



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 059 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Monday, November 19, 2012

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Chair

Mr. David Tilson

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• (1000)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning. I welcome you to the Standing Committee on Citizenship and Immigration, meeting 59.

This meeting will last from 10 a.m. until 1 p.m. This meeting is televised.

Our orders of the day, pursuant to Standing Order 108(2), are to study clauses 308 to 314 in the budget implementation bill, Bill C-45.

We have with us today familiar faces—Mr. Linklater, the assistant deputy minister of strategic and program policy, and his colleagues.

Good morning to you, sir, again. You can make a presentation to the committee of up to 20 minutes.

Thank you for coming, sir.

Mr. Les Linklater (Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration): Thank you.

I will introduce my colleagues: Maia Welbourne, who is the director in admissibility policy responsible for the electronic travel authorization, and Marie Bourry, our senior general counsel.

Mr. Chair and members of the committee, thank you for the invitation to speak to you today about Bill C-45, the Jobs and Growth Act, 2012, and more specifically the subject matter of division 16 of part 4 of the act. I will focus my remarks on one particular element of this piece of legislation: a measure that will bring valuable improvements to Canada's immigration system.

[Translation]

As members of this committee are well aware, the Government of Canada has made the reform of the immigration system an important priority. Recent initiatives in this regard have helped to foster an immigration system that can fill significant labour shortages across the country and help us meet our economic needs more quickly and efficiently—a system designed to give newcomers the best possible chance to succeed.

As it does so, the government is implementing policies that safeguard the integrity and security of our immigration system. Taken together, all of these initiatives are helping to deliver transformation changes to the immigration system.

[English]

Not only is that system central to our economic well-being and our social cohesion, Mr. Chair, it is also an important piece of Canada's international relations agenda. And in the area of international relationships, our partnership with our closest ally, the United States, is of paramount importance to Canada. Indeed, the United States is—by far—Canada's largest trading partner. In a typical year, more than \$500 billion worth of two-way trade takes place between our countries. Also, about 400,000 people cross our shared border every day, by all modes of transport.

[Translation]

As you know, last year, Prime Minister Harper and President Obama launched the action plan on perimeter security and economic competitiveness. This agreement signaled a mutual desire on the part of both Canada and the United States to work in partnership to enhance the security of our borders and facilitate the flow of people and goods between our countries. Passage of the Jobs and Growth Act, 2012 will help fulfill one of Canada's key commitments of the action plan.

[English]

That's because one of the measures in this bill would enable the implementation of the eTA, an electronic travel authorization.

The eTA is a measure that will bring valuable improvements to Canada's immigration system. We will be able to screen individuals before they board a plane to visit our country, in order to determine whether or not they pose an admissibility or security risk. In other words, we will be able to determine whether they have a criminal record or something else on their file that shows they present a risk to Canada. This will apply to foreign nationals who do not require a visa to visit Canada; the only exception would be American citizens.

With the passage of this bill, visitors to Canada who are nationals of non-visa-required countries—with the exception of the United States, as I mentioned—will be required to apply for an eTA in order to travel to Canada. This new system will be in place by the spring of 2015.

[Translation]

This is a notable development in the reform of our immigration system and in our partnership with our southern neighbour. Consistent with our beyond-the-border commitments, the new system will address threats to North America and help ensure security in the continental perimeter we share with the United States.

•(1005)

[English]

It will establish a common Canada-U.S. approach to screening travellers before they depart their home countries by plane to travel to North America. The U.S. already has a similar system in place: it's called the "electronic system for travel authorization", or ESTA. The U.S. system has proved to be a great success since it was established in 2008.

Working together, our travel authorization systems will not only help to address possible security threats to North America, but they will also help to ease the flow of travellers who do not pose any potential risk to our countries. That's because we'll be able to identify and screen out inadmissible individuals while they are still overseas, instead of dealing with them once they arrive at a Canadian port of entry.

Here is how it will work. Eligible foreign nationals—individuals who don't require a visa to enter Canada—will be required to make online applications for an eTA before they board a plane to Canada. Our system will then check the traveller's information against applicable databases.

[Translation]

In the overwhelming majority of cases, we will be able to grant travellers an eTA within minutes of applying. A small minority of applications will require additional scrutiny by Canadian visa officers. If a visa officer determines that any given applicant is inadmissible to Canada and therefore ineligible for an eTA, that individual will not be allowed to board a plane to this country.

[English]

The beauty and efficiency of this new system is self-evident: it gives Canadian officials the ability to identify and screen out inadmissible individuals overseas instead of dealing with them only once they've arrived at a port of entry. This will have benefits in terms of reduced costs and resources required to process people in Canada. It could also speed up the process of entering Canada for low-risk foreign travellers. Once it is up and running, the eTA should also act as a deterrent to those inadmissible individuals who won't want their information verified before travelling; it will deter them from even attempting to travel to Canada.

[Translation]

Mr. Chair, it's important to stress, once again, that the eTA will only apply to those foreign nationals from visa-exempt countries. For travellers to Canada from visa-required countries, we will continue with the current process of requiring them to apply for visas before they can come to our country. Also, the eTA will not apply to U.S. citizens traveling to Canada, just as the requirements of the U.S. ESTA program do not apply to Canadian citizens.

It's also very important to note that all collection, use and storage of personal information in the administration of the eTA will fully comply with Canada's Privacy Act and the Canada-U.S. privacy principles.

[English]

In conclusion, Mr. Chair, the government has demonstrated a strong commitment to strengthening the immigration system to make it truly proactive, targeted, fast, and efficient in a way that will contribute to Canada's economic growth and help deliver prosperity for the future. It has also put in place policies that safeguard the integrity and security of that system.

Thank you. We'll be pleased to answer questions that members of the committee may have.

The Chair: Thank you very much, Mr. Linklater.

Mr. Menegakis.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Mr. Chair.

I would like to say a big thank you to our witnesses.

Mr. Linklater, welcome back. I want to thank you also for the number of times you've been here. I—and I believe all my colleagues as well—find it very informative to have people from the department here. Your input has been very valuable.

Mr. Linklater, we've heard from several witnesses—and I've asked many times—specifically about the eTA. Can you give us your assessment of how you think the eTA will help CBSA officers do their job?

Mr. Les Linklater: Certainly.

Mr. Chair, it is important to understand how the process works now for individuals who travel to Canada who don't require a visa. They are able to board flights from points of embarkation coming to Canada with very little scrutiny before they actually travel. The CBSA does receive advance passenger information, but only once, in common parlance, "wheels are up", so once the plane has taken off, and then manifests with information, tombstone data, are provided to the CBSA so that they can have a good understanding as to which passengers are coming to Canada. Of course, they can only deal with the individuals once the plane has landed and they can see the individuals in front of them at the port of entry.

At that point, if there are issues of inadmissibility, individuals will be examined by the CBSA. Individuals may choose to make a refugee claim, at which point they are into the system and would be allowed to remain in Canada for that claim to be heard if they are found to be eligible. If there were serious criminality or security issues, they would be found ineligible for a refugee claim but still would be entitled to a pre-removal risk assessment and they would go into the system for that. In certain cases, if they posed a significant danger, they might find themselves in detention and the review processes that take place in front of the IRB.

What we are proposing with the eTA is to push the threat and risk of those types of cases offshore so that those individuals would not be able even to make it to a port of entry, unless of course they had been screened through the eTA prior to departure. Essentially, what will happen is that individuals will go online, they will put in some basic information with regard to their name, date of birth, country of citizenship, and that sort of thing, and the system will, I would expect, in more than 90% of all cases, be able to turn around a decision electronically within minutes. This is what happens under the U.S. system. It's what happens under the Australian system as well, where the information is fed back almost instantaneously.

With that eTA, then, airlines will be able to check before people board the plane, as people are checking in: "Do you have your eTA?" "Yes, here's the confirmation." The CBSA's migration integrity officers could check again prior to actual boarding of the plane that individuals have a valid eTA. Essentially, we will have the assurance that there has been that level of screening taking place before individuals actually board a plane, let alone before a plane takes off or lands at a port of entry. We feel that for the population this will be focused on, in those countries where there is no scrutiny now because there is no visa requirement, this will help reduce costs and make the experience that much more helpful and efficient for legitimate travellers, while keeping any additional threats to be dealt with offshore.

• (1010)

Mr. Costas Menegakis: Isn't that our goal? Our goal is to keep out risks, to keep people away from our communities who would pose a risk to our communities. Identifying them before they even board the plane to come to Canada would seem to me to be a very prudent exercise.

Let me just restate something that Pierre Sabourin said. He's the vice-president of the operations branch, as you well know, at the Canada Border Services Agency. Here's what he had to say, "With the eTA system, we will have the ability to inform the airline, before the flight has left, to not board that passenger."

It's important that we reiterate this. Someone who has a criminal record, who can pose a problem before he comes here, is identified before he even gets on the plane and the airline takes him off that plane. We've eliminated that risk factor plus what's involved in dealing with him when he arrives here.

Let me ask this. What if someone forgets to fill out, or isn't aware there is a need to fill out, the eTA, once we have implemented the system, and arrives at the airport without one? What would be the process?

Mr. Les Linklater: In that instance, you're quite correct, without an eTA the airline would not board the individual. Given the propensity or the availability of hand-held devices as well as Internet café stations and that sort of thing in airports, we don't foresee a difficulty for an individual, where there is no problem, being able to obtain an eTA fairly quickly through available Internet connections.

Mr. Costas Menegakis: Some people have brought up the idea of an appeal for those who are found inadmissible, similar to what's in the U.S. model. I understand ours is going to work somewhat differently. Can you explain that, please?

Mr. Les Linklater: For problematic cases, I'm happy to explain the process that we envisage.

Essentially, the applicant would fill out the online application. Verifications would be done centrally through what we would call a centre here manned by CIC officers 24/7. If there were any indications of adverse information, the eTA would not be issued, but the client would then be directed to the nearest Canadian office to have an interview or an examination with a Canadian visa officer overseas. That officer would then complete the interview to determine whether an eTA should be issued. Essentially, they would have access to the resources and the supports that are normally available through CBSA and our Public Safety partners.

• (1015)

The Chair: Thank you, sir.

Ms. Sims.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): Thank you very much.

I really appreciate the fact that you're here bright and early on a Monday morning. It's brighter for some of us who are just switching time zones than it is for others.

First, we have previously made it clear that the NDP supports the principle of electronic travel authorization systems. We know that these have been successfully implemented by many countries already. That being said, we have some concerns about privacy, about the impact on tourism, and about the capacity of CIC and CBSA to implement such a significant change.

A headline in the *Vancouver Sun* a month ago, when the budget implementation act was tabled, read "New rules for visitors raise privacy [concerns]".

The Privacy Commissioner of Canada echoed that concern in a submission to our committee. Jennifer Stoddart, the Privacy Commissioner, had this to say:

One of my Office's concerns about the eTA program is its lack of transparency and the degree to which the details of the program are deferred to regulation. Fundamental questions about the eTA program such as which data elements are to be provided to CIC, how this information can be used, and how long it is retained are not set out in statute as we believe they should be. To a large degree, these matters have been shaped behind closed doors...rather than through open and public debate.

Obviously, as departmental officials, you won't be in a position to comment on some of the political questions this statement raises about the level of secrecy and about why these changes aren't set out in statute. We are disappointed that the minister declined the committee's invitation to testify today to answer some of these important political questions.

However, the commissioner does make a number of recommendations, one of which I would like to get your take on. She says:

...CIC should implement proactive privacy training and policies for the proper controls on access and use of the new eTA system.

Given the cutbacks we know are affecting front-line services at CIC, do you feel your department would have the proper resources to make sure privacy training and oversight are in place with this new system?

Mr. Les Linklater: Perhaps I could give a little more background in terms of work that has already been undertaken with the Office of the Privacy Commissioner. As we move forward with this initiative—and just to underline, what the budget bill contains are the legislative authorities to be able to put an eTA in place—you're quite right that a lot of the detail will flow through regulation. However, we will have to pre-publish regulations that are developed to support the eTA, and there will be a public commentary period to be able to support the advancement of those regulations. Also, working with the Office of the Privacy Commissioner, we will be required to do what's called a privacy impact assessment dealing with many of the issues you've raised regarding collection, use, retention, and disposal of information that is collected through the eTA process.

We've had an initial consultation with the Office of the Privacy Commissioner, and Ms. Welbourne can provide a bit more detail on that. As we move forward with this initiative, officers will of course be guided by the regulations and policy guidelines with regard to how they would operate with the eTA. For the most part—over 90%, as I said—this will be an automated process. When there is adverse information on an individual, no one will be refused an eTA without a face-to-face interview with a Canadian visa officer. They would have the opportunity to present any additional information they might have. Of course, the principles of natural justice would apply through that interview. They would know why they would be refused.

Perhaps I could ask Ms. Welbourne to talk a bit more about privacy.

• (1020)

Ms. Jinny Jogindera Sims: Briefly, please, because I have a couple of other questions.

Ms. Maia Welbourne (Director, Document and Visa Policy, Admissibility Branch, Department of Citizenship and Immigration): Very briefly, then, as Mr. Linklater said, we met with the Office of the Privacy Commissioner over the summer and gave them an overview of the eTA as planned at that time. But it is true that the guts of the program will be implemented via the regulations, so we've undertaken to work very closely with the Office of the Privacy Commissioner as we develop those regulations.

Ms. Jinny Jogindera Sims: I really appreciate your answers, and once again have to stress that I wish these were in statute rather than in regulations. But that's not your area to comment on.

We all want to make sure that Canada is safe and secure from any potential security threat. I don't think anybody is going to say that anybody around this table doesn't support that. But when I look at these requirements here, it essentially is a new visa requirement from previously visa-exempt countries.

Can you comment on what impact, if any, this may have on tourism to Canada? Combined with a high dollar, could this scare away potential visitors from our struggling tourism sector?

Mr. Les Linklater: I guess you could term this as a type of visa requirement. We would look at this as a security screening opportunity to push risks and threats offshore to the extent possible.

There will be a fee required for the eTA. We think it will be nominal, a very small fee in comparison with what Australia or the U.S. charge, which I think ranges up to \$20 for a one- or two-year period for validity of an eTA. We think we can manage this with a notional fee, but would look at providing an opportunity for perhaps a five-year validity for an eTA. Of course, if adverse information comes to light during that period, the eTA would be withdrawn, but we think we can design a system built on the experience of trusted partners like the Americans and the Australians, to learn from what they did well or where they perhaps could have done things a bit differently, and build that into our design.

I think there may be a bit of an issue in terms of the transition period to the requirement for an eTA, but we are planning quite aggressive communication strategies to ensure that travellers to Canada know well in advance of the requirement going live that they will need to apply for this, and of course ensuring that for particularly large-transit airports, the Internet capacity is there for people to be able to apply.

But perhaps—

The Chair: Thank you, Mr. Linklater.

Mr. Lamoureux.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chair.

I appreciate the witnesses being here.

I must say right at the beginning that the Liberal Party would have preferred to have seen this as a separate piece of legislation; that the impact this is having is quite significant; and that it is indeed inappropriate to be sneaking it in through a budget implementation bill.

Having said that, there are a couple of questions in regard to the cost. What does the government anticipate the cost of implementing this program to be?

Ms. Maia Welbourne: As Mr. Linklater points out, it will be cost-recovered. I will look and make sure that I have the details about the costs, but the idea is to ensure that there is no impact on the Canadian taxpayer.

Mr. Kevin Lamoureux: I think it's important that we understand—given that, no doubt, one would think, the department has actually been looking at the details of this particular program—that the minister just hasn't been forthright and transparent with Canadians in terms of explaining what is the cost. We need to know the revenue. We talk about how there is going to be a fee. We're interested in knowing the hard numbers. Facts are important in implementing a program of this nature. We'd appreciate hearing those numbers from the witnesses.

As well, how many individuals today, on average, can we anticipate that this will negatively impact? We talk about the majority; we have hundreds of thousands of people around the world who come into Canada. Even though you talk about a minority of individuals who will be rejected, how many do you anticipate will actually be rejected? Are we talking 25,000 a year, 50,000 a year? What do you anticipate the number of rejections will be?

Mr. Les Linklater: As part of our work around program design, we've looked at a number of factors. We would anticipate that probably less than 2% of the current volume would be adversely affected by an eTA.

• (1025)

Mr. Kevin Lamoureux: So if we look at 2%, you're talking about thousands of people worldwide who would be rejected, right?

Mr. Les Linklater: Correct.

Mr. Kevin Lamoureux: What sort of turnaround time do you anticipate? Do we have the resources to enable them a timely process in order to come to Canada?

Mr. Les Linklater: Yes. In fact, as Ms. Welbourne said, we will be recovering the costs of this program over a period of time, but there will be initial investments required to be able to ramp up, to build the type of supports that you're referring to. For an individual who has adverse information on their file and is directed to see a Canadian visa officer, we are, in our design model, ensuring that there are additional resources available for our operations overseas to be able to deal with those increased reports—

Mr. Kevin Lamoureux: Now, those individuals who are having to go through an appeal, are they going to have to pay additional costs?

Mr. Les Linklater: No.

Mr. Kevin Lamoureux: So it would be a standard cost. Do you have a sense of what the appeal system is going to cost the government?

Mr. Les Linklater: Well, as I said, we are looking at additional resources for the operational network to be able to deal with added volumes of potential interviews where we're not doing them now, because these are visa-exempt nationals. So—

Mr. Kevin Lamoureux: Again, Mr. Linklater, only because of limited time, I would appreciate hearing those actual numbers—whatever you might have—in terms of the department.

The other question is in regard to the overall data. There's a phenomenal amount of data now, which the Canadian government is going to be collecting. We're interested in knowing how long you're going to be retaining that data. Also, do you plan on sharing the data that's collected with the United States or with any other stakeholders?

Mr. Les Linklater: There is no plan at this point to share the information beyond Canadian agencies that are responsible for or have a role in the processing of visitor or visa applications.

Mr. Kevin Lamoureux: Okay.

Are you able to provide us what information you're going to be requesting over the Internet, beyond just name and address?

Mr. Les Linklater: We can do that.

I'll ask Ms. Welbourne to speak to the detail.

Ms. Maia Welbourne: It's essentially the same kind of information that would be asked of a visa type of application. Essentially, the purpose of the information being requested is to determine an individual's admissibility to Canada. While we haven't designed the form at this point—and we'll figure out the details—it's essentially for similar kinds of information.

Mr. Kevin Lamoureux: So it's fair to say that we can anticipate that whatever it is you'll be filling out for a visiting visa application is in essence what you're going to be requesting. You're talking about maybe a 15-minute type of application to fill out?

Ms. Maia Welbourne: Our goal is to make it as “light touch” as possible. As I say, we haven't come to ground exactly on what information, but we hope to make it as user-friendly and as straightforward as possible.

The Chair: Thank you, Mr. Lamoureux.

Mr. Opitz.

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Mr. Chair.

I would say, Mr. Linklater, that this is actually the appropriate level of consultation for this topic. We've scheduled six hours for essentially four paragraphs, and this has been referred to us from the finance committee. Because this is televised and public, I would suggest that this is a pretty transparent process.

In regard to the question of tourism that was brought up, I would just state that I think the offsets gained for the Canadian taxpayer by keeping out criminals, bogus refugee claimants, and others that would commit harm to this country far outweigh any potential impact there, if there's any at all. I would just say that.

Ms. Welbourne, I want to give you an opportunity to elaborate on and clarify some of your discussions with the Privacy Commissioner in a little more detail.

Ms. Maia Welbourne: As I mentioned, we did go forward over the summer. We gave a presentation about our plans for the project, writ large, and had a very good two-way conversation that was an opportunity for the Office of the Privacy Commissioner to raise any issues they had and to ask any questions. Coming out of that, what we took from them will help us guide the work we do, particularly through the regulatory process.

But as I said, we did undertake to work very closely with the OPC. I think the crux really will be in the privacy impact assessment. That is the document that really frames how, when, and what we will do with the information we receive: what kind of information we'll be asking for and how it will be used, retained, and disposed of. That's where it gets really nitty-gritty, and, as I said, we have undertaken to work closely with the OPC on that element in particular.

Mr. Ted Opitz: That's great.

Mr. Linklater, you said that if somebody is refused at a foreign port they have the opportunity to then talk to a live Canadian person. That default is there: where the machine fails, the human being can then step up and take over. What about the example of the case of somebody who has the same name as a known criminal or terrorist? How is that dealt with?

• (1030)

Mr. Les Linklater: Again, if there is a need for further information or clarification, the individual would speak to a visa officer to be able to clarify.

Perhaps just to take a step back, the process with what we would call a triage centre here in Canada would be that it would be staffed 24/7, and if there were issues like this that came up, there would be a human intervention in Ottawa. In regard to the same name, perhaps that intervention could clarify, through conversations with our security partners, whether or not this was the individual in question or if it was a bit of an identity issue, in which case Ottawa—the triage centre—could authorize the eTA without the individual needing to speak to an officer. If there was still confusion after the triage centre had engaged with screening partners, then there would be a request for an interview with a Canadian visa officer.

Mr. Ted Opitz: A method of redress exists. That's outstanding.

Do you think the eTA would potentially help to identify residency fraud cases?

Mr. Les Linklater: This would not apply to permanent residents or Canadian citizens. However, we are working with the Canada Border Services Agency, under the rubric of the perimeter strategy, on an entry-exit information system being piloted at two or four ports on the land border. Once expanded to the air mode around 2015-16, it will be an opportunity for the Government of Canada to have a better sense of the residency requirements being met by permanent residents.

Mr. Ted Opitz: As we establish this for ourselves, how are we sharing best practices with the U.S., Australia, Great Britain, and New Zealand?

Ms. Maia Welbourne: My team and I had the opportunity to visit both the U.S. team responsible for ESTA and the Australian immigration department to talk in depth with them about their experiences in setting up those two systems. We spent a very helpful

full-day session with the U.S. Department of Homeland Security, and they took us through their experience in setting it up, how they went about it, communications, IT solutions, and so on. That was very helpful. The Australian government was equally able to share a lot of aspects.

Mr. Ted Opitz: Mr. Linklater, can you tell us, if we don't set this system up, what will be the long-term impacts for Canada?

Mr. Les Linklater: We see where other countries are going, particularly the United States, which has had ESTA since 2008, with good success and from which we are learning. A clear example would be issues related to refugee claimants. Under the current system, we estimate the cost to Canadian taxpayers for a rejected claimant runs up to about \$50,000 a year with regard to access to social services, welfare, and that sort of thing. With the new system that's coming on board later this year, further to Bill C-31, we would expect those costs to go down, given the shortened period of time that individuals are in Canada, but it's still a significant amount, \$29,000 or \$30,000 a year.

With eTA, if there are questions around legitimacy of traveller intent and an eTA is refused, then that's a cost avoidance of \$30,000 per refugee claimant under the new determination system.

Mr. Ted Opitz: A lot of this you said is going to be applied to people before they apply or jump on an aircraft. Are there other methods of transport to which this is going to be applied?

Mr. Les Linklater: The initial program design is only for the air mode. As we start to look at the volumes of individuals who are passing across the land border, that's where the cooperation with the U.S. is so essential to an alignment between Canada's eTA and the U.S. ESTA to ensure that, once in the perimeter, security risks are absolutely minimized for crossing the 49th parallel, but to really push the risks offshore, outside continental Canada and the United States.

• (1035)

The Chair: Thank you.

Mr. Linklater, you indicated the results would be known within minutes of applying. So if I were from a country from which we don't require a visa and I went to a travel agent or online, at the same time I'd fill out a form online.... For those who go to the airport to buy a ticket at the last minute, that's still possible. Who does that? Are the airlines going to have—

Mr. Les Linklater: No, the individual traveller would need to go online to complete the form.

The Chair: Have you developed the questions? I think you said you had not.

Mr. Les Linklater: No. We would expect that they would align with the questions that are now asked of individuals who are applying for a temporary resident visa, but, as Ms. Welbourne said, in some countries there are issues that run deeper than what we think we may need for the eTA to function effectively. It will be as light-touch and user-friendly as possible.

[Translation]

The Chair: Mrs. Groguhé, you have the floor.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Thank you, Mr. Chair.

I would like to thank the witnesses for being here this morning.

You said that the implementation was planned for spring 2015. I would like to know if there will be a period of voluntary compliance before the electronic travel authorization becomes mandatory.

Mr. Les Linklater: We plan to work with the agency responsible for border security to ensure that the program is aligned with that agency's advance passenger information initiative. This system will make it possible to send the eTA decision to airports and airlines. So that the airlines receive accurate information as quickly as possible to determine whether the individuals can travel to Canada, CIC technologies need to be aligned with the agency's technologies.

We plan to implement the eTA program at least six months before implementing the IAPI. This way, travellers can have their eTA in hand before CIC and the airlines share the information in the context of the IAPI.

Mrs. Sadia Groguhé: That is very good.

I would like to know to what extent personal information is going to be shared with third parties or foreign countries, how that will be done and what kind of information will be shared.

Mr. Les Linklater: For the moment, we aren't planning to share the information we collect with other countries, not even the United States. Our current framework makes it very difficult to do so. We are negotiating a treaty with the United States on information concerning the people who submit visitor requests. But to broaden these provisions, we will have to open the treaty to add that information.

All the information that we share with the United States within the perimeter strategy will be guided by Canada's Privacy Act and by the principles that we have established with the Americans to frame the perimeter strategy.

Mrs. Sadia Groguhé: So based on what you are telling me, that would be the only country that we would share information with.

Mr. Les Linklater: We may expect to as part of the eTA, but sharing this information is not a decision that has currently been made.

Mrs. Sadia Groguhé: All right.

What recourse would users have if an error was made by the service provider?

Mr. Les Linklater: We expect that eTA users will be able to avoid turning to third parties, such as visa application centres. Since the Internet is available almost everywhere in developed countries,

we expect that these people are going to use their smart phone or home computer to submit their eTA application.

If there is a problem with the information or if more information is required, the triage centre here in Ottawa, will be the first step. Someone will review the information provided by the individual and determine with our partners from Public Safety Canada if there is incorrect information or if it is possible to clarify the situation with the person involved. If so, the triage centre will issue the eTA from Canada. If the centre needs more information to clarify the situation, the person in question will be directed to a visa office abroad, where the person will have to be interviewed by a CIC officer.

• (1040)

[English]

The Chair: Thank you.

Mr. Weston.

[Translation]

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you, Mr. Chair.

I would like to welcome our witnesses.

[English]

I'm very intrigued by what you're discussing this morning.

Coming from a riding where tourism is such a key economic driver, and referring to what you said in your opening remarks, Mr. Linklater—that part of the focus is to make sure the changes we're making are in sync with the economic needs of Canada—I have ongoing discussions with Whistler tourism and the Canadian Tourism Commission. In fact, we'll be doing a town hall on tourism in January to see how our government is doing in areas that relate to what you're talking about this morning.

What is your expectation regarding the impact of this electronic travel advisory on tourism? Certainly, any time we bring in a new regulation, those who are in that business ask us if we are helping the tourism business or adding an impediment. You've obviously thought this out. Can you elaborate on your responses?

Mr. Les Linklater: We have had initial conversations with industry around how the eTA will affect them, in particular the airlines. One of the critical aspects of our work will be working with our partners in the private sector, particularly the airlines, regarding how they can benefit as much as possible from the eTA, in terms of ensuring that passengers who have an eTA are facilitated through their arrival once they are in Canada if they've been screened overseas. These are questions we need to work through with industry and with CBSA. What sort of reception is required at the port of entry if they are a valid eTA holder? Do they need to talk to a Border Services agent? Maybe they do not. Could we use kiosks to record entry into Canada as opposed to having a conversation with a BSO who then swipes a passport? We could be much more creative in terms of facilitation for legitimate holders of eTAs once they arrive in Canada, given the pre-screening that takes place overseas.

Mr. John Weston: Let's drill down. Someone in the tourism business likes to think of large groups that come to Canada. If you're going to succeed in tourism, you want to make sure that the Business Persons Association of Ohio is thinking about coming to Whistler rather than going to Aspen for a conference. Do you think it's going to be an advantage to the human resources person or the organizer in that group to be able to get these things done in advance?

I chose the wrong one. I should have chosen Europe or Asia.

Mr. Les Linklater: Absolutely.

A number of issues we have, which are irritants for the tourism industry, relate to people who have criminal convictions or security issues that need to be addressed. Those are only determined once they arrive at the port of entry. The person is examined. They may have to go to "secondary". They're inconvenienced only because the information comes to light at the very last minute.

Mr. John Weston: The changes we're making will remove those impediments and perhaps make a conference or tourism organizer more confident that he or she can get the whole group on board the plane into Canada and they can then spend their valuable tourism dollars here.

You talked about this a little bit, but can you elaborate? How do we inform our targeted tourists, our visitors, well in advance so that we don't have unhappy surprises?

• (1045)

Mr. Les Linklater: We will be planning fairly aggressive communications around the launch of the eTA. We think there will be about a six-month period between the eTA being available for application and its actual use by airlines through the IAPI system that CBSA is advancing under the perimeter strategy.

Of the two, eTA will sit on top of the IAPI architecture, which is actually the connection to the airlines at the desks in airports around the world. We'll be mounting very aggressive communications strategies in key markets. We also have a very regular dialogue with the Tourism Commission. They're quite interested in our visa processing issues. The minister has met with them. My colleague, Dawn Edlund, on the operations side of the department, is pretty much integrated into their consultative committee. We'll be able to use that network as well to get the word out well in advance of eTA going live.

The Chair: Thank you.

Ms. James.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair.

Welcome to our guests who are here this morning.

I've listened to the speech, and we have your notes here as well. I have a couple of questions I need to ask.

First, would you agree that currently there is limited capacity to screen individuals from visa-free or exempt countries who come to Canada?

Mr. Les Linklater: Yes, I would agree.

Ms. Roxanne James: A gentleman who was before our committee on March 6 indicated—and I'm going to quote this—that:

Security abroad of people coming to Canada is essentially non-existent. That is the most serious threat, in the broader term.

Would you agree with that?

Mr. Les Linklater: If there is adverse information available, it's certainly likely not to be shared with airlines, so if an individual who is of concern does manage to board a plane, the first point of contact is the port of entry.

Ms. Roxanne James: We talk about visa-free or visa-exempt countries. What countries—if you could list a few—are we actually talking about?

Mr. Les Linklater: There are about 50. The United States is a key one. Most of western Europe, the European Union, all EU countries except Romania, Bulgaria, and the Czech Republic, and also Australia, New Zealand, and Japan....

Ms. Roxanne James: Okay.

I know that my Liberal Party colleague across the way was very concerned about the negative impact for foreign nationals. When I think about these changes we're implementing with this particular part of the budget bill, I don't really think of the negatives. I don't look at it in terms of that. I think of it as a positive impact on the safety and security of Canadian citizens, which I believe is paramount. I believe that to be, first and foremost, the most important thing that any government is responsible for.

I'm just going to ask this question: if a foreign national wants to visit Canada, do you believe that it's a burden for them to have to fill out an application?

Mr. Les Linklater: Well, we have a very robust visa system now. We know that in key markets, such as China, India, and Brazil, the numbers are skyrocketing. People are continuing to apply for visas. That's why we're expanding our visa application centre network: to help deal with some of the growth in volumes. But we have seen year-over-year growth—in the double digits, in some markets—given the attractiveness of Canada as a destination.

Ms. Roxanne James: Do you think the average Canadian would consider it to be an issue for someone who wants to visit Canada to actually fill out and apply for an eTA?

Mr. Les Linklater: Well, if there are opportunities to add to our tool kit, to be able to manage access to Canada and to reduce threats, I think it makes sense that those types of initiatives be advanced.

Ms. Roxanne James: Thank you.

Now, I've heard a number of colleagues talk about cost recovery. I think you mentioned that there was some cost recovery, but you didn't have the exact figures.

Mr. Les Linklater: Yes.

Ms. Roxanne James: Are you referring to the fees that are charged?

Mr. Les Linklater: That's right.

Ms. Roxanne James: So the fee itself will actually pay for the system...?

Mr. Les Linklater: Over time, yes.

Ms. Roxanne James: That's good to know. Thank you.

But there are also other costs involved, and I know there was concern about the negative impact of the costs associated with screening people ahead of time. It's cost recovery—

Mr. Les Linklater: That would be built into the fee.

Ms. Roxanne James: —so that's good to know, but what are we actually gaining in terms of costs by preventing someone from actually arriving at our border and then having to deport them, remove them, or even escort them out?

Mr. Les Linklater: Well, as I said, in terms of rejected claimants, under the new system that's coming on stream toward the end of the year under Bill C-31, we estimate taxpayer costs at about \$29,000 a year for a failed claimant. If we're able to address a number of those issues, particularly from countries that are visa free—Hungary for one, where we do have a large influx or have had a large influx of refugee claimants from a country without a visa—the eTA is another tool to help us manage those pressures as well.

●(1050)

Ms. Roxanne James: You've mentioned Bill C-31, which has to do with the bogus refugee claimants. We had someone from CBSA here back on February 14, and in terms of removing someone from Canada, he talked about general costs of \$1,500 just to remove them—I believe it was \$15,000 if you had to have someone escort them out of the country.

It's interesting that you've mentioned the large costs associated with Bill C-31, but outside of people coming to Canada and just claiming refugee status when they're not refugees, this eTA system will actually provide general savings in different areas.

Mr. Les Linklater: Cost avoidance—yes.

Ms. Roxanne James: Thank you.

The Chair: Thank you.

Ms. Freeman.

[*Translation*]

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Thank you, Mr. Chair.

I would like to thank the witnesses for being here this morning.

With respect to Bill C-45, and more specifically the electronic authorization service in the context of the User Fees Act, I would like to know what recourse there would be if mistakes are made when electronic authorizations are processed.

Mr. Les Linklater: Unless I'm mistaken, you're talking about an instance where we would receive information after an eTA has been issued.

The information will be entered into the system very quickly. When the person wants to travel to Canada, that information will be in the system at the airport and will indicate that there is a problem and that a visa officer must intervene to clarify the information in the system or to find out why the eTA was refused.

Ms. Mylène Freeman: With respect to Bill C-45 and the biometric measures of the User Fees Act, I would like to know what recourse applicants will have if the minister decides to eliminate the backlog of files having to do with electronic authorizations or

biometric measures, as he did in the context of Bill C-38 with files from before 2008.

Mr. Les Linklater: We plan to use eTA as a tool in the case of temporary residents, where we don't have a backlog. There are some processing delays, but as you mentioned, we expect that, for the vast majority of applicants, the eTA system will make it possible to make a decision in a few minutes. As for people who must see a visa officer, the delays will be fairly short. We are talking about two to three days to hold a meeting to clarify the eTA decision.

Ms. Mylène Freeman: How long will this information be kept?

Mr. Les Linklater: As Ms. Welbourne mentioned, we are currently working with the Office of the Privacy Commissioner of Canada to determine how long we are going to keep the information, how we will use it and, should we share the information with the United States, how we will go about doing so.

Ms. Mylène Freeman: Will Parliament have access to that information?

Mr. Les Linklater: I imagine that we will keep the systems...

Ms. Mylène Freeman: I mean information about how you are going to proceed.

Mr. Les Linklater: Yes, absolutely. We will be willing to share with the committee the policy development stages that will be carried out with the commissioner's office.

Ms. Mylène Freeman: According to the User Fees Act, all the ministers must report various fees in effect under their department. How will parliamentarians be aware of the fees, electronic authorizations and biometric measures if these measures are not covered by the act?

Mr. Les Linklater: We will be guided by the User Fees Act and the Financial Administration Act. We cannot generate revenues that are greater than the cost related to the delivery of the services. It is a very specific framework. Therefore, when we work with the Treasury Board to set fees or determine how to apply them, it is framed by the act.

As for the current eTA fees, we have not yet determined them. We are now discussing the terms with the Treasury Board. But it is important to point out that, in this case, we want to obtain an exemption from the User Fees Act to have the flexibility necessary to establish something fairly simple, fairly quickly.

●(1055)

Ms. Mylène Freeman: My next question has to do with why you want to obtain this exemption. It is for reasons of flexibility?

Mr. Les Linklater: Flexibility and speed.

Ms. Mylène Freeman: Thank you.

[*English*]

The Chair: Thank you.

Mr. Leung.

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

My question has to do with the other countries that have eTAs. I will share with you my experience travelling to India and Japan recently. In India, there was an eTA requirement to provide all the necessary visa documentation and so on, but in Japan it was simply a biometric picture and two index fingerprints at the border.

Just for clarification, in our case, which method are we going to address? This has to do with the detail of the information that goes in. How will Canada address this issue?

Mr. Les Linklater: CIC is working with CBSA and the RCMP to move out on the biometrics project for certain temporary residents. I appeared with colleagues from CBSA and the RCMP a few months ago to discuss that.

Essentially what we are looking at, for an initial rollout mid-2013, fall 2013, relates to the collection of biometrics for certain temporary resident applications, visa-required countries, probably 30, and, as we made the commitment earlier, we'll be looking at regulations this fall around the countries where that will be put in place. Essentially it's the ten fingerprints plus a live photo of the individual, which would then link that individual's identity to the application they submit.

Mr. Chungsen Leung: Okay.

Now, in order to look at the Canadian border issue, we have an air border as well as a land border. As well, in many situations along our lakes, or the St. Lawrence, say, there are many smaller ports of entry. How are we going to protect those borders with CIC, when people land at those non-traditional ways of coming into Canada?

Mr. Les Linklater: The eTA is designed to apply to the air mode. It won't apply initially to the marine or the land border. As I said earlier, working with the United States under the perimeter strategy to ensure an alignment of the eTA with their ESTA will help to ensure that common threats and risks are dealt with by each country outside the North American perimeter in the first instance, which as a result should facilitate the travel between Canada and the United States, because those significant threats have been dealt with outside the perimeter.

There will still need to be an assessment across the land border around specific admissibilities. For instance, different penalties apply in Canada and the United States with regard to drug offences or DUI offences, depending on the legal construct, but essentially the security threats and the significant criminality threats should be dealt with by both countries outside the perimeter. This would mean that for travel between ports in the Great Lakes, for example, or the St. Lawrence, between Canada and the United States the risks should be mitigated quite significantly.

• (1100)

Mr. Chungsen Leung: What about when you have a foreign national who is neither a U.S. nor a Mexican citizen coming through seaports, such as smaller fishing villages on the Atlantic side or on the Pacific side?

Mr. Les Linklater: Right. Well, if they are from a visa-free country, the discrepancy between Canada and the United States in terms of visa-free access is quite small. We can provide the committee, through the clerk, with our respective lists, but essentially, each country will have screened individuals who have entered.

For example, if someone from France has an ESTA and is visiting the United States, they would also need the eTA to then visit Canada. If they crossed at the land border, we would expect that the ESTA review by the United States would be robust enough that we would then be able to focus on that very small population through individual examinations, as we do now.

The Chair: Thank you, Mr. Leung.

After the eTA is implemented, would inadmissible people still be able to enter Canada on a temporary resident permit, or would their inadmissibility make them ineligible for an eTA and prevent their travel in Canada?

Mr. Les Linklater: A TRP would still be available for individuals who are found to be inadmissible.

The Chair: Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thanks, Chair.

I have a couple of questions.

We received a memo from Ms. Stoddart just in regard to the... I don't know if you have had a chance to look at it. There were some recommendations, four recommendations, that she makes in the report, but I have a couple of questions regarding it.

One of the concerns she lists—and I appreciate and understand that you have met with her and her colleagues, officials from the commission, to review how we would move forward on this—is the lack of transparency and the degree to which details of the program are deferred to regulation.

I wonder if you could just clarify or comment on that.

Mr. Les Linklater: What we're looking at in the budget implementation act are the legislative parameters to be able to establish eTA, to enable automated decision-making, and to seek exemption from the User Fees Act.

In terms of program design, as Ms. Welbourne said, extensive regulatory work will need to take place to be able to put the frame around and actually enable those legislative authorities. That's where the privacy impact assessment will need to be developed with the OPC. That will be a critical piece of the regulatory impact analysis statement, which will be publicly available. In connection with that, we will want to ensure that the OPC is satisfied with our regime, with our decision-making processes, and with the use of information in terms of how it's collected, how it's used, and how it's disposed of. As I said, there is no plan at this point to share the information. If under our immigration information-sharing treaty Canada and the United States were interested in including information from ESTA and eTA applicants, we'd have to be guided by the OPC's views and certainly by the Privacy Act.

Mr. Rick Dykstra: One of the other points she made in her letter to us was that the information—and this was news to me—will be retained for up to 15 years.

Mr. Les Linklater: I think that's a standard within the Privacy Act, but again we would work with her office to determine what an appropriate period of time would be. I think 15 is the maximum allowed under the Privacy Act.

Mr. Rick Dykstra: Another point is that it should ensure that the new proposals to expand the use of this personal information are carefully scrutinized and that existing programs are regularly assessed to determine if they are necessary and effective. Are we going to work to ensure that?

Mr. Les Linklater: Absolutely. Perhaps I could ask Ms. Bourry to clarify.

Mrs. Marie Bourry (Executive Director and Senior General Counsel, Legal Services, Department of Citizenship and Immigration): With respect to retention of personal information, the standard is set out in the privacy regulations, and it's two years from the last administrative use. It's in relative terms and not absolute terms. So the information may be collected on day X. In terms of the last administrative use, it's use by the department in order to make a decision. The decision can happen shortly after the application is made, but there can be some other interaction throughout the life cycle of the information. With respect to the 15 years, that's not a standard that is set out in the Privacy Act or the regulations. Usually when you deal with retention of personal information, it's set out in what we call a retention schedule. There are usually discussions with the Office of the Privacy Commissioner as to what is an appropriate retention period with respect to this type of information.

• (1105)

Mr. Rick Dykstra: So to say that the information is going to be retained for 15 years is somewhat premature at this point.

Mrs. Marie Bourry: I think that would be subject to discussion with the OPC. The retention period for personal information collected for a temporary resident visa application would be set in relative terms.

Mr. Rick Dykstra: Thank you.

One of the other points she made was that:

For example, from an oversight perspective, it would be important for members of the Committee to understand precisely how Canada's newly expanded API/PNR program under CBSA, Public Safety Canada's Passenger Protect Program or the recently launched Canada-U.S. Exit-Entry program would work with the eTA program.

Obviously she's asking how we are going to make sure that all of the additional programs—safety programs and travel safety programs—that have been implemented are going to work consistently and on a regular follow-up basis to ensure that we aren't serving a lot of duplication and that we are working with each other from a cross-government perspective rather than in silos.

Mr. Les Linklater: That's right, and in fact in terms of security screening around immigration applications, whether for temporary or permanent residents, CIC applies indicators, but we work with and rely very much on our Public Safety and security partners to assist with the screening of individuals, CBSA and CSIS being the critical partners with the RCMP.

The Chair: Thank you.

Ms. Sitsabaiesan.

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

Thank you to all of the witnesses for being here.

I have a quick question about accessibility. From what I understand, if someone doesn't apply for their eTA online in advance, you're planning on having the airport kiosk or whatever, which is great. So people who don't have access to the Internet—those in rural remote communities from already visa-exempt countries—basically have to pack themselves up, go to the airport, and then hope they're going to be able to go through. Is that how it works?

Ms. Maia Welbourne: I think our advice would always be that individuals, at the point where they're even contemplating travel to Canada, make the application for the eTA at whatever location they can get to. Essentially, they can make the application anywhere there's Internet access. That would definitely be our advice. Even before booking a ticket, ensure you have your eTA. The idea is that it would be valid for up to five years, so it has a long duration. Get that first.

We recognize there will be situations where individuals have to book last-minute travel for whatever reason. In this case, we're saying—given that we are assuming the vast majority of applications will be approved automatically within minutes—it could be done at an Internet café at the airport, en route to the airport, what have you. It's not what we would recommend, but we recognize there are such cases.

Ms. Rathika Sitsabaiesan: If I had a mobility issue, for instance, if I lived six hours away from the closest airport or in a community that doesn't have Internet cafés, then I would have to make that special trip to an airport kiosk six months before I even bought my airplane ticket. I would have to go, apply, wait that one minute to find out, and then drive another six hours, or hire somebody to drive me back for another six hours, to know whether I'm going to be able to qualify to buy my airplane ticket. Is that basically the situation?

Ms. Maia Welbourne: Well, it's like an individual who's working with a travel agent, for instance. If they don't already have their eTA, they could work with a travel agent, who would certainly have Internet access to apply for the eTA at that time.

Ms. Rathika Sitsabaiesan: It's an extra cost and an extra burden for somebody who may have a mobility issue, or seniors, elders in the community, who may not be computer literate, or even young people who may not be computer literate. It just seems unfair for those people.

Moving on to the exemption, how will public scrutiny or government transparency be ensured if the service fees for eTAs and biometrics are exempt from the User Fees Act?

•(1110)

Mr. Les Linklater: As I said initially, the User Fees Act is one aspect of the fees regime. The Financial Administration Act is also very clear about departments' abilities to levy fees that cannot exceed the cost of delivering the service.

Essentially, as we look at biometrics, as we look at eTA, we are taking a longer-term view around cost recovery to ensure a fee that's going to be competitive with other countries, like the United States, the U.K., Australia, to ensure we are not pricing Canada out of the market, while at the same time ensuring we're able to roll out these programs to help protect public health, safety, and security. We can't look at these as opportunities to add to government revenues. We are very much restrained by what the FAA says.

In terms of the User Fees Act, there's the flexibility, the ability to adjust in response to growing demand, that sort of thing, but also recall that under the current fees regimes we have, the Government of Canada provides a significant subsidy in delivering visa services overseas to foreign nationals and not necessarily to Canadians. Again, there's a strong rationale here: because these fees are being applied to non-Canadians or permanent residents, additional flexibility is helpful.

Ms. Rathika Sitsabaiesan: Right, but it just seems that if it's exempt from the User Fees Act, that public scrutiny piece seems to be missing.

My supplementary question would be, how will Parliament know what the fees for these services will be? You said it will be some nominal fee. Australia charges around \$20. Ours would probably be less, but it's not in very certain terms. If it's not going to be under the User Fees Act, then how will Parliament know? How will Parliament know what the user fees will be, what the government is collecting, what the performance standards are, or whether the fees are comparable to those in other countries if these service fees are actually exempt from the User Fees Act? You've said it's going to be comparable.

The Chair: We have to finish. Please answer the question.

Mr. Les Linklater: I would say that the fees will be set in regulation. Of course, that process is subject to parliamentary scrutiny as well as public scrutiny and input.

The Chair: Ms. Welbourne, you said you spoke to the Americans and the Australians. Did they indicate the success or lack of success of their programs?

Ms. Maia Welbourne: Generally, they were both very satisfied with the effectiveness of their programs. They certainly didn't express any regrets in having set up the programs in the first place. With the U.S., as I say, we got into a little bit more of the detail of their program, but certainly there are no regrets, and the Americans feel very strongly that it's an effective tool.

The Chair: Thank you.

We start all over again.

Mr. Weston has up to seven minutes.

Mr. John Weston: Thank you, Mr. Chair.

First, I'd like to step back from what you're talking about to the fact that we are talking...and I'm thinking of the people in the tourism

industry who really care about these issues, to whom I can send the transcript of this discussion, who can even watch it on TV. I think the level of transparency in what we're doing here is really significant. Whether you're a Canadian or whether you're comparing it to what happens in other countries, we've drilled down to the very specifics, to the cost of these things, which we haven't yet determined, and you've been very open in saying that we've embarked on a process to serve Canadians and Canadian interests as best we can, consistent with the priorities our government has set out.

Again, I applaud you for being here, and for being here for an hour and a half this morning, and for coming back, and for being available to us. I think it's really important for Canadians to know that this is how we do things.

You mentioned in passing, Mr. Linklater, a reference to people who have DUI issues and other things that won't necessarily be touched by the eTA if they're coming from the United States, but we have made significant improvements in screening those people as well in recent times. That's in direct response to concerns from people in the tourism industry who feared that people were being wrongly turned away or who thought people might not get access to Canada. Do you want to just expand on that part?

•(1115)

Mr. Les Linklater: The minister has put in place a public policy that allows Border Services officers who encounter... Let's use your example of an American with a DUI who is at the port of entry. If such a situation arises and the individual is determined to be inadmissible by virtue of that offence, subject to certain requirements—that they have not done jail time and that there was no significant harm as a result of their infraction—what the public policy allows is that the individual will receive a temporary resident permit to enter Canada to overcome their inadmissibility, but the fee for the permit, which is \$200, is waived one time only.

The individuals are then counselled that if they wish to return to Canada, until deemed rehabilitation can take place—which is 10 years, I believe, for that type of offence—they would then need to be documented with a TRP and they would have to pay the fee. It does facilitate some of that last-minute issue that arises, particularly at remote ports, when people are making trips, say, to northern Ontario.

Mr. John Weston: Has there been any advantage in terms of getting advance notice understanding of the impact of such a problem under this policy?

Mr. Les Linklater: Well, I think it has been helpful for certain sectors in the tourism industry to understand that if this does happen, then the whole party may not necessarily be affected by this. The individual in question can be allowed forward subject to the parameters that I described, for that one time. They are then counselled so they know that if they wish to return to Canada, they need to be properly documented. So it has removed an irritant that we've heard about from certain sectors in the tourism industry.

Mr. John Weston: I know that the minister heard that irritant at Whistler and has heard about it from the Canadian Tourism Commission. I'm really pleased that the government and our officials are responding to those very practical needs as we implement some of the same higher-level issues as well: security balanced with flexibility.

One of the things you mentioned in your discussion was that a person won't necessarily have to get a new eTA every time he or she comes to Canada.

Mr. Les Linklater: Right.

Mr. John Weston: I assume that is in answer to the possible impediment of creating unnecessary cost to people. Do you want to come back to that again? How does it enhance the ability of tourists to come to Canada—or visitors—to have what is basically a multi-entry eTA?

Mr. Les Linklater: Essentially, that's correct. I think that in the United States it's valid for two years. In Australia, it's valid for one year.

We think that a longer period of time that corresponds with where we want to go and where we have been going on the temporary resident visa side—by issuing multiple-entry visas for a maximum validity of 10 years if the passport allows it—only makes sense in terms of client service and being facilitated for travel to Canada for legitimate travellers. A multiple-entry or long-term duration eTA makes sense to us, but it of course can be withdrawn if adverse information comes to light during that period.

[Translation]

Mr. John Weston: Basically, what I understand is that there needs to be a good balance between the need for security and the need to attract tourists, which is really important for our economy.

Mr. Les Linklater: Yes, the goal is to strike a balance that allows us to assess the risks before these people arrive in Canada. We need to make sure our methods line up with the strategic directions of the United States in the context of the perimeter security strategy. This involves finding a way to facilitate everything and, at the same time, ensure there is some kind of risk assessment.

[English]

Mr. John Weston: If one were to sum up what we've heard, maybe I'd go right back to your first comment at the beginning of the meeting, where you said that we're effectively pushing the process offshore to make it more economically viable for us as a country to improve the security assessment, while encouraging people to come to the country who we want here.

Mr. Les Linklater: That's right, pushing the risks outside the perimeter, making sure that we can deal with them before they are present on Canadian territory, absolutely.

[Translation]

Mr. John Weston: Mr. Chair, if I have any time left, I would like to share it with my colleague, Ms. James.

• (1120)

[English]

The Chair: You have 30 seconds left.

Ms. Roxanne James: Very quickly, when we talk about an application being inadmissible or an individual being inadmissible, what would cause someone to be inadmissible to Canada?

Mr. Les Linklater: There are a number of inadmissibility provisions in the act. There are provisions for misrepresentation, if someone has lied on the application or through the process. If they have a criminal record—

Ms. Roxanne James: Can I ask this question quickly, then? If I do not have a criminal record and I haven't lied on my application, and I show up at the airport, would I expect to get it approved?

Mr. Les Linklater: Yes.

Ms. Roxanne James: Thank you.

The Chair: Thank you.

Ms. Sims.

Ms. Jinny Jogindera Sims: Thank you very much.

I was just going through the printed notes you gave us, and on page 6 in the English version—you said this when you spoke as well—you mentioned “eligible foreign nationals”, individuals who don't require a visa to enter Canada.

Will this apply to only non-visaed countries, or is the U.S. the only country exempted?

Mr. Les Linklater: It will apply to visa-exempt countries except the United States.

Ms. Jinny Jogindera Sims: Okay. So in other words, even—

Mr. Les Linklater: There are three regimes: visa regime, eTA regime, United States.

Ms. Jinny Jogindera Sims: So the only country that will be exempted from the eTA is the U.S.

Mr. Les Linklater: Citizens of the U.S.

Ms. Jinny Jogindera Sims: Citizens of the U.S.—not people with a green card or anything like that.

Mr. Les Linklater: That's right.

Ms. Jinny Jogindera Sims: Okay.

Then you said, “Our system will then check the traveller's information against applicable databases.” Can you expand on that for me a little bit, please?

Mr. Les Linklater: As I said, we do rely on CSIS, CBSA, and the RCMP to help us with security screening, and they have databases that feed into an overall assessment and recommendation back to CIC.

Ms. Welbourne can provide more detail on that.

Ms. Maia Welbourne: The databases that would be screened against through the automatic system would essentially be the ones that are currently used to screen temporary resident visa applications—the information that's held in our field operations support system, in our global case management system, and in the lost and stolen and fraudulent documents database. We would have, as part of that, information regarding anybody who was inadmissible to Canada due to criminality. That would all be assessed.

That's what the application would be run against in the first instance. If anything else came up, adverse information of some kind, that's when the application would be referred to an in-Canada office for further assessment. It may then be referred on through our security partners for further review.

Ms. Jinny Jogindera Sims: The more I listen, the more I think some alarm bells are going off for me—not the fact that we're going to be doing this, but how the data will be stored, and for how long, and with whom it will be shared.

I've heard a number of times that there is “no plan at this time” to share with other bodies. Whenever I hear “at this time”, it always sort of says that there will be sharing of it at some time, right?

For me, I suppose what I'm looking to is this: who will make the decision as to what will be shared with other states, and when? I don't just mean the United States; I mean all other nations.

Mr. Les Linklater: We are constrained in what we can share and with whom by the Privacy Act.

Ms. Jinny Jogindera Sims: Are the parliamentarians going to have a say? Right now, when it's just limited to “we're going to collect this data, it's for us”, we have one point of view. When we know then it's going to be marketed on the world stage, it becomes a whole new issue. I suppose I need to know whether it will be a parliamentary decision or another one of these things where the ministers will decide.

Mr. Les Linklater: I think if there is going to be any review of the regime, the cabinet process would need to be engaged, definitely. If there are follow-on implications that Parliament is justified in reviewing, then absolutely.

Ms. Jinny Jogindera Sims: These huge alarm bells are ringing even louder about the amount of power that rests in regulations and ministers. Parliamentary oversight, then, just isn't there. I know I heard my colleague across the way say we're going to look at three paragraphs for six hours. I'm talking about all the things that we don't know yet, and yet we're going to be voting on this—all the things that still have to be developed and the future that is going to change things quite a bit.

I know you've had very lengthy discussions with the Privacy Commissioner, and I really appreciated hearing that. Has the Privacy Commissioner actually looked at this and done an assessment?

• (1125)

Mr. Les Linklater: As Ms. Welbourne said, the initial engagement has really been about the concept of the eTA, helping the commissioner and her staff understand what we have in mind, in terms of comparable systems in the U.S. and Australia. Beyond that, it's to ensure that her office is engaged every step of the way as we develop the privacy impact assessment, the PIA, and the regulations that govern how this will function.

Ms. Jinny Jogindera Sims: Considering the pace at which things move, I have some concerns that once again we're going to be asked to vote on something where we don't have the information from the Privacy Commissioner. As I'm talking, I'm beginning to think, how could she when you haven't even developed the questions yet? Those are still being worked on.

Mr. Les Linklater: Right. Part of this bill relates to the enabling statutory authorities to set up the regime. To actually have the regime come into force will require the regulations, based on the PIA, based on the collaboration with the Office of the Privacy Commissioner.

Ms. Jinny Jogindera Sims: Once again it goes to the point I was making about the lack of parliamentary engagement and oversight. We're going to be giving you this, according to this, and then Parliament will vote on a huge, gargantuan, so-called budget bill. We'll be making decisions without having a report from the Privacy Commissioner, without knowing what the questions are, and with a big question mark as to who is going to have access to this information at some time in the future. It's not your issue, but I just needed to get that out there, so I really appreciate that.

The Chair: Thank you.

Mr. Lamoureux.

Mr. Kevin Lamoureux: Thank you, Mr. Chair.

I want to go back to the user fee. Mr. Linklater, you say it will be a nominal fee. Does the minister have a sense of how much that nominal fee is going to be?

Mr. Les Linklater: We are working with Treasury Board around the costs of this initiative. Those have not been nailed down and finally determined.

As I said, once we've been able to work with Treasury Board around the impacts and the scope of this—coming back to your point about resources available for interviews to be held in the field and that sort of thing—then the fee would be established through regulations.

Mr. Kevin Lamoureux: When a department brings forward a program, is there not any sort of expectation that they would have a sense of what the actual cost would be?

Mr. Les Linklater: Absolutely. As we work with Treasury Board around the scope of the program, do we have the right number of additional officers lined up in the field to deal with potential refusals, that sort of thing? All of that has a bearing on how much we can charge for the fee.

Mr. Kevin Lamoureux: Yes. If you say that this is a cost recovery program, meaning that the taxpayers are not going to be footing the bill—the bill's going to be paid for by those applicants—we should have a sense of how much this is going to cost and what the user fee would be. You should be able to say that it's going to be over \$10, under \$10, or close to \$20, as opposed to just some fee yet to be determined. Is that not a fair assessment?

Mr. Les Linklater: It is a fair assessment, but as I said, having not yet had the final conversation and decision from the Treasury Board around the scope of the program....

Mr. Kevin Lamoureux: Right.

Mr. Les Linklater: But I would say that the fee will be very competitive vis-à-vis the U.S. and Australia.

Mr. Kevin Lamoureux: It would seem to me that because this will be going before the finance committee—I hope to be at the finance committee—the Department of Finance would want to know what sort of a fee there will be.

It seems to me that the Minister of Immigration is choosing to hide that fee from this committee. That is what I would be suggesting.

The Chair: Mr. Dykstra.

Mr. Rick Dykstra: On a point of order, Chair, I don't mind questions specific to the topic, germane to what we're trying to understand here, but accusing the minister—in a question—of hiding something is very difficult for Mr. Linklater or any of our witnesses to respond to.

I would suggest that it may be a political comment that Mr. Lamoureux would like to make, but it has no place at the committee table—here, anyway.

• (1130)

The Chair: I agree.

And our time has expired.

Mr. Linklater, Madame Bourry, and Ms. Welbourne, thank you very much for coming and providing us with background to these sections in the legislation.

Thank you very much.

We will suspend.

• (1130)

(Pause)

• (1135)

The Chair: We will reconvene the meeting.

We have, by video conference from Vancouver, from the Centre for Immigration Policy Reform, Mr. Martin Collacott; and as an individual, Mr. James Bissett, who is on the board of directors for the Centre for Immigration Policy Reform.

Both of these individuals have appeared so many times before that I'm beginning to know them better than I do members of the committee.

We welcome you back to the committee to give your views on these sections of Bill C-45.

We also have, from NextgenID Canada Inc., Robert L. Bell, who is the senior vice-president of corporate and business development.

You too have appeared here before, Mr. Bell. I welcome you on behalf of the committee.

Each of the three of you will have up to eight minutes.

Mr. Bell, you can go first.

Mr. Robert Bell (Senior Vice-President, Corporate and Business Development, NextgenID Canada Inc.): Mr. Chairman, honourable committee members, I'm pleased to appear before you on the subject of the proposed electronic travel authorization.

As someone who has been active in the field of securing and modernizing borders for close to a decade, I'm pleased to offer my

observations and the advice of my colleagues at NextgenID on the merits of the eTA.

Essentially, the eTA provides a means to know who is coming to our country as soon as possible, and if a traveller is not admissible, to deal with this before the person gets on the plane. The eTA, when integrated with the processes of the travel agents, airlines, airports, and government, should yield security benefits to all stakeholders, including travellers.

There are, however, costs to set up and operate the eTA process, and these will fall largely to Canada and the service providers, including airlines and travel agents.

We believe the eTA is an important step in securing our border.

I'll talk about the legislation. I suspect there are many lawyers here. I am not a lawyer. That said, I have read the proposed legislation and will provide a lay interpretation of it and its relationship to the border action plan.

Division 16 amends the Immigration and Refugee Protection Act to provide for an electronic travel authorization and to provide that the User Fees Act does not apply to a fee for provision of services in relation to an application for an electronic travel authorization. These amendments support the border action plan, which commits Canada to introducing an electronic travel authorization program to establish a common North American approach to screening travellers.

The eTA program will be similar to the United States' existing electronic system for travel authorization and will permit the Government of Canada to examine most visa-exempt foreign nationals at the earliest opportunity prior to their travel to Canada by air. Essentially, this is an electronic visa for most people travelling to Canada who are currently exempt from applying for a conventional visa. This division amends section 11 of the Immigration and Refugee Protection Act by creating a requirement for persons seeking entry to Canada from visa-exempt countries to complete advanced electronic screening prior to departure for Canada. This will necessarily involve enhancements in several security area sectors, including database integration technologies and database analytical software technologies. There was considerable discussion about that with the earlier speakers.

Near real-time response for most eTA applications will be essential for the success of the process. This initiative will be self-funded through user fees also authorized under the amendments to this division.

What are my comments on the legislation? The eTA will implement screening based on the name of a traveller. This is good; however, name checks do not detect the people who are travelling with false documents or assumed identities. This is a known and continuing problem. However, there is a solution. A number of countries have successfully introduced biometric checks to address this problem. In the U.S. ESTA program all electronically authorized travellers carrying passports issued after 2006 are required to have e-passports. I would expect Canada to have the same requirement.

Each e-passport has a digital photo encoded on the chip in the passport, and this enables effective biometric identity confirmation. A live face image can be captured and compared with the image on the chip, thus making identity confirmation quick, easy, and accurate. This will catch the person travelling on a borrowed passport. The same live image can be compared against the face watch list to determine if the traveller is a person of interest. This will catch the "bad guy" travelling under an assumed identity.

Who are the bad guys? Again, a previous speaker talked of that. They are domestic and international security risks. They are domestic and international fugitives for serious offences. They are international criminals. They are inadmissible for human rights offences. They are criminal deportees and they are failed refugee claimants. Those are the major classes. These people are generally not caught by the current screening if they have good documents for their assumed names.

Inasmuch as the stated objective of the eTA is to detect and prevent entry of persons who are inadmissible to Canada, we recommend that this ETA screening be augmented by the deployment of face recognition biometric technology at points of departure for Canada and at ports of entry to Canada.

•(1140)

Again, there was some discussion earlier about two main models out there: the Australian and the U.S. systems. Australia's has been operational since 1996, and that of the U.S. since 2010. The U.S. ESTA and the Australian ETA are similar in many ways, but differ in the details, primarily, I expect, because of the larger number of visitors to the U.S. Both seem to work well.

Both countries do biometric identity checks at the border. The U.S. does watch-list checks based on fingerprint and face images. Australia compares the face image on the chip to the live captured image. Canada will need to implement biometric checks, as we cannot continue to depend on name searches only.

The U.S. ESTA issues a token: a document that you print on your home printer that reflects that you are a holder of an ESTA. We would question if this is necessary and would suggest that it opens a weakness in the system. The Australian system does not require a token and depends on the reliable electronic record. Canada should consider this alternative.

Earlier, there were discussions of fees. Both countries charge a fee for the ETA. The U.S. fee is \$4 for processing the application and \$10 for the issue of the ESTA. For Australia, the fee is \$20.

These fees have caused some reaction from the EU. The European Parliament has criticized the United States for imposing an ESTA fee on foreign visitors, thus raising the possibility of levying a similar fee on American travellers to the EU. To my knowledge, that hasn't been done. Australia has entered into a no-fee reciprocal agreement with the EU and has recently introduced an e-visitor equivalent to the ETA, which applies to short-term, non-business travellers from EU countries.

We support the eTA initiative. We would not anticipate that the eTA process or the eTA costs would be a factor in a tourist's or a business person's decision to visit Canada. Hence, we would expect

enhanced perimeter security with no measurable economic impact on Canada.

I'd be pleased to respond to any questions you might have.

Thank you.

The Chair: Thank you, Mr. Bell.

From Vancouver, Mr. Collacott, you have up to eight minutes, sir.

Mr. Martin Collacott (Spokesperson, Centre for Immigration Policy Reform): Thank you, Mr. Chairman.

The proposed electronic travel authorization makes sense, particularly if it provides screening for nationals of countries that are visa-exempt and who plan to travel to Canada. At the moment we don't have anything to cover them.

It helps to identify individuals who may pose a problem in terms of being allowed entry before they get on a Canada-bound plane, and it therefore saves both them and us a lot of money, time, and trouble.

It also speeds up the entry of persons who do not have a problem.

The system will not be perfect, since it's based on name recognition and leaves open the possibility that someone may gain entry by using a false identity. It will be more effective when biometric screening such as face recognition is available, and I think Mr. Bell just made that point.

One of the reasons for putting in place the electronic authorization, EA, system is that this is one of the commitments we made under the Beyond the Border action plan we agreed upon with the United States in December of last year. It will be part of more extensive arrangements with that country to facilitate the movement of people across our mutual border and identify those we need to keep out.

I would mention in this regard that the implementation of this agreement with the U.S. would bring with it substantial benefits to Canada.

A Fraser Institute paper released three months ago noted that there had been a substantial decline in travel by Americans to Canada since the events of September 11, 2001, when the U.S. began thickening the border in terms of security measures. While some of the decline in travel by Americans might be attributed to the less favourable exchange rate of the American dollar as well as the economic crisis beginning in 2008, both of these developments started long after the decline in the number of U.S. travellers to Canada had begun.

The Fraser Institute paper estimated that roughly \$7 billion per year in tourist-based receipts had been lost for the Canadian economy as a result of this decline in cross-border travel. Much of this might be regained if we implemented the screening arrangements provided for in the Beyond the Border action plan. The paper's authors also noted that the implementation of the action plan would result in savings to Canadian taxpayers of somewhere between \$600 million and \$1 billion annually, although they weren't able to identify how much of this amount would be due to the implementation of the eTA and related elements of the plan.

I would like to raise a couple of issues that have been mentioned in connection with the electronic authorization plan and other elements of the plan. One entails the exchange of information with the United States and whether such measures will be consistent with Canada's privacy requirements. In this regard, the federal Privacy Commissioner will certainly be consulted when the various measures are being considered.

In the past, there has been some fairly robust debate in Canada concerning how much information about individuals should be made public or shared with the United States. In 2003, when the government of the day revealed that it was looking for 59 suspected war criminals who were wanted on Canada-wide warrants, the then Minister of Immigration told Ontario law enforcement officials that it could not provide the names and photographs of the individuals because to do so would violate their privacy rights.

This sort of situation occurred again in 2005 when the government was looking for 115 missing war criminals and the Canada Border Services Agency refused to reveal their names out of concern for their privacy rights. It did not, however, recur in July 2011 when the federal government released the names of 30 suspected war criminals it said had entered the country illegally and had since disappeared. With the help of the public, eight of these individuals were located fairly quickly, and by August 2011 three had been deported. The government thereupon published the names and photographs of 32 permanent residents who had committed acts of serious criminality in an effort to locate them. This indicated that while the previous government felt it was bound by privacy rules in releasing information about criminals who had gone into hiding, their reluctance apparently was unfounded.

While privacy concerns will definitely have to be taken into account when specific arrangements are drawn up on the sharing of information with the United States, it should not be assumed that we are limited by privacy restrictions in releasing information on individuals, as government authorities had assumed was the case in 2003 and 2005.

• (1145)

Moreover, in the event that the effective implementation of sections of the action plan that clearly benefit Canadians and enhance our security entails a review of the adequacy of our existing privacy legislation, we should be prepared to consider amending that privacy legislation. That, of course, would have to go for debate before Parliament.

Chairman, I'll conclude by flagging two other issues that have been raised in connection with the implementation of the agreement with the United States. One is the contention that in adopting the various measures provided for in the action plan, there be no discrimination between the treatment of citizens and of permanent residents in either the United States or Canada. The fact is, however, that if non-Canadians, and that includes permanent residents, are war criminals, are involved in or support terrorism, or have committed serious crimes, we do not have the same obligations to them as we do to Canadian citizens.

This is supported in international law. International consular agreements do not provide for access to non-citizens. Under domestic law, of course, permanent residents don't have voting

rights or passport rights. I think we cannot automatically extend exactly the same rights to non-citizens, just because they're permanent residents, as we do to citizens.

The second issue is whether full due process has to be accorded to everyone whose right to enter Canada has been denied by the implementation of the electronic travel authority regime or by any other measures provided under the action plan. Were we to allow full due process to individuals refused entry into Canada, we would be in effect allowing any non-Canadian in any part of the world to challenge negative decisions. This might be a field day for immigration lawyers, but it would be a disaster for the Canadian legal system and a serious erosion of control over our sovereignty.

When I spoke before the committee two weeks ago, I mentioned that we already had a problem with people in Canada who weren't Canadian citizens. Section 7 of the Charter of Rights and Freedoms was badly drafted. As a result, a Supreme Court decision in 1985 made it possible for failed refugee claimants to delay their removal from Canada for years and even decades. So we already have a problem with non-citizens on our soil having a degree of due process that no other country allows. We certainly don't want to extend that to non-Canadians who aren't even here yet.

I just flag those two issues because they've already been raised and they'll likely come up for further discussion.

Thank you, Mr. Chairman.

• (1150)

The Chair: Thank you for your presentation, sir.

Mr. Bissett.

Mr. James Bissett (Board of Directors, Centre for Immigration Policy Reform, As an Individual): Thank you, Mr. Chairman.

When we're talking about the electronic travel authority provision in the legislation, I think it's critically important to remember the underlying reason why this legislation has come forward. It stems, of course, from the tragic events that took place on 9/11 with the terrorist attack on the World Trade Center and the Pentagon.

That horrendous event, some have said, has changed the world. One of the things it certainly did was make both the United States and Canada suddenly realize they were vulnerable to terrorist attacks. Both countries moved quickly into action to try to do something about it. They were forced to enact a series of measures. A number of these have taken place since 9/11.

Perhaps the most important one was, in both countries, the passing of new legislation that enabled them to provide their security and intelligence forces with wider powers. Another was legislation that restructured the bureaucracy. Government departments were restructured so they could focus more carefully on security matters. They also provided security agencies with more power, particularly in the areas of surveillance and intelligence gathering.

But the events of 9/11 also led to more cooperative arrangements between Canada and the United States in recognizing that they had to work together to combat terrorists. The first of these took place two months after 9/11, in December of 2001, when both countries signed what was called the smart border action plan, which outlined a broad program of measures designed to develop, as they put it at the time, a “21st century approach to border management”.

It focused primarily on the secure movement of low-risk personnel and low-risk goods passing between the two borders. It also introduced a pre-screening of low-risk passengers and introduced the so-called NEXUS system, in which pre-screened people could enter back and forth between the two countries with minimum examination. It also involved the improvement of marine and highway infrastructure, such as new bridges and new facilities at ports of entry, and, more importantly, the sharing of intelligence and enforcement activities. It established four integrated enforcement teams, with Canadian and U.S. officers operating on both sides of the border.

All of this sounded good, and these were essential steps, but unfortunately they were not working very well, so that by 2009 it was realized that instead of facilitating the travel of goods and services across the border, the border had been militarized, in effect. We had customs officers armed, electronic and mechanical surveillance, and aircraft flying across the border. It became increasingly difficult indeed for goods and services to pass back and forth.

Mr. Collacott has already mentioned the damage this was doing to trade and to tourism. In 2009, for example, there were 21 million fewer same-day visitors to the United States from Canada. Also in 2009, on the U.S. side, the number of overnight travellers to Canada from the United States was at an all-time, 24-year low. There was a realization that something had to be done about it, as the border that we used to boast about as being the longest unprotected border in the world was beginning to look like the border at Checkpoint Charlie between East and West Berlin.

To address these concerns at a high level, Prime Minister Harper and President Obama met in February 2011 in Washington and issued a joint declaration entitled “Beyond the Border: a shared vision for perimeter security and economic competitiveness”. The declaration was essentially a reaffirmation of what had been announced in the smart border plan, but this time it had high-level political support. More importantly, it committed both countries to the implementation of a common security perimeter.

● (1155)

A joint action plan on perimeter security was developed, and a Beyond the Border working group was established to study and to implement measures that were aimed at keeping the border open to legitimate trade and travellers and closed to criminal and terrorist individuals.

The eTA is part of the Beyond the Border initiative, and it deserves the support, I think, of all Canadians. Australia, as we know, has had the system working for many years, and it seems to be working very well. The United States introduced it in 2009. Fortunately, Canadians and Mexicans were exempt from having to comply with it, but it also seems to be working well.

It's a very simple concept: to try to identify and prevent people who are inadmissible under the law from entering Canada, because if they enter, it's extremely difficult, if not impossible in some cases, to remove people.

There are many reasons for this. One, of course, is that anyone who gets here does have charter protection and therefore is entitled to due process. Another reason is that very often to return a person you have to have their country supply them with passports, and very often the countries are not that keen to get them back. You can wait for months, if not years, to get a passport for someone who has already been ordered deported.

In addition to that, it's extremely expensive. The department estimates that to remove one individual, the cost ranges from \$1,500 to \$15,000. There have been cases where one individual cost over \$300,000 for removal. If you have a very dangerous individual, you have to charter a flight to take the person back, and that is extremely costly.

The department also has estimated this year that they need \$540.7 million over a five-year period to remove simply failed asylum seekers—not others, just failed asylum seekers. That's a lot of money.

So it's sensible to go ahead and try to stop the people who are inadmissible under the law from boarding aircraft and getting here.

Some people have expressed concern that sharing a security perimeter with our southern border involves a loss of sovereignty. I think that fear should really be put to rest. I mean, sovereignty is an expression of a state's ultimate power to decide for itself what should be done by the state in matters affecting national security and the national interest. Entering into a mutually agreed arrangement with another country that enhances security and gives more protection to Canadians is certainly not a threat to sovereignty.

So I'm all in favour of this very simple measure. As we heard this morning from my colleague Mr. Bell, it will have to lead on to biometric surveillance. The name check alone is a first step, but it's not very effective.

One other advantage, I think, of going forward with this measure is that from the very beginning of September 11, the Americans have thought of and looked upon Canada as being soft on terrorism—

● (1200)

The Chair: Maybe you could wind up, sir. I notice you only have a few lines left.

Mr. James Bissett: Yes.

I just wanted to mention that many of them still do feel we are soft on terrorism. We have a wide-open immigration asylum system that they see as a definite threat. This kind of measure does restore that degree of confidence, and I hope it will open up the border to trade and tourism.

Thank you.

The Chair: Thank you, sir.

Mr. Menegakis has some questions.

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

Thank you to our witnesses for appearing before us today. I was certainly very encouraged to hear in your testimonies your support for this very important measure. Over the course of doing a more complete study, we've heard things from several witnesses about the electronic travel authorization. Our primary objective of course as a government—and it is paramount for us—is always to ensure the security and the safety of our citizens.

If I might, I will quote Mr. Linklater from this morning. He is the assistant deputy minister of strategic and program policy at the Department of Citizenship and Immigration. He called it an additional tool in the tool kit to help us identify people before they come into Canada and to keep out risks. Certainly we've heard some comments from members of the committee about how it might be difficult for some people to travel to obtain an eTA or how it might affect tourism and so forth. Of course, our primary objective is the security of Canadians. The privacy matters that have been brought up, particularly as they relate to foreigners, may be of some concern or of primary concern to some. For us, the safety of Canadians comes first.

I do want to ask you a question about travel, because it seems to be an ongoing theme, particularly for members of the opposition. Some who travel may be affected. Are you aware of any studies that have been done on the impact of tourism after an eTA system has been implemented, particularly in the U.S.?

Perhaps I could start with you, Mr. Collacott.

Mr. Martin Collacott: No, I'm not aware of any studies. The U.S. and Australia, of course, have the equivalent of eTAs. We do know what we think the impact on Canada of the lack of such a system has been. I cited a Fraser Institute paper that stated it could be in the range of \$7 billion. The biggest numbers of tourists or casual travellers we get are from the United States, and the numbers have really declined solidly.

I don't know if you can see this particular chart, which was taken from the Fraser Institute paper, but there's been a steady decline since 2001. It's still much lower than it used to be.

In the case of the United States, probably their main source of tourist travel is Canada. Whether or not it has affected the tourist travel from Europe and Asia and the United States, I don't know, but I'm not aware of any study that has been made of that particular point, Mr. Menegakis.

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

Mr. Bell or Mr. Bissett, would you care to respond to that? Are you aware of any studies that have been done to show it may have affected travel in any way?

Mr. Robert Bell: I'm not aware of any study.

Mr. Costas Menegakis: Have any of you done any research or background on other countries that have an eTA? Perhaps if you have, you could share with us what you have found in those cases. Has it been successful? Is it working?

Maybe this time I'll start with you, Mr. Bell.

Mr. Robert Bell: My information is not based on studies, but is anecdotal. I'm in an environment where lots of people travel lots of places, and it's just not seen as an issue. Having heard this morning

that our eTA would be for five years or for the balance of the term of your passport...I think it's not going to be viewed as a barrier in any way to travel. That's just a personal opinion.

• (1205)

Mr. Costas Menegakis: Thank you.

Mr. Bissett.

Mr. James Bissett: I'm not aware of any studies, although I think it is clear that when the United States imposed the western hemisphere travel initiative, which meant that all Canadians and U.S. residents had to have passports to cross the border, that definitely had, and probably still has, an impact on tourism.

I grew up 16 miles from the U.S. border in Manitoba. We used to cross it every day, back and forth, and nobody paid any attention to it. If you wanted to, you could go a half mile and phone in to the U.S. customs and tell them you were coming. If you didn't want to do that, you just crossed over. Those days, unfortunately, are gone forever, and as I said, they've gone because of the terrible reality that the world did change on September 11 and we do have very serious security threats. Therefore, travel is never going to be as easy and as simple as it once was. That's a reality we have to face, I'm afraid.

Mr. Costas Menegakis: Mr. Bissett, I listened carefully to your testimony. You referred to talks between our Prime Minister and the President of the United States that sort of precipitated some of the requirements that need to go into the perimeter agreement. I believe without question—maybe someone can argue it—that the border we have with the United States is the longest border any two nations share in the world. Certainly it is in our best interests to implement systems that will facilitate travel back and forth between our two nations.

Can you perhaps elaborate for us on what some of the consequences are if we do not implement the eTA system?

Mr. James Bissett: Well, I think we've already seen that. As I mentioned toward the end of my talk, the U.S. perception always has been, since 9/11, that Canada has been soft on terrorism. Many of them still feel that way. It started with Senators Hillary Clinton and McCain saying that a large number of the 9/11 suicide bombers entered from Canada. That has persisted. It was mentioned even by the head of the homeland security service—I forget her name now—a couple of years ago.

That perception still exists I think, and it's been extremely difficult for Canada to change that image.

Mr. Costas Menegakis: Thank you very much.

Mr. James Bissett: I mean until recently, when the Prime Minister and the President got together and said, look, we're serious about this and we have to have a perimeter security concept, as the Europeans do, or we're not going to make headway in freeing up the border.

The Chair: Thank you, Mr. Bissett.

Ms. Sims.

Ms. Jinny Jogindera Sims: Thank you very much to all three of you for your presentations.

I'm going to return to the privacy issues that were raised by the Privacy Commissioner in the written submission she sent in. She questions very seriously the new system, its implementation, etc. Specifically, Ms. Stoddart says that the personal information from individuals coming to Canada, whether it's for tourism, business, or to visit family, will be retained for 15 years.

On the other hand, we're hearing loud and clear that eTA approval could be for two, three, four, five years—indeterminate yet—and yet we're going to collect people's personal data and keep it for 15 years, which seems exorbitant to me.

She also goes on to say that the Government of Canada should be more transparent about how it uses this personal information collected from travellers, and that there should be careful scrutiny of the new system.

If you were listening to the testimony earlier from the department, we did hear that they're working on questions on a form, but it hasn't been determined yet. They haven't decided. Right now there are no plans to share it with anybody, but clearly they're only saying "at this time", and that could change any time.

My question to you specifically, Robert, is what recommendations would you make, given your technical expertise, to protect privacy and ensure proper oversight and scrutiny of the new system?

Mr. Robert Bell: It's not really my area of expertise. I do hear your concern about the 15 years. I know with biometric information generally there's a policy that you retain it for the period you need it and then you dispose of it.

I heard testimony earlier that this really is the spirit of the Privacy Commission overall, that if you don't need the information, you should be getting rid of it. That makes sense to me.

You mentioned more transparency. You'd like to have what's being done with the information to be more transparent.

• (1210)

Ms. Jinny Jogindera Sims: Yes—so that people, when they're providing it, know exactly what it's going to be used for.

Mr. Robert Bell: I think most information systems now include a statement of the purpose of the information. In this case, though, there's not going to be an opportunity to opt out. If you want to come to Canada, you will have to provide this information—that's the way I would expect it.

You commented on plans to share the information. I have no knowledge of what the plans are. I can see that if we want to respect each other's eTA, ESTA, there may be some advantages to doing that, but I haven't thought that through.

Ms. Jinny Jogindera Sims: Do you know if the Australian equivalent of the eTA is for non-visa countries or if it is for everyone who goes to Australia?

Mr. Robert Bell: It's for everyone.

It's a little simpler system. They request less information for the Australian one than for the American one.

Ms. Jinny Jogindera Sims: We don't know what we're going to request yet.

Mr. Robert Bell: That's a good point.

Ms. Jinny Jogindera Sims: If the information is kept for 15 years, maybe you can help me understand. How do you think this information could be secured from hacking and other potential breaches, and after 15 years how would this information be disposed of? Do we just hit the delete button and it disappears? We do that with immigration backlogs—sorry, it's just a joke.

Mr. Robert Bell: I think you'll find that a lot of government information has a policy associated with how it's retained, and it's deleted automatically as opposed to having to wait for someone to push the delete button.

Ms. Jinny Jogindera Sims: Thank you.

The Privacy Commissioner also raises questions around how the new eTA system would interact with Canada's other numerous existing traveller monitoring systems.

Do you have any thoughts on the integration of this new electronic visa with other information collected by government agencies?

Mr. Robert Bell: I think I should let someone else respond.

Ms. Jinny Jogindera Sims: Yes.

If any of you have expertise in that area, we'd love to understand this.

Mr. James Bissett: I don't have the expertise in that area, but one comment I'd like to make is that when we're talking about personal information, what are we talking about? Certainly, I've seen the Australian form, and I presume ours would be somewhat similar. Basically all you're asking for is all of the information that's on your passport: your name, your address, your date of birth, your citizenship, the purpose of your visit, and whether you've ever had a criminal offence. There's not much more than that on the Australian one. Surely that's not information that you can't share with others, because everybody knows it or can get it by looking in the phone book, basically.

Ms. Jinny Jogindera Sims: Unfortunately, Mr. Bissett, we don't know exactly what we're going to be asking for yet.

There is some concern regarding private information being shared with other entities and other nations, so we'll let that sit.

Do any of you have any recommendations on how the new system might be implemented to minimize the negative effect it could have on Canada's tourism industry?

Mr. Collacott.

Mr. Martin Collacott: As I indicated earlier, hopefully when it's all implemented and working properly it's going to be a very positive development. I don't have a lot of details on how it's worked in the United States, but I have seen the figure that 98% of people who have to get authorization to go to the United States are approved almost immediately. If you're not approved, you can at least discuss it with someone. That facilitates rapid clearance of the vast majority of individuals. As far as I can see, it would have a very positive effect on travel to Canada. There may be some people who just don't want to bother going through the process of getting the eTA. It can be done at the airport, but it's much faster if you do it online. Apparently, it won't take more than a few minutes. You can then print out the authorization and you're all set.

My guess is that it will facilitate rather than be an impediment. It might be an impediment for a few people who aren't online and then they have to do it at the airport, but on the whole, I think it will be a very positive development in terms of tourism to Canada, particularly from the United States.

• (1215)

The Chair: Thank you, sir.

Mr. Lamoureux.

Mr. Kevin Lamoureux: Thank you, Mr. Chair.

I think of the individual sitting there over in Europe who maybe has a brother or a sister that they want to visit here in Canada. The government tries to give the impression that it's no problem: just go to the Internet and plug in a few fields, and out will spit an approval within a matter of minutes.

I don't quite understand how you do criminal background checks without having access to European computer data banks, or the whole issue of misrepresentation and things of that nature, which are quite often done when a visiting visa is required.... There seems to be very little thought in terms of thinking through this whole process.

Mr. Bell, you really intrigued me when you indicated that the whole idea of biometrics needs to be incorporated. It supports what I'm thinking; that is, the government has this idea, and it has an agreement with the United States, and now it's feeling obligated to fulfill that agreement, so here's a budget, and let's kind of sneak this thing through here. We haven't really thought it through, but we're going to put it into this budget document, bring it in and pass it, and then we'll worry about it in terms of the regulations.

Here's my question for you. Do you believe that what we can see today, what we know today, is going to be effective in terms of screening out people? In other words, are there people outside of Canada who are still going to be able to come into Canada? How much of a barrier is this, really, unless we put in measures like biometrics? Is this going to prevent people who are really determined to come to Canada from coming to Canada from countries that don't require visas?

Mr. Robert Bell: Well, I guess there are two points to that, or many points.

First of all, I'm not on the government side, so I don't know what information they have in their databases, but I think you would find that the government has information on, say, human rights offenders who would be inadmissible. They would have information on fugitives who have been identified as people who are international but may be travelling on a Canadian passport. They would have some level of information, and more than just information based on Canadian activity and criminal activity. They would certainly know people who were refused refugees or people who were deported for criminality.

There's a set of information that's there, and this will provide value, but the bad guys are pretty smart. They will say, all right, how can we get around this name requirement? Can we get documents that are clean, that are issued by a country in another name? Can we assume an identity and get documents associated with that? That's the hole that I was addressing, and I think it's a significant hole. I

think Canada has been kind of slow to respond to that. Other countries are faster to identify that as a concern and to start to implement biometric checks as well as name checks.

• (1220)

Mr. Kevin Lamoureux: It's fair if I draw the conclusion that there is a fundamental flaw by not addressing issues such as biometrics, and that maybe the sense of security isn't as secure as one might think without having a more diligent system to ensure that those types of issues are dealt with.

Mr. Robert Bell: I think that's true. Canada is starting to do this now, with the foreign residents program and the visa application programs. They're now looking at capturing face and fingerprint. It's a good step, but we haven't implemented any face recognition at the border to see if we can identify people who are coming in under good documents but with different identities. That's a step that should be taken. It should be taken prior to people getting on the plane.

But this eTA is a first step, and it's a good first step. That's really my point: it's a good step, but there's another step. It's interesting that each of the other speakers identified that as a hole or as an opportunity to enhance security—

The Chair: Thank you.

Mr. Opitz.

Mr. Ted Opitz: Thank you, Mr. Chair.

Mr. Bell, you've been involved in implementing a lot of the biometric systems around the world. Can you take some time and describe to us your impressions of these and of how they're working in these various countries? There have to be differences in how these are working in the various nations. If you could elaborate on your experiences, that would probably be very helpful.

Mr. Robert Bell: One of the systems that I really like is the one that Australia implemented. Australia was an early mover in going to an electronic passport. They then moved to having automated gates for processing of passengers, so if you're now travelling into the country with your electronic passport, you put your passport in and it reads that; it captures your face and says, yes, you can come in. It's actually a little bit more complicated than that. There are two steps to it, but that's the essence of it.

Now they've made an arrangement with New Zealand, so the same smart gate is being applied in New Zealand as well as Australia. It provides for fast and easy access between two countries that are quite compatible, perhaps like Canada and the United States. The take-up on this automated system in New Zealand has been very significant. Now 70% to 80% of people are choosing to take the automated lane versus the traditional staffed lane. It allows for people to make their declarations—no agricultural goods, no money, no firearms, that kind of declaration—in an automated way. You can do it on the departure side rather than on the arrival side in a new country. On the departure side you often have more time to do this. So it certainly facilitates things for the traveller.

Mr. Ted Opitz: It's NEXUS-like, in a way.

Mr. Robert Bell: It's NEXUS-like, but they chose a different route. They were going to go a NEXUS route and then they said, "Why don't we do something that works for everybody, not just for a few people who are going to pay \$75 more?" So they took this route that builds on their electronic passport and the checks that you do to issue a passport.

Mr. Ted Opitz: So in your experience, public perception is fairly high and positive about this.

Mr. Robert Bell: The uptake on this has been very positive. They're now expanding that to other traveller groups as well.

Mr. Ted Opitz: Did they have similar concerns to what we had prior to its implementation?

Mr. Robert Bell: I was working with the New Zealand people, and on the government side they saw only opportunity. I presented to the privacy commissioner and to other folks in New Zealand, and they saw that this would work and work well.

•(1225)

Mr. Ted Opitz: What were the comments of the New Zealand privacy commissioner about this?

Mr. Robert Bell: When she came into the meeting she didn't know much about face recognition and was concerned. We demonstrated that, first of all, it works. We just said, "Here's the database of the New Zealand passport holders. Let's see if we can find you." There she was in a few seconds, so she said, "Oh, it works." Then we talked about what we would do with this information and how we would keep it and how we would destroy it. At the end of that time, she was saying that she could support that.

Mr. Ted Opitz: Their use of that information, the length of time— is it going to be similar to what...?

Mr. Robert Bell: I don't know what the policies are there.

Mr. Ted Opitz: What about some of the countries outside of Canada, the U.S. or New Zealand, like Portugal, the United Arab Emirates, or the Philippines? How are they reacting to the implementation of this?

Mr. Robert Bell: I'll take them one at a time. Portugal was initially coming from behind. They were behind in doing their e-passport. They needed some help getting going on that, but now they've actually deployed automated capture of biometric information for their passport issuance and national ID issuance. So that automated process, deployed throughout missions around the world, is working well. They then implemented e-gates at their borders to do just what Australia is doing. They do it a little differently, but it seems as though that's been accepted or...

Are we out of time?

Mr. Ted Opitz: I was just checking.

Mr. Robert Bell: Okay. I wanted to pace myself.

Our partner over there now is one of the European leaders in implementing that in other gates—

Mr. Ted Opitz: I have about 30 seconds, so I'm going to jump in here.

Overall, would your assessment be that due to the implementation of all this, in those countries security has been enhanced and the safety and security of their citizens improved?

Mr. Robert Bell: I would think that safety and security have been enhanced. There have been cost reductions in their operations—

Mr. Ted Opitz: They have saved money.

Mr. Robert Bell: They have saved money, and I think they have high acceptance, from a user point of view.

Mr. Ted Opitz: Thank you.

The Chair: Thank you.

[Translation]

Mrs. Groguhé, you have the floor.

Mrs. Sadia Groguhé: Thank you, Mr. Chair.

I would like to welcome our witnesses.

The departmental representatives spoke to us about a validity period of five years, in the case of the eTA.

Do you think that is long enough? Should it be longer?

•(1230)

[English]

Mr. Robert Bell: I was very heartened to hear five years. Australia is one year. The U.S. is two years. And they're all limited by passport duration, so if your passport is going to expire in three years, it would be good. If it were going to expire in six months, then it would be limited to six months. So for Canada, with a five-year passport and a five-year limit on this, those are compatible times.

I appreciate that this applies to other people's passports.

[Translation]

Mrs. Sadia Groguhé: Very well.

In your opinion, should foreigners have recourse if their electronic travel authorization application is rejected? If so, what recourse should CIC make available to them?

[English]

Mr. Robert Bell: I should have the people who are policy folks respond to that.

Mr. James Bissett: I don't think they should have the right to go to the courts about it, but I do think they should ask if they think there's been a mistake made in their record or—they should certainly have an opportunity to try to have that corrected.

[Translation]

Mrs. Sadia Groguhé: Okay. Therefore...

[English]

Mr. James Bissett: I just assume that is built into the system. If you are refused in Australia or in the United States on the electronic travel authority, you do have an opportunity then of going before a visa officer and explaining why you think a mistake has been made.

[Translation]

Mrs. Sadia Groguhé: So you are talking about favouring not judicial recourse, but simple recourse in the case where an error is made in the application processing or in how the information submitted was understood. All right.

The questions that travellers will have to answer to obtain travel authorization have been disclosed to the media. The questions concern convictions, arrests, espionage, terrorism, and so on.

Do you think foreigners could simply answer the questions in order to obtain an electronic travel authorization, regardless of the accuracy of the information they provided? What about forged documents or false evidence that might be provided for this purpose?

[English]

Mr. James Bissett: Well, clearly, I think the system Canada is going to introduce initially is not on a biometric system completely, and therefore what you're saying is probably true. I mean, there is the possibility for fraud, and there is the possibility that you can answer questions falsely and still get in. I think those are the weaknesses that Mr. Bell has already pointed out.

In addition to that, of course, very seldom is a well-known terrorist who might be on some sort of lookout note going to travel under his own name. He's going to travel under a false identity and probably with a false passport. Unless you have face or eye biometric recognition, the system is surely inadequate, but it's the best first step forward, I think. You know that biometrics were always assumed in the border plan, right from the beginning.

In addition to that, I think that even though the system has its flaws, it does act as a deterrent. I know that a lot of people are reluctant to apply if they have a criminal record, because they assume they'll be caught out. On the other hand, I don't know about other people, but if I'm travelling to a foreign country, I always feel much more comfort if I'm guaranteed beforehand that I'm going to get in when I arrive. That, I think, is a big benefit of this system.

[Translation]

Mrs. Sadia Groguhé: The United Kingdom, New Zealand and Australia have already used this automated verification process. Do you know about any studies that have already been done that assess the results obtained by those countries? If you do, could you tell us about them briefly?

[English]

Mr. Robert Bell: I don't know of any studies.

[Translation]

Mrs. Sadia Groguhé: Mr. Bissett, Mr. Collacott, do you have anything to say about that?

[English]

Mr. James Bissett: No.

Mr. Martin Collacott: [Inaudible—Editor]...the results, but I have not heard of any major problems.

I might just comment, though, on your last question, Ms. Groguhé. In the case where someone is turned down—

The Chair: I don't think you can, sir. We're out of time. We'll have to move on to Mr. Weston.

Mr. Martin Collacott: All right.

The Chair: I'm sorry.

[Translation]

Mrs. Sadia Groguhé: Mr. Chair, I would just like to ask him if he can provide any results he may have to the committee.

Would that be possible, Mr. Collacott?

[English]

The Chair: Mr. Collacott, do you have the results of a study?

We're having trouble with the sound here—

Mr. Martin Collacott: Are you asking me?

The Chair: Yes, sir.

Mr. Martin Collacott: Well, I said that I'm not aware of any studies, but as far as I know, the system has worked well.

The Chair: Thank you, sir.

Mr. Weston.

[Translation]

Mr. John Weston: Thank you, Mr. Chair. I only have five minutes, and I have several questions.

Welcome again to our witnesses.

•(1235)

[English]

Welcome, Mr. Bissett and Mr. Bell.

On the west coast, Mr. Collacott, thank you for being back.

First, Mr. Bissett, you mentioned in passing the incorrect belief of Senators McCain and Clinton that those 9/11 terrorists came through Canada. Could you just make sure that we state for the record that it was incorrect and it was a deception?

Mr. James Bissett: Oh, absolutely. I mean, that has been totally disapproved, but despite the efforts of the Canadian embassy in Washington and many others, it still seems to persist with a lot of Americans, including a lot of American politicians, unfortunately.

Mr. John Weston: Right. I appreciate that categorical statement. We can't hear that too often.

Let me direct my questions to some economic issues.

Mr. Collacott, you referred to a Fraser Institute report. We may have already seen that in this committee, but I wonder if you could make it available through our clerk, because there are really interesting points there. You mentioned the \$7 billion decrease in tourism revenues.

My first question is, can you give us two or three examples of how this eTA may help us recoup some of those tourism revenues?

Mr. Martin Collacott: Well, I think it will make Americans more comfortable about coming to Canada, simply because when the system is up and fully working they'll be able to enter much more easily than in the past. Also, the American government will be more comfortable with the arrangements we have in place.

I think we'll see a resurgence of the number of day visits and overnight visits, which have gone down dramatically to well under half of what they had been before 9/11. I think it simply raises confidence in each other's border security and will result in increased revenue, particularly for the Canadian tourism industry.

Mr. John Weston: I don't want to put you on the spot, but drilling down a little bit, I understand this eTA isn't going to apply directly to American citizens coming from the United States; it would apply to visitors from other countries. Do you still hold the belief that it will help us increase tourism revenues?

Mr. Martin Collacott: I think the border in general will still be fairly tight in terms of security, but I think it will be a lot easier. I take your point. The eTA does not impact directly on American citizens.

Interestingly, one of the issues in connection with cross-border traffic is that we're not now able to track who's left the country. When the whole system of the Beyond the Border action plan is implemented, we will be able to tell the Americans who has left their country because we know who has entered ours, and vice versa.

I do take your point that there's not a direct line between the eTA and cross-border travel, but when the whole of the action plan is implemented, I think you're going to see a solid resurgence of U.S. travel to Canada.

Mr. John Weston: Right, so it's part of an overall picture.

Mr. Bissett, you were referring to the high removal costs when we make an error in judgment as an institutional entity and let in someone we don't think should be here, who breaches our security policies. Can you restate what that number was? I have about a minute left, I think.

Mr. James Bissett: Yes, I can. The department estimates that for individuals being removed, the costs are from \$1,500 up to \$15,000, but they have had cases where the costs are much more than that—up to \$300,000.

Mr. John Weston: Sometimes over many years, as you mentioned.

Mr. James Bissett: Well, I mentioned that the departmental estimates for this year were \$540.7 million for removal over a five-year period.

Mr. John Weston: We see benefits in terms of increased revenues through an enhanced tourism sector and decreased costs by reducing our costs of removal, which is probably why we have three witnesses this morning who are generally very supportive of this program.

Mr. James Bissett: Exactly, but the \$540.7 million is just for removal. The costs of having inadmissible people in your country are much broader than just the direct costs of removing them. They are here, they get free legal advice to go before the courts, they're often being looked after—there are indirect costs for having inadmissible people.

Mr. John Weston: Thanks for clarifying that.

Because we leave no witness behind...Mr. Bell, you're an expert in assessing documentation.

•(1240)

The Chair: No, unless it's very quick—

Mr. John Weston: Very quickly, what impact do you think this eTA will have on those who use fraudulent means to get in the country?

Mr. Robert Bell: Little or none.

The Chair: There you go.

Ms. James is next.

Ms. Roxanne James: Thank you, Mr. Chair, and welcome back to all of our guests.

Hopefully, I get the opportunity to ask each of you a question. My first question is to Mr. Bissett. In your speaking notes, at the front, you mentioned you were in favour of this simple measure. I'm looking at the changes that are included in Bill C-45. Really, it's just a couple of pages—not even two pages, a few paragraphs.

Why do you refer to it as a simple measure?

Mr. James Bissett: Well, I think it's a simple measure in the sense that it's a benefit to the country to make sure that inadmissible people don't get into the country. It's a tremendous benefit to people who are travelling to know that they can enter once they've been pre-cleared abroad. In that sense it's a simple solution to what has been a tremendous problem for the travelling public, particularly after 9/11, when all countries are more stringent about who they let in and who they don't.

Sometimes it's very time consuming and difficult to apply for a visa—you have to go in; you may have to be interviewed. A lot of countries require visitor visas. The only ones that are exempt in Canada are western European countries, or mainly most of the European countries and the United States. Most of the other countries require visas.

Ms. Roxanne James: I know it's a simple measure. I agree with you. It seems like a no-brainer to me.

All three witnesses today, Mr. Bell, Mr. Bissett, and Mr. Collacott, mentioned the importance of biometrics and proceeding with that. Really, the electronic travel authorization is just one part of the puzzle we're trying to solve, a significant problem and a potential threat to Canadian soil. Would you agree that it's one part of the puzzle we're trying to solve?

Mr. James Bissett: Yes, indeed.

Ms. Roxanne James: I believe we have already mentioned the Beyond the Border action plan; this is an agreement between the United States and Canada that was previously signed. So the changes we're seeing here, that we're discussing today in committee—I don't want to say it's a housekeeping measure—are really to ensure that that agreement goes forward and that we have the proper mechanism in order to apply that agreement in law and to implement it here in Canada.

Mr. James Bissett: Yes. I see it as an enabling provision. It enables the government to go ahead and do what we're committed to do by this agreement and by the meeting in Washington between the Prime Minister and the President.

Ms. Roxanne James: So there aren't really any surprises in this part.

Mr. James Bissett: No.

Ms. Roxanne James: Correct.

Mr. Collacott, I am going to address the next question to you.

I'm glad you did speak of this, because sometimes in this committee we hear from members of the opposition who imply that citizenship in Canada has the same benefits as for people who are non-citizens, or even those who are trying to come to Canada as visitors.

You actually mentioned something and I wrote it down. You said "non-Canadians who are not even here yet". I'm glad you mentioned to the committee that citizenship does have its value in Canada, and that when we talk about privacy issues, or even applying the charter, it applies to Canadians differently from those who might be trying to come to Canada for a visit, for business, or for whatever.

Could you comment a bit more on that, please?

Mr. Martin Collacott: Yes. To some extent, we have blurred the difference between full citizenship and simply living here and having permanent residence status. In fact, the 1977 Citizenship Act reduced the residency period from five to three years to make it easier for non-citizens to become Canadians.

We have to welcome and protect, particularly permanent residents in Canada, but we have to recognize that they do not have the same rights as Canadians until they are full citizens. That is in international law. As I mentioned, the consular conventions don't allow countries access to their non-citizens just because they're permanent residents. I think there will be efforts to blur that distinction for the purposes of criticizing the implementation of this act. And I would agree with the other witnesses that this is a very first stage.

Incidentally, biometric sharing is part of the action plan. That's supposed to be introduced by 2014. I'm not sure they'll be able to meet that deadline, but this is a first step. It's enabling legislation, and I'm sure the specifics will be discussed in committee when the government decides on what databases they will use and the privacy issues.

• (1245)

The Chair: Thank you.

Ms. Sitsabaiesan.

Ms. Rathika Sitsabaiesan: Thank you, Mr. Chair.

Thank you to all the witnesses for being with us.

Mr. Bissett, reading from the briefing we have from our analysts, and from what you said earlier, we know that "Beyond the Border: a shared vision for perimeter security and economic competitiveness" was established by the Canadian Prime Minister and the U.S. President. What I'm learning from what the analysts have included is that the subsequent action plan includes joint priorities in areas of cooperation, such as establishing a common approach to the screening of travellers. That's kind of along the lines of what you said earlier as well.

Following from Ms. Sims' question earlier about Australia, you said that our questions on the eTA will probably be similar to those

of Australia rather than the U.S. Since our cooperation agreement to have similar screening is with the U.S., wouldn't our questions be—clearly this is all speculation because we don't know for sure—closer in line with the U.S., since we're trying to streamline and harmonize our process with the U.S.? It will be the more stringent questions.

Mr. James Bissett: I think you're probably right.

I haven't seen the questions the U.S. asked on their eTA. I have seen the Australian's questions, and those are very simple. Basically it's who are you and what are the—

Ms. Rathika Sitsabaiesan: Right.

Mr. Bell, do you have anything to add to that?

Mr. Robert Bell: I do. I did actually look at what information is required for the two, and the U.S. does require more information. They really are looking at the kinds of questions they ask when they travel. They're asking for contact information, travel information, address while in the U.S. Those seem to be the additional questions, other than just the personal information.

Ms. Rathika Sitsabaiesan: From the Privacy Commissioner's submission, we also learned that the U.S. asks highly sensitive questions about exposure to communicable diseases, physical or mental disorders, substance abuse, criminal history. All that is apparently in the U.S.—

Mr. Robert Bell: I think that's correct. I was unable to get the exact form.

Ms. Rathika Sitsabaiesan: I'm going to trust the Privacy Commissioner on that.

Mr. Robert Bell: I would think so.

Ms. Rathika Sitsabaiesan: Ours will probably be more in line with the U.S. Earlier you were mentioning it is far more stringent than Australia's.

Changing gears a little bit, we know that the new section 11 of IRPA, after the changes from this bill go through, states that the traveller will provide data online or by other means, and this information will be assessed by the system or by an immigration officer. Do you know what conditions will determine if the eTA will be assessed by the system or by an officer?

Mr. Robert Bell: As I would understand it, the automatic system would go first. If there were any anomalies, it would go to an officer.

Ms. Rathika Sitsabaiesan: Okay, so we don't know.

Do we know what the other means are? It says "will provide data online (or by other means)". Do you know what "other" means?

Mr. Robert Bell: The way I understood that was you would have the information provided by the individual, or by the travel agent, or even by the airline. It's interesting, when you look at the Australian example...there are maybe eight countries that allow citizens to actually do it online themselves. Otherwise they're looking for a service provider to do it, such as a travel agent.

Ms. Rathika Sitsabaiesan: Maybe the airport kiosks are other means, and not online. Maybe that's not connected to the Internet.

Mr. Robert Bell: Yes, that could be, too. I just heard that earlier.

Ms. Rathika Sitsabaiesan: Yes, that's what we heard from the citizenship officials earlier.

Should a foreign national have any recourse if his or her application to an eTA is denied? If so, what would be your recommendations? What recourse do you believe CIC should provide to these foreign nationals if their eTA application is denied?

Mr. James Bissett: I think I already mentioned that. Maybe I'm wrong, but I assume the system provides that if your eTA has been refused and you think a mistake has been made or you want to discuss it, you can do so with a visa officer in the country where you're located.

• (1250)

Ms. Rathika Sitsabaiesan: Before you book your travel.

The Chair: Thank you.

Mr. Leung has the final word.

Mr. Chungsen Leung: Thank you, Mr. Chairman.

Before I entered politics, I travelled a lot on business to over 30, 40-plus countries. I find that this eTA or even the visa is an entirely reasonable measure because it does facilitate entry. But there are two points I wish to address to Mr. Bell and perhaps to Mr. Bissett.

As we go to a more internationalized world, where people have different surnames and there's a question of whether we use the right Chinese character or whether we use the right Arabic spelling, as in "al" or "el"...I find that the eTA is a much more simplified tool to address these issues, because now you're not relying on the standard tombstone data and how someone, whether they came from a French background or an English background, translated your name as you entered the country. That's one point.

The other point is that in the entire Asia-Pacific area—Japan, Taiwan, and Hong Kong—I think there's heavy reliance on these types of biometric data. I wish to actually confirm that this is in fact true, that we are totally culturally sensitive to these issues.

Also, once you're a business traveller, as Mr. Bissett mentioned...I would certainly want to know that I can enter a country before I'm met at the doorstep and someone says I cannot enter. Some of the questions I have been faced with answering have been: Have you ever been refused visa entry to any other country? Do you have a communicable disease? Are you bringing any commercial goods in? Also, another question might be, have you ever been refused entry to this country? Those are pretty standard questions. I would have no issue with any of those questions being asked of me, as a business traveller.

Mr. Bell.

Mr. Robert Bell: I too have probably travelled in 40 or 50 countries, so I empathize with you.

In regard to your first question on names, and spelling of names and different interpretation of names, I'm not sure the eTA addresses that. I think that's where biometrics will help you.

Mr. Chungsen Leung: That's where biometrics will help?

Mr. Robert Bell: That's where biometrics will help. It's a classic use for biometrics.

On the question about acceptance in Asian countries, certainly we've seen that Hong Kong, in automating its borders, was certainly a pioneer in that area. Malaysia, in going to an e-passport, was a pioneer in that area. We're seeing the other Asian countries, from Korea all the way down, implementing to some extent some biometrics at their borders. So it's common, and it seems to be accepted.

Was there another part to your question?

Mr. Chungsen Leung: It was with regard to being a business traveller, being asked to give totally reasonable answers.

Mr. Robert Bell: Yes, exactly. I mean, if you travel to Australia frequently, the travel agent does it, or you do it at the airport. It's not a hardship.

Mr. Chungsen Leung: Yes.

Mr. Bissett, you mentioned that you—

Mr. James Bissett: No, I agree entirely that we have to go that way, to biometrics. We know now that the concept or the principle of pre-examination has existed for a long time. I mean, if you travel to the United States out of Ottawa, you go up to the airport, and if you're there unluckily on a bad day, there is a tremendous lineup, and you may have to wait to the point where you in all possibility will lose your flight.

So this new system has I think nothing but advantages for the travelling public.

Mr. Chungsen Leung: Thank you.

The Chair: To the witnesses, thank you for coming. Mr. Bissett, Mr. Bell, Mr. Collacott, we appreciated your words, which will help us understand these sections better.

Thank you very much.

We will now go in camera, where we have some committee business to discuss.

[Proceedings continue in camera]

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