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Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

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• (1530)

[English]

The Clerk of the Committee (Mr. Mike MacPherson): Good afternoon, honourable members. It's been brought to our attention that neither the chair nor the vice-chairs are present today.

I'm prepared to receive nominations for an acting chair.

Mr. Costas Menegakis (Richmond Hill, CPC): I would like to move that Mr. Devinder Shory be in the chair.

The Clerk: Is it agreed?

Some hon. members: Agreed.

The Clerk: Come and take the chair, Mr. Shory.

We will suspend the meeting.

• (1535)

The Acting Chair (Mr. Devinder Shory (Calgary Northeast, CPC)): Welcome to the witnesses. Thank you for waiting outside for a couple of minutes. We had to deal with some committee business, which was dealt with quickly and cooperatively.

Each witness will have up to 10 minutes to make their presentation and then members will have their chance to ask questions.

Mr. de Vlieger.

Mr. Matt de Vlieger (Acting Director General, International and Intergovernmental Relations, Department of Citizenship and Immigration): Good afternoon, Mr. Chair, and honourable members of Parliament.

My name is Matt de Vlieger. I'm the acting director general of international and intergovernmental relations at Citizenship and Immigration Canada.

I'm accompanied by Mr. Daniel MacDonald. He's the chief of Canada health transfer/Canada social transfer and northern policy at Finance Canada.

[Translation]

We are here today to answer any technical questions you may have related to the changes to the Federal-Provincial Fiscal Arrangements Act, under part 4, division 5 of Bill C-43.

[English]

Overall, the proposed amendments to the Federal-Provincial Fiscal Arrangements Act, or FPFAA, as we'll probably be referring to it today, seek to provide provinces and territories with greater

flexibility to introduce minimum periods of residence before most foreign nationals can access social assistance in their jurisdictions.

Provincial and territorial governments have constitutional jurisdiction over social assistance and the proposed amendments fully respect this jurisdiction. It is therefore up to each province and territory to determine the eligibility for social assistance benefits. This also means that, should they choose to introduce a residency requirement for foreign nationals, provinces and territories would determine the length of the residency period.

[Translation]

Currently, provinces and territories cannot impose a minimum period of residence on the receipt of social assistance without a reduction in their Canada social transfer payments. The proposed measures would provide provinces and territories with greater flexibility by removing this impediment with respect to foreign nationals.

• (1540)

[English]

Just to be clear, these changes do not apply to Canadian citizens; permanent residents; protected persons, and by that we mean protected persons as refugees; and victims of human trafficking who hold valid temporary resident permits.

Under the proposed changes, should provinces and territories choose to introduce a residency requirement, most foreign nationals could be subject to a minimum period of residence. This would include temporary foreign workers, international students, visitors, and asylum claimants.

It is important to note that, under the Immigration and Refugee Protection Act, to obtain a visitor visa, or a study or work permit, all foreign nationals must demonstrate that they can support themselves and their dependants financially for the duration of their stay. The proposed amendments align with that requirement.

In effect, these measures would provide the provinces and territories with some additional flexibility to establish minimum periods of residence for foreign nationals to qualify for social assistance, which is in their jurisdiction. If they do so, it would mean that they wouldn't have a reduction in their Canada social transfer payments. They provide provinces and territories with additional tools to shape their social assistance benefit regimes should they choose to take advantage of them.

I look forward to your questions, but I'd like to first turn the floor over to Daniel MacDonald, from the Department of Finance, to add a little bit more context on the Canada social transfer.

Mr. Daniel MacDonald (Chief, Canada Health Transfer (CHT)/Canada Social Transfer (CST) and Northern Policy , Department of Finance): Good afternoon, Mr. Chair, and honourable members of Parliament.

My name is Daniel MacDonald. I am the chief of Canada health transfer/Canada social transfer and northern policy group in the federal-provincial relations division at the Department of Finance.

[Translation]

I am here today to answer any technical questions you may have related to the changes to the Federal-Provincial Fiscal Arrangements Act, under part 4, division 5 of Bill C-43 as they relate to the operation of the Canada social transfer itself.

The Canada Social Transfer (CST) is a federal block transfer to all provinces and territories in support of three broad areas of social policy. The first is post-secondary education, the second is programs for children, and the third is social assistance and other social programs.

[English]

In 2014-15 the total CST transferred to all provinces and territories is almost \$12.6 billion. It has grown at 3% annually since 2008-09 and will continue to grow at 3% annually at least until 2024 when the next review of the CST legislation will take place.

These funds are allocated to provinces on an equal per capita basis so that each province receives its population's share of the total amount of the transfer. With respect to accountability, provincial and territorial governments are fully responsible for the design and delivery of programs in the areas supported by the CST, and are accountable to the residents and legislatures, not the federal government, for outcomes achieved and dollars spent.

Starting in 2007-08, the federal government enhanced the transparency of its support by notionally allocating the total transfer across each of the three priority areas: post-secondary education, social programs, and children's programs. These notional allocations are not binding, explicitly recognizing provincial and territorial government flexibility to invest in these areas according to their own priorities.

[Translation]

With respect to conditionality, the Federal-Provincial Fiscal Arrangements Act currently states that, in order to receive their full CST funding, provinces or territories must not impose minimum residency requirements for social assistance.

[English]

If a province violates the minimum residency prohibition stated in the FPFAA for the CST, the act requires the Minister of Employment and Social Development to engage the province in the withholding process described in statute. If the minister concludes that the province is not in compliance, the minister must then refer the matter to the Governor in Council who may direct that the province's CST amount be reduced by whatever amount it considers appropriate.

Should this proposal pass as part of Bill C-43, provinces will be able to impose a minimum residency requirement on certain foreign nationals, as described by my colleague earlier, without triggering the statutory withholding process for the CST.

[Translation]

No other elements of the CST will be affected. In particular, the total transfer amount and the provincial and territorial equal per capita cash allocations will be unaffected if the provinces and territories impose minimum residency requirements consistent with the current proposal. There is no link between the legislated CST amount and allocation and the actual social assistance expenditures of a province or territory.

● (1545)

[English]

Thank you, and we look forward to any questions you may have.

But first, I will pass to my colleague Caitlin Imrie.

Ms. Caitlin Imrie (Director General, Passport Operational Coordination, Department of Citizenship and Immigration): Good afternoon, Mr. Chair and honourable members of Parliament.

My name is Caitlin Imrie, I'm the director general of passport operational coordination at Citizenship and Immigration Canada.

[Translation]

I am here today to answer any technical questions you may have related to the change to the Revolving Funds Act, under part 4, division 7 of Bill C-43.

[English]

This is a technical amendment to update the relevant provisions of the Revolving Funds Act to reflect the transfer of responsibility for the passport program from the Minister of Foreign Affairs to the Minister of Citizenship and Immigration, which took effect on July 2, 2013.

This amendment changes the title preceding section 4, while subsections 4(1) and 4(2) have already been changed.

Thank you, and I look forward to any questions you may have.

The Acting Chair (Mr. Devinder Shory): I guess I have to thank the witnesses for doing half of my job, to pass that on to the next presenter.

We'll start with Mr. Menegakis.

Mr. Costas Menegakis: Thank you, Mr. Chair.

I want to thank our officials for being here with us today and for your presentation to us.

Mr. de Vlieger, this appears to be more of an administrative change. However, having said that, could you tell me if this has been requested by the provinces and territories?

Mr. Matt de Vlieger: Sure, and I've certainly seen some of the commentary in the media and some of the questions that members of this committee and other members of Parliament have had about this. No, this wasn't specifically requested by the provinces. This is a facilitative amendment, as we've described.

The amendment would remove the potential of a penalty under the Canada social transfer if a province or territory chose to implement a minimum residency requirement on certain foreign nationals. The ambit is rather narrow so in that sense you're right that it's an administrative arrangement. The act is an administrative arrangement around how the Canada social transfer operates.

In terms of the background with our discussions with provinces, we've certainly had some conversations with provinces about this amendment. In fact, over the course of time when we were doing some policy work on the refugee reforms that were introduced in 2012, and looking at some of the factors that the government was concerned about around unfounded asylum claims, there were conversations with provinces about the kinds of factors that might make some of these unfounded claims attractive for claimants to make. It was in the course of those conversations that we did have a representation from one of the provinces that there was a provision in one of the federal acts—this act that we're talking about today—that would in fact limit their ability to impose such a residency requirement.

That is some of the context of the background for the government looking at this particular piece of legislation.

Mr. Costas Menegakis: Thank you.

Before I ask my next question, let me just officially, one more time since it's the first time we've met as a committee, welcome our new clerk to the team. Welcome, sir. I'm sure all of us, on all sides of the House, look forward to working with you.

You mentioned in your presentation giving the provinces and territories greater flexibility to introduce a minimum period of time of residence, in effect empowering them to make their own decisions. Can you elaborate on that a little bit, please?

Mr. Matt de Vlieger: As honourable members would be aware, under the Constitution social service benefits fall within the purview of provincial governments so they are the ones responsible for setting rates and eligibility requirements with respect to social assistance benefits.

The only condition that was applied in respect of the Canada social transfer was a condition of not having a minimum residency requirement, so that is the condition that the bill proposes to adjust.

• (1550)

Mr. Costas Menegakis: Does the federal government today have any say in who receives social assistance, other than the restrictions of a minimum period of residence in the FPFAA?

Mr. Matt de Vlieger: Other than the condition of minimum residency, no. The provinces and territories set rates and eligibility criteria, and they can vary from province to province.

Mr. Costas Menegakis: Perhaps Mr. MacDonald can answer my next question.

How much money does each province get, and how is the funding allocated to each province?

Mr. Daniel MacDonald: For the fiscal year 2014-15, this year, you're talking about \$12.582 billion. In terms of allocation across the provinces and territories, you have \$187 million to Newfoundland, \$52 million to Prince Edward Island, \$334 million to Nova Scotia, \$267 million to New Brunswick, \$2.9 billion to Quebec, \$4.8 billion to Ontario, \$454 million to Manitoba, \$398 million to Saskatchewan, \$1.457 billion to Alberta, \$1.6 billion to British Columbia, \$13 million to Yukon, \$13 million to Nunavut, and \$15 million to Northwest Territories.

Mr. Costas Menegakis: Thank you.

Perhaps you wouldn't mind providing that information through the clerk to the members here. We would appreciate that, sir.

Other than for social assistance, what else would this money be used for? Would the amendments to the Federal-Provincial Fiscal Arrangements Act impact only social assistance or other aspects covered under the Canada social transfer?

Mr. Daniel MacDonald: The Canada social transfer is a bloc transferred to provinces and territories. Nationally it is allocated across three areas, which I described in my remarks: support for children, post-secondary education, and social assistance and other social programs.

In terms of the breakdown, the notional allocation in 2014-15 for support for children was \$1.3 billion or about 10.4% of the total; for post-secondary education in 2014-15 the total notional allocation was \$3.86 billion or 30.7% of the total transfer; and social assistance and other social programs was a total of \$7.4 billion or 59% of the total transfer.

Mr. Costas Menegakis: How many times a year is this money transferred? Is it a one-time payment, or is it like a monthly transfer? How often does it happen?

Mr. Daniel MacDonald: It's paid out in equal installments twice each month.

Mr. Costas Menegakis: So twice each month the provinces and territories receive this money.

Mr. Daniel MacDonald: They receive one twenty-fourth of their total.

Mr. Costas Menegakis: That's wonderful. Thank you very much. It has been very helpful.

That's my time, I believe.

The Acting Chair (Mr. Devinder Shory): Mr. Cash.

Mr. Andrew Cash (Davenport, NDP): Thank you.

Thanks for being here. If I interrupt, I don't mean to be rude; I just don't have a lot of time.

Mr. de Vlieger, can you concisely tell us what is the point of the minimum residency prohibition to begin with? Why do we have it in the first instance?

Mr. Matt de Vlieger: I'll ask my colleague to follow up, but my understanding is that it dates back to 1951.

Mr. Andrew Cash: What's the point of it?

Mr. Matt de Vlieger: I think it was put in place to facilitate primarily interprovincial mobility, the ability of people to move from province to province and have their benefits stay relatively stable. I don't think it was contemplating foreign nationals at that time.

My colleague might like to follow up on that.

Mr. Andrew Cash: Mr. MacDonald, would you like to add anything?

Mr. Daniel MacDonald: That's partly correct. I don't have the name of the act from the 1950s, but it has been a characteristic of federal transfers since the fifties. It went through the unemployment insurance act, I believe was the name, and followed up through the Canada assistance plan in 1966. It was maintained, in a period when greater flexibility was provided to provinces and territories, in the creation of the Canada health and social transfer in 1996 and was carried through to the Canada social transfer when it was created in 2004.

• (1555)

Mr. Andrew Cash: Was it also to maintain a minimum standard across the country, a coherence across the country? Was that part of it?

Mr. Daniel MacDonald: There have been changing conditions through time as the legislation in this area has changed. For example, the Canada assistance plan was a very different federal-provincial arrangement. It was a cost-sharing program that had a very different relationship.

Mr. Andrew Cash: I know; I understand.

Mr. Daniel MacDonald: The present condition maintains that there shall be a prohibition against minimum residency, but any other details are left to the provinces and territories.

Mr. Andrew Cash: Okay.

I'll go back to you, Mr. de Vlieger. You mentioned that you had had some conversations. Our understanding is that only one province was consulted prior to the tabling of the legislation.

I just want to be clear; is that correct?

Mr. Matt de Vlieger: Yes.

Mr. Andrew Cash: What is the difference between a conversation and a consultation?

Mr. Matt de Vlieger: That's a good question. In the course of developing policy options and doing policy work, there's a range of discussions that happen between federal and provincial officials to get background information and to canvas ideas. The immigration field is a shared jurisdiction, and there are many institutionalized working groups, so there is a continuum from formal consultations to conversations. In this particular instance we were directly in touch

with several provinces, not just one, about elements that might incentivize unfounded claims.

I think you're referring to some of the media reports in which a particular province said that it had been consulted and had indicated that they weren't asking for this kind of measure.

Mr. Andrew Cash: I think most Canadians, if they were watching this, would be thinking that if there were to be a change like this, it would have come from requests from the provinces. But the only actual consultation made, if I understand this correctly, was with the Province of Ontario, which expressed concerns over "the potential human rights implications of imposing a waiting period for a specific group". This is the Ontario minister responsible for this. "We believe that a waiting period could impact people with legitimate refugee claims who are truly in need." They also expressed a variety of concerns around legal challenges to this.

What was this supposed to fix, and why, with the only province that you consulted saying they actually didn't like this idea, was a decision made to move ahead with it? It sounds as though it's more than just an administrative issue, at least when we see the quote from the Ontario minister.

Mr. Matt de Vlieger: Sure, and certainly I've seen the quote in the newspapers from the Ontario ministry. The fact is that this is a facilitative amendment. This is a federal act of Parliament. It was brought to our attention that there was a component of the act that could serve as a barrier to some provinces.

Mr. Andrew Cash: I just want to stop you there. Who brought that to your attention? Which provinces?

Mr. Matt de Vlieger: In the conversations we had as part of a policy background, we were reminded by the Province of Ontario, in fact, that there was this provision in the federal act.

Mr. Andrew Cash: Well, one can remind one of all sorts of provisions, but other than Ontario, which is on the record as saying that it doesn't actually support this change, what other provinces did you have conversations with?

Mr. Matt de Vlieger: My understanding is that we've had conversations with all the provinces about the prospect of a measure like this. We certainly had deeper background conversations, like I said, about some of the incentives for unfounded claims.

Mr. Andrew Cash: Why was there so little consultation with the provinces on a measure like this?

Mr. Matt de Vlieger: Well, obviously something that is going into the budget process, going into the cabinet process, is subject to the confidentiality that go with that. This is in a budget bill, so it's to the government to decide what kind of background conversations they're going to have.

But like I said, this is a federal piece of legislation, and it's a facilitative amendment. Provinces could choose to or not introduce such residency requirements.

•(1600)

Mr. Andrew Cash: Many people are asking this question and are concerned about the real-life implications that a measure like this would have if taken up by the provinces. Why would the department or the government propose new powers for the provinces that they haven't actually asked for and, at least in the only province that's gone public, say they don't want? Why would the government do this?

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. Cash.

Maybe the witness would like to address this later.

Mr. Matt de Vlieger: But I'd repeat that it's facilitative. It provides the opportunity to provinces should they choose to introduce such a residency requirement.

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. Cash. Your time is up.

Mr. Chan, it's your turn now.

Mr. Arnold Chan (Scarborough—Agincourt, Lib.): Thank you, Mr. Chair.

I want to thank the witnesses as well for their remarks to date.

I want to follow up a little bit from Mr. Cash's questions, but I might redirect this same line of questions to Mr. MacDonald. I know that there was obviously a consultation process, probably at the intergovernmental process, within CIC. Did a similar type of conversation, Mr. MacDonald, occur with MOF officials with your provincial counterparts in discussing a change to this particular legislation?

Mr. Daniel MacDonald: No. No conversation of such a nature took place.

Mr. Arnold Chan: Okay.

Would it be unusual if you were contemplating changes to the Federal-Provincial Fiscal Arrangements Act that you would not first have a conversation with the provinces that might be affected by any proposed change?

Mr. Daniel MacDonald: There are two elements of the Federal-Provincial Fiscal Arrangements Act. One is with respect to the determination and calculation of amounts of transfers, and that would be subject to conversations led by the Minister of Finance or officials depending on what... For example, we have routine conversations with our provincial counterparts on equalization. There are technical conversations that occur on allocations.

For the two elements of the Federal-Provincial Fiscal Arrangements Act that apply to conditionality—the minimum residency requirement—that is actually in statute. The carrying on of it is set to the Minister of Employment and Social Development, not the Minister of Finance. It's the Minister of Employment and Social Development who takes any recommendations to the Governor in Council. Similarly, with respect to the enforcement of conditions for the CHT that relate to the Canada Health Act, those are the responsibility of the Minister of Health.

So to the extent that there are proposals about those, it would be to

Mr. Arnold Chan: I follow.

I want to get back to some of your earlier comments when you were dealing with the funding per province. You broke down the rough allocation of the \$12.582 billion in fiscal 2014-15 to each of the provinces. Is that done on a per capita basis on a straight line across for all of the provinces and territories?

Mr. Daniel MacDonald: Yes, since 2007-08 for the Canada social transfer, and since 2014-15 this year for the Canada health transfer....

Mr. Arnold Chan: So the Canada social transfer does not take into account... For example, the number of refugee claimants is disproportionately larger for certain provinces such as Ontario, which has approximately 54% to 55% of claimants who would be potentially drawing upon the Canada social transfer. So in part some provinces may be slightly underfunded based upon this straight-line model. Would that be a fair characterization?

Mr. Daniel MacDonald: No, because, to respond to your question, the allocation is equal per capita and the reason that is so is the Canada social transfer provides funding for a broad variety of things.

Mr. Arnold Chan: I understand.

Mr. Daniel MacDonald: There are three major areas.

Mr. Arnold Chan: I was just trying to understand whether certain provinces, particularly those that have a disproportionately larger claim on social benefits, certain social programs like social assistance, are disproportionately affected because we have a straight-line distribution.

Mr. Daniel MacDonald: The second attribute of the design of the Canada social transfer is its flexibility, its recognition of the flexibility to provide social programs. It's reflected right in the statute that it's the purpose of the transfer. So you see that in the design of the notional allocations. The notional allocations are not binding upon provinces to spend in each of those areas.

•(1605)

Mr. Arnold Chan: I follow.

Mr. Daniel MacDonald: It's left to the provinces how to allocate across. It's a very general facilitative—

Mr. Arnold Chan: Where I'm trying to get to is dealing with where this might potentially impact future CST payments to provinces. For example, is it the intention that the definition of population used in the allocation of CST entitlements to provinces and territories...would they be revised to subsequently exclude the classes of parties such as refugee claimants, asylum claimants, visitors, international students, and temporary foreign workers? Would the definition of population be potentially changed, which might affect the quantum of the CST transfer to provinces?

Mr. Daniel MacDonald: That's not in the bill. What I can say is there is no change to the equal per capita allocation. We take the data on population counts from Statistics Canada and we use that as the basis for our equal per capita allocation. That does not change in the amendments proposed in this bill.

Mr. Arnold Chan: I want to turn back to Mr. de Vlieger. Actually, either one of you can answer this question.

Have there been any situations where a minimum residency prohibition has ever been exercised by a particular province, which has led to the federal government reducing the amount of the Canada social transfer?

The Acting Chair (Mr. Devinder Shory): Actually, Mr. Chan, you are over by almost one minute.

Mr. Arnold Chan: I'm sorry. My apologies....

The Acting Chair (Mr. Devinder Shory): It's my apology. I sat on the chair for the first time so I didn't know your five minutes were up.

We'll move on to Mr. Leung.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Mr. Chair.

And thank you to the witnesses for appearing before us.

I just want to follow up on the question that was asked earlier about the Canada social transfer payments, about the timing of it. You indicate in your opening speech that you're the chief to Canada health transfer and Canada social transfer, and also the northern policy group in the federal-provincial government. Could you just tell us how long the Canada health transfer and the Canada social transfer have been in place? Were they both at the same time or separate times? Just roughly; you don't have to give me the exact date and year.

Mr. Daniel MacDonald: The Canada health transfer and the Canada social transfer were both created in fiscal year 2004-05 out of the split of what was then the Canada health and social transfer. It was a combined transfer for all health and social purposes. In 2004-05 it was split to increase the transparency of what the government was supporting through health and through social. It made it clear. And then we could do the notional allocations and the CST.

Mr. Chungsen Leung: So the Canada health transfer is specifically for health-related things and the Canada social transfer is for all the other social programs?

Mr. Daniel MacDonald: The Canada health transfer is the federal contribution towards support to the provinces for the provision of health care. It is the one that has the five conditions that are found in the Canada Health Act passed in 1984. That's what that one does in addition to the five principles such as extra billing and user charge prohibition.

The Canada social transfer is the one that covers support for children, social programs, and post-secondary education, and it's separate.

Mr. Chungsen Leung: Thank you.

I'd like to turn my questions to Mr. de Vlieger, please.

You mentioned in your comments that there are foreign nationals. It's interesting that we could see further mention that the present requirement refers to temporary foreign workers, international students, visitors, and asylum claimants. It would appear that foreign students and visitors should have met the requirements of looking after their own health and looking after their own funds before they could even study here, so why would those groups be included?

●(1610)

Mr. Matt de Vlieger: That's a good point. You're right that those classes of individuals—temporary foreign workers, international students, and visitors—in order to receive a visa, would have to satisfy a visa officer that they are able to sustain themselves and their dependants. That's part of the visa application process and it's required in the Immigration and Refugee Protection Act, section 29.

Mr. Chungsen Leung: These foreign nationals who are international students and visitors would not be entitled to any welfare application or social assistance application.

Mr. Matt de Vlieger: That's right. As part of the visa process they make an undertaking that they are able to—

Mr. Chungsen Leung: You also mentioned that there are some exceptions, those who would not be subject to a period of residence.... Who would that other group be? I'm just curious and let me draw you into what I'm thinking about. Who are these groups who are known as protected persons; these individuals who came to Canada, made a refugee claim, and have been deemed to be genuine refugees by the IRB? Is that my correct understanding? Could you please elaborate on that?

Mr. Matt de Vlieger: That's correct. There's a broader set of categories that wouldn't have a residency period imposed on them and that's certain Canadian citizens and permanent residents who have mobility rights in Canada under the charter. You were talking about protected persons and both categories of protected persons are those resettled refugees who are referred by the UNHCR or other referral agencies. They come to Canada as permanent residents. The category that you were talking about, those who have a positive determination from the Immigration and Refugee Board as persons in need of protection, would be one category. There's another category that has been exempted and that is victims of human trafficking who have a valid temporary resident visa.

Mr. Chungsen Leung: Who determines whether they're victims of human trafficking?

Mr. Matt de Vlieger: That would be a determination by the Department of Citizenship and Immigration's visa officers.

Mr. Chungsen Leung: What about government-assisted refugees and privately sponsored refugees? Are they also not exempt?

Mr. Matt de Vlieger: Yes, they would be exempt. They are in the category of protected persons.

Mr. Chungsen Leung: I'd like to turn my questions to Ms. Imrie.

If the passport office is transferred to Citizenship and Immigration, now the first page of the passport says "the bearer of this passport is"...assistance or protection is now sought by the Minister of Immigration, rather than the Minister of Foreign Affairs?

Ms. Caitlin Imrie: The passport offers the protection of the Government of Canada. We'll be updating it to make it a Government of Canada issued passport.

Mr. Chungsen Leung: Again, I was just forming the opinion that the Minister of Foreign Affairs deals with affairs external to Canada, whereas the Minister of Immigration deals with affairs within Canada. It just seems odd that the Minister of Immigration would be asking for that protection.

Ms. Caitlin Imrie: Would you like me to comment on that?

Mr. Chungsen Leung: Yes, please comment on that.

Ms. Caitlin Imrie: You're absolutely right that the Department of Foreign Affairs, Trade and Development has a mandate for protecting Canadians overseas. That's still an integral component of the passport program, and it still has a role to play. Following the transfer, the passport program really harnesses the roles of three departments. The overall accountability is with the Minister of Citizenship and Immigration. The Minister of Employment and Social Development Canada delivers services in the in-Canada service delivery network, and the Minister of Foreign Affairs, Trade and Development continues to be responsible for delivering the passport program overseas, and obviously has a role in providing assistance to Canadians in need.

• (1615)

The Acting Chair (Mr. Devinder Shory): Thank you, Ms. Imrie.

Ms. Sitsabaiesan, you have five minutes.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you, Mr. Shory.

Thank you to our witnesses.

Mr. de Vlieger, my first question is going to be a bit of a continuation of Mr. Leung's question about the proposed changes for foreign nationals who come here as temporary foreign workers or international students or visitors. You mentioned in your opening remarks that according to IRPA, they are actually required to demonstrate that they can support themselves and their dependants for the duration of their stay. That makes sense.

Is it stipulated in IRPA that asylum seekers must be able to support themselves and their dependants financially during the time they are asylum seekers in this country?

Mr. Matt de Vlieger: No. The provision in the Immigration and Refugee Protection Act that we were referring to applies to temporary residents, international students, and visitors.

Ms. Rathika Sitsabaiesan: Right. Thank you for that clarification.

Why are asylum seekers or asylum claimants now included in the list of people who, according to the proposed changes that you outlined, could be subject to a minimum period of residence?

Mr. Matt de Vlieger: Again, this is a facilitative amendment. If a province or territory so chose to, it could introduce a minimum residency requirement. The government has carved out protected persons—those with a founded refugee claim as well as victims—

Ms. Rathika Sitsabaiesan: But aren't asylum seekers those who have fled a horrible situation, usually of persecution in whatever their home country is, and they are coming here seeking our support or seeking asylum? In many of these cases, while they're waiting for their refugee application to go through and their asylum application to be processed, they are sitting here in what I'm going to call purgatory just waiting. We've heard that could involve very short timeframes. My office has also dealt with people who have been claimants for years.

Are we expecting asylum claimants to be able to financially support themselves for the duration of their application?

Mr. Matt de Vlieger: Well, under the design, if a province imposes such a residency requirement—

Ms. Rathika Sitsabaiesan: Pardon my interruption again. You're going to say it's a facilitative amendment that allows for the provinces to force asylum claimants to be able to take care of themselves financially when they're fleeing a situation of persecution. I understand. I've heard you say it a few times.

Considering we are signatories to the United Nations convention relating to the status of refugees, its protocols, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and many other international conventions, do you think it's the federal government's responsibility to ensure that we are protecting asylum seekers and not including them in facilitating the provinces being able to make these changes?

Mr. Matt de Vlieger: You're right in citing the 1951 convention. Canada is doing nothing through these measures to detract from the international obligations to provide services to protected persons.

Ms. Rathika Sitsabaiesan: But once again, asylum claimants don't fit into the "protected persons" definition, and—

Mr. Matt de Vlieger: Right, so they are claimants until they are determined to be—

Ms. Rathika Sitsabaiesan: Accepted. I totally understand that.

Amnesty International's secretary general Alex Neve sent the committee a letter to appear before the committee. He wrote, and I quote, "Principles similar to the rule against non-retrogression have been espoused by the Supreme Court of Canada, which has held that once the government puts in place a scheme to provide benefits, that scheme must be administered in a Charter-compliant way."

I have two questions. I know my time is probably running bleak. Are they compliant with Canada's international human rights obligations, and is it your position that the changes proposed by the FPFAA are charter-compliant?

Mr. Matt de Vlieger: Yes, I can answer the question about the international convention. The convention requires that Canada offer protection to protected persons, and nothing in this detracts from that. In terms of charter compliance, certainly that would be a zone for legal advice. If a provincial government were to bring forward such a measure, they'd want to seek legal advice in terms of that measure.

• (1620)

Ms. Rathika Sitsabaiesan: Thank you.

Do I have 20 seconds?

The Acting Chair (Mr. Devinder Shory): You have eight seconds.

Ms. Rathika Sitsabaiesan: But you're taking my time.

The definition of population that's currently used to calculate the social transfer includes refugee claimants right now. That's my understanding from the library.

The Acting Chair (Mr. Devinder Shory): Thank you, Ms. Sitsabaiesan. Perhaps in another round you will be able to ask questions.

I'll go to Mr. Aspin now.

Mr. Jay Aspin (Nipissing—Timiskaming, CPC): Thank you, Chair.

Welcome to our guests, and thank you for helping us with this amendment.

My first question is directed to Mr. MacDonald. If this amendment passes, would there be any penalty for provinces that chose not to introduce a minimum wait period?

Mr. Daniel MacDonald: No, there would not be a penalty for a province that chose not to introduce a minimum wait period.

Mr. Jay Aspin: Thank you.

Mr. de Vlieger, by prohibiting refugee claimants who are awaiting a decision from receiving social assistance during a minimum period of residence, is Canada failing to meet its obligations as a signatory to the international agreements on refugee protection?

Mr. Matt de Vlieger: The answer to that one is no, Canada's commitments under the 1951 convention.... Our analysis is that nothing in this detracts from that. That relates to our commitments in respect of protected persons, and nothing in this bill affects the benefits that are provided or could be provided to protected persons.

Mr. Jay Aspin: Okay, so there's nothing in this that detracts from that.

Mr. Matt de Vlieger: That's right.

Mr. Jay Aspin: Thank you.

To you again, sir, the rationale put forward by the federal government for potentially restricting refugee claimants' access to social assistance is twofold: cost savings, and reducing the attractiveness of Canada as a place to make fraudulent refugee claims.

Could you comment or elaborate on those two issues?

Mr. Matt de Vlieger: I haven't seen those particular rationales put forward. From our point of view, the act and the bill remove a condition or a part of a condition that would apply a penalty. So it's facilitative to provinces. It gives them the flexibility in their own jurisdiction to set residency requirements if they choose to do so.

In terms of your question around incentives, certainly there isn't a cost savings to the Government of Canada for social assistance. Social assistance is delivered by the provinces. If there were fewer unfounded claims or claims that were later withdrawn made in Canada, presumably there would be some savings there. But I hadn't heard that those were being put forward as the rationale.

Mr. Jay Aspin: Have the federal and/or provincial governments considered the possibility, for example, that if one province implements a residency period requirement, refugee claimants might move to other provinces that have no such requirement? Has that been a consideration?

Mr. Matt de Vlieger: Yes, that could happen because it's facilitative. One province might choose to do it; many others might

not, or several would. For claimants who chose to go to a province that doesn't have one, obviously they would have access to the benefits.

Mr. Jay Aspin: Are you aware of any other groups, other than refugee claimants, who are eligible for social assistance and could be subject to a waiting period should division 5 of C-43 be enacted?

• (1625)

Mr. Matt de Vlieger: No, I don't believe so. My understanding of provincial social benefit regimes is that they generally, right now, do not have eligibility criteria that would allow temporary foreign workers or international students to access them. That's my understanding. So then the category that would be subject is the asylum claimants, the refugee claimants—yes.

Mr. Jay Aspin: Okay, thank you.

Thank you, Chair.

The Acting Chair (Mr. Devinder Shory): Well, thank you. Before we go to Mr. Menegakis, I as the chair would like to take the liberty to seek a little clarification.

I heard you say—this is my understanding—that this change will not make it mandatory for the provinces to adopt this model and neither will it punish any province for choosing this program. Is there any downside for the provinces or territories should they choose to or not choose to adopt this option once it becomes the law?

Mr. Matt de Vlieger: There's probably a lot in your question there and a lot that should be directed at the provinces and territories that would have to analyze the situation, as they are responsible for the social benefit regimes and would have to weigh a lot of factors about the design of that particular program. I'd prefer not to speculate on what kind of calculation they'd make about upsides or downsides for the way they design their programs.

The Acting Chair (Mr. Devinder Shory): Okay, thank you.

Mr. Opitz, you have five minutes, please.

Mr. Ted Opitz (Etobicoke Centre, CPC): Apropos to your last question, what would you say are some of the past experiences with the provinces on the Canada social transfer, so, for example, the \$20-million penalty or.... I'll leave it to you.

Mr. Matt de Vlieger: I'll leave it to my colleague from Finance Canada.

Mr. Daniel MacDonald: I think with respect to the \$20-million penalty, you are referring to an incident with the Province of British Columbia. On December 1, 1995, they put in place a three-month residency requirement for those collecting social assistance who were arriving from other provinces and countries. The transfer program that applied at that time was called the Canada assistance plan, and that residency requirement was a violation under that program at that time. So, the federal human resources minister at that time, who was responsible for the act, did impose withholding of CAP transfer payments, and ultimately it was the \$20-million penalty that reflected savings, and the way that concluded was B.C. did eventually remove that residency requirement.

Mr. Ted Opitz: These amendments, then, would therefore just prevent this from occurring again should provinces choose to impose a minimum wait period?

Mr. Daniel MacDonald: I guess, first off, from my understanding of what British Columbia put in place, it was a global restriction, so it applied to those arriving from the rest of Canada and from out of country. To the extent that the specific proposal in C-43 is that a minimum residency requirement could not apply to Canadian citizens, so those who were coming from other provinces and moving to B.C., that would still constitute a violation of the Canada social transfer today, and so the Minister of Employment and Social Development would be required to embark upon the withholding process that is laid out in the act and refer the matter to Governor in Council for a withholding as it saw fit.

Mr. Ted Opitz: Now, if this amendment passes, are there any next steps that the federal government plans to do? For example, would the provinces be encouraged to implement the wait period or will the government allow the provinces to make their own decisions? What's your thought on that?

Mr. Matt de Vlieger: Again, that's not part of the bill. The bill is facilitative, and it doesn't compel the provinces to introduce such a measure. It wouldn't be appropriate for me to speculate about the future actions of the government in terms of whether it would encourage provinces to move in a certain direction or not.

Mr. Ted Opitz: Other than social assistance payments through the province, what other supports are available for low-income individuals?

Mr. Matt de Vlieger: I could start and my colleague can follow up.

I think for low-income individuals there is a range of supports through the tax system federally or provincially—low-income tax credits, GST rebates—a large range of benefits that would apply to all Canadians. It would be variable in terms of the benefits that are available to foreign nationals.

• (1630)

Mr. Ted Opitz: Mr. MacDonald?

Mr. Daniel MacDonald: I have nothing to add to that, no.

Mr. Ted Opitz: Based on your research, have you found a distinction between the various types of refugee claimants who seek the protection of Canada? For example, are all refugee claimants genuine?

Mr. Matt de Vlieger: I wouldn't go to the research necessarily, but by definition the process of the Immigration and Refugee Board tells us that there are some claims that are founded and some claims that aren't founded. They have a determination process and there are criteria that are looked at. I think right now the statistics are that there's an acceptance rate of 55%. So about 45% of the claims at this stage—I think the data is from 2013—are unfounded.

Mr. Ted Opitz: Thank you.

The Acting Chair (Mr. Devinder Shory): Thank you.

Mr. Sandhu, you have five minutes.

Mr. Jasbir Sandhu (Surrey North, NDP): Thank you, Mr. Chair.

Thank you to the witnesses for being here this afternoon.

Mr. Chair, it would have been nice if we had actually had more meetings on this subject matter. We've had many witnesses who want to appear in front of this committee to express their opinions and concerns in regard to the impact this particular change is going to have in the communities that are serving not only refugees but the very people who are being affected by these changes.

We would have liked to have the Minister of Citizenship appear before this committee to answer some of the questions that he should be answering, because I think he's shirking his responsibility to answer some questions that Canadians legitimately want answered.

Having said that, we've heard from the minister many times, and his spokesperson. I'll quote you an article that appeared in *The Globe and Mail* on October 28. The spokesman for Minister Alexander is cited as saying, "the changes are expected to save money".

My question to Mr. MacDonald is that I guess you don't agree with that statement that it's going to save any money. What I've heard from you is that this is not going to have any impact on transfer payments.

Mr. Daniel MacDonald: That's correct. It won't have any impact on transfer payments because no other aspect of the Canada social transfer is being affected. The equal per capita allocation of the total amount that's set in legislation for the year is going to apply regardless.

Mr. Jasbir Sandhu: In fact then the minister's office is giving wrong information to the newspapers, and Canadians for that matter.

Mr. Costas Menegakis: On a point of order, Mr. Chair, these are false statements. It's the second time in the very short few minutes that Mr. Sandhu has spoken already that he is being provocative. We have officials here. He can ask officials. If he wants to make political statements, this is not the forum for them.

The Acting Chair (Mr. Devinder Shory): Thank you.

Mr. Sandhu, I would suggest that you stay within the purview of questions. We are here for technical assistance and clarification, so you may want to ask questions that are relevant to our meeting.

Mr. Andrew Cash: On a point of order, Mr. Chair, are you saying that no member of this committee could utter a provocative statement in this meeting? Do we have to define "provocative"? I mean, come on.

The Acting Chair (Mr. Devinder Shory): What I'm saying, and what the point of order is, is that this meeting is for clarification. The representatives from the department are here to answer the technical questions. If Mr. Sandhu wants to make political statements, he has all the rights to make statements outside of this meeting.

Mr. Jasbir Sandhu: Mr. Chair, I'm basically stating for the record what the minister's office has said and what the ministry's officials are saying here today.

I'm going to read part of your briefing here, Matt, where you said the following:

It is important to note that, under the Immigration and Refugee Protection Act, to obtain a visitor visa or a study or work permit, all foreign nationals must demonstrate that they can support themselves and their dependents financially for the duration of their stay.

You've listed temporary foreign workers, international students, visitors.

Do refugees have to demonstrate financial well-being when they come to Canada?

•(1635)

Mr. Matt de Vlieger: No, they're not subject to the same provision of the Immigration and Refugee Protection Act in that respect.

Mr. Jasbir Sandhu: Okay.

I've heard the term "facilitative" many times now. To me, facilitative here is that you're going to facilitate provinces to be able to cut social assistance to the refugee claimants. If I understand correctly, social transfers are based on per capita transfers to each province. Would refugees be included in calculating per capita transfers?

Mr. Daniel MacDonald: Yes. The department uses Statistics Canada population counts to determine the per capita allocation, and that does include them.

Mr. Jasbir Sandhu: Thank you.

So if one province implements this and another province doesn't, chances are that some refugees would move from one province to the other. Would that be correct?

Mr. Matt de Vlieger: It's possible. There's nothing in the operation of this that would prevent that.

Mr. Jasbir Sandhu: It is possible. So in fact you will see some cuts to some programs, money cuts, via per capita because a number of people have moved from one province to the other. Would that be correct?

Mr. Daniel MacDonald: Sorry, what would the...? I'd just want some clarification on the motivation.

Mr. Jasbir Sandhu: If one province has this program in place, my assumption would be that if somebody wants to get social assistance—money to get some food on their table, to survive, to pay rent—human nature would dictate that those refugees would move out of that province to a province where these cuts aren't in place. Is that a fair assumption?

Mr. Matt de Vlieger: So you're referring to the calculation of the social transfer on a per capita basis—

Mr. Jasbir Sandhu: Right.

Mr. Matt de Vlieger: —and that if a large number of asylum claimants who, for example, would likely have come to one province but decided to go to that other province and then got factored into Statistics Canada on that other province's register, would that province now get higher social transfer benefits versus the province that they might have come to otherwise?

Mr. Jasbir Sandhu: Correct.

Mr. Matt de Vlieger: There are a few hypotheticals in there, but...

Maybe I'll leave it for my colleague.

Mr. Daniel MacDonald: I guess my response to that question would be that the Canada social transfer is a contribution towards the provincial and territorial costs of providing programs and services in three broad areas. It's a contribution towards it, so in terms—

Mr. Jasbir Sandhu: I understand—

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. MacDonald. Maybe you can come back to this on some other question.

Mr. Menegakis, back to you.

Mr. Costas Menegakis: Thank you, Mr. Chair.

I want to touch base on something that was previously touched on by my colleague Mr. Leung. I want to clarify one thing. Government-assisted refugees and privately sponsored refugees in effect are permanent residents, so they are exempt from the wait period in this program, correct?

Mr. Matt de Vlieger: Yes.

Mr. Costas Menegakis: Then it's fair to say that those who are deemed by the UN as the most vulnerable people in the world are not only given protection but support through the resettlement assistance program or brought to Canada under the premise that their private sponsor will provide them with support for the first year. Can you elaborate on that a little bit?

Mr. Matt de Vlieger: That's also correct. Resettled refugees, one of the categories of protected persons, when they come to Canada as government-assisted refugees are eligible for the resettlement assistance program. That's some financing for the first year, so they wouldn't draw on social benefits for that time. Then there are the privately sponsored refugees who are privately sponsored and supported financially for that period of time as well.

Mr. Costas Menegakis: Okay.

I have a question for you, Ms. Imrie, if I may. I understand that it's a titling change with respect to the passport element, and it's a technical change in the bill, but can you remind us of the change that occurred and some of the rationale for it?

Ms. Caitlin Imrie: The change that occurred was that in July of 2013 accountability for the passport program moved from the Minister of Foreign Affairs, Trade, and Development to the Minister of Citizenship and Immigration. The Minister of Citizenship and Immigration, however, is supported by the Minister of Employment and Social Development Canada who is now responsible for the delivery in Canada of the passport program through the Service Canada network, and overseas by the Minister of Foreign Affairs, Trade, and Development. So Foreign Affairs will continue to play a role in assisting Canadians overseas.

The change was prompted by quite a bit of analysis of the alignment of the previous passport agency to see whether it was properly set up to meet the challenges of the future. Obviously we have an increasingly complex global world with IT challenges that are coming at us and it's very important that we're able to meet all of those challenges. There was analysis that looked at the program and where it best fit. That analysis demonstrated that there was a high degree of alignment between the passport program and Citizenship and Immigration's core business, as in, for instance, citizenship. The Minister of Citizenship and Immigration is responsible for determining who is a Canadian citizen. The passport is the best proof of citizenship that we have out there, so there's obviously a high degree of alignment between those programs. But in addition, the IT system that the passport program was running on previously was what we call a legacy system and it was not up to the challenge of the future. Citizenship and Immigration has a global case management system that has been in use for 10 years that allows us to move work around and to offer e-applications, and it has allowed us to modernize our programs and services.

This change also allows the passport program to benefit from our IT infrastructure.

• (1640)

Mr. Costas Menegakis: How has that been going since the change? The change took place...was it last summer?

Ms. Caitlin Imrie: It did. It took place in July of 2013. The transition occurred without any interruption of services. The passport program exceeds its service standards consistently and it was able to maintain that high degree of adherence to service standards. The transition activities are now considered to be complete between the departments. We have co-management arrangements in place between Citizenship and Immigration and Employment and Social Development Canada to administer the program, as well as with the Department of Foreign Affairs, Trade, and Development, and we are currently planning essentially the activities that will allow us to modernize the program.

So in my opinion it is going very well.

Mr. Costas Menegakis: Thank you very much.

The Acting Chair (Mr. Devinder Shory): Your time is almost gone, Mr. Menegakis.

Now back to Mr. Leung.

Mr. Chungsen Leung: Thank you, Chair.

I would just follow on with that question. In our modern society, because immigration is the determination for a passport, could you tell us how many Canadians actually use the passport program right now? We have a nation of about 35 million. What is the number of passports that we have issued?

Ms. Caitlin Imrie: We've been issuing roughly five million passports on an annual basis. This is up considerably. In the year 2000 it was, I think, about 1.9 million passports annually. You can see that this is a growing business.

In 2013-14, we issued 4.9 million passports. In 2014-15 so far, we've issued just over three million passports and we forecast that we'll issue probably, once the year is complete, 5.1 million passports.

There are roughly 22 million valid passports in circulation in Canada.

Mr. Chungsen Leung: So probably about two-thirds of Canadians have them.

Ms. Caitlin Imrie: Yes. That's—

Mr. Chungsen Leung: And is it correct to say that the passport is equally as important as a form of identification as a citizenship card of prior years?

Ms. Caitlin Imrie: It has become a very important document for Canadians, particularly since the western hemisphere travel initiative—now that you need a passport to enter into the United States, it has become a very critical document. We've seen that the possession rate of passports has increased very steeply over the past few years. Just under 70% of Canadians now hold valid passports.

• (1645)

Mr. Chungsen Leung: Thank you.

How many of these passports are issued overseas versus how many are issued in Canada?

Ms. Caitlin Imrie: The number of passports issued overseas is a fairly small component of the business. I would have to look through my papers to find the exact amount, but it would be less than 5% issued overseas, I believe. I could follow up with the exact amount, but the vast majority are in Canada.

Mr. Chungsen Leung: You may not have the numbers for this, but in your estimate roughly how many fraudulent passports are in circulation, or out there, to the best of your estimation?

Ms. Caitlin Imrie: In terms of fraudulent passports, I wouldn't have an amount, but I could certainly look into seeing what we might have. Certainly, we have strengthened the integrity of the passport system significantly over the years.

Mr. Chungsen Leung: That leads to my next question. What measures are we putting in to strengthen our passports? Perhaps you can highlight some of those strengthening measures.

Ms. Caitlin Imrie: Certainly. At roughly the same time as the transition, so again in July of 2013 we introduced the ePassport, which is now the standard in Canada. This was a very important integrity initiative.

Essentially, the passport now has an electronic chip embedded in the passport that cannot be essentially altered. It contains the core information in your passport, so that tombstone data and your passport picture is actually embedded in that chip.

In addition, the pages of the passport have a number of different security features, holograms, a number of different features that make it difficult to—

Mr. Andrew Cash: On a point of order, this is very informative stuff, but I fail to see how it connects to the issue at hand. If there is some clarification I'd be all ears.

Mr. Costas Menegakis: There are two elements in BIA 2 that touch on citizenship and immigration. One of them is the federal-provincial agreement we've been asking the majority of the questions on, and the other is the passport change. That's within the scope of the discussion, so we ask the questions.

The Acting Chair (Mr. Devinder Shory): Go ahead, Ms. Imrie.

Ms. Caitlin Imrie: Thank you.

The ePassport was a significant initiative. As well, we've made investments in facial recognition. This is a very, very important tool that allows us to match pictures of passport holders against the previous picture we have on record of that same passport holder, as well as all of the other pictures in the database. It's a very significant increase in integrity.

In addition, we have done a number of reviews of our entitlement instruments, our programs, our procedures, to make sure they are as robust as they possibly can be, and we have strengthened our relationship with security partners as well.

Mr. Chungsen Leung: Thank you for the update in our modernization program and how we have strengthened the value of Canadian citizenship and our passports.

The Acting Chair (Mr. Devinder Shory): Mr. Cash, you have five minutes.

Mr. Andrew Cash: Getting back to the matter at hand. Mr. de Vlieger, has the department done a study, or does it contain data that shows that a measure like this would be a disincentive to those considering claiming refugee status in Canada?

Mr. Matt de Vlieger: I'm not aware of any study specifically on incentives based on social assistance.

Mr. Andrew Cash: Okay. Has the department done a study, or does it contain data that shows a measure like this would save money?

Mr. Matt de Vlieger: Again, I'm not aware of that kind of study. If by implication—

Mr. Andrew Cash: Mr. MacDonald, is there a finance study that shows a measure like this would save money?

Mr. Daniel MacDonald: No, we wouldn't have done a study.

Mr. Andrew Cash: If a government were to say the reason this measure is important is because it will provide a disincentive, or it will save money, what would they base those statements on?

•(1650)

Mr. Matt de Vlieger: By implication, if social benefits were an incentive, you would see the number of claims reduced.

Mr. Andrew Cash: Right, but do we know that this is true?

Is there a report out there that shows that this measure is going to do what the government is saying it's going to do?

Mr. Matt de Vlieger: I haven't seen a study directly on social benefits. Obviously, the provinces might have those kinds of studies.

Mr. Andrew Cash: In response to my colleague, Ms. Sitsabaian, about whether these changes are charter-compliant, I believe you said that the provinces should consider this if they decide to make some changes, that they should seek legal advice.

Are you telling this committee that the government doesn't know whether this is charter-compliant? Is that what you're saying?

Mr. Matt de Vlieger: No, that wouldn't be what I'm saying. In the course of developing policy, bringing forward legislation, or measures that would be in a budget, there would be legal advice that the government receives. Obviously, it wouldn't be putting forward legislation that runs counter to legal principles or the charter.

Mr. Andrew Cash: When the Province of Ontario raised concerns about those exact things, what did the department or the government say to the province to allay their concerns about subsequent charter challenges?

Mr. Matt de Vlieger: I wouldn't be in a position to disclose the precise nature of conversations between two governments. In general terms, if a province were to choose to go down this route, it would have to do its own policy analysis and get its own advice about the legal implications of moving in any sort of direction in terms of its policy design.

Mr. Andrew Cash: Is this measure, if taken up by the provinces, charter-compliant?

Mr. Matt de Vlieger: I wouldn't be in a position to be a legal counsel to the provincial governments that might be considering any number of—

Mr. Andrew Cash: Let me ask it a different way. Did the department get a legal opinion on this?

Mr. Matt de Vlieger: The department would always get legal advice about any policy measure.

Mr. Andrew Cash: And what was that? What was the legal advice on this?

Mr. Matt de Vlieger: If the measure is coming forward, it's because the legal advice we received—

Mr. Andrew Cash: But we have seen the government wrapped up in the courts on a number of different pieces of legislation and lose, in fact. What you're saying is, "Well, if it's coming forward, then it has obviously met the charter requirements".

Mr. Matt de Vlieger: That's right. I can say two things. I can say that I can't disclose the legal advice we've received because that's privileged. The second thing I can say is that, as a general matter of principle, all government measures are subjected to legal advice.

We operate on the basis—

Mr. Andrew Cash: Just as an aside, Canadians pay for those legal challenges when they happen. It would be nice for Canadians to know what the legal advice and legal opinions are for legislation that comes forward.

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. Cash.

Mr. Menegakis, you have seven minutes.

Mr. Costas Menegakis: Thank you.

I'm going to touch a bit on Mr. Cash's line of questioning, specifically with charter compliance.

I think what Mr. de Vlieger has been saying is that, as with all legislation or changes we bring forth, it is vetted through the legal process before the government brings it forward. Now whether it is subject to challenge in the court or not... The vast majority of legislation that our government has put through certainly has been charter-compliant and has not even been challenged

Having said that, I would say to my friend and colleague Mr. Cash that the Canadian people do know that the government does not behave irresponsibly when it comes up with legislation. It comes up with legislation that is vetted through the legal process and gets that legal opinion. It was a positive legal opinion, which is why this measure is in this bill. Moving forward, should someone decide to challenge that, we will see how the courts will decide down the road. However, we're very confident in the legislation that we put through. In fact, in 100% of the cases, we have positive legal opinions from Justice and from the legal people within the department.

Now, I want to talk a bit about social assistance itself. One of the points that some members in the House have tried to bring up is that this will somehow impede the ability of asylum claimants to receive the social assistance they should be getting.

I want to hear from our officials on whether this legislative change, or this "facilitative change", as you put it, is binding on the provinces. Do they have to put up specific timeframes for someone to be in their province before they are offered social assistance, or not?

• (1655)

Mr. Matt de Vlieger: The provinces have sole responsibility for designing their social benefit regimes in terms of rates and eligibility.

The only federal condition that was applied was in relation to the Canada social transfer, and that was about minimum residency. That's the condition that's now being narrowed.

Mr. Costas Menegakis: Other than the ready access to social assistance, were there other government programs that created a pull factor for what we would call non-genuine refugee claimants?

Mr. Matt de Vlieger: Again, I'm not aware of a specific study.

However, certainly in the process of looking at the refugee reforms that were brought forward in 2012, as a government, we were looking at irregular patterns of migration. There were some countries that seemed to generate a large number of unfounded or abandoned claims. The reforms that were brought in during 2012 looked to address some of the issues, for instance, around the length of time that it took to process an Immigration and Refugee Board process.

A lot of those things were looked at, and as a result there has been a dramatic change in some of those categories. The numbers of claims are down overall, and the acceptance rates are up. We were looking as a government from a policy perspective at some of those considerations around pull factors, as you called them, things that might incentivize some of these unfounded claims. Those were some of the things we looked at.

Mr. Costas Menegakis: With respect to asylum claimants and refugees, Canadians are very compassionate, very understanding people. We want to be of assistance to those who need that particular attention. However, what we hear from Canadians is that if you're not a genuine refugee claimant and want to avail yourself of social assistance that is not due to you, that is not a good thing. That is not something that Canadians want to do. Programs are there for people who need the assistance. That point needs to be made repeatedly. What we hear from Canadians is that any assistance that refugees get should not be different than the assistance that Canadians get. It

should not be more than what Canadians get, nor do we want it to be any less.

Can you compare this to any other acts in the government? For example, the Canada Health Act was established in 1985, and it provides provinces and territories in Canada with the ability to impose a minimum residency period. Do any provinces impose a minimum residency period for that?

Mr. Matt de Vlieger: Yes, the Canada health transfer is not as much my field. My colleague might have something to say about it, but my understanding is the same as yours, that it doesn't have the same condition that the Canada social transfer does in terms of minimum residency.

Then, in fact, some provinces.... My colleague might have the full facts, but certainly the Province of Ontario has, I believe, a 90-day period before you can access OHIP benefits, but I'm not sure...across the country. But you're right that the Canada health transfer doesn't have the same condition in terms of minimum residency requirements.

• (1700)

Mr. Costas Menegakis: Would you care to weigh in on this, Mr. MacDonald?

Mr. Daniel MacDonald: I can just add the citation from the Canada Health Act, Section 11. It's called portability. Under 11. (1) (a) of the Canada Health Act:

(1) In order to satisfy the criterion respecting portability, the health care insurance plan of a province

(a) must not impose any minimum period of residence in the province, or waiting period, in excess of three months before residents of the province are eligible for or entitled to insured health services.

Just going through the Canada Health Act annual report, which is tabled each year—I just went through the 2012-13 report for today—in terms of insured persons who are moving between provinces and territories, what the portability provision requires is that if an insured person moves from one province to another, there is a waiting period in the province they're moving to, but they're still covered by the province they left. The periods in which that occurs will vary—the first day of the third month, for example. Other than that it's as I described, which is that the portability requirement must not impose a minimum period in excess of three months.

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. MacDonald.

Now we are back to Ms. Sitsabaiesan.

Ms. Rathika Sitsabaiesan: Mr. Clerk, please let me know when I have one minute left, because I'm going to give the last minute to Mr. Cash. Thank you.

Mr. de Vlieger, or maybe Mr. MacDonald, in 2014, CIC's annual report to Parliament told us that the overall reduction in asylum claims has already resulted in greater than anticipated savings to Canadian taxpayers of more than \$600 million in provincial and federal government welfare, education, and health care costs within the first year of the new system. Overall savings are projected to be more than \$1.6 billion over five years.

Does this \$1.6 billion include the projected savings brought about by these changes in the FPFAA?

Mr. Matt de Vlieger: No, it wouldn't. It would be just limited to the reforms that were brought in, in 2012.

Ms. Rathika Sitsabaiesan: So you said, "No, it would not include...."

Mr. Matt de Vlieger: That's right. It would just be referring to the reforms brought in, I think, in December 2012.

Ms. Rathika Sitsabaiesan: Okay. Thank you.

Mr. MacDonald, did you have anything to add to that, or is it the same thing? Okay.

Clauses 172 and 173 were actually in a previous private member's bill, Bill C-585, which the government—I guess I can't say the government—kept on not being debated multiple times when it came up for debate. Now changes that are not really budgetary in nature are showing up in this omnibus budget bill.

Did your department provide any advice to the minister as to how to proceed to include these measures in Bill C-43, and if so, how long has CIC been involved in drafting clauses 172 and 173?

Mr. Matt de Vlieger: On the first part of your question, I wouldn't comment on the motivations of a particular private member's bill. But in terms of the Government of Canada's involvement and when that work started, I believe it was around March 2014 that we started to work on provisions related to what ended up in the budget bill.

Ms. Rathika Sitsabaiesan: So when you say the Government of Canada, you're saying CIC itself probably started working on what ended up being the actual provisions in clauses 172 and 173 around March of this year?

Mr. Matt de Vlieger: That's right.

Ms. Rathika Sitsabaiesan: Okay, thank you for the clarity.

I'm going to go back to my original idea of refugee claimants versus refugees. Refugee claimants in my mind are in fact refugees just waiting to get approved, because I believe in the good in people and in humanity. Also, many of the claimants would actually eventually become refugees and be accepted as protected persons in Canada, so while the provisions are supposed to actually target those who are known as bogus or unfounded refugee claimants, they in fact would similarly affect refugees with legitimate claims in the eyes of the Canadian refugee determination system, because it might be one, two, or five months before their application is approved.

How does CIC plan to address this very important issue?

• (1705)

Mr. Matt de Vlieger: You're right about the construct, that some claimants are successful and then, once they're successful at the Immigration and Refugee Board, they become protected persons and would be eligible for social benefits were a province to impose a residency requirement that otherwise limited that. By contrast, some claimants are found to have unfounded claims. If they have unfounded claims, then they would be subject to a removal order. If a province had brought in a residency requirement, they wouldn't be receiving benefits up to the point of that determination.

Ms. Rathika Sitsabaiesan: I have two follow-up questions from that.

One is about removal. CBSA has told us—or a report read—that it takes them about 23 days from the time that a case is referred to them until they actually remove the individual. Can you tell us how long it takes CIC to refer a case to CBSA?

The other question that I wanted to ask you was: what is the actual average percentage of refugee applications that come in and the percentage of success rates?

Mr. Matt de Vlieger: I'll deal with your last question first.

I believe that, based on 2013 figures, there were about 10,400 asylum claimants, and about 55% of those had a positive determination. So 55% of those were found to be refugees who then became protected persons.

Ms. Rathika Sitsabaiesan: So in the future, possibly 55% of all of the applicants who should be protected persons won't have the protection for a long period of time until their case is approved.

Mr. Matt de Vlieger: Depending on the provincial design and how they design their programs.

Ms. Rathika Sitsabaiesan: Possibly. I mean, we're the federal level and we're setting it up so that the provinces could possibly create this precarious situation for 55%, using existing averages.

Mr. Matt de Vlieger: I think it would be the 45% actually, based on these numbers. And then the province—

Ms. Rathika Sitsabaiesan: You said 55% are approved.

Mr. Matt de Vlieger: Yes, 55% are approved, and so upon approval they would have access to the—

Ms. Rathika Sitsabaiesan: They become protected persons. So while they're waiting for approval they don't have....

Mr. Matt de Vlieger: That's right.

Ms. Rathika Sitsabaiesan: The 55%. That's what I'm saying.

Mr. Matt de Vlieger: While they're waiting for approval, none of the refugee claimants would have access to the benefits if a province instituted a residence—

Ms. Rathika Sitsabaiesan: Exactly.

The Acting Chair (Mr. Devinder Shory): About six minutes.

Mr. Andrew Cash: I'll just follow up on that, just so that we just are totally clear here.

You said 55% were approved in 2013. I believe there are about 89,000 refugee claimants as of the end of 2012, in total. So 55% is just under 50,000.

Has the department done any kind of study on the social ramifications of removing social assistance to those 50,000 as they wait for their claims to be processed?

Mr. Matt de Vlieger: No study that I'm aware of.

The provinces would have to design and look at what mitigation measures they might want to put in place if they were to move to this kind of regime where they limited benefits to certain populations.

Mr. Andrew Cash: In this scenario though, just to be clear, if a province chose to take up this invitation, they would have no social assistance.

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. Cash. Your time is up. Actually it's been more than seven minutes.

Mr. Chan, you have five minutes.

Mr. Arnold Chan: Thank you.

I want to follow up on some of the earlier questions from Mr. Cash talking about the issue of statistics, and I want to direct the comments back to Mr. de Vlieger.

You indicated that, internally, the federal government did not collect any statistics about any unfounded claims. Did any of the provinces share with you any statistics about potential unfounded claims?

Mr. Matt de Vlieger: I'm not aware of a study that the province did related to unfounded claims.

Mr. Arnold Chan: What I'm really trying to drive at is, who was really asking for this facilitative amendment? Was it the provinces asking for it? You seemed to imply in your opening comments that this was coming from the provinces, and yet there are no studies coming from the provinces other than these casual conversations that appear to be occurring between officials. Who is really driving this process?

• (1710)

Mr. Matt de Vlieger: I'm happy to clarify that no provinces asked for this particular measure. We've certainly seen in the media reports that some provinces have indicated quite clearly that they're not interested in taking up—

Mr. Arnold Chan: So this is clearly a federal government initiative?

Mr. Matt de Vlieger: It's a federal act.

Mr. Arnold Chan: I want to follow on the second point that both Mr. Cash and Ms. Sitsabaiesan were driving at, which was dealing with the percentage of successful refugee claimants. I think the point that was being driven at was that if this particular policy was ultimately adopted by any of the provinces, we would potentially have a body of individuals who would ultimately become defined as protected persons and who would be disentitled to a period of social assistance until such determination was given.

You mentioned earlier that since the 2012 amendments, the number of successful claimants, in fact, is rising because the number of actual applications is dropping.

Isn't it a sort of perverse outcome that if this policy, this so-called facilitative amendment, is actually adopted and carried out by the provinces, that we're ultimately disentitling an increasing number of

individuals who ultimately should have qualified for social assistance because they would ultimately be determined to be protected persons? Would you agree with that statement?

Mr. Matt de Vlieger: No, I wouldn't agree with that statement. I would agree with part of the statement. The operation is that provinces would design—and I can't speculate on how they would design—their social benefit regime, who it would apply to, and what the period of residence would be. The fact is that the number of claims from our data has come down significantly since the 2012 reforms, so there wouldn't be an increasing number—

Mr. Arnold Chan: I'm not talking absolute number but just the percentage of individuals who would qualify. It should be increasing given that the number of successful claimants appears to be on the rise. Would that be fair?

I'm talking in terms of percentages not absolute numbers.

Mr. Matt de Vlieger: It's hard to speculate, but I will try. If a province were to impose a residency requirement and that province had a large number of asylum claimants and most of those were found by the IRB to have a positive determination—that they were to become protected persons—then yes, if that province had a residency requirement and wasn't giving any financial assistance or any in-kind assistance, there would be an impact on those individuals.

Mr. Arnold Chan: I want to get back to Mr. Cash's earlier discussion about the whole point of the minimum residency requirement that was first adopted in 1951.

As I recall, Mr. MacDonald, I think this came from you. You talked about the whole point of the exercise really being to ensure a relative level of standard and to allow mobility of persons within Canada, while, hopefully, accessing the same social services across the country.

Isn't removing this particular requirement ultimately serving to create a patchwork of available social services across the country?

Mr. Daniel MacDonald: I think my earlier comment was that the minimum residency prohibition ensures that there is access to social assistance across the country, but there was no requirement through the Canada social transfer regarding how that is done or regarding any other aspect of social assistance. If it came across that I was saying there was a standard to be achieved in social assistance, I'm sorry for misrepresenting myself. That's not what I was trying to say.

I was trying to say that there is a requirement for there to be social assistance, but beyond that, as Mr. de Vlieger has been saying, it's within the purview of the provinces to find how that social assistance will be delivered.

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. MacDonald.

Thank you, Mr. Chan. Your time is up.

Mr. Leung, you have up to seven minutes.

Mr. Chungsen Leung: Thank you, Chair.

I wish to indicate that I will split my time with my colleague, Mr. Dreeschen.

I'll have to formulate my question quickly due to time constraints.

In order to prevent abuse of the social assistance that Canada so generously provides, could you indicate what criteria we impose on people who come into this country as temporary residents when they apply, whether they are temporary foreign workers, international students, or visitors? Prevention generally is a pretty effective tool in preventing abuse.

Also, perhaps you could share with the committee whether or not there have been incidents in which foreign nationals on visitor visas have taken advantage of social assistance. We can only know this by the time we catch them, but perhaps you can give us your best estimate of what the abuses are.

• (1715)

Mr. Matt de Vlieger: On the first part, I'll refer to the Immigration and Refugee Protection Act, where in section 39 it talks about what we call an inadmissibility criteria. Someone is inadmissible for financial reasons if they are unable or unwilling to support themselves or any other person who is dependent on them and have not satisfied a visa officer that adequate arrangements for care and support, other than those that involve social assistance, have been named. That's the condition in the legislation as it currently stands with respect to the kinds of support and undertakings that a foreign national—a temporary foreign worker, an international student, or a visitor—has to have to be admissible to Canada.

Mr. Chungsen Leung: There's a third party verification sort of thing?

Mr. Matt de Vlieger: Yes, through the visa officer's process, the application that they're making—

Mr. Chungsen Leung: Then the second question was on the group of people who have perhaps taken advantage of our social assistance. What is your best estimate on that?

Mr. Matt de Vlieger: I don't have any information on individuals who are supposed to be—

Mr. Chungsen Leung: Not each individual, just a guess.

Mr. Matt de Vlieger: Even anecdotally, I think the place to ask would be a provincial regime that is looking at social benefits. We do have some information-sharing arrangements with some provinces that are looking to have information from us about when we have a removal order, so that they can make sure they stop the benefits they're providing when someone's leaving the country. But I don't have evidence, anecdotal or otherwise, about individuals being on social assistance.

Mr. Chungsen Leung: Mr. Dreeshen.

Mr. Earl Dreeshen (Red Deer, CPC): Thank you very much, Mr. Leung. And Mr. Chair, thank you for giving me this opportunity to speak to this.

I've gone to many budget implementation act technical briefings. It's an extremely important thing to do so that you get a chance to see how all of this ties into the budget and how things are going to work. I assume that you or members of your staff would have been to the technical briefings that have taken place previously. I want to tie back in and talk to what Mr. MacDonald presented, where he talked about answering these technical questions that are associated with part 4 and division 5.

Mr. MacDonald, some of the discussions in your presentation had to do with the block transfers to provinces under the Canada social transfer, but also there was discussion about the Canada health transfer. I believe I heard from discussion back in 1995 that we were talking about \$20 million being required to be repaid by the Province of British Columbia because of issues they had of going sort of offside, if you like, with some of the different acts we have.

I was a hospital board chairman for a number of years in Alberta, so I know some of the things that are associated with the Canada health transfers. You described portability issues, but of course, for any charges for health care services that they felt were offside, the governments were expected to pay for that as well.

That brings me to the other part you were discussing. In the presentation you spoke about the Federal-Provincial Fiscal Arrangements Act, which states that in order to receive full CST funding, provinces and territories must not impose minimum residency requirements for social assistance. If they do that, then of course they are going to be subject to some clawback or some issue there. From what I can gather from listening to the descriptions, you're trying to develop something so that the provinces will be able to deal with this without actually being clawed back.

Am I on the right track here, that this is what you mean when you talk about a facilitative amendment so that provinces can be assured they're not going to end up with the clawbacks, as has happened under previous situations when they have found that some of their decisions have been offside?

• (1720)

Mr. Daniel MacDonald: Yes, I can clarify that.

In my remarks, I described the withholding process within the FPFSA with respect to the CST, which is that if there is a minimum residency requirement placed in the laws of the province, the Minister of Employment and Social Development is required by statute to go through a process that's set out in the statute to determine what the violation is and the degree of the violation and to make a report. If he is then of the opinion, at the conclusion of this dialogue with the province, that it is a violation of the minimum residency requirement, the act requires that the matter be referred to the Governor in Council. Where the Governor in Council has the discretionary power, they may impose a withholding on the transfer to that province as they see fit.

This amendment, rather than requiring the Minister of Employment and Social Development to enter into that process automatically when there is any minimum residency requirement imposed, is permitting the provinces; it's a facilitative amendment that allows provinces to put in place a minimum residency requirement as long as it satisfies the description in this bill, without triggering the withholding process that is then entered into by the Minister of Employment and Social Development.

The Acting Chair (Mr. Devinder Shory): Thank you, Mr. MacDonald.

Mr. Sandhu, you have up to five minutes.

Mr. Jasbir Sandhu: Thank you very much, Mr. Chair.

We've already established that when visitors, students, and other temporary foreign workers come here, they should be able to demonstrate financial backing and all of that to make sure they can live here, and we've already established that refugees don't have to do that when they come to Canada. Are refugee claimants able to get a work permit right away when they land in Canada?

Mr. Matt de Vlieger: I will consult a colleague, because I'm not working directly in the refugee area, but I believe the answer is that they cannot get a work permit immediately on arriving in Canada. Resettled refugees come as permanent residents, and I believe that means they can obtain a work permit.

Mr. Jasbir Sandhu: All right. Maybe I'll put the question out there. If refugees cannot legally work in this country, how are they able to support themselves? Did the government look at who was going to provide that support to them or were they supposed to be left out on the streets?

Mr. Matt de Vlieger: We might be able to go back to your earlier question, if you don't mind.

Ms. Caitlin Imrie: Yes, if you don't mind...? It's a bit unusual, but I was previously in a role in this area.

To add a bit of precision, it's actually only members from designated countries who cannot access work permits, so others can access work permits.

Mr. Jasbir Sandhu: How many of those work permits are given? If a hundred refugees apply for work permits, what percentage of work permits are given?

Mr. Matt de Vlieger: We'd have to look that up.

Mr. Jasbir Sandhu: For those who couldn't get the work permit, did the government look at how those people were going to survive?

Mr. Matt de Vlieger: That falls into the category of some of the considerations that the provinces, if they wanted to bring in these kinds of measures...the kind of social benefit regime they'd want to look at is what kinds of services are provided to residents or persons who are in their jurisdiction. Internationally, some countries provide financial assistance, while other countries provide in-kind assistance. Some countries, such as the United States, don't provide either in-kind or financial assistance.

• (1725)

Mr. Jasbir Sandhu: Thank you.

Would you be able to provide that information to the clerk?

Mr. Matt de Vlieger: The information about work permits?

Mr. Jasbir Sandhu: Right.

Mr. Matt de Vlieger: Yes.

Mr. Jasbir Sandhu: Thank you.

We've already established here that there was no consultation done with the provinces and the provinces did not ask for this facilitative measure to be put in place, so my question goes to your professional opinion. If the provinces have never asked for it and if you've never had any discussions with them, why would the provinces want to have this measure in place or restrict social assistance to the refugees?

Mr. Matt de Vlieger: That is a good question to put to the provinces. I wouldn't speculate. I would say that the condition that was placed on the Canada social transfer is a federal condition. It's a condition that's built into the federal act that we're talking about, the Federal-Provincial Fiscal Arrangements Act. The object of this amendment is to narrow that condition, providing extra flexibility to provinces in their own area of jurisdiction.

Mr. Jasbir Sandhu: I guess you're not providing your professional opinion.

Mr. Matt de Vlieger: Not on behalf of the provinces I'm not.

Mr. Jasbir Sandhu: Do you have any indication from any of the provinces that they would actually do this?

Mr. Matt de Vlieger: We haven't had any indications from any provinces that they are looking to implement such a measure, no.

Mr. Jasbir Sandhu: Okay. I don't know if you talked about it. I think Mr. MacDonald talked about this. One of the tenets of Canada's social transfer is that people have the ability to move from one province to another and that the payments would follow through with that.

My point here is, would that tenet of Canada's social transfer erode some of that when refugees are moving from one province to another and they're not able to get those—

The Acting Chair (Mr. Devinder Shory): Mr. Sandhu, your time is up.

Mr. Opitz, you have up to five minutes.

Mr. Ted Opitz: Thank you, Mr. Chair, and through you, the U.S. and the U.K. provide social assistance supports to asylum claimants and temporary residents, do they not?

Mr. Matt de Vlieger: I don't believe the United States provides either financial assistance or in-kind services. In the U.K. my understanding is that there is some in-kind support provided, though not access to the same kinds of financial benefits that other residents of the U.K. are accorded.

Mr. Ted Opitz: If you were to compare the Canadian system to what you know of these other two, how would you assess that?

Mr. Matt de Vlieger: The Canadian system as we know it now? Or the Canadian system that could hypothetically be implemented by the provinces?

Mr. Ted Opitz: Both now and in the future.

Mr. Matt de Vlieger: Currently in Canada all provinces and territories are providing social benefits in the form of financial assistance to refugee claimants immediately upon application, so that's different from the United States and different from the U.K. In the United States, my understanding is that there is neither a financial benefit provided nor in-kind services. In the U.K., they're providing in-kind services.

I think that's true for many European Union countries as well.

Mr. Ted Opitz: Okay. And in the future?

Mr. Matt de Vlieger: In the future, if provinces were to have these minimum criteria, they would be, for that period of time, depending on what period of time they put in, more comparable to some of those other jurisdictions. Again, depending on what kinds of in-kind services they might provide, really there are a lot of ways that a province might choose to design their social assistance regime.

Mr. Ted Opitz: But overall the Canadian system is, I would say, very generous and very fulsome in respect to claimants.

Mr. Matt de Vlieger: In respect of providing direct and immediate access, my understanding is that it compares very favourably, yes.

Mr. Ted Opitz: How could this legislation not be charter-compliant when it effectively gives the provinces the power they need to be able to impose a wait period? Nothing will really change here and it's in fact a jurisdictional matter. Can you comment on that?

Mr. Matt de Vlieger: I'd give the same answer I gave to the member opposite. I'm obviously not going to disclose the legal advice that we might have received. We do get legal advice when we are planning or preparing any measures, and the government would not be proposing measures that were found not to have a solid legal basis.

● (1730)

Mr. Ted Opitz: Great.

The Acting Chair (Mr. Devinder Shory): We are done.

I want to take this opportunity to thank the witnesses for coming and enlightening the committee members by responding to their questions. Thank you very much.

Our time is up. The meeting is adjourned.

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