



**HOUSE OF COMMONS  
CANADA**

**HANDS ACROSS THE BORDER:  
Working Together at our Shared Border and  
Abroad to Ensure Safety, Security and Efficiency**

**Report of the Standing Committee on  
Citizenship and Immigration**

**Joe Fontana, M.P.  
Chair**

**December 2001**

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# STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION



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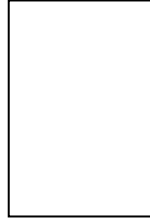


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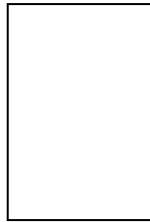
Lynne Yelich  
Canadian Alliance

## **CLERK OF THE COMMITTEE**



Jacques Lahaie

## **RESEARCH STAFF OF THE COMMITTEE** *(Parliament Research Branch)*



Benjamin Dolin



Jay Sinha

## **ACKNOWLEDGEMENTS**

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The Committee could not have completed its study on Security at Ports of Entry in Canada without the cooperation and support of numerous people. The Chairman and members of the Committee extend their thanks to all the witnesses who shared with them their insight and their knowledge on this subject and organizations who have submitted briefs.

Our task could not be completed without the valuable cooperation from the research officers of the Parliamentary Research Branch, Benjamin Dolin and Jay Sinha. The Committee also wishes to acknowledge the Clerk, Jacques Lahaie, and Lucie Poulin for the administration and support throughout the course of this study.

The members of the Committee also wish to express their appreciation to the staff of the Committees Directorate, the Translation Bureau of Public Works and Government Services Canada and the support services of the House of Commons who have provided logistic and administrative support to elaborate this report.

Finally, the Chairman wishes to thank the members of the Committee for the numerous hours they dedicated to study this question and to prepare this report.

# **THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION**

has the honour to present its

## **SECOND REPORT**

In accordance with its permanent mandate under Standing Order 108(2), your Committee has agreed to conduct a study on the Security at Ports of Entry in Canada and reports its findings and recommendations.



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# LIST OF RECOMMENDATIONS

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## A. The Effects of 11 September 2001

### i. Security Misconceptions After September 11th

The Committee recommends that:

1. Citizenship and Immigration Canada and other government departments make an effort to educate the public, both here and abroad, so that unsubstantiated and unwarranted concerns about Canada's border security are refuted. Ongoing and proposed measures must be communicated widely. Such educational efforts should also be addressed to American legislators.

### ii. The Immediate Effects Felt at the Border

The Committee recommends that:

2. Border practices should continue to be guided by the primary objectives of safety, security and efficiency.

## B. The Impact of the New *Immigration and Refugee Protection Act* (Bill C-11)

The Committee recommends that:

3. National standards for front-end screening be established based on best practices and that staffing levels be increased where necessary to ensure that front-end screening is an effective and expeditious process. Proper training, including training in cross-cultural understanding, will be necessary to implement these national standards.
4. Specialized teams be established to process refugee claimants at high volume ports of entry.
5. Citizenship and Immigration Canada should ensure that sufficient resources are allocated to address concerns surrounding implementation of the Pre-Removal Risk Assessment.

## **C. Canada and the U.S. — Cooperation, Coordination, Partnerships**

**The Committee recommends that:**

- 6. Canada and the United States place an increased emphasis on the speedy implementation of joint initiatives developed, and continuing to be developed, under the Shared Border Accord.**

### **i. Refugee Claimants from the United States**

#### **a. Safe Third Country**

**The Committee recommends that:**

- 7. While maintaining Canada's commitment to the Refugee Convention and our high standards in respect of international protection, the Government of Canada should pursue the negotiation of safe third country agreements with key countries, especially the United States.**

#### **b. Direct-Backs**

**The Committee recommends that:**

- 8. Pending the establishment of a safe third country agreement, which would be preferable, direct-backs be used where possible as an alternative to detention when initial checks cannot be completed expeditiously.**

### **ii. Coordinate Visa Requirements**

**The Committee recommends that:**

- 9. Canada work with the United States to coordinate visa requirements where possible to address any impact felt at the border as a result of incongruity.**

### **iii. Pre-Clearance of People and Goods**

**The Committee recommends that:**

- 10. The Canadian and U.S. governments facilitate entry of low-risk travellers by reinstating the CANPASS/PORTPASS programs at land border crossings, as long as each person in the car is checked.**

**Emphasis should also be placed on full implementation of the NEXUS program at all land ports of entry.**

- 11. The Canadian and U.S. governments facilitate the entry of low-risk, frequent air travellers between Canada and the U.S. by reinstating the CANPASS Airport and INSPASS programs, respectively, at applicable international airports, and expanding it to all Canadian international airports.**
- 12. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with their U.S. counterparts to put in place customs self-assessment and pre-arrival release programs to facilitate movement across the border of low-risk commercial traffic thus freeing up resources for use on higher risk traffic.**
- 13. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with their U.S. counterparts to implement a joint commercial driver registration program.**

**iv. Information and Intelligence Collection and Sharing**

**The Committee recommends that:**

- 14. The governments of Canada and the United States seek new ways of sharing information relating to border security. Cross-border information sharing initiatives that have proven effective should be implemented throughout Canada.**
- 15. The governments of Canada and the U.S. be more proactive about encouraging the flow of information and the coordination of intelligence efforts at all levels. If privacy and disclosure laws prove to be impediments to information flow, the countries should consider amending the legislation in question and/or negotiating new bilateral agreements to facilitate information sharing.**
- 16. Citizenship and Immigration Canada actively pursue the development of formal partnerships with other agencies to facilitate the flow of information when dealing with security issues.**

**v. Joint Enforcement and Investigation**

**The Committee recommends that:**

- 17. The governments of Canada and the United States put in place sufficient regional Integrated Border Enforcement Teams to cover the entire Canada-U.S. land border at all times.**
- 18. The IBETs should be sufficiently equipped to communicate effectively and to respond immediately to irregular border activities. They should be assisted by tools and technological aids such as air support, motion detectors and motion-triggered cameras. The efforts and equipment of both countries should be coordinated to ensure maximum efficiency.**

**vi. Joint Facilities**

**The Committee recommends that:**

- 19. The governments of Canada and the United States consider constructing more joint border facilities. Such facilities would be most effective at small, remote ports of entry.**

**D. Canada and the World — Overseas Interdiction**

**The Committee recommends that:**

- 20. More information exchanges and coordinated intelligence activities be pursued with other governments for the screening of travellers.**
- 21. More immigration control officers be hired to work overseas and that related infrastructure resources be provided. This should be a top priority.**
- 22. Greater intelligence resources be made available by the RCMP, CSIS and the Communications Security Establishment to our visa posts abroad. This may entail more RCMP and CSIS officers being posted overseas.**
- 23. Locally engaged personnel at our visa posts overseas be required to undergo enhanced security screening.**
- 24. Travel documents be scanned digitally prior to boarding.**

- 25. Disembarkation teams should be used as much as possible for flights identified as problematic.**
- 26. Airlines be required to provide passenger lists to Citizenship and Immigration Canada and other appropriate governmental agencies prior to flight departure for all flights bound for Canada.**
- 27. As part of the sharing of information with other nations, we seek access to the information provided in the course of their exit control processes.**

**E. Enforcement and Program Delivery**

**i. A Greater Role for Immigration at the Primary Inspection Line**

**The Committee recommends that:**

- 28. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work together to enhance security by improving the immigration presence at the primary inspection line. These cooperative efforts could involve full cross-training of immigration and customs officers, or possibly consolidation of the two bodies into a single entity.**
- 29. Citizenship and Immigration Canada ensure that marine ports of entry across the country are staffed with sufficient immigration personnel to meet capacity challenges, especially during the months spanning spring to autumn.**

**ii. “Streaming” Traffic at Ports-of-Entry**

**The Committee recommends that:**

- 30. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency jointly test and evaluate the effectiveness of “streaming” processes for air travellers, and consider implementing successful initiatives at international airports across Canada.**

### **iii. National Standards for Port of Entry Security**

The Committee recommends that:

- 31. A national airport security authority be created to assess security risks and to implement stringent, uniform security standards at all Canadian international airports.**
- 32. All non-travellers — including airport employees — be required to pass through a security checkpoint before accessing an airport departure area.**
- 33. Threat assessments be conducted at all land border crossings to assist in the development of security standards at each crossing point.**

### **iv. Protective Tools for Officers**

The Committee recommends that:

- 34. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work together to ensure their officers are equipped with sufficient protective tools and the training and authorization to use them when necessary.**
- 35. There be a greater armed presence at ports of entry in the form of uniformed police officers, such as the RCMP or local police.**

### **v. Detention of Refugee Claimants**

The Committee recommends that:

- 36. Detention continue to play a role in our border security procedures, but cautions that people should be detained for the minimum period necessary and that a detention review should occur within 48 hours, as contemplated by section 57 of the Immigration and *Refugee Protection Act*.**
- 37. The detention of minors be avoided and that the best interests of the child be a factor in detention decisions.**
- 38. Citizenship and Immigration Canada ensure that undocumented refugee claimants who are uncooperative in establishing their identity are detained.**



39. **More detailed statistics be maintained in respect of immigration detentions, particularly the grounds for detention, and that these statistics be provided in the annual report to Parliament made by the Minister of Citizenship and Immigration.**
40. **Where necessary, longer term detention facilities be established for refugee claimants who are ordered detained.**
41. **There be improved training of immigration officers regarding detention review jurisprudence.**
42. **The Department ensure that all relevant information gathered by the front-line immigration officers is presented in the Adjudication Division.**

**vi. Backlog of Deportation Orders**

**The Committee recommends that:**

43. **There be relaxed landing requirements for applications made on humanitarian and compassionate grounds for people illegally in Canada who can demonstrate that they pose no risk to our country and are self-sufficient .**

**vii. Combating Organized Crime — People Smuggling and Trafficking**

**The Committee recommends that:**

44. **Given the serious nature of the offences of smuggling and trafficking in people, which is reflected in the increased fines and jail sentences available under the new legislation, prosecutors should be encouraged by CIC and Justice Canada to vigorously pursue more severe penalties.**
45. **The Government of Canada continue to work closely with the U.S. and other countries in joint operations to combat organized crime, including human smuggling and trafficking.**
46. **Citizenship and Immigration Canada continue to foster regional, national and international partnerships to promote the free-flow of valuable intelligence information, while respecting the Canadian Charter of Rights and Freedoms.**

## **F. Resources and Technology**

**The Committee recommends that:**

- 47. The relevant government agencies, including Citizenship and Immigration Canada and the Canada Customs and Revenue Agency, work together to evaluate all resource needs at ports of entry. Based on this evaluation, the Government of Canada should provide more resources to ports of entry to ensure border security and to facilitate the movement of low-risk border traffic.**

### **i. More People**

**The Committee recommends that:**

- 48. The Government of Canada provide sustainable resources to deal with current customs and immigration needs at ports of entry across the country.**
- 49. These resources include more front-line officers, administrative support staff and Immigration and Refugee Board personnel. Sufficient human resources should also be provided in the areas of removal enforcement and detention capacity.**

### **ii. Different Customs and Immigration Pay Scales**

**The Committee recommends that:**

- 50. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with their bargaining agents to evaluate the issue of remuneration for port-of-entry immigration and customs staff.**

### **iii. Resources for Training**

**The Committee recommends that:**

- 51. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency provide resources to ensure that all customs officers are adequately trained in immigration matters. Citizenship and Immigration Canada should use its best efforts to ensure the immigration knowledge of customs officers is sufficient.**

- 52. Students hired and trained to work at ports of entry be closely monitored to ensure their training is sufficient to effectively carry out their duties. If not, they should undergo further training.**
- 53. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with Justice Canada to make legal assistance directly available at all times to officers working at ports of entry and on investigations.**
- 54. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency ensure that front-line officers receive training in how to deal with offensive behaviour — such as extreme rudeness, harassment and violence — and in how to ensure their own safety.**
- 55. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency ensure that sufficient resources are allocated for the implementation of the new *Immigration and Refugee Protection Act*, keeping in mind the need for training while simultaneously continuing existing duties.**

**iv. Intelligence and Mobile Capacity Resources**

**The Committee recommends that:**

- 56. Citizenship and Immigration Canada and its partner agencies hire more intelligence officers both in Canada and overseas to reflect the need for better intelligence information.**
- 57. Interactions between Citizenship and Immigration Canada and its intelligence partners should be better coordinated to optimize information flow. This should be a priority because better intelligence is a deterrent and preventative measure against illegal border activity.**
- 58. Technological tools should be incorporated into intelligence-gathering activities when relevant and possible.**
- 59. Citizenship and Immigration Canada and the Canada Customs and Revenue Agency have greater mobile capacity to respond to problems that arise between ports of entry.**

**v. Technology**

**The Committee recommends that:**

- 60. Citizenship and Immigration Canada update its Field Operational Support System to a more user-friendly interface and work with the Canada Customs and Revenue Agency to integrate their databases for cross-access by customs and immigration officers.**
- 61. Primary Automated Lookout System traffic lanes with cameras should be installed at all land border ports of entry or, at least initially, at the busiest ones.**
- 62. The Government of Canada work with the airline companies to obtain access to their passenger and booking information database, the Advanced Passenger Information/Passenger Name Record (API/PNR), for use at ports of entry.**
- 63. Automated Fingerprint Identification System (AFIS) technology be installed at all busy air and land ports of entry to complement other technology, such as photo identification, in the processing of refugee claimants and potentially inadmissible persons.**
- 64. Citizenship and Immigration Canada purchase more hand-held heat detection devices for marine ports of entry with high volumes of container-bearing commercial ships. The purchase of gamma ray technology for viewing the interior of containers should also be considered.**
- 65. Citizenship and Immigration Canada develop national technology standards on what technological equipment is necessary for each port of entry.**

**vi. Resources for Facilities**

**The Committee recommends that:**

- 66. The Government of Canada, through Public Works and Government Services, provide resources for the modernization, expansion and rebuilding of port-of-entry facilities that are out of date and in need of repair. Where possible, joint Canada-U.S. facilities should be considered.**
- 67. The efficient operation of primary trade corridors be ensured through the provision of sufficient resources for improved facilities and highway infrastructure.**

# INTRODUCTION

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Over 200 million individuals cross the border between Canada and the United States every year. The movement of people and the exchange of goods across the world's longest non-militarized boundary have had a profound impact on both our countries. We are America's largest trading partner and their closest ally. From similar historical traditions, we have developed common democratic principles and a respect for the rule of law. We have much in common with our neighbours; American culture is pervasive in Canada, and English, the mother tongue of most Americans, is used by the majority of Canadians.

We also share a common threat. The horrendous attack upon our neighbour on 11 September 2001 was an attack upon all democracies. We have realized our vulnerabilities and it is now incumbent upon Canada and the United States to strengthen our mutual security while maintaining the exchanges that have so greatly benefited both our nations. It is equally important that decisions we take during this time of heightened anxiety be based upon fact and not the faulty perceptions that have unfortunately been voiced by legislators and the media on both sides of the border. There is no evidence that a failure of Canadian border security measures in any way contributed to the tragic events of September 11th.

The House of Commons Standing Committee on Citizenship and Immigration conducted this study in an expeditious manner, realizing that the people of Canada must have speedy assurance of a coordinated effort to enhance border security while maintaining the efficient movement of people and goods. The Committee's objective in tabling this report is to contribute to the ongoing discussion of border issues that is being undertaken at various levels. In the course of its study, the Committee heard from a number of witnesses, including the Minister of Citizenship and Immigration, the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS). The Committee also travelled to various ports of entry in Eastern and Western Canada to assess the current state of border security and to talk with the people working on the front lines. Half of the Committee members visited Eastern Canada — including St. Stephen and Woodstock in New Brunswick, and Lacolle, Stanstead and Montreal in Quebec — and the other members toured key ports of entry in Western and Central Canada — including Vancouver, British Columbia, Emerson, Manitoba, and Windsor, Ontario. In the course of these visits, the Committee had the opportunity to meet with representatives from such Canadian and U.S. bodies as Citizenship and Immigration Canada (CIC), the Canada Customs and Revenue Agency (CCRA), the RCMP, CSIS, the U.S. Immigration and Naturalization Service (USINS) and the U.S. Customs Service (USCS). In some locations, we also met with Canadian provincial officials, and toured both Canadian and U.S. border facilities.

It has become clear to the Committee that when addressing the issue of security, the border must be viewed as a continuum. We must not focus solely on individuals presenting at a port of entry. We must look at the entire process involved in international

travel, trade and migration. From the time that someone purchases an airline ticket or applies for a visa, our security procedures must be in effect. Working with the United States and other allies, we must focus our collective resources — particularly intelligence resources — to meet the challenges facing our nations.

In the previous Parliament, this Committee studied the issue of border security in the context of the refugee determination process. In our report entitled *Refugee Protection and Border Security: Striking a Balance*, tabled in the House of Commons in March 2000, we recommended various measures, many of which have now been implemented. This report builds upon our previous work and addresses newly raised issues and concerns.

As the Committee cautioned in that earlier report, the fact that immigration and border security are being examined together should not be taken to imply that immigrants or refugees pose a particular risk to Canada. On the contrary, immigration has for centuries been the engine driving the development of our country. Today, more than ever, it is vital that Canada continue to be a welcoming land to ensure our economic growth. In this report, the Committee firmly believes that the following points must be emphasized:

- Canada must continue to provide asylum to those facing persecution in their home countries in a manner that complies with the high standards we have thus far established.<sup>1</sup>
- Canada must continue to welcome immigrants from all cultures and national origins.
- Immigrants make significant contributions to our society and are essential for our economic development. One thing that has not changed since September 11th is the demographics in Canada; immigration must continue to play a significant role in addressing the consequences of an aging population.

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<sup>1</sup>

The 1951 United Nations Convention relating to the Status of Refugees, of which Canada is a signatory, defines a “refugee” as a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

## **CHAPTER 1: RECENT MEASURES — *THE IMMIGRATION AND REFUGEE PROTECTION ACT***

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Before September 11th, the Committee was already examining many of the issues canvassed in this report. The threat of terrorism was brought home for numerous people by the attacks on New York and Washington, but our country's border security is not an issue of recent genesis.

Earlier this year, the Committee held extensive hearings on Bill C-11, the *Immigration and Refugee Protection Act*. Substantive amendments to the legislation were made by the Committee in response to concerns expressed by witnesses and Committee members. The Act received Royal Assent on 1 November 2001 and will come into force in June 2002.

This legislation demonstrates Canada's continued dedication to the Geneva Refugee Convention and its Protocol. The *Immigration and Refugee Protection Act* also reinforces Canada's commitment to welcoming immigrants and refugees, and reflects the long-standing goals of reuniting families and promoting economic growth through immigration.

The new Act will also strengthen security measures. As confirmed by representatives of the intelligence community who appeared before the Committee, the legislation enhances the capabilities of those responsible for our country's security. The new process of immediately screening refugee claimants (something this Committee recommended in our March 2000 report), the new offence of trafficking in people and the increased penalties for human smuggling were some of the examples cited by witnesses as specific improvements. As well, Bill C-11 expands the powers of arrest and detention and creates new grounds of inadmissibility to Canada. Appeals have been restricted and the security certificate procedure has been condensed.

The Immigration and Refugee Board will also be altered by the new legislation. Refugee hearings will be conducted by a single member and all relevant risks to the claimant will be considered at one hearing. Repeat refugee claims will no longer be permitted and a new Refugee Appeal Division will be created to ensure consistent jurisprudence and a reduced reliance on lengthy Federal Court proceedings. The division responsible for detention review and inadmissibility hearings will now be given access to sensitive protected information through a secure process that was formerly only available in Federal Court. All of these procedures, along with the restriction of appeal rights for serious criminals and those who pose a security risk, will expedite decisions and removals.

The *Immigration and Refugee Protection Act* represents a significant step in addressing current security concerns. Even though drafted before September 11th, the legislation was clearly created with the threat of terrorism in mind. How the Act will be

implemented and what resources will be allocated were key issues considered by the Committee in the preparation of this report.

The Committee notes that the recently introduced Bill C-42, the *Public Safety Act*, proposes amendments to the current *Immigration Act* as a way of implementing some of the provisions of the *Immigration and Refugee Protection Act* before it is scheduled to come into force on 28 June 2002. Of particular note, Bill C-42 would immediately grant immigration officers the expanded powers of arrest and detention set out in the *Immigration and Refugee Protection Act*. The Committee also notes with approval the obligation Bill C-42 would impose on transportation companies to provide basic data about all Canada-bound passengers prior to their arrival in Canada.



## **CHAPTER 2: CANADIAN BORDER SECURITY — THE COMMITTEE’S FINDINGS AND RECOMMENDATIONS**

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### **A. The Effects of 11 September 2001**

Evidence to date indicates that the attacks of September 11th were largely orchestrated and carried out by a group of people who entered the United States legally. The latest reports suggest that the suspected terrorists had valid visas issued by the American State Department. U.S. authorities were, unfortunately, unable to detect the threat posed by those individuals. Media reports also suggest that some of the terrorists had been in the U.S. for a considerable amount of time prior to the attacks.

The Committee realizes that in the modern global economy, it is essential that we facilitate the transnational movement of people and goods. We cannot cut ourselves off from the outside world out of fear of terrorism. Not only would it be impractical but, as we have learned from history, terrorism is not necessarily only a foreign menace. However, September 11th clearly demonstrated that the threat of terrorism is, in part, an external threat and the response to it must therefore be addressed in the context of our immigration system.

#### **i. Security Misconceptions After September 11th**

The first witnesses heard by the Committee in the course of this study were the Commissioner of the RCMP and the Director of CSIS. Commissioner Guiliano Zaccardelli emphasized the importance of maintaining perspective in this time of heightened anxiety and assured the Committee that we still live in the safest country in the world. Both he and CSIS Director Ward Elcock also stated emphatically that Canada is not a haven for terrorists. Rather, both agreed that we face complex problems that are common to all western democracies, including the United States.

In contrast with these assurances from the leaders of our intelligence community, the Committee has noted serious misrepresentations of the threat to Canada posed by immigrants and refugee claimants and, more specifically, misrepresentations of the threat Canada could pose to the United States. We need to let the world — and especially the U.S. — know that we have strong security measures in place and that further steps are being taken to protect our societies. The negative effect of these incorrect perceptions cannot be overemphasized. While improvements are necessary in some areas, Canada is not the leaky sieve that some have suggested. The Committee appreciates the fact that U.S. Ambassador Paul Cellucci has publicly rejected such spurious assertions and acknowledges that Canada is confronting the same difficulties faced by the United States

and other western nations. More work must be done to ensure that others are similarly well informed.

**The Committee recommends that:**

**Citizenship and Immigration Canada and other government departments make an effort to educate the public, both here and abroad, so that unsubstantiated and unwarranted concerns about Canada's border security are refuted. Ongoing and proposed measures must be communicated widely. Such educational efforts should also be addressed to American legislators.**

**ii. The Immediate Effects Felt at the Border**

September 11th has already had a significant effect on day-to-day operations and practices at Canada's border posts. In particular, the Committee noted that examinations are now much more thorough for all travellers. Customs officers, who are responsible for the primary inspection line (PIL) — the first line of inspection at ports of entry — have begun referring more people to immigration officers for detailed secondary interviews. At the airports we visited, security was noticeably heightened. There are more surveillance cameras and more personnel. Although traffic at all ports of entry has decreased, these and other new security measures have resulted in increased travel times.

Trade and traffic flow facilitation post-September 11th is therefore key. At the Windsor, Ontario crossing, the Committee saw first-hand the problems facing regular cross-border traffic. Both commercial and non-commercial travel takes longer and this has a profound economic impact. How best to address this issue is discussed in subsequent sections of this report, but the Committee feels that delineation of a guiding principle is necessary.

**The Committee recommends that:**

**Border practices should continue to be guided by the primary objectives of safety, security and efficiency.**

**B. The Impact of the New *Immigration and Refugee Protection Act* (Bill C-11)**

As noted, the new *Immigration and Refugee Protection Act* will soon be in effect. The Committee heard concerns expressed by some witnesses and front-line workers who are worried about its implementation. Disruption is anticipated and the process may be a challenge for management.

One issue that was consistently raised was the new process for the “front-end screening” of refugee claimants. Security checks that used to occur only in the context of a refugee hearing or following an application for permanent residence are now being conducted immediately upon initiation of a refugee claim. This was something the Committee recommended in our report of March 2000 and we are pleased to see its implementation. This screening process is not contingent upon the new legislation and has thus already begun.

While these front-end checks are crucial, the Committee understands that accurate information may be difficult to obtain in a timely manner. Greater coordination of and access to intelligence resources are necessary, but it is also clear that skilled front-line workers are essential in this process. Often, the Committee heard, it comes down to the experience of the border officers who are able to “red-flag” individuals based on inconsistencies in their interviews or gaps in their work or educational histories.

Related to these concerns was the 72-hour timeframe for the determination of eligibility for referral to the Immigration and Refugee Board of Canada (IRB). A deemed referral after three working days will come into effect under the new Act and should expedite processing; the sooner the IRB gets the file, the sooner a refugee claims officer can review it and a hearing date can be scheduled. The deemed referral does not prevent further security checks being done, nor does it prevent revoking the referral if it is subsequently discovered that the claimant was not in fact eligible to be referred. The Committee also notes that in the current process, the vast majority of claims are deemed eligible to be referred to the IRB.

The concern that has been expressed time and again is that a security review cannot be completed within 72 hours. However, as noted, the legislation does not impose a time limit for security checks and new information can halt the refugee process at any point. Moreover, foreign nationals may be arrested and detained should the need arise. The Committee believes that the legislative scheme is entirely appropriate and need not be altered. However, it is noted that specialized skills and information resources would clearly make the process more effective and less time consuming, which would hopefully result in fewer detentions being necessary.

The Committee understands that concern regarding the implementation of new legislation is not uncommon among those responsible for day-to-day administrative duties and September 11th may have served to further heighten the apprehension of front-line workers. It is clear that current staff levels are a problem at some border posts. However, in our visit to the Lacolle port of entry — where there is a very high volume of refugee claims — the Committee was struck by the fact that pre-screening and the 72-hour referral requirement were *not* matters of concern. Workers there indicated that they are able to process claimants effectively within this time period. This may be contrasted with the concerns of Windsor employees, who fear it will be impossible to carry out the 72-hour process with current resources.

**The Committee recommends that:**

**National standards for front-end screening be established based on best practices and that staffing levels be increased where necessary to ensure that front-end screening is an effective and expeditious process. Proper training, including training in cross-cultural understanding, will be necessary to implement these national standards.**

**Specialized teams be established to process refugee claimants at high volume ports of entry.**

Concerns were also expressed regarding the implementation of the Pre-Removal Risk Assessment (PRRA) procedure. The PRRA is a new administrative process for all individuals subject to a removal order. Currently, failed refugee claimants can request a post-determination risk review and anyone can make an application to the Minister on humanitarian and compassionate grounds for special permission to stay in Canada. With the PRRA, an immigration officer will apply the same protection grounds considered by the IRB (i.e., the Refugee Convention, the Convention Against Torture, the risk to life and the risk of cruel and unusual treatment or punishment).

A positive PRRA determination will result in refugee protection and an opportunity to apply for permanent residence, except for serious criminals and those who are inadmissible on grounds of security, violating human rights or organized criminality. For these people, the Minister's delegate would balance the risks to the individual against the nature and severity of the acts committed and the potential danger to Canada. A positive decision would result in stay of removal but not protected status. A negative decision would result in deportation.

The concern raised by witnesses was that the PRRA process could face a massive backlog as soon as it is in effect because thousands of people currently facing removal could apply under this new provision. The Department has responded by stating that the PRRA will be closely linked in time to the finalization of removal arrangements. Thus, it is suggested, only when removal arrangements are complete will the person subject to deportation be given notice that he has 15 days to make PRRA submissions. By conducting a PRRA only when removal is imminent, flow volume may be managed by the Department.

Given the number of outstanding removal orders, the Committee shares the concern that the PRRA may strain departmental resources when the new Act takes effect.

**The Committee recommends that:**

**Citizenship and Immigration Canada should ensure that sufficient resources are allocated to address concerns surrounding implementation of the Pre-Removal Risk Assessment.**

**C. Canada and the U.S. — Cooperation, Coordination, Partnerships**

Throughout its travels across Canada, the Committee was continually impressed by the high level of cooperation and interdependence between Canadian and American governmental organizations and port of entry officials. Many emphasized that working together — often through local arrangements and information exchanges — came naturally and was utterly crucial for the security of both countries and the safety of border workers. This natural affinity for cooperation is not surprising. In St. Stephen, New Brunswick, there are strong community ties across the border with Calais, Maine as people on both sides enjoy cross-border friendships, marriages and festivals. In Stanstead, Quebec, the border runs through the centre of town. Canadian and U.S. customs and immigration officials are located on different floors of Vancouver International Airport and may run up or down several times a day to consult with each other.

The Canada-United States Accord on our Shared Border was announced on 25 February 1995, and commits both governments to:

- providing enhanced protection against illegal and irregular border activity;
- facilitating the movement of people and goods;
- promoting international trade; and
- reducing costs to both governments and the public.

The Accord has spawned a number of initiatives, which are being implemented under the guidance of a coordinating committee composed of representatives from Citizenship and Immigration Canada, the U.S. Immigration and Naturalization Service, the Canada Customs and Revenue Agency, the U.S. Customs Service, the Department of Foreign Affairs and International Trade and the U.S. Department of State. For example, the CIC-USINS Border Vision project incorporates overseas interdiction, information sharing, policy coordination and land, marine and air cooperation to deal with problems both at the border and along an international continuum, starting from the source overseas to the point of arrival. In a world of global organized crime, it is crucial to view the border as a continuum.

**The Committee recommends that:**

**Canada and the United States place an increased emphasis on the speedy implementation of joint initiatives developed, and continuing to be developed, under the Shared Border Accord.**

**i. Refugee Claimants from the United States**

The Committee heard that many refugee claimants come to Canada through the United States. For the past few years, approximately one-third of claimants entering the Canadian process have had the opportunity to claim asylum in the U.S. but instead chose to come to our country. In fiscal year 1999-2000, 10,967 asylum seekers embarked from the U.S., representing 34% of all refugee claims. In 2000-2001, over 11,000 claimants entered from the U.S., 37% of that year's total claims. The Committee dedicated significant time to analyzing this situation.

The IRB Chairperson, Peter Showler, appeared before the Committee and addressed the differences in the Canadian and American refugee determination systems. Beginning with the observation that the American asylum system is considerably more complicated than ours, Mr. Showler noted that:

- For the nationals of some countries, it is easier to obtain permission to enter the United States than it is for Canada.
- Canada has an overseas interdiction program that prevents many potential refugee claimants from coming to Canada.
- People may prefer to claim refugee status in Canada for personal reasons. For example, they may have family here or they may be Francophone.
- When taking into account all levels of review and other means of remaining in the United States, Canada and the U.S. allow similar percentages of claimants to stay. In Canada, the figure is 58%; it is approximately 52% in the U.S.
- More claimants are detained in the U.S. than in Canada.
- The American hearing process for asylum claims in the immigration court is an adversarial process; that is, a lawyer appears on behalf of the government to oppose the claim. In Canada, a refugee hearings officer appears at the hearing to question the witnesses and assist the decision-maker, but our process is considered to be non-adversarial.

Other witnesses made reference to the effect that American foreign policy has had on the determination of asylum claims made in the U.S. in the past. Canada has

had — and still does in some cases — policies in respect of some countries that are at odds with those of the United States. Cuba is one such example and in the 1980s and 1990s, refugee claimants from El Salvador appear to have had a more difficult time obtaining status in the U.S. as a result of American support of the right-wing regime in that country.

The Committee also notes that refugee claimants in Canada have significantly greater access to government-funded services, such as legal aid and social assistance, and can apply for work and student authorizations while their claim is being processed. Access to such benefits is entirely appropriate, but the lack of similar assistance in the United States may explain some of the refugee traffic.

#### **a. Safe Third Country**

The question of refugee claimants coming from the U.S. prompted the issue of “safe third country” agreements. Under the current and the new legislation, the Minister may designate a country as a state to which refugee claimants may be returned to make their claims. To establish such an arrangement with the United States would require the negotiation of a bilateral agreement. This was attempted in the mid-1990s, without success.

The Committee believes there is merit in again attempting to negotiate such an arrangement with the U.S., but cautions that it is not a “magic bullet” that will solve the increasing demands placed on our refugee determination system. It would be one tool among many. It is apparent that front-line border workers overwhelmingly favour the pursuit of a safe third country agreement with the United States and believe that overall efficiencies may be achieved. As well, the United Nations High Commissioner for Refugees (UNHCR) has guidelines regarding the application of the safe third country concept. Following these guidelines, Canada could pursue an arrangement with the U.S. that would ensure compliance with our humanitarian obligations.

#### **The Committee recommends that:**

**While maintaining Canada’s commitment to the Refugee Convention and our high standards in respect of international protection, the Government of Canada should pursue the negotiation of safe third country agreements with key countries, especially the United States.**

#### **b. Direct-Backs**

Security concerns respecting claimants seeking to enter Canada from the U.S. can be partially addressed through a process known as “direct-back.” Whether the U.S. is officially designated as a “safe third country” or not, refugee claimants are clearly not at risk of persecution while on American soil. With the agreement of our U.S. counterparts,

refugee claimants should, when warranted due to resource constraints, be directed back to the U.S. until Canadian authorities can satisfy themselves that the claimants do not pose a security risk. Once a security check is satisfactorily completed, claimants would be permitted to enter Canada for the processing of their claim. The Committee notes that this process has been used in the past on a limited basis by both Canada and the U.S.

**The Committee recommends that:**

**Pending the establishment of a safe third country agreement, which would be preferable, direct-backs be used where possible as an alternative to detention when initial checks cannot be completed expeditiously.**

**ii. Coordinate Visa Requirements**

Canada and the U.S. each have lists of countries whose nationals are not required to apply for a visitor visa before appearing at a port of entry. While there is some overlap, our list of visa-exempt countries does not correspond precisely with that of the Americans (see Table I). For example, the Committee heard that the United States does not have a visa requirement for Argentina while Canada does. As a result, many Argentineans have entered the U.S. and then travelled to the border to claim refugee status in Canada. In 1999, only 22% of claimants from Argentina were recognized as Convention refugees by the IRB.



**Table 1: Comparison of Visa Requirements in Canada and the United States**

Persons Not Requiring a Visa to Enter Canada	Persons Not Requiring a Visa to Enter the United States
<p><b>Citizens of:</b></p> <ul style="list-style-type: none"> <li>• Andorra, Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Brunei, Costa Rica, Cyprus, Denmark, Dominica, Finland, France, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Israel (National Passport holders only), Italy, Japan, Kiribati, Liechtenstein, Luxembourg, Malaysia, Malta, Mexico, Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Republic of Korea, St. Kitts and Nevis, St. Lucia, St. Vincent, San Marino, Saudi Arabia, Singapore, Solomon Islands, Spain, Swaziland, Sweden, Slovenia, Switzerland, Tuvalu, United States, Vanuatu, Western Samoa and Zimbabwe;</li> </ul>	<p><b>Citizens of:</b></p> <ul style="list-style-type: none"> <li>• Andorra, Argentina, Australia, Austria, Belgium, Brunei, Canada, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, The United Kingdom*, Uruguay</li> </ul> <p><small>* For citizens with the unrestricted right of permanent abode in England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man.</small></p>
<ul style="list-style-type: none"> <li>• Persons lawfully admitted to the United States for permanent residence who are in possession of their alien registration card (Green card) or can provide other evidence of permanent residence.</li> </ul>	
<ul style="list-style-type: none"> <li>• British citizens and British Overseas Citizens who are re-admissible to the United Kingdom;</li> </ul>	
<ul style="list-style-type: none"> <li>• Citizens of British dependent territories who derive their citizenship through birth, descent, registration or naturalization in one of the British dependent territories of Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, Pitcairn, St. Helena or the Turks and Caicos Islands;</li> </ul>	
<ul style="list-style-type: none"> <li>• Persons holding a valid and subsisting Special Administrative Region passport issued by the Government of the Hong Kong Special Administrative Region of the People's Republic of China;</li> </ul>	
<ul style="list-style-type: none"> <li>• Persons holding passports or travel documents issued by the Holy See.</li> </ul>	

As well, witnesses appearing before us testified that in many cases where visas are required, it may be easier to obtain visitor status in the U.S. than in Canada. This too may be contributing to the flow of refugees from the U.S.

Witnesses suggested that these two factors have affected migration flows and the Committee feels that some coordination between our countries would be advisable.

**The Committee recommends that:**

**Canada work with the United States to coordinate visa requirements where possible to address any impact felt at the border as a result of incongruity.**

**iii. Pre-Clearance of People and Goods**

At both air and land ports of entry across the country, the Committee was told that security processes and facilitation of the movement of people and goods could be significantly enhanced with more pre-clearance systems for low-risk travellers and commercial carriers. Border officials noted that if the flow of low-risk traffic was improved, more resources would be available for detecting security risks. It is important to understand that the pre-clearance needs of international airports and land border crossings are different, the former dealing largely with people and the latter providing a key point of continuous passage for travellers and numerous commercial goods.

The CANPASS programs under the Shared Border Accord provide one form of pre-clearance facilitating the movement of travellers into Canada from the United States at land ports of entry and at the Vancouver International Airport. Canadian citizens and permanent residents submit an application form and undergo a security check, and if accepted in the program they receive a decal for their vehicle allowing them to pass through a designated lane at the border crossing. One of the shortcomings of this program, the Committee was told by border officials, is that it is tied only to the decal on the vehicle; there is not necessarily a direct check of all the people in a vehicle crossing through a CANPASS lane. A similar U.S. program, called PORTPASS Dedicated Commuter Lanes, exists for entry into the United States. Both CANPASS and PORTPASS lanes have been closed all along the border since the events of September 11th, and this has greatly exacerbated delays at busy border crossings.

At the Windsor port of entry, the Committee was briefed on the NEXUS program, another Shared Border Accord initiative for managing low-risk travellers at land border crossings. NEXUS is led by CIC, with the full collaboration and cooperation of the CCRA, the USINS and the USCS. It has many advantages over CANPASS and PORTPASS, including common eligibility requirements, a common sanctions regime, a joint enrolment process, a common card, and a single application form and instruction process. The application is seamless to applicants on both sides of the border; users from both countries apply through the same centralized process. CIC carries out full criminality checks using Canadian and U.S. databases and applicants must be free of convictions on both sides of the border. Each of the four government partners retains the right to refuse the application of a person. Successful applicants receive a biometric hand geometry proximity card that must be presented upon crossing the border; the licence plate of the car is read electronically and the licence plate information must correspond with the card information. A key security advantage of NEXUS is that the person is directly linked to a specific car and this is checked each time the person crosses the border. NEXUS is a pilot project at

the Sarnia-Huron port of entry, but has been put on hold following the events of September 11th.

Under the Shared Border Accord, a CANPASS Airport program has been developed and implemented at the Vancouver International Airport to facilitate entry of pre-approved, low-risk frequent air travellers between Canada and the United States. As with the land border programs, it too has been discontinued since the events of September 11th. Both CANPASS Airport and its U.S. equivalent, the INSPASS, use biometric hand geometry proximity cards to confirm an individual's identity and to verify admissibility into Canada. These processes allow pre-screened frequent travellers between Canada and the U.S. to bypass the traditional face-to-face interview at the airport primary inspection line and use an automated kiosk. Such persons are still subject to random checks by Canadian and U.S. customs and immigration officers.

**The Committee recommends that:**

**The Canadian and U.S. governments facilitate entry of low-risk travellers by reinstating the CANPASS/PORTPASS programs at land border crossings, as long as each person in the car is checked. Emphasis should also be placed on full implementation of the NEXUS program at all land ports of entry.**

**The Canadian and U.S. governments facilitate the entry of low-risk, frequent air travellers between Canada and the U.S. by reinstating the CANPASS Airport and INSPASS programs, respectively, at applicable international airports, and expanding it to all Canadian international airports.**

The Committee witnessed long line-ups of commercial traffic waiting to cross at busy land border crossings. At the Windsor port of entry, for example, an average of 7,000 goods-bearing trucks pass each day. In many cases, customs brokers have prepared the declaration documentation before the truck leaves and the border check goes quickly. At the Emerson, Manitoba port of entry, where about 750 trucks cross each day, only about 28% of this commercial traffic needs to be stopped and inspected in detail. Nonetheless, the Committee was told at various ports of entry that pre-clearance of commercial traffic would significantly reduce the line-ups by facilitating the movement of low-risk traffic. Again, this would free up resources for higher risk traffic.

The Canadian government is in the process of implementing a customs self-assessment program whereby certain companies would be able to organize pre-clearance of the cargo before arrival at the border. As well, officers the Committee met suggested a general pre-arrival release system to allow more coordinated pre-clearance of commercial traffic. Border officers thought these initiatives would significantly reduce commercial traffic congestion at border crossings, especially if the U.S. were to implement

similar programs for U.S.-bound commercial traffic. The perfect example of the need for such programs is at the Windsor-Detroit crossing where auto-industry related commercial traffic traverses the border continually each day.

The Committee also heard from border officials that a significant security concern is the inadmissibility of U.S.-based commercial drivers entering Canada. We were told that on average 18% of such drivers are inadmissible to Canada, usually because of minor convictions, but because they are not routinely checked at the border they pass back and forth between Canada and the U.S. regularly. It was suggested that a commercial driver registration program be implemented to allow better verification of the identity and background of commercial drivers.

**The Committee recommends that:**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with their U.S. counterparts to put in place customs self-assessment and pre-arrival release programs to facilitate movement across the border of low-risk commercial traffic thus freeing up resources for use on higher risk traffic.**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with their U.S. counterparts to implement a joint commercial driver registration program.**

**iv. Information and Intelligence Collection and Sharing**

Information and intelligence collection and sharing are key elements of border security. This was an important message the Committee heard across the country. Border officials stressed that more of both must occur for them to be able to do their work effectively. We heard that having as much information as possible about inadmissible persons before they arrive in the country is extremely helpful, especially in the context of people smuggling and people trafficking.

As part of the Border Vision program, Canada and the U.S. signed a Statement of Mutual Understanding on Information Sharing in 1999 to facilitate the exchange of intelligence on irregular migration. As well, the creation of the Canada-U.S. North Atlantic Region Intelligence Group enables the RCMP and the U.S. Border Patrol in the Atlantic region to work together to optimize their resources in identifying soft spots along the border. These initiatives are in place and are working well, but more needs to be done to promote information sharing between Canada and the United States. At Lacolle, Quebec, we heard about a successful pilot project giving Canadian border officers access to the USINS Automated Biometric Identification System (IDENT), a U.S. database providing fast accurate identification of individuals through fingerprints and photographs. These sorts of projects must be implemented across the country once it is shown that they are effective.

The Committee was told many times about the highly effective and regular flow of information on the ground between port of entry officers in each country. Yet the same officers expressed frustration at the snail's pace at which important information they required flowed between each country at the national level. Some port of entry officials expressed concerns about differences between privacy and disclosure laws in the two countries limiting the extent to which information, especially sensitive information, could be shared. Others stressed that for information and intelligence sharing to be effective it must be completely mutual; one party cannot hold certain information back. A Justice Canada official told the Committee that the legal obstacles preventing information flow are few. It is simply a matter of both countries being more proactive. The Committee is convinced that Canada and the U.S. must be more proactive about encouraging the flow of information and the coordination of intelligence efforts at all levels.

**The Committee recommends that:**

**The governments of Canada and the United States seek new ways of sharing information relating to border security. Cross-border information sharing initiatives that have proven effective should be implemented throughout Canada.**

**The governments of Canada and the U.S. be more proactive about encouraging the flow of information and the coordination of intelligence efforts at all levels. If privacy and disclosure laws prove to be impediments to information flow, the countries should consider amending the legislation in question and/or negotiating new bilateral agreements to facilitate information sharing.**

The Committee also heard numerous comments about the need for more and better coordinated information sharing between governmental organizations within Canada. Citizenship and Immigration Canada has national, regional and local partnerships in place, some formal and some informal, with the key enforcement and intelligence agencies — such as the CCRA, the RCMP, other police forces, CSIS, provincial departments — but officers still felt that the coordination of security issues could be improved, possibly by increasing the use of formal cross-agency partnerships.

**The Committee recommends that:**

**Citizenship and Immigration Canada actively pursue the development of formal partnerships with other agencies to facilitate the flow of information when dealing with security issues.**

## **v. Joint Enforcement and Investigation**

Effectively patrolling the 8,895 kilometres Canada-U.S. land border poses serious challenges of distance and resources, especially between ports of entry. One innovative solution has been the creation and implementation of Integrated Border Enforcement Teams (IBETs) to patrol various eastern and western border stretches. The Committee was impressed by how IBETs overcome the jurisdictional and capacity limits of a single agency and country by combining the forces and resources of all relevant agencies and both countries.

IBETs are generally composed of representatives from CIC, the CCRA, the RCMP, the U.S. Immigration and Naturalization Service, the U.S. Customs Service, the U.S. Border Patrol and the U.S. National Guard. They may travel together or separately patrol their respective side of the border while in communication with each other. Intelligence information and technology are key components of IBET operations and significantly enhance their flexibility. IBETs make use of hidden motion-triggered cameras and motion detectors to assist at remote locations between ports of entry. Based on analyses of tips and technological data, the teams are able to react quickly to intercept people crossing the border illegally. The Committee heard that communication can be a problem because Canadian and American enforcement agencies use different protected radio frequencies. In the Prairie region, the RCMP sometimes distributes common radios to all team members before they begin a shift. The Committee also noted that the level and availability of resources of each country may vary from region to region along the border. For example, we heard of areas where U.S. authorities are able to conduct air surveillance using helicopters. It is important to ensure that efforts and equipment are coordinated to give IBETs access to key tools such as air support.

The Committee was informed by some RCMP officers of the general difficulty in conducting cross-border investigations when they are obliged to make inquiries and obtain information centrally through Ottawa or Washington. Precious time is lost and sometimes the information never materializes. They explained that more joint initiatives like the IBETs — which they indicated work extremely well — are required to facilitate investigations and information exchange.

### **The Committee recommends that:**

**The governments of Canada and the United States put in place sufficient regional Integrated Border Enforcement Teams to cover the entire Canada-U.S. land border at all times.**

**The IBETs should be sufficiently equipped to communicate effectively and to respond immediately to irregular border activities. They should be assisted by tools and technological aids such as air support, motion detectors and motion-triggered cameras. The efforts and equipment of both countries should be coordinated to ensure maximum efficiency.**

## **vi. Joint Facilities**

Under the Shared Border Accord, joint Canada-U.S. facilities are to become a reality at three locations so far:

- Coutts, Alberta / Sweetgrass, Montana;
- Little Gold Creek, Yukon / Poker Creek, Alaska; and
- Osoyoos, British Columbia / Oroville, Washington.

Each project will bring the border service agencies of both countries under one roof or in closer proximity, thereby increasing security for the personnel and travellers.

Border officers of both countries indicated to the Committee that joint facilities would be a positive development at small, remote ports of entry — where there is already extensive cooperation and in some cases even facility sharing — but could be complicated and decrease efficiency at larger border crossings. One potential problem brought up repeatedly was that U.S. border officers carry a firearm, while those in Canada do not. Officers questioned how this would play out day-to-day and in potentially violent enforcement situations. Yet, the Committee was also told that one of the best reasons for combined infrastructures is precisely because Canadian officers will be better protected by being in the same building as armed American officers.

### **The Committee recommends that:**

**The governments of Canada and the United States consider constructing more joint border facilities. Such facilities would be most effective at small, remote ports of entry.**

## **D. Canada and the World — Overseas Interdiction**

The Committee strongly believes there are great benefits to be had by cooperating with other governments to jointly monitor and screen foreign travellers. We need to develop a broader immigration control network to ensure that security screening is not left to the port of entry. During our study, we heard that some networks of Immigration Control Officers (ICOs) have been created; for example, there is a team composed of Canadian, Australian, Dutch and Swedish authorities in Bangkok that shares resources. The Committee also heard that Australian, U.S. and British authorities overseas have been cooperating with Canada in screening airline passengers. However, it appears as though cooperation has thus far been limited.

**The Committee recommends that:**

**More information exchanges and coordinated intelligence activities be pursued with other governments for the screening of travellers.**

As with other areas discussed in this report, current staffing levels overseas are problematic. According to figures for June 2001, there were only 44 ICOs working with airlines and foreign control officers to detect potential security threats and fraudulent documents. This is Canada's first line of defence and it must be properly resourced. The Minister has indicated that there are plans to increase our complement of ICOs by twofold and the Committee believes that ICO staffing must be given a high priority.

**The Committee recommends that:**

**More immigration control officers be hired to work overseas and that related infrastructure resources be provided. This should be a top priority.**

To support our ICOs, other resources will be required. Technology issues are discussed elsewhere in this report, but it bears repeating that our ICOs require better tools in this regard. The Committee also heard of a desire for greater intelligence support. While this in part will come from exchanging information with our allies, our own intelligence services — the RCMP, CSIS and the Communications Security Establishment — need to provide more assistance.

**The Committee recommends that:**

**Greater intelligence resources be made available by the RCMP, CSIS and the Communications Security Establishment to our visa posts abroad. This may entail more RCMP and CSIS officers being posted overseas.**

Concerns were expressed to the Committee about locally engaged personnel (LEPs) at our embassies and consulates abroad. There have been reports of bribery and corruption and investigations have resulted in some criminal charges being laid. The Committee notes that LEPs are essential to our visa operations because of linguistic needs. They also provide an important cultural bridge to the local community. Given the important role they play and the fact that apparently small numbers have been the subject of allegations of improper conduct, the use of LEPs should not be discouraged. However, we must ensure that security checks on LEPs are thorough, as thorough as the reviews performed on our Canadian staff who must undergo criminal record and other checks.



**The Committee recommends that:**

**Locally engaged personnel at our visa posts overseas be required to undergo enhanced security screening.**

The Committee heard concerns related to identity documents and security measures in the context of air travel. While carrier sanctions exist to ensure that the airlines do not permit undocumented travellers to board, it is evident that significant numbers of people dispose of their documents en route to Canada. The Committee received evidence that the “pouching” of documents has been used by some airlines; that is, passports, visas and other travel documents are taken by the flight crew and returned at the end of the trip where the inspection by immigration or customs officers occurs. This process seems unwieldy and on flights with hundreds of passengers would likely cause excessive delays. As an alternative, the Committee believes that the use of scanning devices is preferable. Digital technology is readily available that allows for the efficient and rapid storage of images. Should someone present at an airport primary inspection line without documents, the scanned information could be easily retrieved.

**The Committee recommends that:**

**Travel documents be scanned digitally prior to boarding.**

One other option was considered by the Committee. According to witnesses and front-line airport personnel we met, immigration and customs officers on occasion meet and process passengers as soon as they step off the plane. This prevents the disposal of documents between the plane and the regular customs counter. Equally important, it ensures that individuals can be identified as having arrived on a specific flight. In the event that documents have not been scanned as per our recommendation, use of disembarkation teams should be expanded.

**The Committee recommends that:**

**Disembarkation teams should be used as much as possible for flights identified as problematic.**

It is also important for air travel security that Canadian border personnel have access to the airlines’ passenger lists in advance of flights departing for Canada. This is routinely done in some countries. As of yet, it is not mandated in Canada but the Committee is aware that amendments proposed in Bill C-42 would address this concern.

**The Committee recommends that:**

**Airlines be required to provide passenger lists to Citizenship and Immigration Canada and other appropriate governmental agencies prior to flight departure for all flights bound for Canada.**

While Canada does not have exit controls, the Committee heard that other countries, including the United States, have some form of required reporting for people leaving the country. Even though it may simply be a card filled out by the traveller, such information could be of use to our border control officials.

**The Committee recommends that:**

**As part of the sharing of information with other nations, we seek access to the information provided in the course of their exit control processes.**

However, the Committee cautions that access to such information should not decrease the thoroughness of our own screening procedures.

## **E. Enforcement and Program Delivery**

### **i. A Greater Role for Immigration at the Primary Inspection Line**

All persons entering Canada, whether at a land border or an airport, arrive at the primary inspection line (PIL) where they are first interviewed by a customs officer, who must decide whether to admit the person or to refer the person for an immigration secondary examination. The officer has the discretion to admit a person subject to the mandatory referral list, which includes:

- persons believed to be inadmissible;
- persons — other than Canadians — who have been charged or convicted of a criminal offence;
- persons where referral has been requested by Citizenship and Immigration Canada;
- persons claiming refugee status or asylum; and
- persons intending to stay longer than six months.

Persons referred for a secondary examination are often students or people coming to work in Canada. At the secondary line, their study or work documentation is checked, or issued if necessary. As well, refugee claimants are processed through the secondary line.

Approximately 98% of travellers to Canada are cleared by customs at the PIL, while the other 2% undergo a secondary examination by immigration officials.

Customs officers receive some immigration training, but they are responsible for enforcing 55 different statutes at the PIL, only one of which is the *Immigration Act*. The Committee was told that having a greater immigration presence at the PIL would enhance security. This was not meant to imply that all the immigration checks should be done at the PIL, but just that there would be complete assurance of immigration rules being consistently enforced. There is the risk that a greater immigration presence at the PIL would slow down processing, but this could be counterbalanced with such innovations as the NEXUS program, described above, for low-risk, frequent travellers.

It was suggested to the Committee that a solution might be to consolidate customs and immigration into one body, or to restructure the current system so that customs and immigration officers are fully cross-trained in each other's duties. As an example, some border officials pointed to the American system whereby USCS and USINS officers receive full cross-training. At the Emerson, Manitoba/Pembina, North Dakota port of entry, the Committee witnessed how USCS and USINS officers actually alternate staffing the PIL.

**The Committee recommends that:**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work together to enhance security by improving the immigration presence at the primary inspection line. These cooperative efforts could involve full cross-training of immigration and customs officers, or possibly consolidation of the two bodies into a single entity.**

It is also important that there be an adequate immigration presence at marine ports of entry. Much seaport traffic is commercial and thus is handled primarily by customs officers. However, incidents such as the four ships that arrived in the summer of 1999 on the British Columbia coast carrying 599 Chinese migrants highlight the need for a seaport immigration presence. The Committee was surprised to learn that since the early 1990s a single, full-time immigration officer has been responsible for the entire Port of Vancouver. This can pose serious capacity challenges, especially between April and October when an average of three cruise ships call at Vancouver daily, each bearing about 1,500 passengers and 1,000 crew members.

**The Committee recommends that:**

**Citizenship and Immigration Canada ensure that marine ports of entry across the country are staffed with sufficient immigration personnel to meet capacity challenges, especially during the months spanning spring to autumn.**

## ii. “Streaming” Traffic at Ports of Entry

The Committee notes that the examination functions carried out by customs and immigration officers at ports of entry require a constant balancing of facilitation and enforcement needs. Furthermore, it is important to understand that each port of entry is different and may have different needs. The Ambassador Bridge port of entry in Windsor, Ontario — the busiest land border crossing point in Canada with about 11 million travellers annually — will clearly have different needs from Dorval Airport in Montreal, Quebec.

As described earlier in this report, enforcement can be enhanced through secure facilitation of low-risk frequent travellers and commercial traffic at ports of entry. Such “streaming” of traffic frees up limited resources for more focused use in detecting and preventing high-risk traffic from entering Canada. Air and land port-of-entry initiatives such as those described above — CANPASS, NEXUS, CANPASS Airport, customs self-assessment and pre-arrival release programs — are a significant step toward a secure and seamless border.

The Committee was also told of a promising pilot project recently begun at Dorval Airport in Montreal, Quebec, whereby a separate inspection line has been set up for people arriving from overseas. Whether they are students, temporary workers or new permanent residents, because they have been previously approved overseas they are processed in a separate room with customs and immigration officers working together doing primary and secondary inspections. Taking these individuals out of the general primary and secondary inspection lines considerably lessens the overall traffic and delays. The Committee thinks the effectiveness of this project should be carefully evaluated and if it is as successful as it appears it will be, it should be implemented at international airports across the country.

Furthermore, this separate stream for overseas arrivals with visas could be complemented by a separate line for North American citizens and permanent residents similar to the separate arrivals lane for “European Union residents” at some European airports. They would still go through the full PIL and, where necessary, secondary line processes to ensure security, but the overall arrivals inspection system would be considerably streamlined.

### **The Committee recommends that:**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency jointly test and evaluate the effectiveness of “streaming” processes for air travellers, and consider implementing successful initiatives at international airports across Canada.**

### **iii. National Standards for Port-of-Entry Security**

The Committee is concerned about certain security measures at both air and land ports of entry. At airports, persons who are departing on a flight have their carry-on baggage checked by an x-ray machine and possibly by hand by a security agent. The airline companies hire these security personnel, and the Committee was told that such security contracts generally go to the security company offering the best price, which is no guarantee of high quality service.

Furthermore, the Committee learned that the security procedures airport employees are required to go through may vary from airport to airport. Following the events of September 11th, all employees at Dorval International Airport in Montreal are now required to go through a general security zone — where they must show their identity card and go through a metal detector — before entering their work area. However, at other Canadian international airports, airport employees with identification passes are able to move freely into the departure areas of the airport without passing through security. The Committee believes that a national airport security authority should be created to assess security needs and implement stringent, uniform security measures at all Canadian international airports. We feel it is important to ensure that all non-travellers — including airport employees — are required to go through security in order to access departure areas.

The Committee was told there is a need for “threat assessments” to be conducted at all land border crossings to assist in the improvement of security standards at each crossing point. Measures suggested to the Committee included the installation of bullet-proof glass and an increased visible presence of uniformed enforcement agents, such as RCMP officers. The particular security arrangements may vary at different points along the land border depending on such factors as the volume of traffic, the geography and the resources available.

#### **The Committee recommends that:**

**A national airport security authority be created to assess security risks and to implement stringent, uniform security standards at all Canadian international airports.**

**All non-travellers — including airport employees — be required to pass through a security checkpoint before accessing an airport departure area.**

**Threat assessments be conducted at all land border crossings to assist in the development of security standards at each crossing point.**

#### **iv. Protective Tools for Officers**

The Committee heard that customs and immigration officers are currently authorized to use batons, pepper spray and handcuffs if they complete a specialized training course. Some immigration officers expressed frustration with the current policy that requires the officer to consult with a manager before using a tool such as pepper spray. They explained that this completely defeats the purpose of the pepper spray, which would most likely be required for spontaneous self-defence in a dangerous situation.

Currently, neither customs nor immigration officers carry firearms. Both USCS and USINS officers do carry firearms. The Committee heard varying opinions on whether Canadian customs and immigration officers should be equipped with a firearm. Some border officials thought “no,” in general, but perhaps “yes” for specialized officers in certain circumstances. Others, however, including the Customs and Excise Union, argued that arming customs officers would enable them to more effectively fulfill their role as peace officers. They regularly confiscate firearms, especially at busy land ports of entry, and are constantly dealing with the unknown, as they never know who or what will be in the next car that pulls up to their inspection booth. The Canada Employment and Immigration Union felt there was a demand for firearms by immigration enforcement officers working inland, especially in Toronto, but not nearly as much from officers at the border. Generally, there was agreement that there should be a greater armed presence at ports of entry, whether it is through arming officers or more RCMP and other police officers. The Committee feels the latter would be the most appropriate option.

#### **The Committee recommends that:**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work together to ensure their officers are equipped with sufficient protective tools and the training and authorization to use them when necessary.**

**There be a greater armed presence at ports of entry in the form of uniformed police officers, such as the RCMP or local police.**

#### **v. Detention of Refugee Claimants**

Another topic that garnered much discussion in the course of the Committee’s deliberations was the issue of detaining refugee claimants. Under the new legislation, foreign nationals may be arrested and detained without warrant if the immigration officer is not satisfied as to their identity. They may also be detained upon entry if the officer believes it necessary to complete an examination or if the officer has reasonable grounds to suspect that they are inadmissible on grounds of security. Detention may be continued if the Immigration Division is satisfied that:

- they are a danger to the public;
- they are unlikely to appear for further proceedings;
- the Minister is taking steps to inquire into a reasonable suspicion that they are inadmissible on grounds of security; or
- the Minister is of the opinion that identity has not been established and is making reasonable efforts to do so.

The Committee heard testimony that it is not uncommon, given the circumstances under which people flee persecution, for claimants to arrive here without documentation. However, immigration officials interview these people in detail and now run checks with the RCMP and CSIS almost immediately. If the officers are not satisfied as to a claimant's identity or have concerns that the individual may pose a security risk, they have the discretion to detain the person. It was argued forcefully that the exercise of such discretion is preferable to automatic detention, which inevitably results in innocent people being deprived of their liberty. This is especially a concern with women and children.

It is important that immigration officers take into account cultural differences when considering the use of detention. They must be sensitive to the fact that in many countries government officials are viewed with trepidation. As well, language and other barriers need to form part of the overall assessment to ensure that the detention provisions are applied in a non-discriminatory manner.

**The Committee recommends that:**

**Detention continue to play a role in our border security procedures, but cautions that people should be detained for the minimum period necessary and that a detention review should occur within 48 hours, as contemplated by section 57 of the *Immigration and Refugee Protection Act*.**

**The detention of minors be avoided and that the best interests of the child be a factor in detention decisions.**

As a general rule, asylum seekers should be detained in very few situations. However, the Committee realizes that some individuals should be detained as a matter of course, such as those who refuse to assist in establishing their identity. This recommendation was made in our March 2000 report.

**The Committee recommends that:**

**Citizenship and Immigration Canada ensure that undocumented refugee claimants who are uncooperative in establishing their identity are detained.**

While the Committee was provided with overall detention statistics by CIC, we were informed that statistics relating to grounds for detention were not captured by the Department's systems. As such, it is not clear how many people are being detained for refusing to cooperate in establishing their identity, for criminality or for other reasons. The Committee is concerned that details regarding the detention of thousands of people every year (9,138 in fiscal year 2000-2001) is not available. Such information is clearly needed for policy development.

**The Committee recommends that:**

**More detailed statistics be maintained in respect of immigration detentions, particularly the grounds for detention, and that these statistics be provided in the annual report to Parliament made by the Minister of Citizenship and Immigration.**

In respect of current detention facilities, the Committee heard evidence that detainees are often placed in nearby jails. Some border points have short-term detention areas but lack overnight facilities. Refugee claimants should not be treated as criminals. Detention facilities that are appropriate must be created. The Committee notes with approval the planned facility for the Greater Toronto Area.

**The Committee recommends that:**

**Where necessary, longer term detention facilities be established for refugee claimants who are ordered detained.**

Front-line immigration officers expressed some frustration with the detention review process at the Adjudication Division of the IRB. It is of course necessary that an independent and quasi-judicial adjudicator review situations involving the deprivation of an individual's freedom. The Committee also notes the UNHCR guidelines on detention, which emphasize the fundamental right of liberty and the right to seek and enjoy asylum. That said, some immigration officers feel that the release of individuals by the IRB is sometimes misguided. To the extent that pertinent information from the officer who initially ordered detention is not being made available at detention review hearings, communications need to be improved. Front-line officers would also benefit from greater guidance and training in respect of the adjudication review process and jurisprudence.



**The Committee recommends that:**

**There be improved training of immigration officers regarding detention review jurisprudence.**

**The Department ensure that all relevant information gathered by the front-line immigration officers is presented in the Adjudication Division.**

**vi. Backlog of Deportation Orders**

When a departure notice is issued, the individual named is told to report their departure should they leave on their own accord. Many people do depart voluntarily, but unfortunately only some of them obtain a certificate of departure from CIC. As such, it is unclear how many people have voluntarily left the country after being ordered removed.

Media reports have suggested that some 27,000 people with deportation orders are still in Canada and that their whereabouts are unknown. This is misleading. Many of these people have likely left without reporting their departure. Others may be incarcerated and completing their jail sentence. Some are awaiting necessary travel documents and the removal of others has been deferred due to conditions in their home countries. It should also be noted that these people are not all facing deportation because they are a security risk or a danger to the Canadian public. Many have simply overstayed their visitor or student visas or have worked or attended school in Canada without obtaining the necessary authorization.

The location of many of these people is known to CIC, but removals are prioritized. The Committee heard testimony that priority for removal is given to: first, criminals; second, failed refugee claimants on social assistance; third, all other failed refugee claimants; and, finally, other over-stays.

The Committee considered the option of relaxed landing requirements for some individuals in Canada as one possible way to ease the backlog and to reduce demands on the enforcement branch of CIC. Such programs have been used before. Many people who are illegally in Canada pose no threat to our society and have family here. For those that can demonstrate ties to our country, a clean record and a likelihood that they will be self-sufficient, special consideration should be given.

The Committee notes that many of these people are currently working illegally but do not pay taxes and do not receive the protection of Canadian labour laws. Both of these consequences flow from a lack of status and are undesirable. The Committee is also aware that some industries, due to human resource shortages, depend on these workers.

**The Committee recommends that:**

**There be relaxed landing requirements for applications made on humanitarian and compassionate grounds for people illegally in Canada who can demonstrate that they pose no risk to our country and are self-sufficient .**

**vii. Combating Organized Crime — People Smuggling and Trafficking**

The Committee feels it is crucial that Canada work with other countries to continually develop new tools and methods for combating organized crime, especially people smuggling and trafficking. Clearly, this is a global issue requiring widespread cooperation as the proceeds of such activities are often used to finance terrorism in many countries. The new *Immigration and Refugee Protection Act* will assist in this respect through new offences targeting the proceeds of crime, as well as significantly increased penalties for human smuggling and trafficking.

More stringent offences and higher penalties are important because the Committee was told of the frustration experienced by RCMP investigators who may spend weeks gathering and organizing evidence to convict smugglers and traffickers, only to be told by a Crown prosecutor that there are insufficient links to produce a conviction. Furthermore, often when a conviction is possible, the individual may simply get two weeks in jail and a \$300 fine: smugglers and traffickers are not deterred by these penalties and accept them as a cost of conducting their illicit business.

The Committee notes that Bill C-42, the Public Safety Act, would amend the current *Immigration Act* to implement the human smuggling and trafficking provisions of the new *Immigration and Refugee Protection Act* before it comes into force on 28 June 2002. For example, penalties will be significantly increased for the offences of organizing the entry into Canada of individuals who lack required documents, and disembarking people at sea; as well, a new offence of trafficking in persons will be created which carries high penalties.

**The Committee recommends that:**

**Given the serious nature of the offences of smuggling and trafficking in people, which is reflected in the increased fines and jail sentences available under the new legislation, prosecutors should be encouraged by CIC and Justice Canada to vigorously pursue more severe penalties.**

Under the Border Vision program, Canada recently participated in Operation “Crossroads,” the largest international anti-smuggling operation to date, involving the law enforcement agencies from Canada, the U.S. and 12 Latin American and Caribbean countries. Canadian immigration control officers assisted with the identification of fraudulent or altered documentation and with the interdiction of improperly documented

passengers. Using intelligence to disrupt smuggling patterns through Mexico, Central America and the Caribbean, the operation resulted in the arrest of 7,898 persons in June 2001.

The Committee heard repeatedly that formal and informal partnerships are the best way of maximizing resources within Canada and internationally. Each piece of information that is put in a database could be the missing link in a chain of criminal events, such as a number of people arriving in various countries or regions using the same identity or address. Customs and immigration officers are also constantly on the lookout for common “stories” used by a number of people arriving from the same area of the world. The Committee heard examples of such stories from officials at the Vancouver International Airport. People claimed, for example, to be coming to Canada for a three-day tour of Victoria, Calgary and Toronto, or to spend three days in a hotel in Surrey, which is near the Canada-U.S. border and is not generally a busy tourist destination.

**The Committee recommends that:**

**The Government of Canada continue to work closely with the U.S. and other countries in joint operations to combat organized crime, including human smuggling and trafficking.**

**Citizenship and Immigration Canada continue to foster regional, national and international partnerships to promote the free-flow of valuable intelligence information, while respecting the Canadian Charter of Rights and Freedoms.**

**F. Resources and Technology**

Everywhere the Committee travelled, a common theme was voiced repeatedly and emphatically: more resources are required. Changes in port-of-entry circumstances, especially since September 11th, cannot be effectively addressed without augmenting staffing levels, training, intelligence collection, partnerships and technology use. To do all this, ports of entry need more resources. The Committee heard that more resources could be used in practically every operational area. We were told, “just give us more resources and we will make good use of them.”

**The Committee recommends that:**

**The relevant government agencies, including Citizenship and Immigration Canada and the Canada Customs and Revenue Agency, work together to evaluate all resource needs at ports of entry. Based on this evaluation, the Government of Canada should provide more**

**resources to ports of entry to ensure border security and to facilitate the movement of low-risk border traffic.**

**i. More People**

Before September 11th, many customs and immigration officers across the country were feeling stressed and overworked. The Committee heard that since September 11th this situation has seriously worsened and cannot continue much longer before large numbers of personnel begin to succumb to burnout and low morale. The situation is due not only to September 11th, but also derives from cuts in personnel dating back to the early and mid-1990s, combined with continually increasing expectations and operational requirements. At the Windsor border crossings, staffing levels have remained virtually the same since 1977. Border officers were frustrated by the false public perception that there are more resources available than is actually the case: there is insufficient human capacity to meet current demands.

At ports of entry all along the land border, managers have been obliged to spread the same number of employees over a greater number of shifts so that crossing stations are open longer and sufficient personnel are available to do more extensive front-end security checks. Most of this has been accomplished with existing resources, often by regularly using overtime hours — a practice that feeds the stress and overwork and cuts into already stretched regional budgets.

The Committee also heard that more employees are needed for corporate support; administrative staff to process details and do paperwork, thus freeing up front-line officers to focus on their core inspection duties. The Committee also noted specific personnel shortages with the Immigration and Refugee Board and in the areas of removal enforcement and detention capacity.

**The Committee recommends that:**

**The Government of Canada provide sustainable resources to deal with current customs and immigration needs at ports of entry across the country.**

**These resources include more front-line officers, administrative support staff and Immigration and Refugee Board personnel. Sufficient human resources should also be provided in the areas of removal enforcement and detention capacity.**

## **ii. Different Customs and Immigration Pay Scales**

The Committee heard that a discrepancy in pay levels between customs and immigration officers in favour of the former has recently developed. This is a source of frustration for immigration officers, who are under the same pressures and resource constraints as customs officers. The Committee understands that the reason for the discrepancy is largely because CIC and the CCRA are now separate organizations. The Committee is of the opinion that a single pay scale could help ensure that port-of-entry personnel are fairly and uniformly remunerated.

### **The Committee recommends that:**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with their bargaining agents to evaluate the issue of remuneration for port-of-entry immigration and customs staff.**

## **iii. Resources for Training**

The Committee heard that many customs officers have not been sufficiently trained in immigration matters. This is one reason behind the need for an increased immigration presence at the primary inspection line, as described above. The Customs and Excise Union told the Committee that staffing is so precisely matched to the volume of work, that even removing a few customs officers from the front-line for training becomes a problem. The Committee believes that all customs officers must receive adequate immigration training, and that the customs officers should be monitored by CIC to ensure their immigration knowledge is sufficient.

Also, during the summer months, numerous students are hired at ports of entry and they generally undergo only a two-week training program, which is hardly sufficient to understand the details of the legislation they are charged with enforcing. However, the Committee also heard that students work extremely well at many ports of entry, often remaining after the summer or returning following their studies as experienced full-time employees. The Committee supports the use of students at ports of entry, but recommends that they initially be closely monitored to ensure that their training is sufficient to effectively carry out their duties. If not, they should undergo further training.

Some port-of-entry officers expressed uncertainty about legal aspects of the inspection process. The Committee was impressed by an innovative pilot project at Dorval Airport where Justice Canada lawyers are made available to front-line officers and for investigations to advise on legal issues such as conformity with the *Canadian Charter of Rights and Freedoms*. The Committee was told that the officers felt more supported and confident being able to turn to legal experts for advice in difficult situations.

The Committee recognizes that front-line officers may sometimes find themselves in difficult situations where they are faced with extreme rudeness, harassment and even violence. The Committee feels it is important that the training officers undergo encompasses methods for dealing with such behaviour and ensuring the officers' safety.

Port-of-entry managers and staff are worried about how they are going to handle all the required training for the new *Immigration and Refugee Protection Act* — projected to be implemented 28 June 2002 — while continuing to carry out their existing duties. There is currently no time or resource leeway for extra training programs. We understand that CIC has allocated significant resources for implementation of the new Act and we recommend that training be a key element of this process.

**The Committee recommends that:**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency provide resources to ensure that all customs officers are adequately trained in immigration matters. Citizenship and Immigration Canada should use its best efforts to ensure the immigration knowledge of customs officers is sufficient.**

**Students hired and trained to work at ports of entry be closely monitored to ensure their training is sufficient to effectively carry out their duties. If not, they should undergo further training.**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency work with Justice Canada to make legal assistance directly available at all times to officers working at ports of entry and on investigations.**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency ensure that front-line officers receive training in how to deal with offensive behaviour — such as extreme rudeness, harassment and violence — and in how to ensure their own safety.**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency ensure that sufficient resources are allocated for the implementation of the new *Immigration and Refugee Protection Act*, keeping in mind the need for training while simultaneously continuing existing duties.**

#### **iv. Intelligence and Mobile Capacity Resources**

The Committee heard repeatedly there is a pressing need for more intelligence-oriented resources: more intelligence officers, more immigration control officers overseas, better coordination of interactions between intelligence partners, more intelligence-based technology and increased mobile capacity resources for carrying out intelligence investigations. We were told that in the entire Southern Ontario region, the busiest border area in the country, CIC has a single intelligence officer.

The Committee was impressed with CIC's National Intelligence Network, which includes representatives from all regions and the key CIC bodies in Ottawa. The Network's tasks involve:

- managing and maintaining partnerships with other enforcement and intelligence agencies;
- providing case support to immigration officers, law enforcement officers and ICOs overseas;
- analyzing fraudulent documents that have been seized; and
- tracking illegal migration trends and marine arrivals.

Staff at many ports of entry told us that relations with the RCMP and CSIS are excellent, but there needs to be better coordination of the information flow and interactions between the many partner agencies. The Committee feels improving these interactions should be a key resource priority because better intelligence is a fundamental deterrent and preventative measure against illegal border activity.

Apart from people and coordination, the Committee feels the necessary tools must be available for effective intelligence work: technology and mobile capacity. An increased use of biometric tools must become the norm at ports of entry; for example, proximity card technology and electronic fingerprinting systems. The Committee was told that directly linking the Canadian and U.S. lookout databases would be a significant improvement, especially for vetting visa applicants.

Furthermore, the Committee believes port-of-entry personnel require increased mobile capacity to assist in gathering intelligence information. The Integrated Border Enforcement Teams described earlier are an excellent step in this direction and should be fanned out all along the border. These teams are able to carry out both enforcement and intelligence activities; they can pursue persons crossing the border illegally at remote locations and also question local residents about suspicious activity at remote border areas. Apart from full teams, certain port-of-entry locations simply require more vehicles for immigration and customs officials to respond to problems between ports of entry.

**The Committee recommends that:**

**Citizenship and Immigration Canada and its partner agencies hire more intelligence officers both in Canada and overseas to reflect the need for better intelligence information.**

**Interactions between Citizenship and Immigration Canada and its intelligence partners should be better coordinated to optimize information flow. This should be a priority because better intelligence is a deterrent and preventative measure against illegal border activity.**

**Technological tools should be incorporated into intelligence-gathering activities when relevant and possible.**

**Citizenship and Immigration Canada and the Canada Customs and Revenue Agency have greater mobile capacity to respond to problems that arise between ports of entry.**

#### **v. Technology**

The technological tools currently available to port-of-entry staff are impressive, but the Committee heard there is much room for improvement. CIC's lookout database, the Field Operational Support System (FOSS), is available to immigration officers at secondary lines at all ports of entry and includes regularly updated information from across Canada and from the USINS. However, the Committee heard widespread complaints from immigration officers that FOSS is unwieldy because it is not yet on a user-friendly interface, and it is limited by not being directly linked to the CCRA database. The Committee feels that FOSS must be as user-friendly as possible and that customs and immigration officers must have real-time access to their respective databases.

The customs Primary Automated Lookout System (PALS) cameras in place at certain border crossings read vehicle license plates and provide the customs officer with the vehicle and owner registration information and any lookout information linked to the vehicle or owner. PALS camera lanes complement the CANPASS and NEXUS systems described earlier in that they facilitate the efficient movement of traffic. The Committee supports the installation of PALS lanes with cameras at all land border ports of entry or, at least initially, at the busiest ones.

Immigration officers at the secondary line have access to Canadian Police Information Centre (CPIC) computer terminals to do security checks on individuals. They are also able to check the Edison passport database, which includes information from other countries about fraudulent or altered passports. However, border officials do not currently have access to the airline companies' database with passenger and booking information, the Advanced Passenger Information/Passenger Name Record (API/PNR). The



Committee heard that access to this database would be especially helpful at all ports of entry for checking suspicious individuals. Because the database includes such information as where the ticket was bought, it could help pinpoint the identity and travel route of an individual.

CIC is currently working with the RCMP at various ports of entry to facilitate the installation of the electronic Automated Fingerprint Identification System (AFIS) to assist in the processing of refugee claimants and potentially inadmissible persons. Currently, fingerprints are done manually and sent to RCMP headquarters in Ottawa such that the turnaround time for a fingerprint check is usually four to six weeks. With AFIS, the process will be completely electronic, thus decreasing the turnaround time for checks to about one hour. The information could also potentially be made immediately available to the U.S. Immigration and Naturalization Service. The Committee supports the installation of AFIS technology, especially at busy air and land ports of entry to complement other technology such as photo identification.

When touring the Port of Vancouver, the Committee was struck by the enormous volume of ships regularly passing through the harbour, each one unloading and loading hundreds of containers. It is clearly impossible to check all containers, but random checks are done, as are checks on suspicious containers. The Committee was told that CIC has one hand-held heat detection device in the region that can be used for detecting body heat in containers. We were also told of expensive gamma ray technology used in Europe to actually view the interior of a container. The Committee feels more hand-held detection devices should be purchased for marine ports of entry with high volumes of commercial ships. The gamma ray interior viewing technology should also be considered for purchase.

The Committee is of the opinion that CIC should develop national standards on the use of technology at ports of entry across the country. Obviously needs will vary from place to place, but there should be guidelines in place as to what is necessary for a given location.

**The Committee recommends that:**

**Citizenship and Immigration Canada update its Field Operational Support System to a more user-friendly interface and work with the Canada Customs and Revenue Agency to integrate their databases for cross-access by customs and immigration officers.**

**Primary Automated Lookout System traffic lanes with cameras be installed at all land border ports of entry or, at least initially, at the busiest ones.**

**The Government of Canada work with the airline companies to obtain access to their passenger and booking information database, the**

**Advanced Passenger Information/Passenger Name Record (API/PNR), for use at ports of entry.**

**Automated Fingerprint Identification System (AFIS) technology should be installed at all busy air and land ports of entry to complement other technology, such as photo identification, in the processing of refugee claimants and potentially inadmissible persons.**

**Citizenship and Immigration Canada purchase more hand-held heat detection devices for marine ports of entry with high volumes of container-bearing commercial ships. The purchase of gamma ray technology for viewing the interior of containers should also be considered.**

**Citizenship and Immigration Canada develop national technology standards on what technological equipment is necessary for each port of entry.**

**vi. Resources for Facilities**

The Committee heard that many port-of-entry facilities are out of date and in need of repair and reconstruction. We were told that the Windsor Tunnel and the adjacent Ambassador Bridge are both about 70 years old and showing their age. The Committee feels that the modernizing, expansion and rebuilding of border facilities is a security priority as well as crucial for the safety of all port-of-entry employees. Joint Canada-U.S. facilities are a key element of such revitalization. The process of rebuilding would also provide a perfect opportunity to incorporate the latest technological innovations along the border. Furthermore, improved facilities and highway infrastructure are important for facilitating the efficient operation of primary trade corridors.

**The Committee recommends that:**

**The Government of Canada, through Public Works and Government Services, provide resources for the modernization, expansion and rebuilding of port-of-entry facilities that are out of date and in need of repair. Where possible, joint Canada-U.S. facilities should be considered.**

**The efficient operation of primary trade corridors be ensured through the provision of sufficient resources for improved facilities and highway infrastructure.**

## **G. Refugees**

The Committee feels compelled to emphasize that Canada's commitment to providing protection to those seeking asylum must continue. Irresponsible and misinformed attacks on Canada's refugee system were not uncommon before September 11th but have now noticeably increased. There have been isolated examples of undesirable people entering Canada through the refugee claims system but it is clear to the Committee that almost all refugee claimants, including those whose claims are ultimately rejected, do not pose any danger to Canadians. Of course, increased security screening for all people entering our country is prudent. It must be kept in mind, however, that refugee claimants make up a miniscule fraction of the people entering Canada every year; less than one-tenth of 1%.

## CONCLUSION

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If we view our border as a continuum that touches our neighbour the United States and flows overseas to foreign visa posts, we begin to understand that border security cannot be accomplished without regional, national and international cooperation and coordination. This point has been emphatically brought home to the Committee many times through the course of this study. As we work toward ensuring a safe and secure North America in a post-September 11th world, we are encouraged by the fact that so much cooperation is already occurring, especially on the ground between Canadian and U.S. border officials who work side-by-side each day. We must continue to facilitate the exchange of information and intelligence at all levels.

After talking to personnel on both sides of the border and viewing first-hand the current situation at various ports of entry across the country, we are convinced that both our governments must place a particular emphasis on the facilitation of low-risk, frequent traffic — both travellers and commercial transporters — so that more attention and resources can be focused on the primary security concerns: terrorists, criminals, people smugglers and traffickers, potentially high-risk individuals, and those seeking to take advantage of Canada's generous humanitarian assistance for legitimate refugees. The refugee protection system must not be abused, but focusing primarily on refugees as a major threat to security would be misleading. Yes, we must focus, but in the right directions.

The Committee emphasizes the need for more resources. The bottom line is that Citizenship and Immigration Canada along with its partner agencies in border security need more resources to work with: people, intelligence, training, technological tools, new facilities. Expectations are high, but cannot be met without more resources. Port-of-entry personnel are already experiencing increased pressure and demands placed on them following the tragic events of September 11th. The Committee was deeply impressed by the quality and commitment of Canada's border personnel. Now is the time to give them a much needed helping hand.

Immigration has played a fundamental role in the evolution of Canada. It must continue to do so. As we tackle the complex issue of border security, we must remember that our safety and prosperity, as well as our reputation as a humane country, depend on an immigration policy that protects Canadians while welcoming newcomers.

## APPENDIX A LIST OF WITNESSES

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canadian Security Intelligence Service</b> Ward P. Elcock, Director	2001/10/18	31
<b>Customs Excise Union</b> Serge Charette, National President	2001/10/18	
<b>Immigration and Refugee Board</b> Krista Daley, Senior General Counsel Director, Legal Services Christiane Ouimet, Executive Director Peter Showler, Chairperson	2001/10/18	
<b>Royal Canadian Mounted Police</b> Guiliano Zaccardelli, Commissioner	2001/10/18	
<b>Citizenship and Immigration Canada</b> Joan Atkinson, Assistant Deputy Minister Policy and Program Development Elizabeth Tromp, Director General Tony Smith, Director Ports of Entry Management	2001/10/25	32
<b>Citizenship and Immigration Canada</b> Hon. Elinor Caplan, Minister Michel Dorais, Deputy Minister	2001/10/25	33
<b>Canada Employment and Immigration Union</b> Janina Lebon, National Vice-President Cres Pascucci, National President	2001/11/06	34

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Citizenship and Immigration Canada</b>	2001/11/06	34
Beverley Boyd, Director Travellers Program Design and Development		
<b>Citizenship and Immigration Canada</b>	2001/11/08	35
Joan Atkinson, Assistant Deputy Minister Policy and Program Development		
Martha Nixon, Assistant Deputy Minister		
Tony Smith, Director Ports of Entry Management		
Elizabeth Tromp, Director General		

## APPENDIX B REFERENCES

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Canada and United States. *Canada-United States Accord on Our Shared Border: Update 2000*. Ottawa, 2000.

Immigration and Refugee Board. *Guidelines Issued by the Chairperson Pursuant to Section 65(4) of the Immigration Act: Guidelines on Detention*. Ottawa, 12 March 1998.

United Nations. *Convention relating to the Status of Refugees*. Done at Geneva 28 July 1951, entered into force 22 April 1954.

United Nations High Commissioner for Refugees. *Asylum Processes (Fair and Efficient Asylum Procedures)*. Global Consultations on International Protection, 2nd Meeting, EC/GC/01/12, 31 May 2001.

## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, your Committee requests the Government to table a comprehensive response to this report.

A copy of the relevant Minutes of Proceedings of the Standing Committee on Citizenship and Immigration (*Issues Nos 29 to 40 which includes this report*) is tabled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Fontana". The signature is fluid and cursive, with the first name "Joe" and the last name "Fontana" clearly distinguishable.

Joe Fontana, M.P.  
Chairman



## **THE CANADIAN ALLIANCE COMMENTARY**

For a long time, the Official Opposition has been calling for a greater “policy and resource” emphasis on national security.

It is sad that it has taken the attack and tragedy of September 11, 2001 to change the government’s attitude about wise priorities. We welcome the attention this report gives to maintaining sovereignty and security of our borders and giving concern about travelers and applicants to Canada.

The Official Opposition is in agreement with the main thrust of the Committee Report, where it addresses the needs for more security resources and better coordination and cooperation with our American friends.

Canada must also be more vigilant internationally, for every inappropriate traveller that is prohibited abroad is a significant relief to Canadian resources and national security.

Canada must increase the number of countries from which we require Visas, and generally raise the standards of admission to Canada for any purpose.

It is hoped that a comprehensive agreement will be reached about “third safe countries” with our American friends and the European Union.

Capacity creates its own demand, for where there is a weakness it will be exploited. The “refugee system” continues to be exploited by non-refugees and is a grave security concern.

The Official Opposition will continue to work with the government to maintain Canada as a nation that welcomes immigrants, and is a country that accepts its internationally fair share of genuine refugees.

We trust that the recommendations of this report will be implemented, rather than just become just another comment that has low impact on operational realities.

## BLOC QUÉBÉCOIS DISSENTING OPINION

While the Bloc Québécois supports the broad principles and most of the observations and recommendations in this report by the Standing Committee on Citizenship and Immigration, it cannot endorse it in its entirety.

The Bloc Québécois recognizes the need to improve border practices. However, such changes, like the ones we targeted in the debates on bills C-36 and C-42, must not flout Canada's and Quebec's fundamental values and principles, particularly with respect to the rights and freedoms of each citizen. The Bloc Québécois has a duty to point out that our laws must be dictated by our priorities and our values as set down in the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms.

For Quebecers, control of immigration is an essential tool for Quebec's development and prosperity. We believe the Quebec government must participate actively in any negotiations with the United States on immigration practices, because our ability to manage our own immigration, and thereby the development of our society, are at stake.

### **Recommendation regarding a safe third country agreement with the United States.**

In the Global Consultations on International Protection report on asylum processes, recommendations were made regarding the concept of safe third countries:

*“Ultimately, the effective operation of such mechanisms is dependent upon closer harmonization among States parties in the actual application of asylum policies and procedures, as well as on equitable burden and responsibility-sharing mechanisms.”*

Such an agreement would inevitably imply harmonization of our refugee policies with those of the United States. Despite the fact that both countries have signed the Geneva Convention on Refugees, our policies differ fundamentally from each other, as the Chair of the Immigration and Refugee Board of Canada pointed out when he appeared before the Committee:

“The IRB Chairperson, Peter Showler, appeared before the Committee and addressed the differences in the Canadian and American refugee determination systems. Beginning with the observation that the American asylum system is considerably more complicated than ours, Mr Showler noted that:

- People may prefer to claim refugee status in Canada for personal reasons. For example, they may have family here or they may be Francophone.
- More claimants are detained in the U.S. than in Canada.

- The American hearing process for asylum claims in the immigration court is an adversarial process; that is, a lawyer appears on behalf of the government to oppose the claim. In Canada, a refugee hearings officer appears at the hearing to question the witnesses and assist the decision-maker, but our process is considered to be non-adversarial.”

A number of countries, despite their respect for human rights, have neither the same criteria nor the same approach when it comes to refugee selection. A safe third country agreement could pull the rug out from under the feet of a number of refugees seeking asylum in Canada or Quebec who had had the misfortune than to pass through the “wrong” countries on their way here. We may well wonder about the repercussions of such agreements on the compassionate values so dear to Canadians and Quebeckers.

### **Harmonization of Canadian and U.S. visa requirement policies.**

While harmonizing visa requirements is desirable, this cannot be done without including the elements that justify the existing rules. In our opinion, the process cannot be undertaken without a comprehensive review of visa delivery policies in the two countries.

The Bloc Québécois is opposed to the recommendation **“That the governments of Canada and the U.S. be more proactive about encouraging the flow of information and the coordination of intelligence efforts at all levels. If privacy and disclosure laws prove to be impediments to information flow, the countries should consider amending the legislation in question and/or negotiating new bilateral agreements to facilitate information sharing.”**

We are justifiably concerned about the proliferation of legislative measures giving the Minister excessive powers to control information, without due regard for privacy.

From the very outset of the debates on bills C-42 and C-44, the Bloc Québécois has deplored the absence of guidelines governing what information can be disclosed to foreign governments. Although the nature of the information is governed by regulations, we feel the need to voice our deep reservations with regard to the authorities having access to this information, and its possible uses.

The current legislation and certain agreements already permit the sharing of information pertaining the security of the governments in question. However, it is important to point out that privacy and disclosure laws are not “impediments” to security; they are a fundamental right of every citizen.

Therefore, the last sentence of the recommendation should be deleted. The recommendation should end with “[...], in compliance with the *Privacy Act*”.

We find several other recommendations to pose problems in terms of their wording.

The expression “**flights identified as problematic**” in the recommendation concerning disembarkation teams should be replaced with “where deemed necessary”.

### **Establishment of longer-term detention facilities**

The Bloc Québécois is opposed to the detention of refugee claimants in the same place as common-law criminals. It is therefore important to find a location where refugee claimants alone would be detained.

However, we believe that a refugee claimant’s detention should not exceed the time required for the inquiry, and that the expression “longer term” should be deleted.

### **More staff**

The following recommendation should be included:

**That the government hire IRB members using a transparent process and that the candidates be selected on the basis of their skills and abilities.**

The Bloc Québécois considers that any changes to the refugee claim procedure must be aimed at guaranteeing the integrity of the refugee determination process. It must be borne in mind that obtaining refugee status is sometimes an issue of life or death for the claimant. It is therefore essential that the practice of making political appointments to the IRB be ended and that a transparent appointment and renewal procedure be followed ensuring complete impartiality and a decision based on the candidates’ professional experience and expertise, not on their political affiliations, as is frequently the case at the moment.

In conclusion, the Bloc Québécois is concerned about the tangent that the Liberal government is taking with the current situation. In the wake of bills C-36 and C-42, we denounced the powers the ministers were giving themselves in terms of implementing certain sections of these acts and their carte blanche in regulatory matters. It is essential to pass responsible legislation in connection with the latest events to avoid falling into the terrorists’ trap. Our best response for dealing with terrorism is to strengthen rights, freedoms and democracy.

## **NEW DEMOCRATIC PARTY DISSENTING OPINION**

The Citizenship and Immigration Committee undertook the study of border security to help define the terms of a new border relationship between Canada and the United States, in the wake of the attack of September 11, 2001.

We cannot overstate the impact the events of September have had. Canadians who cross the US border every day to get to work or school and who pose no threat have had their travel curtailed. Our more than \$1.5 billion daily trade with the US has been severely impeded. And many residents of Canada have found themselves suddenly and without provocation viewed with suspicion or targeted with slurs or acts of violence. As partners, as two distinct nations, it is imperative that we endeavour to reach a mutual accommodation that enables us to flourish in security and freedom.

The Committee has made several positive recommendations toward establishing a new and secure 'normalcy' for procedures at our border. However, there are areas in the report that do not strike a balance between security and individual rights that is appropriate to Canada's traditions. It also contains measures that send the wrong message to those charged with enforcing our laws, to the Canadian public and to present and future immigrants.

Of particular concern are recommendations that, whether intentional or not, may reinforce the many negative misconceptions that the report rightly notes have emerged since September 11th. The Report alludes, for example, to the faulty perception that Canada's security is lax or somehow contributed to the September 11th tragedy — the 'Canada is a haven for terrorists' mythology. It quite correctly calls for measures to correct this erroneous and damaging misconception.

Just as harmful, though not noted in the Report, is a more subtle mythology that has emerged that equates immigrants — especially refugees — with terrorism. The most disturbing manifestation of this is the association by some Canadians of specific groups with a terrorist threat based on race or religious beliefs. Incidents including vandalism, insults and assaults have been reported across Canada. This is unacceptable and a pro-active government response is necessary. Instead, the government has sent the exact opposite signal by sanctioning its officials' profiling of certain immigrant and refugee applicants. The public reads that certain refugee claimants have been detained only because their national, cultural or religious origin fits a terrorist "profile" or that the government has agreed to let the FBI review 35,000 refugee claimants' files for terrorist connections because they are males of Middle Eastern origin. Is it any wonder that some of the public may conclude that the government itself connects refugees and terrorists?

We believe Canada can maintain its traditions of welcoming immigrants and harbouring refugees without compromising the security of its borders.

Among the means of achieving this, we propose:

- providing adequate resources for the timely processing of immigrants and refugees — including security clearance — and for the enforcement of our immigration legislation;
- increasing the number of overseas offices where those seeking to come to Canada can access our immigration and refugee procedures without having to resort to illegal or inappropriate means to cross our borders;
- enforcing measures against human trafficking — the movement of people for profit;
- training immigration control officers in culturally-specific behaviours to elicit the most accurate information possible and to ensure that legitimate reactions and behaviours do not cast doubt on the authenticity of the candidate or claimant; and
- introducing refugee protection measures into our international agreements to avoid the refoulement of refugees who may be rejected.

It is in this context that we view and recommend qualifying the Report's recommendation for a 'safe third country' agreement with the US and a 'direct-back' policy. Canada does not take in large numbers of refugees compared to many other countries. We are also an "end-of-the-line" country in the sense that with our geography more refugees come here as a final destination than pass through in search of a safe home. Roughly 60 per cent of refugee claimants come here from the US. There is no clear purpose to the Report's recommendations except to cut back on the number of refugees coming to Canada. This flies in the face of our tradition of welcoming refugees and our international commitments. Further, by closing the legitimate avenue for refugees to enter, a third safe country agreement with the US would likely raise the numbers of refugees who will resort to illegal means of entry. Any such agreement must meet the criteria of the UNHCR that each claim be assessed individually with respect to third safe country suitability, that claimants will receive a hearing on the merits of their refugee claim in the third safe country destination and that legitimate grounds such as family ties in Canada be considered.

The direct-back recommendation imposes additional hardship on legitimate refugee claimants by forcing them to survive on their own while awaiting clearance. It would informally add "expeditious processability" as a criterion for a successful refugee claim in Canada in contravention of our international commitments.

Another of the Report's recommendations of concern to New Democrats states that "The governments of Canada and the U.S. be more pro-active about encouraging the flow of information and the coordination of intelligence efforts at all levels. If privacy and disclosure laws prove to be impediments to information flow, the countries should consider amending the legislation in question...." This speaks to the need for balance between security and individual rights and freedoms and the imbalance of the

government's anti-terrorism initiatives at the expense of hard-fought civil liberties. As Federal Privacy Commissioner George Radwanski has said, "Privacy and the other cherished freedoms and values that define Canadian society are not frills or luxuries in this situation. They are what this situation is all about."

New Democrats believe that when a government proposes such fundamental changes to our personal freedoms as this government has in its anti-terrorist initiatives, it is up to the government to demonstrate clearly and absolutely that our current laws are incapable of dealing with the situation. In this case, the government has failed to do so.

In a similar vein, the Report's recommendations to proceed unchecked with a system of biometric identification has implications for the privacy of all Canadians and raises questions about the government's introduction of the so-called "Maple Leaf" identification card. Will this, in fact, be mandatory and what information will it contain?

New Democrats also question the treatment of visa coordination as a housekeeping issue in the Report. This fails to acknowledge the significant differences in the historical development of Canada and the US. Canada, for example, has close historic ties with Commonwealth and Francophone nations that differ from the American experience. Our relationship with specific countries may differ at times — Cuba is an obvious example. These relationships are reflected in our foreign policies and manifested in our visa requirements. Those distinctions should not and cannot be sacrificed.

The issue of how to best "harmonize" our security and immigration policies has emerged as a matter of considerable importance since September 11th. Fuelled by misconceptions about the strength of Canada's security, proposals for a common perimeter with identical policies have been promoted. Canadian and American approaches to immigration and refugees differ in many significant ways. Ours has been said to emphasize due process more while the American system has been more closely tied to foreign policy and is more political in nature. Practically, this would mean bringing Canadian policies "in line" with American. New Democrats have opposed this option as unnecessarily undermining Canadian sovereignty. We favour, instead, the collaboration as full and independent partners that has characterized our joint defense agreements with the United States for many decades.

Our two countries will succeed in responding to the tragic events of September 11th, but only if we maintain the freedom and values which those attacks aimed to undermine. And only if we do so after calm and reasoned reflection that considers the implications for the citizens of our countries as well as our bilateral relations. We must dispel the mythologies that have sprung up if we are to develop effective, not illusory solutions. Our efforts will be most successful if based on mutual respect in pursuit of our common goals.

## **DISSENTING OPINION OF THE PROGRESSIVE CONSERVATIVE/DEMOCRATIC REPRESENTATIVE CAUCUS (PC/DR)**

We have heard said many times “the unthinkable events of September 11th has changed the way we look at life.” This certainly applies to the security of our borders. The PC-DR Coalition applauds the good work that has been done by the Standing Committee on Citizenship and Immigration and supports all the recommendations of this report. Let us hope that unlike other committee reports, this one does not become just another dust collector. The future of Canada’s security relies on the implementation of the recommendations in this report.

Canada is a land of immigrants. Canada was built by immigrants. PC-DR Coalition supports and believes that our future prosperity lies in an open and secure immigration system. Attracting the best and brightest from other countries will ensure that our standard of living will be sustained in the future. At the same time our system of immigration must not compromise the security of Canada. Our immigration system must screen out all those who would come here to do or our American neighbours harm.

As the former vice-chair of this committee and the current PC-DR Coalition critic, I have over this past year raised many security concerns in the House and in the committee pre-Sept.11th. I have called on the Minister to implement front-end screening using the latest technology but she insisted that it was not necessary as she was keeping the front door open while closing that back door. I have called on the Minister to put a stop to the asylum seekers, economic refugees and undocumented arrivals who take advantage of our liberal refugee system while legitimate immigrants and refugees wait for years for the paper work to be completed.

Knowing that there are over 27,000 federal deportation warrants written by our federal agencies and not knowing the whereabouts of many of these individuals certainly makes one feel less secure. Canadians expect our laws to be carried out. In a post Sept. 11th world, it would be reasonable to implement a national identity card with limits on information data as well as when one could be asked for identity. This would certainly sort out the legal citizens, permanent residents and refugees from those who are here temporarily or illegally.

To say that Canada is a haven for terrorists is not accurate. To say that there are terrorist cells in Canada is closer to the truth. Let us not forget that terrorist activity in Canada is not new. Remember the FLQ crisis in 1970 and the Air India tragedy spawned in British Columbia. The Liberal cutback of 1994 in National Defence, Customs and Immigration, as well as the crisis in the RCMP certainly made this country less secure. Added to this a very liberal refugee system placed even more demands on an



immigration system that was already overstressed. The use of a third safe country or direct backs must be implemented by Canada.

PC-DR Coalition believes that intelligence is key to security. We support overseas interdiction programs and overseas intelligence gathering including well-trained personnel on the front lines. We have been told that all the technology in the world cannot substitute good people. We agree that there is not substitute for experienced, well-trained personnel on the front line.

PC-DR Coalition promotes the free flow of goods and people across our US-Canada border. Trade is the lifeblood of Canada. 86% of everything we produce in Canada moves into the United States. Slowing down this movement of goods and people would have detrimental effects on our economy. We support pre-clearance programs like Nexus, Inpass and Canpass/Portpass. We support streaming of traffic corridors at all our land ports.

The Committee has consistently heard the need for more human resources, technical resources and physical resources. PC-DR Coalition supports the call for more staffing and more training. We support an integrated approach at all levels of administration and information sharing. All agencies on both sides of the border need to work together at all levels.

The PC-DR Coalition supports providing our front line customs officials and immigration enforcement officials with the necessary tools to not only do the job, but to do it in a safe environment. These tools would include side arms. It is unfortunate that in a high-risk environment, firearms are not immediately present on the Canadian side of the border. The RCMP is available on an on-call basis, most times 30 minutes to 2 hours away from the border post. The American border officials who are armed have made it quite clear that they cannot come to the rescue of their Canadian counterparts in the event of a crisis because of our firearm legislation and their liability coverage.

One of the recommendations of this report calls for the seizure of all vehicles used in the commission of a crime applicable to human trafficking and smuggling found in the second anti-terrorist bill, C-42. Ironically, during Bill C-11 clause by clause stage in the Spring of 2001, the Member for Dauphin-Swan River moved an amendment stating that *“all vehicles (ships, aircrafts, automobiles and the like) used in the illegal transportation of human cargo shall immediately be seized and impounded for at least one year”*. This amendment was defeated by the government at committee level. Unfortunately, Bill C-11 is not the magic bullet which we have said to the Minister many times.

In conclusion, Sept. 11th has made Canadians more aware of the new threat to all humanity in the form of international terrorism. Canadians are not so naïve to think that it cannot happen here at home. PC-DR Coalition supports the recommendations found in this report. The Coalition extends our gratitude to all our men and women in customs, immigration, RCMP, National Defence and other enforcement agencies for their dedication to keeping Canada safe and secure and free from terror.

Inky Mark, MP  
PC-DR Coalition Critic, Citizenship and Immigration

# MINUTES OF PROCEEDINGS

Tuesday, December 4, 2001  
(Meeting No. 40)

The Standing Committee on Citizenship and Immigration met at 9:10 a.m. this day, in Room 269, West Block, the Chair, Joe Fontana, presiding.

*Members of the Committee present:* Mark Assad, Yvon Charbonneau, Madeleine Dalphond-Guiral, Joe Fontana, Art Hanger, Steve Mahoney, Jerry Pickard, David Price, Judy Wasylycia-Leis, Lynne Yelich.

*In attendance: From the Library of Parliament:* Jay Sinha, Researcher.

In accordance with its mandate under Standing Order 108(2) — The Committee resumed consideration of its report on the Security at Ports of Entry in Canada.

It was agreed, — That the Draft Report, as amended, be concurred in and that the Chairman be instructed to present it to the House.

It was agreed, — That the Chair make such editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That pursuant to Standing Order 109, the Committee request the government to table a comprehensive response to the report.

It was agreed, — That the Committee print 1,000 copies of the Report in bilingual format with a distinctive cover.

It was agreed, — That the Committee authorize the printing of dissenting opinions as an appendix to this report, immediately following the signature of the Chair.

At 10:42 a.m., the Committee adjourned to the call of the Chair.

Jacques Lahaie  
*Clerk of the Committee*