made through the Immigration and Refugee Protection Act in Bill C-50 will allow the immigration minister absolute, subjective, and arbitrary power to reject and/or deny any migrant applications. Currently, the act states that anyone who meets the myriad discriminatory and class requirements shall be granted status. However, under the proposed changes, regardless of

whether or not you meet the requirements, you can be rejected, no questions asked, and have no appeal. I am speaking here to proposed subsection 11(1).

Further, the bill will allow for official quotas to be implemented on how many migrants Canada wants, from which category of application, and from which country. The stats since the 1970s, since the implementation of the NIEAP, the non-immigrant employment authorization program, already show that there have been fewer and fewer migrants granted immigration status versus increasing temporary worker status or no status at all. Now with official quotas being put in place, this legitimizes this process. So instead of a system in which we have each and every individual application regarded within an unbiased and humane framework, we'll be looking first at which country this person is applying from, checking then that they make the cut-off line, and then cross-checking that they are not one too many in the category in which they are applying for status. This process allows for racism and classism to be organized under the neat titles of logistics and economic strategy.

As has been stated in the United Nations High Commissioner for Refugees handbook, the *1951 Convention Relating to the Status of Refugees*, it is important to note that most people who are seeking to migrate from around the world today are doing so because they are being pushed to leave their homes for survival. They leave their communities, families, histories, friends, and lives behind not in pursuit of more opportunities but of an opportunity.

For many and most, it is a matter of simple survival, and this situation, ladies and gentlemen, is inherently tied to the reality that it is our Canadian corporate companies that are forcing themselves upon the lands and homes and economies of these people. We do house the greatest and largest mining firms in the world. If they are leaving their homes, it is because of us.

It is in the case of war that millions of refugees have had to flee countries, as in Afghanistan, Iraq, and Haiti. These are just three recent examples of the Canadian hand in displacement.

● (1030)

The Chair: Can I just interrupt here? You've gone over 10 minutes now. I have about 28 minutes, which allows seven, seven, seven, and seven minutes. I think you'll have an opportunity to make some of the points you didn't make in the Q and A. So can I shut you down and go for seven minutes? That's fine.

Mr. Telegdi or Mr. Karygiannis, you decide who goes first.

Hon. Andrew Telegdi: Thank you very much, Mr. Chairman.

We wanted to talk about Bill C-50. We wanted to tour on it. We proposed a week ago Monday that we talk about it, and the Conservatives strenuously objected that it was not the purpose of this tour. I am glad to see they changed their mind on this issue.

We have a horrific problem. Under Bill C-50, the minister gets all the power. But don't kid yourselves—I've been here ten years on this committee, and we have had seven ministers—when you say the minister has the power, you say the bureaucrats have the power. The proposal as to what they're going to do—take an objective system and totally turn it on its head—is totally unacceptable in the kind of society we have built.

It reminds me of the time in our history when we brought in the Chinese to build the railway, and then of course, when the railway was built, we were going to get rid of them. We're doing the same kind of thing with temporary foreign workers who are low-skilled and who come here indentured, and the problems go on and on.

I know you have a great deal of expertise on the issue of undocumented workers; I have worked with some of you folks in the past on that. The reality is that we had a point system that was changed, that essentially barred people the economy needs. It drove the need for undocumented workers. It drove the demand. You said 500,000. I think that is probably the correct figure versus the 200,000.

Essentially it's the result of the screw-up by the bureaucracy, because it wasn't the minister who changed the point system; it was the bureaucrats who changed the point system. The ministers allowed it to happen because they didn't know any better.

We've really got to come to terms with the undocumented workers, because we're spending resources, which should be spent on processing, rounding these people up and getting them out of the country. The regularization was being put in place. Had the previous government not fallen, we would have dealt with that issue.

This government comes in and listens to the mantra of the bureaucrats, which is “We don't reward cheaters”, and then proceeds to spend good money to get rid of undocumented workers when we could be regularizing them. They already fit. We see the ones who are being deported getting booted out of the country. And then what do we do? We spend a lot of money to bring them back again. This doesn't make any sense. I think we really need to have political will around it. It will take education, because the bureaucrats will repeat the mantra, “We're not going to reward cheaters”. It was the bureaucratic screw-up that caused the demand for those undocumented workers.

We're going to come back and debate Bill C-50, because I think it so significantly alters the whole characteristics of what we finally got to, having an objective system that is not racist, that does not allow the government to differentiate, and goes back to the dark period of our history, if you will.

Comments?

• (1035)

Mr. Francisco Rico-Martinez: I have been working with immigration refugee agencies in Canada for almost 19 years. What you see in Bill C-50 and what you see in Bill C-17, and you hear presentations about it, is basically the dream come true of the bureaucrats. It is the position we have been listening to from the bureaucrats of Immigration Canada for the last 18 to 20 years. They want to have power to reject applications. They want to have power to not accept them, ignore them, screen them, whatever.

I am repeating what you said, but that is basically the position of the NGO sector. We are basically receiving, in the form of a bill, the position of the bureaucrats of Immigration Canada every time, and now we receive Bill C-17 and Bill C-50, or whatever.

The Chair: Mr. Karygiannis. Two and a half minutes, please.

Hon. Jim Karygiannis: Thank you. I'll make it very quick.

The minister yesterday, in the House, stood and said that we have decreased the reunification time by 40% and we're bringing families into Canada sooner. That is total hogwash. Instead of decreasing it, they're increasing it. In the year 2007 there was another increase of 7.62% in the length of time it takes to process applications. The number of people coming into Canada between 2005 and 2007 dropped by 25,547 people.

Indeed, we have this piece of legislation, and the parliamentary secretary yesterday, in this committee, did some grandstanding, if you want—and we certainly clapped for him—and said that we should have this brought to the committee and studied until May 7. This committee goes back on April 28. It has four sitting days.

My question to you, as stakeholders, is this. Can this committee invite petitioners, invite lawyers, invite the ministers and study Bill C-50 in four days?

Your comments?

Ms. Amy Casipullai: I'm sorry, I guess I was facetious.

The Ontario Council of Agencies Serving Immigrants, which is a member of the STATUS campaign, wrote a letter to Prime Minister Harper requesting him to take a serious look at this. That's because immigration is very important to Canada. We think it's far too important a subject to be dealt with in such a cavalier manner.

It's a question of taking adequate time, but it's also a question of using the expertise at hand, namely the committee here, to use the resources Canada has to make wise decisions that will have a long-term impact.

Hon. Jim Karygiannis: But you are the resources. You're the stakeholders. You're the ones who need to be invited to discuss this particular installation.

Ms. Amy Casipullai: And we've been silenced.

The Chair: Okay. There are 10 seconds left.

I'll go to Mr. St-Cyr, seven minutes.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Thank you very much for being here.

I won't speak at length about Bill C-50 because the Bloc Québécois isn't in favour of its immigration provisions and will vote against it. The NDP will do the same.

I find it somewhat curious that the Liberals are so scandalized by those provisions. If they find them so scandalous, they should merely vote against them, and we wouldn't need to debate this in committee. We would simply reject the negative provisions and we could move on to something more constructive.

At some point, being political men and women, we have to go beyond political show and be consistent with our convictions. When the time comes to rise in the House, let's rise and say that these provisions are unacceptable, and then live with the consequences of our actions. Politics is more than show.

That said, I want to go back to your address. Mr. Rico-Martinez mentioned the Canadian Society of Immigration Consultants. He said that, for the moment, it wasn't easy to exercise real control over immigration consultants. That's not the case of all immigration consultants, but some of them, who are not very scrupulous, simply exploit individuals who are fighting for survival or, at least, to improve their lot.

I'm an engineer, and I belong to the Ordre des ingénieurs du Québec, a professional association regulated in Quebec. It doesn't have a mandate to see to the welfare of engineers, but rather to that of the public. Above the Ordre des ingénieurs du Québec is the Office des professions du Québec, which oversees all professional associations and intervenes when an engineer is at fault. However, there is no structure of that kind for immigration consultants.

Would the public be better served if the profession of immigration consultant were regulated by provincial governments, which already know how to go about ensuring that the professions regulate themselves properly, instead of leaving that up to the federal government, which clearly has neither the jurisdiction nor the knowledge, nor even the desire to intervene in this field in order to establish truly effective regulation?

• (1040)

[English]

Mr. Francisco Rico-Martinez: In Ontario, there is a law that now regulates paralegals, and they are regulating them. Paralegals have to be members of the Law Society of Upper Canada. This is going to create an issue with the Canadian Society of Immigration Consultants, because if you're recognized as a paralegal, why are you not recognized under the Immigration and Refugee Protection Act to do work and represent people before the Immigration and Refugee Board of Canada, Immigration, or whatever?

So you are creating a dual jurisdiction, because the federal government created CSIC through the IRPA without putting any substantial regulations or definitions about what CSIC was going to do. Now the different local law societies are going to start regulating the industry of paralegals and consultants, and you are going to have a double jurisdiction.

Are we equipped in Ontario or at any provincial level to deal with the situation of paralegals and consultants through the different law societies? The answer is yes, and that's one of the ways that you can take a look. The other way is to give a statute, a law, to CSIC and make CSIC able to go after the people who are basically destroying the lives of immigrants and refugees.

The other thing you can do is treat the whole situation of unscrupulous consultants as a crime in the legislation, as a criminal situation. Then the police and the authorities can go and make it a priority to stop this.

[Translation]

Mr. Thierry St-Cyr: There are obviously two possible options. I think we should concentrate regulation at the provincial level. On the one hand, the provinces have the expertise to do that, and, on the other, the immigration situation can be quite different from one province to the next.

In Alberta, where the economy is overheated and a lot of foreign workers are being brought in, the situation may be quite different from that of Quebec or Newfoundland, for example.

My second question is for you, Ms. Casipullai. I read your brief on the STATUS Campaign, in which you talked, among other things, about immediately implementing the Refugee Appeals Division. You know the Bloc Québécois tabled a bill on that subject, which was passed in the House. We're still waiting for the Senate to do its job, if it's willing to do so, and pass it as it stands as soon as possible.

We requested that because since there is only one board member to review claims instead of two, we get the impression that refugee status is like winning the lottery. We call it the board member lotto. Depending on the board member you appear before, you know in advance whether you will be accepted or not.

I'm going to give you the example of Abdelkader Belaoui, who is living in sanctuary in a church in my riding. His case was reviewed by board member Laurier Thibault, who at the time rejected 98% of claims submitted to him.

I'm going to ask you a question, even though I already know the answer. If you had to appear before a judge who rejected 98% of claims, would you feel that justice was being done?

• (1045)

[English]

The Chair: Give a brief response, please.

Ms. Amy Casipullai: Well, certainly not, and I think it also speaks to the fact that because the implementation of the RAD has been delayed for so long, it has actually contributed to creating a much bigger non-status population.

Again, as was mentioned earlier, a big part of the problem is the resistance from the bureaucracy to go ahead and implement this. They raised questions about resources: that there would be too many cases, that it would be too confusing.

I'm so glad this committee has shown leadership and the Bloc has also shown leadership in calling for this. We are still waiting for it to happen.

The Chair: Ms. Chow, you have seven minutes, please.

Ms. Olivia Chow: I have two questions. One is about consultants overseas.

Do you think Canada should sign agreements with different countries—say Mexico—to make sure the Mexican government cracks down on illegal consultants, or recruiters, who charge a huge amount of money to people who are coming to be temporary foreign workers? The response that we get is, “Well, you know, we don't really have power overseas to crack down on the illegal behaviours of the consultants.” It becomes buck-passing between different countries.

Is that a route to take?

Mr. Francisco Rico-Martinez: If we start doing our own business inside Canada first, I think it will be possible. But we have to start cracking down on the illegal consulting businesses here—and believe me, the authorities don't do anything about that. The only thing the government is doing is, if these illegal consultants send in an application, send the application back to the person and ask them to find another consultant. They don't supervise. They don't monitor the legality of their advice or anything that happens and the money they'll receive—nothing.

In that case, to go to Mexico and ask them to do something about the illegal consultants related to Canada would be a double standard, because we don't do our own business here first.

Ms. Olivia Chow: That's a very good point. Thank you for that.

At one o'clock today, our Deputy Minister of Immigration will be having a briefing about the new Bill C-50. Unfortunately we're here, and the briefing is going to be in Ottawa. There will be presentations.

I think you talked about the dramatic changes. Do you believe a briefing session should be made in different parts of the country so that it becomes very public and clear what's being proposed? Right now, there's a lot of confusion as to what's being proposed and what's not being proposed. There are different stories. I'm pretty clear, but there seems to be a lot of misunderstanding.

I don't need to repeat what my colleagues have said about what's so negative about this bill, but is that something people think would or would not be useful?

Mr. Francisco Rico-Martinez: I would just say that one of the problems we have with the bill itself is the preliminaries. If you check the Immigration Canada website, the only thing you have about Bill C-50 is questions and answers. Part of it is very short and doesn't have anything to do with all the discussions and issues that we are bringing to you now.

For instance, we heard that they're going to continue processing humanitarian applications overseas for family-related applications. That's what the minister said. If you go and check the bill, it doesn't say anything about that. If you go and check the questions and answers, it doesn't say anything about that.

The lack of information to the whole civil society of Canada is just amazing. That's part of the hysterical response that you are having from the civil society, because it's a blank cheque and we don't know. We receive contradictory explanations about what is in and what is out, which then creates this uncertainty that the people try to avoid.

• (1050)

Ms. Olivia Chow: Right now you talked about the temporary foreign workers and the 12,000 being deported. We had a briefing,

and we found out in this committee that it costs about \$23 million, or \$25 million, or something thereabouts—some \$20 million—to deport people. That's a lot of money.

Right now, as Mr. Scott said, for temporary foreign workers who are in categories C and D, not the ones who have—

Mr. Macdonald Scott: [*Inaudible—Editor*]

Ms. Olivia Chow: Exactly. They wouldn't fit in the experienced class. There is really no hope for them to become landed immigrants. There is no hope for them to bring their family members to Canada. As a result, some of them are being told by some of the consultants, “Then why don't you apply for refugee status?” It then mucks up the refugee determination process.

The last I saw, at the Immigration and Refugee Board, partially because the Conservative government has not appointed a good number of panellists to it, the backlog is tremendous. It's probably going to grow in a year or two to 85,000. It's huge. So what's happening is that the entire system is being bogged down by temporary foreign workers who have no chance to stay. Perhaps, for some of them, their visa has expired. As a result, they apply for refugee status, it mucks up the status, and then some of them end up getting deported. It costs us \$23 million to do that.

The entire system, to quote the minister, is crumbling. That is what she said on CBC Radio. Surely there's a better way to handle this whole mess.

Mr. Macdonald Scott: Here are a couple of things. I also think it ties in with what you're talking about concerning overseas consultants. I think if we have actual queues.... People talk about queue-jumping, but there is no queue for lower- and working-class people. If we have clear, simple programs without a set of forms like this that you have to fill in at every stage for lower- and working-class people, they're not going to go to these—if you'll excuse my legal term—scumbags, who then take their welfare cheques once they get here, if there's an actual process for them to come into Canada. Part of the reason people go to these, again, scumbags is that there is no process.

Then we hit it on the refugee side too. Canada keeps increasing interdiction overseas and we interdict more. We basically make it impossible for a refugee to get to Canadian soil in the first place.

So while I applaud Mr. St-Cyr—and we owe a debt of gratitude to your party for bringing that in—having an RAD doesn't make any difference if a refugee can't get to this soil to make a refugee claim in the first place.

Let's be honest, the overseas refugee program is a joke. It takes 5,000 a year. It asked Francisco's organization not to sponsor any more refugees two years ago because it couldn't process the ones it had. It's a joke.

The Chair: Thank you.

Mr. Komarnicki, you have seven minutes.

Mr. Ed Komarnicki: Thank you, Mr. Chair. I have just a couple of points.

We took this committee, and it was to study undocumented workers, temporary foreign workers, and Iraqi refugees. We said we'll be studying Bill C-50 at another committee hearing, starting after we conclude this, and it'll also be looked at by finance.

I can say that after thirteen years of Liberal government, six ministers, four turns in office, many of them majorities, they've caused the immigration backlog to go from \$50,000 to \$800,000-plus, totally inept—

•(1055)

The Chair: That's 800,000 people, not dollars.

Mr. Ed Komarnicki: Yes, 800,000 people, and they put the immigration system in the place where it is today, and it requires some action and reform.

I can tell you that the minister will not be interfering in individual cases, and the legislation is quite clear. She'll be issuing instructions with respect to broad government policy that will be set by the government of the day, and it'll be an opportunity for members of the opposition, including the Liberal Party, to stand up and be counted if they wish to oppose this legislation.

It will be non-discriminatory. It won't be based on ethnicity or any kind of discriminatory measure. It'll be debated in the House, it'll be debated in the committee, and there'll be opportunity for the minister to consult with provinces and stakeholders.

But that's for another day. That's not why we're here today, just to set the record straight. There will be debate on that.

We're here today to deal with the three issues I've outlined, and I'd like to remind everyone that the United Nations High Commissioner said Canada's refugee protection system was a model for the rest of the world. There's always room for improvement, and we should do better, but that's what he said. Proportionately, Canada takes more refugees per capita than any other country in the world, about one tenth of all of the refugees. We heard today how we can do better and how we might do better.

But I'll ask Amy about some specific questions for what we're looking at today. For those to whom we refer sometimes as undocumented, people who are here, would it be fair to say that they would comprise groups such as failed refugee claimants, or people who came here on a temporary resident visa or came from countries that didn't require visas and essentially found themselves out of status and decided not to go through any other process, but stay here for the moment? Would that be the majority of the people we're talking about, Amy?

Ms. Amy Casipullai: Thank you for the question.

I think we are looking at a number of reasons why people become out of status—

Mr. Ed Komarnicki: But just on the question I asked specifically, the group of people we're talking about as undocumented, would they primarily be composed of the people I outlined?

Ms. Amy Casipullai: I think that's part of it, but not the full story certainly, because it implies that people arrive in Canada and some

intend to stay here without status. There are actually no processes right now in Canada even if someone—let's say who arrived on a temporary work permit and became out of status—wanted to stay legally. They have little or no legal recourse right now.

Mr. Ed Komarnicki: But that's not my question. My question was concerning the group we're talking about. Primarily, they came here legitimately in one fashion or another; is that the premise?

Ms. Amy Casipullai: That's right.

Mr. Ed Komarnicki: The majority of them would have come here either on a temporary resident visa or from a country that didn't require a visa, or they had a refugee claim that hasn't been successful and they find themselves in that situation.

Ms. Amy Casipullai: That's right.

Mr. Ed Komarnicki: And if they fail a refugee claim, for instance, they would be entitled to apply for leave to the Federal Court itself, if they wish to overturn that.

Ms. Amy Casipullai: However, that's a very limited option. It assumes that individual has the resources to pursue that.

Mr. Ed Komarnicki: Right, but it is an option?

Ms. Amy Casipullai: It's a limited option, if you want to put it that way.

Mr. Ed Komarnicki: Okay. Then they would have the opportunity to apply under humanitarian and compassionate grounds if that didn't work out. If they wanted to stay in Canada, they could try that avenue as well, could they not?

Ms. Amy Casipullai: Again, that's a limited option. I think my colleagues have expertise in this.

But I do want to point out that just because—

Mr. Ed Komarnicki: But my question is whether that option is available.

Ms. Amy Casipullai: It's not a real option. Even if someone applies for an H and C—and the process itself is fairly complicated—it doesn't limit that person from being removed from Canada. They can be deported.

Mr. Ed Komarnicki: Before they're deported, there would be a pre-removal risk assessment. Would you agree with that?

Mr. Francisco Rico-Martinez: The rate of acceptance is 1%.

Mr. Ed Komarnicki: The point is that there are a number of processes they could go through. If the decision is made that they must return, you're saying that's not acceptable and we need to open up another avenue to allow them to stay.

Ms. Amy Casipullai: No, I'm saying we don't have a process right now and that what seems to be a process is not effective.

I would actually like Francisco to answer that question in detail.

Mr. Francisco Rico-Martinez: We're only referring to the fact that when you are non-status, the law doesn't provide any process that provides a real option for that person to live in Canada permanently. That's our point.

• (1100)

Mr. Ed Komarnicki: All right. I'll go back to Amy. I want to pursue this.

Part of the concern they have is that some of this may be because there aren't other means for the persons to come in. Past governments, and this government, have looked at trying to find a legitimate means for people to come in. One of the programs has been the CREWS program in Ontario for the construction workers. There's the provincial nominee program, where provinces can nominate people to come to the country on a permanent basis to meet specific regional needs in various industries that they may decide upon. They control that. The government looks at it from the point of security and health. That's their concern.

Would you agree that perhaps we should look at providing some legitimate means, whether it's CREWS, the provincial nominee program, or the Canadian experience class, so people don't find themselves in an illegal position, if you want to call it that?

Ms. Amy Casipullai: Yes, certainly. That's why we asked for a discussion of Bill C-50, for example—for the standing committee to have the opportunity to look at it. I think our goal is to look for legitimate means.

But the problem is that legislation also needs to consider the situation, let's say, of the family class, who are also workers who bring skills to Canada. Just because they don't come under the skilled worker class doesn't mean they sit around and do nothing; they are part of our communities and economy. Right now IRPA has far too many gaps that don't address these situations.

Mr. Ed Komarnicki: So if you're saying that we should look at—

Mr. Macdonald Scott: May I also add that your government didn't sign the CREWS, which killed it. And it never allowed for permanent residency. The CREWS program never allowed for permanent residency.

The Chair: I'm going to have to cut it off there, because we've gone into eight minutes. I'd love to give you more time.

When we're in the area, I generally cut a bit of slack for the member who happens to represent the area. Mr. Karygiannis, 30 seconds at the end.

Hon. Jim Karygiannis: I have a quick question.

This committee proposed—and it went to the House last year—that until we have an opportunity to have the hearings and make the report we don't deport undocumented workers. I sought a unanimous motion in the House, and unfortunately it was not given. I'm not going to go to the member who jumped up and down and said no; she knows who she is.

My question is whether this would have been something you would see your NGO supporting.

The Chair: I'll ask for a brief response.

Who was that directed to, Mr. Karygiannis?

Hon. Jim Karygiannis: Any one of them.

The Chair: Okay, go ahead folks.

Mr. Francisco Rico-Martinez: Anything that makes it possible for a person to have a real option to live permanently in Canada and not to have the possibility of being removed, detained, and forced to leave, or whatever, is welcome by the NGO sector. In that case, if you are going in that direction, that would be great.

Let me finish by saying that one of the areas I would love to have the committee take a look at in terms of the research is how many temporary workers and non-status people are in Canada without their families and without the possibility of bringing their families into Canada. We are going to get to 100,000 maybe, or more than that. You can ask Immigration Canada to give you a solid number of how many people are living here without their families right now. If you have that number, you will have a solid number to go after the violations that we are creating for the family status of the people by having these temporary programs. And the non-status people don't have an option in Canada.

The Chair: Thank you so much.

You made some very good presentations, and we appreciate it. As I keep saying to witnesses, at the end of the day we will make recommendations to government based upon what we're hearing.

Thank you. Your presentations were good. Thank you for coming.

We will suspend for a few minutes to give other people a chance to come to the table and some people a chance to have a break.

• _____ (Pause) _____

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• (1105)

The Chair: Order, please.

I want to get people back to the table for our committee. We're seven minutes over now, so we need to get it going.

I will invite to the table our next panel.

On behalf of the committee, I want to welcome today the Canadian Hispanic Congress. Do we have Vilma Filici, president, here yet? No, she's not here.

We have, from the Canadian Ecumenical Justice Initiatives, or KAIROS, Alfredo Barahona, program coordinator for refugees and migrants. I hope I have it right.

We have, from the Labourers' International Union of North America, Cosmo Mannella, with the Canadian Tri-Fund. Welcome, Cosmo.

Do we have José Eustaquio? José, it's good to have you here too.

• (1110)

Mr. José M. Eustaquio (Labourers' International Union of North America (LIUNA)): Mr. Mannella will be speaking on our behalf.

The Chair: Good. Thank you very much. I appreciate it.

From the Mennonite New Life Centre of Toronto, we have Mariela Salinas, a student intern for settlement.

I'm a Newfoundland Irishman. I find it hard speaking Spanish or French.

Welcome to all of you.

Just to give you an idea of how we work, each organization has about seven minutes to make an opening statement.

We welcome you to now begin your opening statement, Alfredo. You have seven minutes.

Mr. Alfredo Barahona (Program Coordinator, Refugees and Migrants, Canadian Ecumenical Justice Initiatives (KAIROS)): Good morning. On behalf of KAIROS, I thank you for the opportunity to participate in this dialogue.

KAIROS is a partnership of 11 churches and church-related agencies. We work to promote human rights and social and economic justice in Canada and abroad. KAIROS promotes the rights of refugees and migrants within the context of the human rights of all people.

KAIROS believes that migrant workers and undocumented people are a hidden workforce whose role is invaluable to Canada, yet they're excluded from the basic justice provided to Canadian citizens.

KAIROS is also part of a migrant justice network in Canada, which brings together the concerns of live-in caregivers, seasonal agricultural workers, non-status migrants, as well as the evocative experiences of migrant organizations, faith groups, unions, community activists, and university researchers.

I come before you with mixed feelings, because while I truly welcome the opportunity to present our concerns and recommendations, at the same time I cannot help but experience a great sense of frustration and disappointment with the recently proposed changes to the Immigration and Refugee Protection Act through Bill C-50. These changes will give the minister the power to narrow processing of immigration applications. Concentrating the power of decision in one person to decide who gets in and who doesn't sets a dangerous precedent for a healthy democratic system. Regrettably, these changes confirm our concerns that current policy changes are increasingly treating immigrants as an economic unit to be brought here through temporary visa arrangements.

The focus of today's meeting, of course, is to talk about undocumented and temporary migrant workers in Canada. While we are not opposed to bringing migrant workers to help our economy, we strongly advocate that it should be done in a way that sets a clear path that allows for permanent resident status and family reunification.

KAIROS believes these are key components of a successful immigration strategy for the future of Canada. We are extremely disappointed that Canada, a country that won the Nansen medal in 1986 in recognition of the country's hospitality and welcoming immigration policies, especially for its work to protect refugees, is moving farther and farther from a system that grants permanent

residency and settlement opportunities to the people we need in order to keep up with economic and demographic pressures.

In any dialogue on immigration issues, we need to remember that Canada is a country built by immigrants. Statistics and surveys show us time and time again that Canada depends on immigration to maintain economic and demographic growth. Canada needs immigrants. Why not provide migrant workers access to permanent resident status? Workers are human beings and not commodities to be traded across borders.

It is necessary not to consider these issues only in the context of an economic and labour shortage. All these issues of temporary foreign workers and undocumented people in Canada are intertwined and they have very important human dimensions that must not be overlooked.

Migrant workers and their families are currently paying an enormous human cost to participate in Canada's temporary foreign worker program. I urge you to consider the impact of our immigration policies and programs on families and children.

I am sure most of us in this room can relate to what migrant families go through to survive. For example, when we go away for work reasons, even if it's just for one night, we know how this will impact on our spouses and our children. We would not be there to pick up children from school, help with homework, help put them to bed, say good night. Imagine what it's like for families who are separated for years at a time. Imagine what it's like for parents and children who don't even know if and when they will see each other. That is what undocumented workers and migrant workers go through even as we speak.

• (1115)

Canadian churches wish to add their voices to advocate for just and fair immigration policies that truly benefit all stakeholders. We are called to advocate especially on behalf of those who are more vulnerable than we are because they have different citizenship and immigration status. Migrant workers, non-status migrants, regardless of their legal status, deserve just wages and fair treatment. No migrant workers should be required to perform forced or compulsory labour beyond labour standards. Migrant workers, regardless of their status, possess an inherent human dignity that should be respected. Their basic human rights and their basic needs must be protected.

KAIROS calls on the Government of Canada to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

We call on the Government of Canada to undertake a full review of the immigration system to genuinely reflect Canadian labour and demographic needs, including needs for caregivers, agricultural workers, and others whose skills are currently unrecognized or inadequately recognized.

Grant migrant workers equal access to permanent residence, equal access to the services accorded to permanent residents, and equal access to family reunification in recognition of their human dignity and the significant contributions they make to Canadian society.

Monitor and—

The Chair: We're kind of trying to keep it to seven minutes.

Mr. Alfredo Barahona: I have two more points and then I will be done.

The Chair: Okay.

Mr. Alfredo Barahona: Thank you.

We urge you to monitor and enforce employment standards and appropriate housing and working conditions.

We want you to regulate, if not scrap, the activities of recruiting agencies and brokers.

Finally, provide funding to community-based settlement agencies to provide support to migrant workers, including access to legal services, public health care, language instruction, and worker information centres.

Thanks very much for your time.

The Chair: Thank you, Alfredo.

Cosmo Mannella, go ahead, sir.

Mr. Cosmo Mannella (Director, Canadian Tri-Fund, Labourers' International Union of North America (LIUNA)): Thank you very much for the opportunity to appear before this committee. We feel honoured.

I want to start by making some general comments about the undocumented worker situation and the work that has already been done by our union and our employer partners and other organizations in a coordinated effort over the last couple of years to try to bring some resolution.

We cannot continue these 10- to 20-year cycles of masses of undocumented workers fuelling the underground economy in Canada and living in an environment of exploitation and fear. We advocate that the federal government address this issue by recognizing the importance and the contribution to the economy of Canada of these workers. We have laid out what we believe is a common-sense plan to the minister on a number of occasions. I will be leaving our brief with you.

Let me talk in general about the process. The Toronto construction sector accepts the established legal framework of Canada's visa-issuing process. The statutory, regulatory, judicial, and administrative foundations may not be perfect, but they are without parallel in the entire planet. In addition to the formal structures, LIUNA supports the broad range of public NGO- and private-sector-funded interested stakeholders and advocacy groups whose mission is to protect the interests of individuals and specific groups. The core

immigration-related issue of process presently facing the construction sector is the structure and ability of the visa-related public policy process to deal in a timely manner with real issues impacting real people in a real way.

We acknowledge and are thankful for the recent success of a system that now competently administers a series of meaningful HRSDC immigration and provincial nominee programs of crucial interest to our industry. Nevertheless, it should not have taken a prolonged, sometimes adversarial, politically driven, and always difficult struggle to achieve this common-sense solution.

LIUNA and the Toronto construction sector are not presumptuous enough to believe that all our requirements will be considered on a forthwith basis, nor should they be. Nevertheless, it is unacceptable that practical industrial-sector-related visa issues cannot be resolved, let alone discussed, in a timely, common-sense manner without policy-makers, whether administrative or political, feeling the overarching time-consuming, politically driven burden of excessive legalism and presumed self-serving confrontation.

Presently, excessive concern with legalistic propriety and political agendas demand that it takes forever to even obtain access to policy-makers and then define patently obvious visa-related issues. This is no way to run an economy. The laws should be there to protect individual and collective rights, not define economic and social need. Public policy should not be left to officials or lawyers. Industrial sectors as well as other stakeholders should be involved in the mix. The visa public policy structure should not treat a vital industrial sector as an ad hoc troublesome interloper requiring political manoeuvring in order to obtain access.

LIUNA supports the introduction of a non-political process that addresses visa-related policy issues in a timely, transparent, and non-adversarial manner. Although such a process must clearly be built around the statutory power and responsibility of a minister, the minister must never control the process. The process should exist for the minister to listen, absorb, and recommend policy solutions in an expeditious manner. The House, this committee, officials, and LIUNA may not accept the minister's solution, but at the very least we should be discussing the solutions to real problems in a more timely and civilized manner.

It is in the above spirit that LIUNA supports the principle of an ongoing, transparent, ministerial-structured public policy forum, as was recently recommended. LIUNA, both as a participant in the building trades and as a broadly based group of citizens, suggests that the time has come for public policy to promote a series of qualitative benchmarks designed to help the Canadian macro-economy and judge the ability and commitment of visa recipients to benefit the overall economy and the individual.

I want to continue by suggesting that immigration policy should be directly tied to some variables of our economy, from time to time, with direct and continued consultation with industry and unions. Given the synergistic nature of the unionized construction industry, our government would benefit from accurate information that could be relayed towards the formation of immigration policy related to the importation of skills on a timely basis. Consultation should not be an isolated event but a formal and continuous process with goal-setting based on the real needs of our industry.

● (1120)

Immigration policy should be organic and flexible, particularly in the determination of skills. In fact, why isn't a carpenter who has been framing houses for four years, and doing it in a credible and honest way, given the same weight as a university student with a three-year or four-year undergraduate degree? We need to have that recognized as being just as important to society. If there is an in-Canada economic class developed for students who are doing undergraduate work, then the same principles should apply to carpenters, who are doing the essential work of this economy.

Immigration goals should focus on a quantitative analysis of the needs of the Canadian economy and move away from simple numeric goals.

Compassion is always an issue and should always be a the forefront.

We cannot escape the reality of numbers. It makes no sense to have unrealistic numbers that can never be processed and that create massive backlogs and an inherent desperation and futility among would-be immigrants to Canada. It makes no sense to continue with that atmosphere of futility.

In closing, I just want to say that I hope the government will see fit, at least during these public hearings, to hold off on any future deportation of undocumented workers. They are an essential component of our industry and an essential component of many other industries and the economy. The vast majority have paid a meaningful and real price for being here. Many are now entrenched in our system and have become an essential component, at least in our industry, of the human resource requirements.

Thank you.

● (1125)

The Chair: Thank you.

I'm sorry, first of all, that I overlooked Tanya in the introduction. I don't know how it happened, but welcome.

You are both with the Mennonite New Life Centre. You have seven or eight minutes. Go ahead.

Ms. Tanya Molina (Executive Director, Mennonite New Life Centre of Toronto): Thank you. We'll be sharing the presentation.

Thank you for the opportunity to participate in these consultations. This is a critical moment for discussion on undocumented and temporary workers.

Like many of the other groups this morning who have spoken, we are also very concerned by recently introduced changes to the immigration legislation as part of the federal budget. These changes do limit access to permanent resident status. As we understand it, the minister would have the power to establish categories of applications, the order in which they would be processed, and numerical limits, with the result that some eligible applications would not even be processed. Further restricting access to permanent resident status can be expected to only increase the number of undocumented persons in Canada.

We are also very concerned with projected increases in the number of temporary work permits to be processed relative to applications granting permanent status. Temporary status places workers at increased risk of exploitation, and temporary workers lack voice and vote in our political system.

We believe that Canada should welcome newcomers as fully equal participants in Canadian society, and access to permanent status is key to assuring that equality.

The Mennonite New Life Centre has served newcomers to Canada for the past 25 years. The most vulnerable group of newcomers that we see and accompany and serve are people without status.

We've sent a brief to committee members outlining in further detail our recommendations and concerns, but I'd like to invite you this morning to take a few moments to listen to Mariela as she tells a bit of her story. Mariela is a talented and committed student intern at the Mennonite New Life Centre, and she knows first-hand what it is to live without status.

The Chair: Thank you, Tanya.

Mariela.

Ms. Mariela Salinas (Student intern (Settlement), Mennonite New Life Centre of Toronto): Good morning. As you heard, my name is Mariela. I believe everyone who comes to Canada has a story, and this is mine.

I was about 17 years old when my family and I received a removal order. The year was 1998, exactly eight years since we had come to Canada. At that time I was finishing secondary school—grade 11, to be exact. My sister had just passed grade 5, and my parents were working in their own business, which had been open for about two years.

It didn't feel fair to be removed when all these years we had confirmed and contributed to Canada. We had nothing to go back to. My younger sister didn't even speak Spanish. The deportation order was already in progress, and so we had no choice other than to go underground, fleeing from our everyday lives.

This meant that even the house we lived in had to be abandoned, with all our belongings. Years of hard work were lost in a matter of hours. The business that my parents owned was left with the person who had co-signed our lease.

We had lost part of our identity. We were no longer part of Canada, the country we used to call home. There were nights I spent thinking about the concept of being illegal, being without any status. It seemed to me that I had lost everything that mattered to me. We were close to despair.

Our only option was to look for hideaways as if we were criminals. With nowhere to go, with no one to help us, we trusted unreliable immigration paralegals who did nothing for our cause other than rob us of our hard-earned savings. In our fear, we were taken advantage of not only by immigration consultants but also by unscrupulous employers.

My parents had no choice other than to work under the table, making half the minimum wage, only to have enough for us to eat. Sometimes they even worked 18 hours a day, while my sister and I prayed each day that they would come home safely.

As a refugee claimant waiting on an answer, we managed to go without any social assistance. I even opened a small business. We were part of many multicultural events held in Toronto. We did everything possible to integrate into Canadian society.

This country felt like our home. We were as proud as any Canadian, the only difference being that we never knew how long we were going to stay.

I was taught by my parents and our school that education was important, but after we received the deportation order, even finishing secondary school was questionable. My whole future seemed to be in the hands of immigration. My dreams were put on hold.

No legal status meant living in anguish and horrific conditions. No one wanted to rent to us, because we did not even have proper identification. No legal status meant losing all my friends because of the fear of being reported to Immigration. School was hard. The thought of being caught made it difficult to concentrate and enjoy learning. Our fears put our health at risk and also prevented us from going to the hospital.

The hardest part was the feeling of betrayal by the country I loved most. I believed we'd crossed many barriers and were important to Canadian society, but being denied just about everything from one week to another was like being punished for trying to live as a good citizen would.

The day my family and I were accepted as permanent residents was the day our dreams were renewed. However, not all people acquire that privilege of being accepted. The fact that there are people whose voices are still not heard and who continue living in fear has encouraged me to focus my studies on the settlement sector.

I believe no child should see their parents break down in front of their eyes, as was the case in my family. At the end of it all, all we wanted was to become responsible Canadian citizens who pay their taxes and vote in elections, to be part of Canadian society.

• (1130)

Ms. Tanya Molina: As you've heard from Mariela's story, living without full permanent status means exploitation at work, fear in accessing basic services, and unnecessary suffering while waiting for the processing of applications for permanent status.

I'd like to leave you with three brief recommendations from the Mennonite New Life Centre.

One, expand eligibility criteria for humanitarian and compassionate applications and/or introduce a regularization process for persons without status, and protect applicants against deportation while their application is being processed.

Two, expand eligibility criteria for federally funded settlement services so that all newcomers can access services without fear, including assistance with regularization.

And three, prioritize access to permanent immigration over temporary labour programs. If there's an identified labour shortage, workers should be allowed the opportunity to achieve landed status.

I'd encourage you to take the time also to read our brief. Thank you again for the opportunity to share our concerns and recommendations. We look forward to your questions.

The Chair: Thank you for the very interesting presentation, very well done.

We have 28 minutes, so four questioners at seven minutes each is appropriate. I'll go to the Liberal Party first.

Hon. Jim Karygiannis: Thank you, Mr. Chair. I'll be sharing my time with my colleague Mr. Telegdi.

Mariela, let me assure you that some of us do know the meaning of refugee. Both my colleague Mr. Telegdi and I did come to Canada claiming refugee status. I'll let Mr. Telegdi speak about his own experience, but I remember at 11 years old arriving at the airport in the old Terminal 1. We were fleeing persecution because my father was a union worker or a union organizer in the old country, and the dictatorship had just set in.

So I do know exactly what it means, but those times were a little bit more lenient. Those times were even better in that you arrived at the port, and as soon as you told your story you were able, within a couple of days or a couple of hours, to do your claim, and you were landed.

However, I do want to discuss with you a couple of things.

First, would you agree that until these hearings are over and until we write the report, the Government of Canada should cease to deport undocumented workers on an immediate basis?

Anybody?

• (1135)

Mr. Cosmo Mannella: Absolutely. In fact, we have been advocating for that cessation until a solution is found, and we have in fact put forward a solution. I must tell you that we met with the current minister, and all indications from our dialogue were that she was quite impressed with our solution and in fact was happy that we were a group that was bringing forward a solution.

The whole issue behind our solution was to hold off on any deportations at least until we get a handle on this problem. We cannot, as a civilized world leader, a world-leading country, continue to deal with this problem every 15 years or so, because quite frankly, our immigration policy has not kept up with the realities of our economy.

Hon. Jim Karygiannis: This committee proposed that we do hold off on deporting folks until we had our hearings, and I sought unanimous consent in the House of Commons.

Ms. Olivia Chow: It was passed in July.

Hon. Jim Karygiannis: You know, colleague, I really appreciate the fact that you said it passed in July, so I'm going to go on the record here—and it's been on the record. I sought unanimous consent that we stop deporting the folks. The Conservatives were asleep at the switch—there was nobody in there—and the only person who ran in from outside was Olivia Chow, stating “No, I'm not seeking unanimous consent”. So this is what we have to deal with.

So I'm asking you again whether you think, for people who are in Canada, undocumented workers, people who are slaving away—and the horror stories we hear—the Conservative government should immediately, today, stop the deportations.

Ms. Tanya Molina: Without getting into partisan conflicts, I say let's continue to focus on the people whose lives are at stake here. I have another client who's going to receive her PPRA decision today and is going with much fear and trepidation of what the future holds for her.

I think certainly to put a halt to deportations while the hearings take place is a very needed and important first step. I think it's also important that you take the time to consider all the views that are put forward to the committee and to look for long-term solutions that will allow people channels to access permanent status in Canada.

The Chair: Thank you.

You're splitting your time, Mr. Karygiannis, with Mr. Telegdi.

Mr. Telegdi, go ahead, please, for three and a half minutes.

Hon. Andrew Telegdi: Thank you very much.

The issue of undocumented workers was on the verge of being solved before the last election was called. A lot of the growth in the undocumented workers class was driven by the 2002 changes to the act and the point system. It really denied entry to people the economy needed. One of the reasons we're going through with Bill C-50 is that the people the economy actually needed were not able to access Canada under the old point system.

There's a vote on Bill C-50 tonight in the House. I want to make it clear that having examined Bill C-50 in the context it's being voted

on, if it doesn't go on to committee we won't be studying Bill C-50; we'll be going into an election without the problem being solved. I think we need to very rigorously debate Bill C-50 and make the country aware of its implications.

Mr. Mannella, you mentioned you had a talk with the minister and she seemed sympathetic. I hate to disabuse you, but she parrots what the bureaucrats say. I'll tell you exactly what the bureaucrats want to do with undocumented workers: they want to get them all out of the country because they represent the mistake of their previous decision. Make no mistake, they're the ones who drove the changing of the point system. You're going to get precious little relief from that area.

If the minister or the Conservatives wanted to do it, the regularization was in place, but it came to a quick, screeching halt when this government took over. It's important that you as a community, particularly in Toronto, are very aware of what Bill C-50 is about, because it would remove the objective nature. The parliamentary secretary will say something else, but it will remove the guarantees for qualified people to get into the country—that's one problem.

We also need to make sure the point system gets fixed so the people the economy needs can get in here. The other problem is to make sure undocumented people are dealt with.

• (1140)

The Chair: There are 40 seconds left, if you want to reply. Mr. Telegdi can go on and on.

Mr. Mannella.

Mr. Cosmo Mannella: I would like to make a comment. Let's set aside the issue of compassion for a moment and talk about real economic hard numbers. Even with the tenuous economic situation we have here in Ontario, this morning's paper reports that building permits for housing units went up by 21% since the beginning of the year. The largest number of these folks, as far as we're concerned, work within the home-building industry.

Construction is now the underpinning of the economy in this province, and if there were a concerted effort to remove these people forthwith, the housing market would collapse. I don't think any of us wants that, so let's set aside the whole issue of compassion and stories.

We have a few stories of our own. The business manager of our local union—the largest local union in the construction industry in North America—was himself an undocumented worker who was normalized in the early 1990s and today leads the largest construction local union in the country.

I would put forward to the minister to please consider the economic impact of deportations on the home-building industry, which is currently fuelling the economy of this province and perhaps to some degree the economy of this country, given what has happened in the U.S.

The Chair: Thank you, Mr. Mannella. Those were good points.

Mr. St-Cyr, you have seven minutes.

[*Translation*]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman. I'm going to share my time with Mr. Carrier.

We will have to vote on Bill C-50 today or in the next few days. Personally, as an elected representative, I attach considerable importance to the votes we hold and in which I take part. That is probably our first duty as legislators.

I'm convinced that the provisions of this bill are too serious and too harmful for us to let them continue through the legislative process. For that reason, I believe we should vote against them immediately and close the debate. What is being proposed is unacceptable. That's my opinion.

I would like to have the opinions of each of you. What would you do if you were members of Parliament? Are you recommending that members vote in favour of this bill, vote against it, or abstain?

[*English*]

The Chair: Anyone can answer.

Mr. Alfredo Barahona: We stated at the beginning that we're deeply concerned and disappointed with those changes. Obviously we'll recommend that you vote against them.

The Chair: Mr. Mannella, do you have a point to make on that to Mr. St-Cyr?

Mr. Cosmo Mannella: The issue of the minister's power is not foremost in our minds. If it means bringing about amendments with consultation from the broad interest in Canada, then someone obviously has to be the decision-maker at the end of the day. We want to ensure that it's not an arbitrary process, where the minister makes arbitrary decisions.

Clearly the minister is the elected official. If it comes down to the minister having to make the final decision, that's fine. What we advocate is that the decision not be made arbitrarily in any way, shape, or form.

• (1145)

The Chair: Anyone can speak on it, if they wish.

[*Translation*]

Ms. Tanya Molina: Thank you for concerning yourselves with this important subject. As I previously said, we are very troubled by the new legislation.

[*English*]

I think we've had a fairly recent example of how the powers of ministers can be used in ways that weren't anticipated. It was promised at one point that legislation would never be used to prosecute people supporting refugees out of humanitarian motives.

Yet Janet Hinshaw-Thomas was prosecuted under the immigration legislation.

I think it is dangerous to give broad discretionary powers to ministers in ways that go against the interests of the people we're trying to serve. So I would recommend that you vote against this.

The Chair: Mr. Carrier.

[*Translation*]

Mr. Robert Carrier: Thank you, Mr. Chairman.

As members of the Bloc Québécois, from Quebec, we're learning a lot about temporary workers, since we started in Vancouver last week and we have gradually moved eastward. I'm becoming aware of the importance of this part of the Immigration and Refugee Protection Act, which makes it possible to accept temporary workers, but also of the problems it causes. We've been told about cases of abuse and exploitation of these people, which is unacceptable.

Although labour standards should be better regulated, I believe that monitoring in that regard is better in Quebec, but it appears that it's different in each province. We see that it wouldn't be an ideal solution to have this part in our Immigration and Refugee Protection Act.

In order to regularize the present situation, you would like these people to be able to become real landed immigrants and to obtain the same rights as other Canadians. For my part, I feel that the government should establish a special catch-up program, but that must nevertheless be seriously studied. Accepting a permanent resident creates more serious obligations than accepting a temporary worker, who, in principle, comes to work then returns to his country.

Would you agree that each case should be examined individually so that individuals can be accepted as Canadian citizens?

Ms. Tanya Molina: Definitely. I believe claims will still be the responsibility of the Department of Citizenship and Immigration. What we are seeking is for there not to be two types of status for Canadian citizens and immigrants: those who have money and professional training and those who work in construction or in the fields. I believe that

[*English*]

the monitoring of labour conditions

[*Translation*]

is very important.

You say that Quebec is concerned with that. I believe the Bloc has come up with some very good immigration ideas and proposals.

Seasonal agricultural workers in Quebec also told me a number of stories about very tough conditions. So there's still some work to do.

[*English*]

The Chair: Okay, thank you, Mr. Carrier.

Madam Chow, for seven minutes.

Ms. Olivia Chow: Mr. Chair, you've been the chair of this committee for two years now. You do remember that this committee passed a motion to say that we would have a moratorium on deporting undocumented workers. That motion was then debated in the House of Commons for three hours, and the House of Commons, on June 6, 2007, passed a motion to say, please stop deporting undocumented workers while we're fixing the situation.

The Chair: Yes, the committee passed a motion.

Ms. Olivia Chow: I just want to be very clear so that we do not accept any more personal attacks at this committee, because I can give you *Hansard* for June 6, 2007. Maybe some members were not there, but certainly the House did pass that motion. I just wanted to say that.

Unfortunately, that hasn't been implemented yet. Hopefully, through these hearings, there will be some kind of consensus that eventually there would be a regularization, so that people who are facing the situation that was so graphically described by this wonderful, brave young woman will not be experienced by people who are being deported right now, especially the kids. It must be difficult for the kids to experience that.

You know that historically, every 13 or 15 years or so since the 1950s, the government has had some kind of regularization program. We're now at year 15, actually.

• (1150)

Mr. Cosmo Mannella: We have the history.

Ms. Olivia Chow: Yes, you know the history. So it will come eventually, hopefully.

Let me see if I can get the two key recommendations. You want the point system fixed for categories C and D. Right now, it's A, B, C, and D. With categories C and D right now, people don't have enough points to come into Canada as landed immigrants.

Am I clear that, first, you want the point system fixed so that they can come in as landed immigrants? That's clear.

The second one is that under the experience class, this new class that the Conservative government has brought in, they said that if you work here for two years or so as temporary foreign workers, you can apply within Canada. But for most of them, they have to have university degrees, they would have to speak fluent English, and so on. I would imagine you want the experience class to expand so that, for the people who are in the construction trade and the farm worker folks who won't fit the criteria right now established under the experience class, there's some hope that the temporary foreign workers who are here can apply.

Am I correct in that?

Mr. Cosmo Mannella: If in fact that is the tack they are taking, with the adjustment to the weighted factors, I want to thank the government for listening—at least, it appears. That is exactly what our industry has put forward for the last four years.

I made the point during my presentation that if you're going to give a certain weight to a four-year undergraduate degree or a two- or three-year community college diploma, please make sure there is some kind of organic nature to this point system that allows the same kind of status to people who have been plying their trade as

carpenters or temporary farm workers, or any other worker who is key and essential.

There is no more debate about whether or not these folks are essential to this economy. We've gone beyond that. So I think we need to essentially create a point system that is responsive to the needs of the individuals and the industries we're dealing with.

Mr. Alfredo Barahona: I just want to say yes, you are correct. We are advocating for all immigrants to be given the opportunity—

Ms. Olivia Chow: Under the experience class, right?

Mr. Alfredo Barahona: Yes.

Also, I want to remind you that we've had years and years of experience in which those who come with temporary work permits are vulnerable to abuses. We don't need to repeat that. But I also think a system that would exclude people who've been coming here for years and years....

We have cases in the seasonal agricultural workers program of people being here for 15 or 20 years and never being given a chance. We need to consider that. I think it is discriminatory.

Ms. Olivia Chow: So under the experience class that is just being set up, you want.... It is four streams. Right now it is A, B, C, D. Only people who have the English skills and the degrees would be included at this point. Under the experience class, it would be great if at least some percentage of the farm workers, for example, could be accepted as landed immigrants. Some end up staying here illegally and applying for refugee status or they become undocumented workers. So there's a channel, right?

• (1155)

The Chair: We'll have a response, then I'll go to Mr. Komarnicki.

Ms. Tanya Molina: I think maybe it's important to see the two questions together. The long-term goal would be that all people would be allowed to come to Canada under the same circumstances and with the same rights and status. In the meantime, I think there is value in looking at ways to allow people who are here with temporary work status to apply for permanent status, and I think my colleagues have spoken well to that point.

I would just add the caution, as Alfredo has said, that people who are here with temporary status are in a vulnerable position. I wouldn't want to see that perpetuated. Certainly under the live-in caregiver program, under which people have to complete a certain amount of time as temporary workers in order to apply for permanent status, they become subject to a lot of pressure, long hours, and even sexual abuse because of the fear of losing that work and thus their opportunity to gain permanent status.

The Chair: In the interest of fairness to all, we have seven minutes, so we'll give three and a half and three and a half.

Mrs. Nina Grewal: I'll be sharing my time. Thank you, Mr. Chair.

We have heard so many complaints regarding the views of these workers that these employers take advantage of them.

How do we protect these individuals from being exploited by their employers? Are there any laws in place we could use?

Mr. Cosmo Mannella: Let me tell you that we uncovered perhaps the largest in Canada.

And yes, we have some pretty good laws. Quebec has some excellent laws to protect workers. Ontario has the Employment Standards Act. The problem is that when a worker is undocumented and is hiding, he's not going to come forward and lodge a complaint. That's the issue. It's not about whether we have enough force in the law; it's the fear that these people are living under.

Let me tell you very quickly a little story about how exploitation can take place. We had some employers in our industry, unfortunately, unscrupulous ones, a small minority, who, because of the relationship and because of the inherent fear these workers felt, were applying the pension credits these people were earning to themselves. They knew that these people could not come forward and identify themselves for fear that any kind of identification, any kind of exposure, would lead to them being deported.

Yes, I do advocate on behalf of stronger labour laws and stronger employment standard laws everywhere. But it's not so much the force of the law; it's the inherent fear that these people live under that does not allow them to come forward and express their human rights.

Mr. Alfredo Barahona: It's not only the factor of fear, it's also the fact that many of the labour standards that apply to Canadian citizens do not apply to temporary foreign workers. It's not only that factor of fear.

Can you imagine how nervous I feel sitting before you? Even though I've been here for over 20 years, still the issues and the immigrant refugee feeling still affect the way I think and the way I interact with you. Can you imagine somebody who is undocumented? Those are the issues.

I agree with my colleague that numbers and economics are very important. We cannot avoid thinking of them in our decisions. But we need to take the human aspect of it into consideration as well. There are laws, yes, but temporary workers are excluded from them. They don't have the right to unionize, for example. So we need to expand it.

Mrs. Nina Grewal: Mr. Chair, I would like to pass my time to Mr. Khan.

Mr. Cosmo Mannella: I have to make one correction to my colleague here.

We have in fact, within our local union in Toronto, organized hundreds of undocumented workers, some temporary. We have in fact given them full rights under the union. They have full benefits. The issue is that we can only do that for those who have come forward.

We have in fact, from our perspective—and I may be getting into trouble here—given them status as union members who are plying their trade and who deserve every single protection that any other member has while working within our sector.

● (1200)

The Chair: Mr. Khan.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Thank you very much, Mr. Chair.

Ladies and gentlemen, thank you for being here. Regardless of whether the Liberals or the Conservatives have been in power—they are the only ones who have been in power—Canada has always been a compassionate country. The immigration system has never been perfect and never will be perfect, but we must strive toward addressing the issues that you have brought forth, humanitarian issues and compassionate issues.

To some extent, humanitarian and compassionate and economic issues are all linked. With a good economy, a family making a decent living can also have a better standard of living. Children can go to school, etc.

Mr. Mannella, I agree with you 100%, sir, but it's not only Ontario; all provinces—British Columbia, Alberta, Saskatchewan, Manitoba—are seeing a huge surge in the economy because of our real estate construction.

The issue with regard to construction workers has long been a concern. I've been working with Jack Pazeris and others on it. There have always been objections as to why they should be given preference over those who have applied normally. At the same time, you send them back and....

I also want to state at this point that the deportation of construction workers is not a high priority but a low priority. I'd like to ask you what exactly you would like to see happen as far as this is concerned.

Mr. Cosmo Mannella: First of all, let me address your comment.

In fairness, I know that a lot of work has been done on a lot of fronts. I know that you in particular have been involved. But on that whole notion of queue-jumping and the people who apply, let me just say that in fact for many of the workers we're talking about here there is no queue. Under the current system, they don't fit anywhere. If they want to come to this country, their only choice is to come the way they have come. Rightly or wrongly, that's the avenue they've taken. Quite frankly, I think that speaks to the inadequacies of our system, as you've suggested.

What would we like to see? First of all, let's get a handle on the normalization. Provided people do not pose any kind of security risk to this country and have no criminal record, and have shown themselves to be contributing members of society—as we say in our analysis, which I will be leaving for the committee—whether it be in the construction industry, the farming industry, or any other industry, let's deal with them and let's make them full citizens, with full participation in the economy and what this country has to offer. That would be good for us. A number of them are probably now fuelling the underground economy, and that's not a good thing. If they could become functioning members of this society, that would be a good thing.

Two, let's work the system so that it's organic, so that we can make changes as we need to, so that it isn't so rigid that people such as construction workers or itinerant farm workers can't even apply because the system doesn't fit—when in fact everything in the economy states that they do fit, and that they are needed. My own father came here as a logger, way back in 1951, because that's what was needed. They were clearing land up in the northern Ontario regions.

Let's make the system more responsive. Let's not get bogged down in whether or not people have millions of dollars to invest. Quite frankly, I can tell you that there are people who came to this country with nothing and amassed fortunes. They ended up hiring hundreds of people and being net contributors to this economy.

So let's make it a more organic, more dynamic system that's responsive to the needs of this country and the needs of these individuals.

The Chair: Good. Thank you.

Because we're such a non-partisan group and we're in Mr. Karygiannis' riding, I'll give him the last minute again. I'm sure he just wants to thank you for being here.

Hon. Jim Karygiannis: I do want to thank the witnesses for coming to the great riding of Scarborough—Agincourt. I also have a quick question.

These hearings are on undocumented workers, Iraqi refugees, consultants, and everything else. There's a bill in front of the House tonight, Bill C-50, and it's a motion of confidence. If we were to vote on that bill, certainly all these hearings would go to waste, and all the work we've done would go to waste. Bill C-50 would spark the election, and there wouldn't be a full hearing.

Would it be more responsible to kill Bill C-50 or would it be more responsible to make sure we have full hearings—

An hon. member: Oh, come on!

Hon. Jim Karygiannis: Just let the witnesses answer.

● (1205)

The Chair: I will point out that Bill C-50 will not be voted on tonight.

Hon. Jim Karygiannis: To have full hearings on this, we call stakeholders and do the responsible thing of letting you decide which way you want us to go.

The Chair: Order, please.

Just to set the committee at ease, Bill C-50 is not going to be voted on tonight. Today is an opposition day. There is not going to be any vote on Bill C-50. We've already checked the Journals Branch. It's on the Budget Implementation Act. Let's forget all about that.

Are there any comments here?

Mr. Cosmo Mannella: I hope the work of this committee does not go for naught and that the government does listen to what we're saying. We have interests from various parts of our society, but the end result is that dealing with the problem of immigration and the existing undocumented workers is going to be a net win-win for this country, and that's what we're advocating. Let's get into a winning position. It's not acceptable to have no public policy as a form of public policy.

The Chair: Thank you.

I sense that Mr. Barahona would like to make a comment.

Mr. Alfredo Barahona: I'm sure you have heard an echo effect on many of our recommendations and concerns. I do trust that you will make the right decisions when it comes time to make them. It's all in your hands.

The Chair: We want to thank you for coming.

It was an excellent panel and an excellent group of presentations. Believe me, we will be using your recommendations as we make our recommendations. Thank you.

The meeting is adjourned for now.

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