



May 18, 2010

David Tilson, Chair of the Standing Committee on Citizenship and Immigration
Room 711 Justice Building
House of Commons
Ottawa, ON
K1A 0A6

Dear Chair Tilson:

Re: Standing Committee on Citizenship and Immigration, Bill C-11, *An Act to Amend the Immigration and Refugee Protection Act and the Federal Courts Act.*

I am writing on behalf of the African Canadian Legal Clinic in Toronto to express our disappointment at not having been selected to appear before the Standing Committee on Citizenship and Immigration with respect to Bill C-11, *An Act to Amend the Immigration and Refugee Protection Act and the Federal Courts Act.*

The African Canadian Legal Clinic (hereinafter referred to as the "ACLC") is a not-for-profit organization established in October 1994 and funded by Legal Aid Ontario expressly to address anti-Black racism and other forms of systemic and institutional discrimination in all spheres of Canadian society.

Our organization has consistently appeared before the Standing Committee on Citizenship and Immigration to speak on bills that could negatively impact the African Canadian community. Based on our history of involvement in these matters, we were shocked to learn that we would not be invited to participate in the hearings regarding Bill C-11. We were even more shocked when we contacted Mr. Andrew Bartholomew Chaplin, the Clerk of the Committee, who explained to us the politicized partisan process by which Committee hearing witnesses are selected.

According to Mr. Chaplin's explanation, each party is allocated a set number of organizations they may invite to participate in the hearing process; this number is determined based on the party's parliamentary membership, for example, the Conservatives may nominate 20 organizations to appear, the Liberals – 10, Bloc – 7 and the NDP – 5. Mr. Chaplin went on to explain that, although the ACLC had been

nominated, our organization did not make the cut because the party making the nomination had too few spaces.

We were appalled to learn that the Standing Committee hearing process, which is intended to give stakeholders and affected community groups a platform on which to express their opinions, all boils down to party politics. This means that unless a particular organization is nominated by the right party with the right number of spots, they will not be granted standing at the hearings and their perspective, voice, and the community they represent will not be heard. This method of selecting witnesses only reinforces and exacerbates the feeling of powerlessness felt by many communities.

The ACLC proposes that, instead of this partisan system of witness selection, the pool of witnesses should be made to reflect the communities that will be most impacted by the proposed legislation. The Standing Committee ought to compile a list of the communities it should hear from in order to make a well-informed, balanced conclusion on the proposed Bill. The Standing Committee should invite witnesses until it is satisfied that all of the communities identified are effectively represented.

If the Committees are not willing to reform their witness selection process to this extent, they should simply reserve a few spots during which non-partisan organizations and stakeholders, such as the ACLC, may present submissions.

The ACLC is deeply concerned that by selecting witnesses according to this partisan methodology, the Standing Committee is missing out on hearing the perspective of communities that may be severely impacted by the proposals in question. In particular, the African Canadian Legal Clinic is concerned that there will be no organization present at the hearings on Bill C-11 to represent the interests of the African Canadian community despite the fact that a significant proportion of refugees come to our country from Africa and parts of the African Diaspora.

The ACLC respectfully requests that the Standing Committee on Citizenship and Immigration reconsider its decision and grant the ACLC an opportunity to appear at the Bill C-11 hearings. The ACLC also requests that that House of Commons Committees, as a collective, reconsider their approach to witness selection to better capture the perspectives of those Canadians affected by proposed amendments and better reflect our country's democratic values.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan R. Forward". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Megan R. Forward
Policy Research Lawyer

- cc. The Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism
325 East Block
House of Commons
Ottawa, ON
K1A 0A6
- cc. The Honourable Michael Ignatieff
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- cc. The Honourable Jack Layton
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- cc. Gilles Duceppe, M.P.
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