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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Wednesday, November 28, 2012**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Wednesday, November 28, 2012

• (1530)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Good afternoon. This is the Standing Committee on Citizenship and Immigration, meeting number 64. This meeting is televised. We're continuing the clause-by-clause study of Bill C-43.

We have our guests from the department who were here at the last meeting. Thank you again, ladies and gentlemen, for coming to help us and to answer some of our questions.

We have finished clause 17, so we are now on clause 18, and Liberal amendment LIB-8.

Go ahead, Mr. Lamoureux.

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

I move that Bill C-43, in clause 18, be amended by replacing line 29 on page 5 to line 7 on page 6 with the following:

42.1. The Minister may, on application by a foreign national, declare, within 90 days following the receipt by the Minister of the application, that the matters referred to in sections 34, 35, and 37 do not constitute inadmissibility in respect of the foreign national if they satisfy the Minister that it is not contrary to the national interest.

Mr. Chair, just for clarification purposes, foreign nationals found to be inadmissible under sections 34, 35, and 37 should be allowed to apply for ministerial relief, given the bar to making an application on humanitarian and compassionate grounds. H and C applications do not delay someone's removal from Canada. Further, this amendment gives the minister 90 days to render a decision.

In his testimony, Angus Grant said that the decisions are not made in a timely fashion with regard to a request for ministerial relief. In fact, he said that these cases sit for several years and sometimes even a decade before a decision is rendered. Therefore, we believe that a timeline from the minister to render a decision is necessary in order for the ministerial relief provisions to function properly.

To be clear, we are not saying that all those inadmissible under sections 34, 35, and 37 should be granted admissibility, but that, because they have no recourse through H and C grounds, they should have a final step to seek admissibility through a ministerial relief. Many witnesses spoke of how broadly sections 34, 35, and 37 are interpreted, and how individuals with very low-level involvement are caught.

This amendment is simply a final step where ultimately the minister makes the final decision on a case.

**The Chair:** Thank you, Mr. Lamoureux.

Go ahead, Ms. Sims.

**Ms. Jinny Jogindera Sims (Newton—North Delta, NDP):** I have a simple question. The word “their” in your amendment I'm presuming refers to the permanent resident or foreign national rather than the office.

**Mr. Kevin Lamoureux:** Which word are you looking at?

**Ms. Jinny Jogindera Sims:** The words, “...prescribed conditions on the person, taking into account their needs and public safety.”

I apologize.

**The Chair:** Okay.

Is there further debate? Shall LIB-8 carry?

**Mr. Kevin Lamoureux:** Could I have a recorded vote, Mr. Chair?

**The Chair:** Yes, Mr. Lamoureux.

(Amendment negated: nays 6; yeas 5)

**The Chair:** Shall clause 18 carry?

(Clause 18 agreed to on division)

(On clause 19)

**The Chair:** On clause 19, we have Liberal amendment LIB-9.

• (1535)

**Mr. Kevin Lamoureux:** Mr. Chairperson, I will be a little quicker on this one. I move that Bill C-43 in clause 19 be amended by replacing line 15 on page 6 with the following:

prescribed conditions on the person, taking into account their needs and public safety.

These changes would ensure that the needs of a foreign national and public safety are taken into consideration when applying conditions rather than implementing minimum conditions. Some individuals may have a mental or physical issue that should be considered and that may affect the type of condition required.

**The Chair:** Thank you, Mr. Lamoureux.

Ms. Sims.

**Ms. Jinny Jogindera Sims:** My question is the one that I asked earlier. I just want to make sure that the word “their” in this case is referring to the permanent resident or foreign national, and not to the office.

**Mr. Kevin Lamoureux:** Yes, it is.

**Ms. Jinny Jogindera Sims:** Okay, thank you.

**The Chair:** Shall amendment LIB-9 carry?

**Mr. Kevin Lamoureux:** Could I have a recorded vote?

**The Chair:** Yes, Mr. Lamoureux.

(Amendment negated: nays 6; yeas 5)

**Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP):** Mr. Chair, did we miss the vote on clause 18 itself, or did I just zone out? Okay. Sorry about that.

**The Chair:** Shall clause 19 carry?

**Mr. Kevin Lamoureux:** On division.

(Clause 19 agreed to on division)

(Clauses 20 and 21 agreed to)

**Ms. Jinny Jogindera Sims:** Chair, just for clarification, what was the answer regarding clause 18? Has that been voted on?

**The Chair:** Yes.

**A voice:** It was carried on division.

**Mr. Rick Dykstra (St. Catharines, CPC):** He called for a division on it.

**The Chair:** We've carried clauses 20 and 21.

(On clause 22)

We're on amendment LIB-10 on clause 22.

**Mr. Kevin Lamoureux:** I move that clause 22 of Bill C-43 be amended by replacing line 25 on page 7 with the following:

itions on the person, taking into account their needs and public safety.

The comment that I made on the previous amendment would apply to this particular amendment. If you would like, I could repeat it.

**The Chair:** You don't need to.

Ms. Sims and then Mr. Dykstra.

**Ms. Jinny Jogindera Sims:** I have that same question. The word "their" in this case I'm assuming applies to the permanent resident or foreign national, rather than the office, right?

**Mr. Kevin Lamoureux:** Yes.

**The Chair:** Mr. Dykstra.

**Mr. Rick Dykstra:** I just want to be clear. The mover understands we are talking about individuals who are inadmissible based on the grounds of security.

**Mr. Kevin Lamoureux:** Yes, I do understand that. There are certain conditions or situations that this amendment would take into consideration, and I think there is some merit for that. That's the reason we moved the amendment.

**Mr. Rick Dykstra:** Okay.

**The Chair:** Shall amendment LIB-10 carry?

**Mr. Kevin Lamoureux:** On division.

**Mr. Rick Dykstra:** I know what you guys are thinking, but you can't pass Liberal amendments on division.

**A voice:** We tried.

**Mr. Rick Dykstra:** We said no and he asked for division, but you're good, Mr. Lamoureux. The government will not be supporting this amendment.

**The Chair:** Then it fails. I'm just here counting. You guys have to do what you have to do.

(Amendment negated)

**The Chair:** Shall clause 22 carry?

• (1540)

**Mr. Kevin Lamoureux:** On division.

(Clause 22 agreed to on division)

(On clause 23)

**The Chair:** Mr. Lamoureux, amendment LIB-11 for clause 23.

**Mr. Kevin Lamoureux:** Yes, Mr. Chairperson, this is the last one that I'm going to be moving in this category.

I move that clause 23 of Bill C-43 be amended by replacing line 39 on page 7 with the following:

conditions on the person, taking into account their needs and public safety.

**The Chair:** Shall amendment LIB-11 carry?

**Mr. Kevin Lamoureux:** We'll have a recorded vote on this one, Mr. Chair.

(Amendment negated: nays 6; yeas 5)

**The Chair:** Shall clause 23 carry?

**Mr. Kevin Lamoureux:** On division.

(Clause 23 agreed to on division)

(On clause 24)

**The Chair:** Ms. Sims, we're on clause 24, and we have amendment NDP-8.

**Ms. Jinny Jogindera Sims:** Chair, I want to ask whether people want me to read this into the record. Shall I read it in, or did you not want it read?

**The Chair:** I don't know. We've been doing everything so it's your choice.

If you say nothing, I'll deem it to have been read in.

**Ms. Jinny Jogindera Sims:** Okay, thank you very much, but I do have a few comments I'd like to make.

**The Chair:** Indeed.

**Ms. Jinny Jogindera Sims:** Much has been said about clause 24 at this committee as it redefines "serious criminality" to crimes punishable "by a term of imprisonment of at least six months", which has the effect of precluding access to an appeal. Many witnesses raised serious concerns about the types of crimes that could fall into this new definition.

We know there is a major difference of opinion around this table and among the witnesses we heard about what constitutes a serious crime. I don't want to rehash that debate here at any length. Our major concern is that this clause limits due process for permanent Canadian residents, many who have been here their whole life and know nothing about the culture or language of the countries they would be deported to.

On the weekend the *Ottawa Citizen* ran a piece called "Canada's new exiles". It details the case of a young Somali man being deported to Mogadishu, one of the most violent and dangerous places on earth, this despite having no connection to that troubled country. The piece goes on to point out, as many of our witnesses did, that it is not uncommon for immigrants and refugees who arrive as children to assume they are citizens, who never put their minds to the question until the government moves to deport them.

With all of this in mind, I am moving an amendment that seeks to mitigate some of the worst effects of this clause. It does two important things, which I will address separately.

First, we make a very modest proposal that we exempt conditional sentences from the terms of imprisonment, thereby ensuring that convictions that are not as serious as more egregious crimes, as is the case with conditional sentencing, do not get caught by this provision. This was a suggestion made by the Canadian Bar Association and others during their testimony.

In fact, the national president of the Canadian Somali Congress said to this committee last week, "We should definitely make an exception between conditional sentences and jail. In its current form, the Bill does not do that. So you can have a situation where a permanent resident facing jail time may be sentenced by a judge in the community's interest to conditional sentences due to the fact that that person is gainfully employed. But because of the nature of conditional sentences, conditional sentences take longer to fulfill by their very nature. But ironically, that would actually lead to the capture of this person with this legislation because it would exceed six months."

The second thing this amendment does is it seeks to restore access to an appeal for those convicted of crimes outside Canada or for those who have committed acts outside Canada. We believe it is the immigration appeal division that is the appropriate body to properly evaluate those cases. We know that in many countries simply being a member of an opposition political party can get you charged and convicted of a serious crime. Due process to evaluate these cases is essential in a free and democratic country like Canada.

I would ask members to seriously consider this modest amendment to clause 24. While we oppose the principle of denying due process, we believe this amendment significantly moderates clause 24.

• (1545)

**The Chair:** Okay.

Ms. Sitsabaiesan.

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

I just want to add a little more to what my colleague has spoken about. I want to reiterate the fact that clause 24 redefines serious criminality to crimes punishable by a term of imprisonment of at least six months, which has the effect of precluding access to an appeal.

Access to an appeal is a very important piece of our immigration system and of a fair, transparent process. We have heard from many witnesses that they also agree that there exists a need for due process, and that eliminating the right to appeal for permanent residents is a grave concern in this legislation as it is presented.

We also heard from witnesses their concerns for individuals who would now be denied their due process. Two of the examples that came up again and again were individuals who came to Canada as children, lived most of their lives in Canada without any family connections to their country of birth, and some may not even speak the language of their country of birth, yet they could now be returned to that country without the opportunity of an appeal.

The second example that came up again and again was individuals who may have mental health issues who would fall through the cracks. It's also reasonable to exempt conditional sentences.

Once again, I am just reiterating things that we heard from witnesses. This very reasonable amendment would make it so that, for example, that child is not caught up in the provision.

It could have been me, if my father had not been with it enough to know the Canadian immigration and citizenship process, and Canadian laws. He knew that we weren't deemed naturalized citizens just by being here for a certain number of years and that we needed to apply for it. I could have been that child. It's not that I was going to be involved in criminal activities, but I am a person who was born outside this country and came here as a young child. I don't really know many people in my country of birth nor have I maintained those family connections. If I were to be sent back, I would be lost and would not be able to continue life in a very meaningful way.

Mr. Chair, I don't know what the member across is saying; I couldn't hear.

**The Chair:** It's probably just as well. Go ahead.

**Ms. Rathika Sitsabaiesan:** I think it is important that individuals have access to an appeal. That's a star feature of ensuring due process and a fair judiciary and it's a very important piece of our immigration system. This amendment really does capture that and is a very fair amendment in that sense.

**The Chair:** Thank you.

We'll have Mr. Dykstra and then Mr. Lamoureux.

**Mr. Rick Dykstra:** I find it interesting, Rathika, that you would use yourself as an example. One, I don't think you would ever consider committing a serious crime, and two, you have been back to your country of origin.

**Ms. Rathika Sitsabaiesan:** I have never been there.

• (1550)

**Mr. Rick Dykstra:** I thought you had been.

**Ms. Rathika Sitsabaiesan:** I have never been back since I left, just because of the war.

**Mr. Rick Dykstra:** I remember when we talked about this in the summer when I had gone, and you said you thought you were going to go, so I'm sorry, I thought you had been there.

**Ms. Rathika Sitsabaiesan:** No, I have never been back for fear of my life.

**Mr. Rick Dykstra:** The other aspect of this that needs to be noted, and perhaps Ms. Clarke or Ms. Sadek could confirm that under the Immigration and Refugee Protection Act, serious criminality is actually not changing.

I think there is a little confusion around the fact that, while the timeframe from two years to six months is changing in terms of what would be considered the timeframe of a sentence you would receive for a serious crime, the Immigration and Refugee Protection Act is not changing. It's remaining consistent with what has always been there. It doesn't include parole. The only thing that changes is the timeframe. Perhaps we could have staff confirm that what I've said is correct.

**The Chair:** Ms. Clarke or Ms. Sadek?

**Ms. Jillan Sadek (Director, Case Review, Department of Citizenship and Immigration):** The definition of serious criminality is found in a different section of the Immigration and Refugee Protection Act, which is section 36. It has not been affected by the amendment to subsection 64(2). That definition remains the same and, actually, it doesn't necessarily require any time served in jail to meet the definition of serious criminality.

**Mr. Rick Dykstra:** I'm not quite sure. During the testimony from witnesses there was an attempt to clarify and get folks to understand that this aspect of the Immigration and Refugee Protection Act actually was not changing. It remains consistent. It's the same as it was prior to this bill and it will be the same when this bill passes. This amendment actually isn't necessary.

**The Chair:** Mr. Lamoureux.

**Mr. Kevin Lamoureux:** Mr. Chair, I'm going to be supporting the amendment. I'm going to reserve my full comments until the next amendment, where I'll address both the NDP amendment and the one that I'll be proposing.

**The Chair:** Okay.

**Ms. Jinny Jogindera Sims:** I would like a recorded vote, please, Mr. Chair.

**The Chair:** We will have a recorded vote on amendment NDP-8.

(Amendment negatived: nays 6; yeas 5 [See *Minutes of Proceedings*])

Mr. Lamoureux, would you move LIB-12.

**Mr. Kevin Lamoureux:** Mr. Chair, I move that Bill C-43, in clause 24, be amended by replacing lines 6 and 7 on page 8 with the following: ment of at least six months that is not a conditional sentence and was not committed by a foreign national who proves by any means that he or she has habitually resided in Canada since the age of 13 or younger or has lawfully resided in Canada for more than 20 years.

In attempting to explain this, I'll try to stick to the script and then provide a few comments after that, Mr. Chair.

This change would exempt those living in Canada since the age of 13 or younger or those who have resided in Canada for at least 20 years from being affected by the deportation change of two years to six months. This not only addresses issues surrounding the punishment of long-term permanent residents, but it is modelled after the French legislation.

I'd like to point out that the government routinely references other European countries that have similar laws and it would make sense that we incorporate this one as well. It also removes conditional sentences from being considered.

First off, I would like to say that the Liberal Party does not agree with the change from two years to six months for deportation. The amendment we are putting forth is only to improve, if every so slightly, a severely flawed clause. I would like to point out that Richard Goldman sent correspondence last week citing the Alberta Court of Appeal decision. All of us should be very much concerned. The ruling that he attached indicates that Alberta does not consider immigration implications when regarding a decision. I think that's a very important thing to recognize as a committee. In fact the decision states in paragraph 23, "Furthermore, it would be a strange and unfortunate legal system wherein a non-citizen could expect to receive a lesser sentence than a citizen for the same crime. No such distinction should be countenanced."

I bring this up because in deliberating the six-month sentence many government members incorrectly contend that all criminal courts take into consideration immigration when making a decision, and therefore, the deportation change to six months is seen as being warranted.

As many of you have now seen the correspondence, as it was sent to all committee members, this notion that immigration matters are considered across the board in Canada is incorrect, and I fear it will cause members to pass a clause that ultimately is based at the very least on a glaring falsehood.

If the government is truly intent on passing clause 24, I ask that they at least consider this amendment that would put us more in line with what France has in their legislation.

Further to that, Mr. Chairperson, I want to pick up on two observations I have made.

I believe not taking into consideration conditional sentences is a serious mistake. I sat on and chaired a youth justice committee and am very familiar with different forms of dispositions that are given to people. Quite frankly, conditional sentences are something which I think do have a role to play in our judicial system, which I respect as being independent. I believe it would be a mistake to incorporate conditional sentences in this because a judge has in essence taken into consideration the severity of a particular crime when he or she hands down a conditional sentence. I think we need to make note of that particular fact. I think other presenters have also noted that.

The other thing is that I modelled the whole 13 years and under 13 based on what was being suggested in France. I have personal opinions on that issue, but at the end of the day, I think we've had presenters who, and I would have thought most members of the committee would recognize that for young people who come to Canada at two years of age and have been living in Canada for 20 years or more, Canada for all intents and purposes is their home.

● (1555)

To consider deporting, because of what some might determine is a serious crime, someone who came to Canada as an infant... An example I used quite often during the committee process is that of the 20-year-old man or woman who uses false identification to cross the border, for whom the ramifications of doing so ultimately could see that person deported.

I believe that would take place. If that's not the case, I would love to see an actual legal opinion saying that it is not the case. There is a discussion that we should be having here in committee before we start to say that anyone under the age of 13 is going to be deported because of what the government or some people might say is a serious crime.

We even passed legislation saying there would be a minimum sentence for six pots of marijuana. It has been pointed out that this is only for trafficking purposes. There are a number of young people who, in their teenage years, traffic some marijuana in high schools. We know it's going on there. Once they hit university, quite often they will stop; hopefully they find different ways to make income. We're not going to condone that sort of behaviour, but the reality is that it does happen. This would receive a minimum sentence.

Is it proper to deport someone in a situation like this, when they grew up in Canada? I think not, and equally I think not in the example I used in regard to using false identification in order to gain entry to the United States and have a drink to celebrate with their peers who have graduated from high school or a university.

I hope members will seriously contemplate supporting this particular amendment.

● (1600)

**The Chair:** Thank you, Mr. Lamoureux.

Mr. Dykstra.

**Mr. Rick Dykstra:** I'm not going to speak for very long, Mr. Chair, but I want to point out the reason that we won't be supporting it. There are a couple of things.

I'm not sure why the age of 13 has been used. If another country had done it, I guess that would be one reason, but it's really arbitrary, and I'm not sure it's based on any evidence. You can rest assured there would be court cases galore for those who are 13 years and one day or 13 years and two days. Why wouldn't they be moved into this? Why was the age of 13 chosen? By not choosing an age, the clause in the bill itself treats all permanent residents the same and is fair.

We've made this argument a number of times. I know there are hypothetical extreme examples that come forward. I haven't heard yet of an actual case in which this occurred under the current legislation.

We want to be consistent. We want to make sure that those who commit a crime have an opportunity for appeal. They'll have at least that opportunity with the Federal Court.

It comes back to one specific piece, and most of us have reiterated it time and time again. Even the opposition would agree that if you're going to come to Canada, regardless of whether you come at the age of two years or at the age of 40, if you don't want to be removed from this country, then don't commit a serious crime. If it isn't a serious crime, you'll be given consideration, obviously, but if it's a serious crime, you will face the potential of deportation. I don't think it can be better explained than being as pragmatic as that.

The only other point I would add to this is that I don't know why it is, but at a certain point... Both my parents were immigrants to this country, and they didn't seek citizenship immediately after they arrived here or after the period of time. But within seven or eight years of arriving in Canada, they both applied for Canadian citizenship.

I fail to understand why a person who has lived here for 30 or 40 years doesn't feel it necessary to get Canadian citizenship. I'd like to think that it's another option they would like to pursue so they wouldn't have to... If the person wants to lead a life of crime, he or she would probably be better off to become a Canadian citizen, believe it or not. Otherwise, the person is going to remain a permanent resident and will face what could potentially happen for committing a serious crime.

**The Chair:** Ms. Sims.

**Ms. Jinny Jogindera Sims:** I agree with Mr. Dykstra that most people who come to this country will be aware of their rights and the processes and apply for citizenship. However, I think there is a case to be made for young children who come with their parents. They just assume because they've grown up here from the age of three that they have become citizens. I know you're thinking that's hard to believe, but I've actually dealt with somebody in my office who, at the age of 20, did not know she was not a Canadian citizen. It's only when I started to make inquiries I found out that she wasn't a Canadian citizen, and yet she has no connections with anywhere else. I want to say that she was not involved in criminal activity.

We do have those instances and we also have lots of people who arrive here from some pretty tough situations. They haven't emigrated. They've come here as refugees from some very scary places. One person I talked to said, "Well, when I got my permanent residence I thought that was it, that I'm a Canadian now."

I think there is a lot to be said and to be done.

I don't know if other MPs are hearing the same thing, but I'm hearing that it's taking longer and longer to process citizenship applications. I have a lineup of situations like that. In many cases, the cuts to services and the long processing times themselves play into putting somebody into a position where they could be deported.

● (1605)

**The Chair:** Mr. Menegakis, we're on LIB-12.

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

In response to Ms. Sims—

**The Chair:** I was afraid of this. Try to stay on the Liberal amendment. I let her go on, but be brief, sir.

**Mr. Costas Menegakis:** I understand. I'd like to get my point across, if I may, with your permission, sir.

**The Chair:** Okay.

**Mr. Costas Menegakis:** Thank you.

We're not talking about taking somebody's rights away. We are speaking about criminals.

Speaking specifically to the amendment, if someone is not a Canadian citizen and they've committed a crime, irrespective of how long they've been here, if they're not Canadians, they're not Canadians. We've heard testimony for and against. I can understand wanting to be compassionate with people who come to our offices, as Ms. Sims says. It might take them a while to become Canadian citizens. They're not criminals. Criminals don't come to my office saying, "I just committed a crime. I robbed a bank. I want to become a Canadian citizen. I wonder if I can do that on an expedited basis."

I want to bring some semblance of reality to this. We're not talking about the average person who is a law-abiding citizen and we're sending them back to a country they don't know. We're talking about a criminal. They're going to go to two places, both they won't know. One will be a prison that they don't know, potentially, or they're going to go to a country that they don't know. Either way, they're going somewhere because they're criminals.

That's the point I wanted to make.

**The Chair:** Thank you, sir.

Ms. James.

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

This is in response to the comment from my colleague across the way with regard to the permanent resident who didn't realize she was not a Canadian citizen. I want to remind the committee that one of the benefits of Canadian citizenship is the right to vote. I'm wondering if that permanent resident realized she actually had never voted in a federal election to that point.

Besides that, when the Canadian Police Association was here, we asked specifically with regard to different acts or criminal behaviour, and a sentence of six months. They confirmed that a six-month sentence is related to a serious crime. We're not talking about someone who is jay-walking across the street. Ignorance of the law is not an excuse.

**The Chair:** We need to have some order.

Ms. James is speaking.

**Ms. Roxanne James:** For someone to think that being a permanent resident is really citizenship, and they have never voted, I don't understand how I can hear this coming from the member opposite as a reason that we need this type of amendment. I'm not going to support this amendment either.

**The Chair:** Thank you, Ms. James.

Mr. Lamoureux.

**Mr. Kevin Lamoureux:** Mr. Chair, quite often the government will come before committee and will say that they're modelling something after country X. That happens a lot.

This amendment takes that into consideration. It's not a Liberal Party idea. I'm just advancing what another European country has done. If you apply it to Canada, even our own judicial system acknowledges that there's a difference between an 8-year-old and a 28-year-old. We have a completely different system set up to recognize that. From an immigration point of view, we're not acknowledging that fact. We're saying that they're all one.

Keep in mind that what we're talking about is more than 1.5 million people who call Canada their home. If you believe that out of that 1.5 million people there are not going to be people who will fall on the other side of the law periodically, and hopefully it doesn't become a permanent thing, then you're awfully naive. Out of 1.5 million people, there will be some people who unfortunately will make stupid decisions.

Does it justify deporting them? Yes, in some cases, no doubt it does. We hear of those extreme cases that the Minister of Immigration brings up, but equally at the other end there are going to be individuals, as a result of this legislation's passing, who will be deported when they should not be. This amendment is just one way of saying maybe we should step back a little and recognize that France has had it in place for a period of time and it seems to be working.

We as a country have recognized that there's a difference between age 8 and age 28, so why wouldn't we do likewise?

A conditional sentence is given because the judicial system, and particularly the judge, has made the determination that it's okay for the community; that, given the circumstances around the crime that was committed, this is the disposition, and that it's okay to have that disposition in the form of a conditional sentence, that it's safe to society. The judge likely believes that the individual might be a first-time offender and that it's quite appropriate to give that conditional sentence.

All we're doing is recognizing the same sort of rights, in part at least, that we already give.

I'm ready to vote, Mr. Chair.

● (1610)

**The Chair:** No, you're not ready. Ms. Freeman is going to say a few words.

**Ms. Mylène Freeman:** I'm quite surprised that the members on the Conservative side don't see those kinds of cases in which temporary residents didn't realize that they needed to apply for citizenship. Many people from France certainly have no idea. We make sure we inform them in my riding, because we've seen a lot of cases like that.



I've also seen cases in which a woman will marry a Canadian man and move here but he hasn't filled in her papers properly, but she doesn't know it. It can be really frustrating. There are plenty of different situations that I see in my office. Every immigration case is different. We have to understand, when we're making legislation, that there will be cases that may not immediately fit your idea of how it's going to work, that there will be exceptions.

The key point I want to make, though, is something that I haven't heard said much but which I think is definitely motivating what the opposition is trying to say.

If someone comes here as a small child and grows up in this country and as a young adult, for instance, falls in with the wrong crowd and makes some mistakes, that's our society's responsibility. It's our society that has led this person to fall in with the wrong crowd, to feel that there are not many opportunities.

This is not the country in which that person was born. It's us. We therefore have a responsibility to prevent that kind of thing and also to make sure that such people are rehabilitated and reintegrated into society. That's something we're not doing. Instead, we're saying, that the person spent six months or a year in this other country where the person was born, and therefore it's now that country's problem.

To me that doesn't make any sense. I want to put that on the record.

**The Chair:** Thank you.

Mr. Dykstra.

**Mr. Rick Dykstra:** It's okay, I was just going to ask Mylène whether any of those constituents were serious criminals or not, but I'll leave it.

**Ms. Mylène Freeman:** No, I just meant it as an example of people who might not know. It is possible.

It's surprising to me that categorically the members on the Conservative side say that they've never seen a case in which someone didn't know they had to apply for citizenship. That's extremely surprising to me.

**Mr. Rick Dykstra:** That's not at all what we have said.

**An hon. member:** No one said that.

**Mr. Rick Dykstra:** I need to respond to that, because it's not a fair. I'm going to completely disagree with what you've said, because that is not at all what we've said.

**Ms. Mylène Freeman:** In the next—

**Mr. Rick Dykstra:** No, hold on a second. You've made your point. Let me have a chance to respond.

**The Chair:** Order.

I'm up here. You have to direct your comments through the chair. We've been letting chats go on, but we're getting a little out of hand.

Mr. Dykstra.

**Mr. Rick Dykstra:** It's okay, Mr. Chair. I've made my point that the statement is incorrect.

**The Chair:** Ms. James.

**Ms. Roxanne James:** Mr. Chair, I was just going to concur that not once did I say that. I actually referenced the situation of a permanent resident not knowing they're a citizen of Canada and that they actually held full citizenship.

The point I tried to make is, if they were a permanent resident, did they ever wonder why they were refused to be allowed to vote in a federal election. That was the point I made. Not once did I indicate anything that the member from the NDP just said.

**The Chair:** Thank you.

Ms. Freeman.

• (1615)

**Ms. Mylène Freeman:** Mr. Chair, if indeed the members recognize that there will be cases in which people do not realize that they should have applied for citizenship and so assume that they are being treated like all other regular Canadians, then we need to recognize that we're in a situation wherein we're going to be deporting these people without their understanding why.

I don't know whether someone else wants to get in on this, but for me the argument that I was understanding behind saying that we can't allow this amendment was that there would never be such a situation, that if someone were going to commit a violent crime, then they should know what kind of status they have.

I don't think this is what goes through the average person's mind, especially not when they get caught up in the wrong crowd or something like that. It happens when people have few opportunities. We need to recognize that this is part of our society's problem and that we need to deal with it in more constructive ways than simply deporting people.

**The Chair:** Thank you.

Ms. Sims.

**Ms. Jinny Jogindera Sims:** Mr. Chair, I think we have a fundamental disagreement here. I'm ready to vote.

**The Chair:** That view seems to be unanimous.

Shall amendment LIB-12 carry?

**Mr. Kevin Lamoureux:** I'd like a recorded vote, Mr. Chairperson.

**The Chair:** You just got that in under the wire.

(Amendment negatived: nays 6; yeas 5)

**Ms. Jinny Jogindera Sims:** Can we have a recorded vote for the clause, please?

**The Chair:** We have a recorded vote, Madam Clerk.

**An hon. member:** Is it clause 24?

**The Chair:** It's clause 24. We haven't voted on clause 24 yet, and Ms. Sims wants a recorded vote.

(Clause 24 agreed to: yeas 6; nays 5)

**The Chair:** Shall clauses 25 to 31 inclusive carry?

**Mr. Kevin Lamoureux:** On division.

**The Chair:** Clauses 25 to 31 inclusive are carried on division.

Mr. Lamoureux, we are now under—

**Ms. Jinny Jogindera Sims:** I'm sorry, Chair, you moved too quickly. We just finished clause 24, and then did you do all the rest of them in one batch?

**The Chair:** Yes. That was clauses 25 to 31 inclusive.

**Ms. Jinny Jogindera Sims:** I was barely turning the page trying to find out where we were. That's too fast for me. I really need to go back and do them clause by clause, please.

**The Chair:** Okay.

Shall clause 25 carry?

**Mr. Kevin Lamoureux:** On division.

**Ms. Jinny Jogindera Sims:** Yes, on division.

(Clause 25 agreed to on division)

**The Chair:** Shall clause 26 carry?

**Ms. Jinny Jogindera Sims:** On division.

(Clause 26 agreed to on division)

**The Chair:** Shall clause 27 carry?

**An hon. member:** On division.

(Clause 27 agreed to on division)

**The Chair:** Shall clause 28 carry?

**Mr. Kevin Lamoureux:** On division.

(Clause 28 agreed to on division)

(On clause 29—*Humanitarian and compassionate considerations*)

**The Chair:** Shall clause 29 carry?

**Ms. Jinny Jogindera Sims:** I have a comment.

**The Chair:** On which one?

**Ms. Jinny Jogindera Sims:** On clause 29.

**The Chair:** Ms. Sims, you have the floor for clause 29.

**Ms. Jinny Jogindera Sims:** I would like to restate for the record, and this is not going to come as a surprise for my colleagues across the way, that the New Democrats oppose the blanket removal of humanitarian and compassionate considerations. The minister should not be relieved of the duty to consider the best interests of children involved in these cases.

I would like a recorded vote.

(Clause 29 agreed to [See *Minutes of Proceedings*])

**The Chair:** Shall clause 30 carry?

**Ms. Jinny Jogindera Sims:** On division.

(Clause 30 agreed to on division)

(On clause 31—*Imposition of conditions by Immigration Division*)

• (1620)

**Ms. Jinny Jogindera Sims:** I have a comment on clause 31.

**The Chair:** Ms. Sims, you have the floor for clause 31.

**Ms. Jinny Jogindera Sims:** It is not clear to us why the minister would need the power to override a decision when the minister already has the power to set out the conditions in regulations. This seems to be like a double whammy. The NDP will be voting no to this clause and would request a recorded vote.

**The Chair:** Is there further debate?

(Clause 31 agreed to [See *Minutes of Proceedings*])

(On clause 32—*Appeal*)

**The Chair:** We are on clause 32 and amendment LIB-13.

Mr. Lamoureux, you have the floor.

**Mr. Kevin Lamoureux:** Mr. Chair, I move that Bill C-43, in Clause 32, be amended by replacing lines 34 to 36 on page 10 with the following:

respect of a person charged with an offence before the day on which section 24 comes into force.

This ensures that the provisions in Bill C-43 apply only to those charged after the bill takes effect. It would be unfair for Bill C-43 to apply to those charged before the bill even comes into effect.

We had as a witness, Mr. Kurland, whom we all know. He said, "Imposing, with retroactive effect, the penalty of removal from Canada is incompatible with some of the tenets of our criminal justice system. The sentencing judge did not have the opportunity at the time of sentencing to deal with the individuals, so, ironically, rather than expedite the removal of criminals from Canada, it may well retard that effort, given the legal issues that are raised by the issue of retroactivity."

**The Chair:** Thank you, Mr. Lamoureux.

Ms. Sims.

**Ms. Jinny Jogindera Sims:** We'll be supporting this amendment.

**The Chair:** Okay. I see no other hands, so on Liberal amendment

**Mr. Kevin Lamoureux:** A recorded vote—

**The Chair:** Yes, Mr. Lamoureux.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Shall clause 32 carry?

**Mr. Kevin Lamoureux:** On division.

(Clause 32 agreed to on division)

(On clause 33—*Appeal*)

**The Chair:** Ms. Sims, we are on clause 33 and amendment NDP-9.

**Ms. Jinny Jogindera Sims:** I move that Bill C-43, in clause 33, be amended by replacing line 40 on page 10 to line 3 on page 11 with the following:

respect of a person who is convicted or charged with an offence before the day on which section 24 comes into force.

The intent of this amendment, Mr. Chair, is to ensure that the elimination of due process with respect to access to an appeal is not retroactive but instead can only apply to convictions issued after the day on which Bill C-43 comes into force.

This is a very, very moderate amendment. It puts into practice a fundamental rule of law, and that is that you don't reach retroactively to inflict pain.

Last week the Conservative side called immigration lawyer Richard Kurland to testify. Mr. Kurland is generally supportive of the government's approach with C-43, but he did offer this criticism: "Imposing with retroactive effect the penalty of removal from Canada is incompatible with some of the tenets of our criminal justice system. The sentencing judge did not have the opportunity at the time of sentencing to deal with the individuals, and so, ironically, rather than expedite the removal of criminals from Canada, it may well retard that effort given the legal issues that are raised by the issue of retroactivity."

Our amendment could expedite the process, which we've heard the need for so many times.

I would respectfully ask that committee members support this very reasonable amendment to clause 34.

• (1625)

**The Chair:** Mr. Dykstra.

**Mr. Rick Dykstra:** It's just a question on procedure. Why would this amendment be in order when LIB-13 has been defeated? It's virtually the same.

**The Chair:** I've been informed because they're different.

**Mr. Rick Dykstra:** They're different? Okay.

I feel the same about this as we did about amendment LIB-13.

**The Chair:** Okay, shall amendment NDP-9—

**Ms. Jinny Jogindera Sims:** A recorded vote, please.

(Amendment negated: nays 6; yeas 5)

**Ms. Jinny Jogindera Sims:** A recorded vote on the clause, please.

**The Chair:** Okay.

**Ms. Jinny Jogindera Sims:** I just want to make sure I get it in there.

(Clause 33 agreed to: yeas 6; nays 5)

**The Chair:** Shall clauses 34 to 38 inclusive carry?

**Ms. Jinny Jogindera Sims:** Could we do them one at a time, please?

**The Chair:** Yes.

(Clause 34 agreed to on division)

**The Chair:** Shall clause 35 carry?

**Ms. Jinny Jogindera Sims:** A recorded vote, please.

**The Chair:** Madam Clerk, a recorded vote for clause 35.

**Ms. Jinny Jogindera Sims:** I just have one quick comment, if I may.

**The Chair:** Okay.

**Ms. Jinny Jogindera Sims:** Once again, we're a little bit confused as to why the minister would need the power to override a decision when the minister already has the power to set the conditions out in regulations.

**The Chair:** We'll proceed with the vote, Madam Clerk.

(Clause 35 agreed to: yeas 6; nays 5)

(Clause 36 agreed to on division)

(Clause 37 agreed to on division)

**The Chair:** Shall clause 38 carry?

**Ms. Rathika Sitsabaiesan:** I would like a recorded vote, please.

(Clause 38 agreed to: yeas 6; nays 5 [See *Minutes of Proceedings*])

(On clause 8)

**The Chair:** Ladies and gentlemen, we will return to clause 8, which was stood.

Mr. Dykstra, you have the floor. It's on amendment LIB-5, which is on page 11 of the package.

**Mr. Rick Dykstra:** Yes, Chair.

We've had a chance to reflect on this. We are not going to support this amendment, but Mr. Weston has an amendment the government would like to table, at your discretion as to when. We would like to table that amendment, and he will speak to it at that time.

• (1630)

**The Chair:** Is it on this clause? Is it an amendment to the amendment, or to the clause?

**Mr. Rick Dykstra:** No. This is an amendment that is separate, but comes as a result of some of the arguments that have been presented.

**The Chair:** Is it an amendment to clause 8?

**Mr. Rick Dykstra:** Are you're talking about amendment LIB-5?

**The Chair:** Yes, okay. I have that in front of me. Does the rest of the committee have that?

Amendment LIB-5 is on the table. We're going to deal with that first before we deal with the Conservative amendment, if it's in order.

We will have further debate on LIB-5.

Mr. Lamoureux, go ahead.

**Mr. Kevin Lamoureux:** Mr. Chair, I was quite encouraged when the government member indicated he would postpone that. I anxiously await the arrival of the new amendment, but I would request that we have a recorded vote on this one.

**The Chair:** Mr. Dykstra, is your amendment a different amendment?

**Mr. Rick Dykstra:** Yes, it is.

**The Chair:** It is. Could I see it?

I appreciate all the help everybody's given me.

We're going to vote on amendment LIB-5. It's a recorded vote, Mr. Lamoureux.

(Amendment negatived: nays 6; yeas 5 [See *Minutes of Proceedings*])

**The Chair:** Mr. Weston, your proposed amendment seems to be in order. You could move that, please.

[*Translation*]

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

Given the conversations we have had here and to the testimony that we have heard...

[*English*]

I'm persuaded that we could improve the report by ensuring that the minister does have to respond to Parliament, at least in the annual report, declaring how many times he's exercised his negative discretion.

This is I think in the spirit that we have been discussing here at the committee, as well as what we've heard from some of our witnesses. From my point of view, it's an attempt to increase the minister's accountability while making sure that what we do is consistent with other aspects of the act, and making sure that we don't breach concerns of security and other things that the government has expressed.

The amendment specifically seeks to amend Bill C-43 in clause 8, by adding at line 2 on page 3, the following:(4) The report required under section 94 must include the number of declarations made under subsection (1) and set out the public policy considerations that led to the making of the declarations.

Again, I think I am in tune with my colleagues on this side and from what I've heard from across the way on the concern that we make sure the minister is following the time-honoured requirement to be accountable to Parliament in exercising his discretion.

•(1635)

**The Chair:** I have three speakers lined up.

I'm advised that the minister is here. I'm in the hands of the committee. We had agreed that the minister would appear on the supplementary estimates between 4:30 and 5:30. I have no idea whether we're going to have long debates on these things, so I'm at the committee's direction. We could finish this now. If we do that, I don't know when it will end.

I'm just saying that although he's not here, the minister is available now.

Mr. Dykstra.

**Mr. Rick Dykstra:** I was going to suggest, and perhaps Mr. Weston was going to do the same, that I think we can complete our work here in five minutes.

**The Chair:** All of it?

**Mr. Rick Dykstra:** Yes.

**The Chair:** Is that agreed, Mr. Lamoureux and Ms. Sims?

Okay. We will proceed.

I have Ms. Sims first.

**Ms. Jinny Jogindera Sims:** As you know, Mr. Chairman, we have raised concerns about the big umbrella of public policy. We took the minister at his word when he appeared before us the last time. We took his exact suggested criteria, and then we took his word saying that the committee may want to consider putting it into legislation. We moved that. We did not get that.

I mean, we'll support this, but I really need you to know that our major concerns around due process, and this huge umbrella that encompasses public policy, is a huge, huge issue for us.

**The Chair:** Mr. Dykstra, then Mr. Lamoureux.

**Mr. Rick Dykstra:** It's not very often, Mr. Chair, that we're in the position of having the critic of the opposition agreeing with the minister and me not, but I do want to commend her and the opposition, and Mr. Weston actually, who assisted in putting this resolution together. We understand that we did need some more detail there.

This amendment perhaps, as you've stated, Ms. Sims, doesn't go as far as you would like it to. I understand and respect that, but at the same time, we have attempted in the amendment to move closer to a more detailed reporting of each of the individual cases.

You'll see that if the minister has to use negative discretion, then at least, after the bill actually receives royal assent and is implemented, you will see them noted in the report and the reasons that negative discretion was used.

It's an attempt to move in the direction you've suggested, and I think it reaches that end.

**Mr. Kevin Lamoureux:** Very quickly, Mr. Chairperson, I do believe it's something that would be extremely rare, and that's why I would have rather seen it in our amendment. However, I thank the member for at least taking into consideration our amendment and coming up with something else.

**The Chair:** Shall amendment G-2 carry?

**The Chair:** On division.

**Mr. Rick Dykstra:** It was supported unanimously. It wasn't on division.

**The Chair:** Government amendment G-2 carries.

(Amendment agreed to)

Shall clause 8 as amended carry?

**Mr. Kevin Lamoureux:** On division.

(Clause 8 as amended agreed to on division)

**The Chair:** Shall schedule 1 carry?

**An hon. member:** On division.

(Schedule 1 agreed to on division)

**The Chair:** We have an amendment, LIB-1.

Mr. Lamoureux, I'm going to deem it out of order. Do you want me to give reasons?

**Mr. Kevin Lamoureux:** No, that's fine.

**The Chair:** That amendment is out of order.

Shall clause 1 carry?

(Clause 1 agreed to on division)

**The Chair:** Shall the title carry?

(Title agreed to on division)

**The Chair:** Shall the bill as amended carry?

**Ms. Jinny Jogindera Sims:** Could we have a recorded vote, please.

(Bill C-43 as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** Shall I report the bill to the House?

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Chair:** Unless something happens, I will report the bill to the House first thing tomorrow morning.

• (1640)

**The Chair:** Shall the committee order a reprint of the bill?

**Some hon. members:** Agreed.

**The Chair:** You've done it, ladies and gentlemen.

I want to thank the two clerks for assisting me.

I want to thank all of you for being so nice to each other.

I will indeed report the bill to the House first thing tomorrow morning.

I want to thank the staff from the department for assisting us in our questions. You've been a great help. Thank you very much.

We will suspend for a few moments.

• \_\_\_\_\_ (Pause) \_\_\_\_\_  
•

**The Chair:** Ladies and gentlemen, we're going to continue. We're behind schedule, but here we are, with supplementary estimates (B) for 2012-13, votes 1b and 7b under the Citizenship and Immigration Act.

We have the Honourable Jason Kenney before us, who is the minister, and he has with him his usual assistants.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism):** They're actually extraordinary, not usual.

**The Chair:** They are your extraordinary usual assistants, Mr. Minister. You have a few moments to make a presentation to us.

**Hon. Jason Kenney:** Chairman, first of all, thanks to all members of the committee for your consideration of Bill C-43, which I understand has just been adopted here at committee. I look forward to its return to the House for report stage.

Chairman, I'm here to present to the committee my department's supplementary estimates (B) for the current fiscal year.

In the last few years, we've implemented many positive reforms to our immigration system. I don't quote from the media often, but I will make an exception today. The *Globe and Mail* said that these reforms were "badly needed, long overdue, and well executed". They've helped to reverse unacceptably long wait times, reduce crippling application backlogs, crack down on fraud and abuse of the system, and improve the timelines of the services we provide.

While these reforms have better focused our system on fuelling Canada's economic growth, there's still a lot more to be done. Our number one priority remains economic growth and job creation. Our immigration plan next year will further this objective by maintaining high sustained levels of immigration to help address labour shortages and the aging of our society.

Now, as tabled last month in this year's "Annual Report to Parliament on Immigration", we plan to admit between 240,000 and 265,000 new permanent residents next year, for the seventh consecutive year. The 2013 immigration plan will also build on our economic success by bringing in more of the world's top talent. This is important, because to ensure that our immigration system benefits our economic future, we need to welcome those who are ready, willing, and able to adapt to Canada's labour market, especially in those occupations and regions where we have skills shortages.

• (1645)

[*Translation*]

In other words, we have to make sure the skilled immigrants we choose are the ones our country needs, and are the most likely to succeed when they get to Canada.

I will outline some of the transformational changes we are making to bring about a "just in time" immigration system that is fast, flexible and responsive to Canada's economic and labour market needs.

[*English*]

First, as you know, we are improving our flagship immigration stream—the federal skilled worker program—with new criteria to select skilled workers who will be better positioned to succeed in our economy. The new criteria will help to select younger skilled workers proficient in English or French who will be able to hit the ground running and contribute to the economy for a longer number of years before retirement.

Also, we'll be ensuring that educational points are given based on their relevance to Canadian educational standards. This is a very important change. It means that applicants will be required to have their educational credentials assessed by a designated and qualified third party to determine their value in Canada at the time they submit their application. I anticipate that we'll release the list of designated assessment bodies early in the new year.

[*Translation*]

Our goal is to have these improvements and the points grid in place at the beginning of 2013. In addition to these changes, even more dramatic ones are expected in 2015. We will be moving from a supply-driven system where anyone can apply and we passively process all applications, to a demand-driven system that actively selects applicants based on the needs of employers and others, better meeting Canada's economic needs.

[*English*]

As proposed in the economic action plan for this year, we're developing as well an expression of interest management system, which is essentially a big pool of skilled workers who are pre-qualified to immigrate to Canada. Under this system, if applicants meet certain eligibility criteria, they'll be placed in the pool, from which they could be selected based on identified needs in the Canadian labour market.

[*Translation*]

Under such a system, there would not be an obligation to review all applications, nor in the order in which they are received. The department would invite only selected candidates to apply for a visa to come to Canada. Individuals who are not selected after a period of time would be removed from the pool, so application backlogs would not accumulate.

This would be a win-win situation for potential skilled immigrants and for the Canadian employers. Skilled workers would experience a simplified and expedited immigration process.

Canadian employers, provinces, territories and the federal government would have access to highly-skilled workers and future citizens in a more timely fashion.

[*English*]

Yet another change is the creation of a new federal skilled trades program to make our immigration system more accessible for skilled tradespersons in the construction, natural resources, transportation, manufacturing, and service sectors, which are in high demand. I'm very excited about this program, and we look forward to launching it at the beginning of the new year.

The proposed new program will create a means for skilled tradespersons to be assessed based on criteria geared to their reality rather than academic degrees, putting more emphasis on practical training and work experience and job offers, rather than academic post-secondary education. It will be in place early next year.

• (1650)

[*Translation*]

Another immigration program we will be improving is the immigrant investor program. Our goal in this regard is to best determine how we can encourage more active foreign investments in the Canadian economy.

We need an investor program that brings in real capital, to ensure we have long-term growth in jobs and the economy. And so we are exploring ways in which to attract immigrants who want to invest in Canada's future by making significant investments in private sector innovation and growth.

We also hope to tap into the entrepreneurial spirit that so many immigrants seem to have by developing new approaches for a start-up visa entrepreneur program, which we plan to implement in early 2013.

The idea is to proactively target a new type of immigrant entrepreneur, people who have the potential to build companies that can compete on a global scale and create jobs for Canadians.

[*English*]

Finally, through the Canadian experience class, we're also making it easier for skilled workers who are already in Canada on a temporary basis to stay here permanently, including foreign students who have completed their degrees. As you know, this program is now our fastest growing, and I think it's a great success. We plan to admit 10,000 people as permanent residents through the CEC next year.

I just welcomed our twenty-thousandth person admitted as a permanent resident since the program began in 2009. He's a bright young guy in Toronto named Gaurav Gore, who is from India. He did his MBA at the University of Toronto and was hired by one of our big banks. He got his permanent residency in—get this—eight months. Therefore, the system is actually working. He's making over \$70,000 a year. He speaks perfect English and is in his early twenties. This guy is representative of what's going to happen with this program. It's very exciting.

That sure beats the old experience of having someone wait in a queue for eight years, come here, and end up driving a taxi, being frustrated. I'm very excited about these reforms, as I know many of you are.

With that, let me conclude with my department's 2012–13 supplementary estimates (B), which include net new appropriations of \$1.663 billion, including \$1.12 billion in funding to eliminate the backlog of pre-2008 federal skilled worker applications. As many of you know, we reached an unacceptable number of backlogged applications. It was up to 640,000, as you noted in your study. Today, we are left with a backlog of barely 100,000 in the skilled worker program.

[*Translation*]

Today we are on track. By the end of next year, we will have the ability to process new federal skilled worker applications upon receipt, process them within the year instead of nearly a decade later, which was the unacceptable situation in the past.

[*English*]

As we have embarked on these changes, we have been happy to see that Canadians from all different sectors have shown strong support for these reforms. What we envision is a system that can help us meet our economic and labour market needs much more quickly and efficiently, allowing us to invite immigrants to realize their potential, fully contribute to our economy, and that's what it's all about.

So thank you, Mr. Chairman, for your attention, and I and my officials are available to respond to any questions.

**The Chair:** Thank you, Mr. Minister.

Ms. Sims. No, I apologize. Ms. James, go ahead.

**Ms. Roxanne James:** I was just about to raise a point of order, Mr. Chair.

**The Chair:** Indeed.

**Ms. Roxanne James:** Thank you, Mr. Chair, for the floor.

Welcome, Minister Kenney and our guests as well.

Minister Kenney, it is my understanding that the interim federal health program continues to provide temporary coverage of health care costs for government-sponsored refugees who have received refugee status from the UNHCR, for other eligible protected persons, and for asylum claimants from non-safe countries.

Obviously I'm on the immigration committee, but I have to tell you that a lot of what I do in my constituency is related to immigration. My constituents of Scarborough Centre were not only shocked but also upset and angry to find out that illegal immigrants and bogus asylum claimants were receiving better health care than were many of the constituents themselves. They were most upset about the fact that some of these bogus refugee claimants were receiving eyeglasses, and their kids were getting braces, and so on. I know the opposition is against the changes we made. It's very unfortunate.

I want to reference the supplementary estimates (B). I see there are several million dollars put aside for additional funding to support the interim federal health program, IFHP, which provides temporary health care for refugees.

I'm wondering if this is normally where we see this money coming from. Is this the normal process? Have we made changes to the support of bogus refugee claimants and illegal asylum claimants? Is this more money you've asked for, or is it less money than usual?

•(1655)

**Hon. Jason Kenney:** Thank you, Mr. Chairman.

Thank you for the question, Ms. James.

It's less than usual. One of the reasons we rescope the interim federal health program is that every year the cost of it was growing much beyond the budgeted resources. Typically in the past few years the budget would include a \$50 million allocation for the IFHP, but towards the end of the year or mid-year we would find the demand was far exceeding the available funds, and we would often have to come back to Parliament for supplementary estimates in the range of \$25 million. Typically we're spending \$75 million. That's going up to \$80 million. We projected that without changing the program we would be moving up to a \$100 million expenditure in the program.

What you see in this, I think, \$5 million increment is reflective of the fact that we're going to be spending more than the \$50 million budgeted, but it's still a lot less than the \$80 million we spent last year for example.

Amipal, would you care to supplement that?

**Mr. Amipal Manchanda (Assistant Deputy Minister, Chief Financial Officer, Department of Citizenship and Immigration):** No, I think that's exactly it. In the past we've always had a base level of \$50.5 million. We've always come back through supplementary estimates for additional funding. That has reached up to \$30 million in previous years. This year we're seeking \$5.2 million so that reflects—

**Hon. Jason Kenney:** It reflects the \$25 million in savings.

Normally at the end of the year we would actually end up having spent \$80 million. This year we anticipate we will end up having spent \$55 million or so.

**Ms. Roxanne James:** I thank you for clarifying that, because I can tell you I welcome these changes. I guess I should thank you on behalf of my constituents of Scarborough Centre, because I know they welcome these changes as well.

We've heard that the opposition was opposed to these changes. In the media we've heard from a small group of activist doctors who were against these changes. I'm wondering what you think and what you've heard back from all Canadians across the country, not just in my riding personally, but from coast to coast to coast.

**Hon. Jason Kenney:** I know there has been some controversy around this, and I understand that. I respect diverse views on this issue, but certainly from the direct feedback to my parliamentary office and the consultations we've had, and in my contact with ethnocultural and immigrant communities, I've received overwhelming support.

Just yesterday I was at a meeting at Carleton University and was approached by people from the South Asian community, including a couple of very prominent medical doctors who said they appreciated what we had done because they have seen the abuse.

We had cases, for example, of people who were rejected asylum claimants in the United States, who had lived there for many years, who got sick and then came north to Canada to make an asylum claim, because they didn't have insurance in the U.S., and they would get comprehensive plus extended benefits here in Canada. I think that's the wrong signal to send to people.

We will continue to provide comprehensive care and permanent residency and then provincial health insurance to bona fide refugees. We will absolutely do that. The vast majority of asylum claimants in the future will continue to receive the same essentially basic package of medically necessary physician and hospital services that most Canadian residents receive. But we do think there needs to be a balance here, and we think the program was out of balance.

Certainly the point we were at before these reforms in no way reflected the original intention of the program, which was to be a short-term stopgap for catastrophic care for newly arrived displaced persons from Europe. It became something much bigger than that, and frankly when I met Canadians who told me they were upset that they had to pay out of pocket for pharmaceuticals, dental care, and eye care, but that even rejected asylum claimants who were delaying their deportation from Canada were getting those benefits from their tax dollars, it struck them as a lack of social equity.

I think this reflects the Canadian value of balance and equity.

**Ms. Roxanne James:** For me in my particular riding, eyeglasses came up time and time again. They're something that most Canadians may not have full coverage for and may have to pay a substantial amount out of their own pockets for. I'm glad you brought that up as well. Thank you.

I know that under this government, Canada has welcomed the highest level of sustained immigration in Canadian history, since our government came to office.

Now the NDP's official platform on immigration is asking us to double what we currently have right now. What do you think of the NDP's plan?

**Hon. Jason Kenney:** My understanding is that they've proposed to create a target of at least 1% of the population, which would be 340,000. In addition to that, they have proposed granting permanent residency to all temporary foreign workers in Canada, which would be an increment in the range of 140,000, because that's the number we admit currently on temporary visas who do not ultimately end up obtaining permanent residency. So 340,000 plus 140,000 is 480,000—sorry, my math's not very good. Then, as well, I believe the NDP continues to support the private member's bill introduced by Olivia Chow to allow every Canadian citizen or resident to sponsor a relative from abroad who does not currently qualify for family sponsorship programs.

That would add potentially millions—

• (1700)

**The Chair:** There's a point of order. Stop the clock, please.

**Ms. Mylène Freeman:** When the minister is here, we should be able to discuss things about the ministry. Ms. James did talk about things that weren't exactly supplementary estimates, but I think that's fine. When she's talking about refugee cuts, I think that does have to do with the purpose of our committee today, but when you're asking the minister about another party's platform, I think that's pretty far from what this committee is supposed to be doing and what the government is here to do today. I don't think that line of questioning should be allowed in committees, and it should not be allowed when we're asking ministers questions.

Thank you.

**The Chair:** Well, the time is up anyway.

Ms. Sims, it's your turn.

**Ms. Jinny Jogindera Sims:** First of all, I want to thank the minister for coming before us and giving us.

Minister, I want to pursue this line of questioning around the funding for the interim health care benefits, the interim federal health program, IFHP, in supplementary estimates (B) vote 1. As you know, Saskatchewan Premier Brad Wall has called the cuts to the refugee health program "un-Canadian". Now his health minister is calling for a review of these cuts after a man was denied chemotherapy. By the way, when somebody has cancer, that treatment isn't frivolous or just something extra.

When I asked you about this in question period yesterday, you said, "I actually disagree with the member's suggestion that asylum claimants coming from, for example, the United States or the European Union are among the most vulnerable people." But the man in question, Mr. Minister, who was denied critical cancer treatment is from Pakistan, not the EU or the U.S.

This IRB report shows that upwards of 75% of claimants from Pakistan are accepted as refugees. Very few claims are abandoned or withdrawn. It is definitely not considered a safe country.

You have also said, "if provinces want to provide prescription and pharmaceutical coverage...they are welcome to do so". The problem here is that you have essentially downloaded what was once a federal responsibility to the provinces. Therefore, you can understand why they may not find that to be a particularly generous offer.

Minister, you need to stop spinning and explaining and admit that this mean-spirited stunt has backfired. Even your provincial friends

**The Chair:** Stop the clock. There's a point of order.

**Mr. Rick Dykstra:** I understand that Ms. Sims has questions and concerns about the estimates, but I think that handing out orders to the minister during committee is probably not helpful to either the committee or the responsibilities we have in terms of asking questions.

**The Chair:** That's a valid point.

Ms. Sims.

**Ms. Jinny Jogindera Sims:** Thank you, point taken.

**The Chair:** Don't continue what you're doing, because it's out of order.

**Ms. Jinny Jogindera Sims:** Well, I'm going to carry on with my comments and then questions, and if I'm out of order with what I say next, then we will debate that at that time.

**The Chair:** Okay, but we won't debate it.

**Ms. Jinny Jogindera Sims:** I won't be repeating the sentence I just said.

**The Chair:** Okay.



**Ms. Jinny Jogindera Sims:** What we have right now are provincial premiers who don't seem to understand what is happening in the area of health care for refugees. Manitoba, Ontario, Quebec, and Saskatchewan all see this as downloading the costs to them.

My question, Minister, is fairly straightforward, and I would like a very brief answer, because my time is very limited. With all this in mind, it is the same question I asked yesterday in question period. Will you start listening to the premiers, stop downloading federal responsibility, and reverse these cuts?

**Hon. Jason Kenney:** That's what we call a loaded question, Mr. Chairman, so I don't accept the premise of it.

Let me say that, first of all, we do fund cancer treatment. The member is entirely incorrect. We provide to asylum claimants a package of medically necessary physician and hospital services comparable to what provinces provide. Now, different provinces insure different drugs. For example, with respect to chemotherapy, we do fund coverage for chemotherapy. I'm correcting the member.

• (1705)

**The Chair:** Ms. Sims, you asked a very long question, and the minister is entitled to answer your very long question.

Mr. Minister—

**Hon. Jason Kenney:** I'm trying to provide a direct and substantive answer to, first, correct the record by pointing out that we do fund chemotherapy treatment for asylum claimants. Some provinces, however, do not provide the out-of-hospital pharmaceuticals they require, and the patients themselves pay for those. We've approximated that level of insurance that certain provinces do, that is to say, in-hospital, physician, medically necessary services, including chemo, but not for additional pharmaceuticals outside of hospital. It's the same in New Brunswick. It's the same in P.E.I. Ontario doesn't pay the full spectrum of out-of-hospital pharma on chemotherapy, so just to set that aside.

Second—

**Ms. Jinny Jogindera Sims:** Thank you, Minister.

**Hon. Jason Kenney:** —how would the member know what country this individual is from? She hasn't reviewed the file on it. I have.

Here's the problem with all of these kinds of cases, Mr. Chairman. Claimants and their advocates can go to the media and tell a story without revealing the facts and without signing a consent form so that we can actually release the facts. If I could release the facts on this case, it would support essentially what I said in the House of Commons yesterday.

I would simply say that everyone gets a fair crack at the Immigration and Refugee Board, but we don't think it's helpful to create a pull factor for example for people who perhaps have had asylum claims rejected in the United States and then come north.

Finally, I would point out that the provinces, if they're concerned about the costs of this, could bank the \$1.6 billion in savings that are coming to them through the reforms to the asylum system we're implementing next month, which are consequent to a \$330-million investment we're making, or perhaps use the \$26 billion in health transfers they're receiving from the Government of Canada.

**Ms. Jinny Jogindera Sims:** Thank you, Minister.

Will you at least agree with the Saskatchewan health minister's request to review the program now that we're beginning to hear what some of the impacts are on the ground?

**Hon. Jason Kenney:** We've reviewed the program. We think we have the right balance. If the Government of Saskatchewan thinks that illegal immigrants or asylum claimants or other foreign nationals deserve a higher level of care than is available to some Canadians through some provincial plans, then they have the—

**Ms. Jinny Jogindera Sims:** Thank you, Minister. I have one more question.

**Hon. Jason Kenney:** —prerogative to provide such services.

**Ms. Jinny Jogindera Sims:** A review of the supplementary estimates by the Parliamentary Budget Officer shows that your department has identified only \$2.3 million in savings, when the 2012 target is over \$26 million.

I have a simple question. Where are the rest of the cuts coming from? Will the massive amount the department spends to monitor media perceptions be part of those cuts?

**Hon. Jason Kenney:** First of all, the last part, it's not a massive amount. It's about a \$250,000 media monitoring bill for ethnocultural media, out of a budget of \$1.5 billion. That helps us to follow very closely how these reforms and immigration issues are being received in immigrant communities. I think it's a worthwhile investment.

On the overall spending reductions, they will be in the range of \$71 million. We've furnished to the Parliamentary Budget Officer an outline of those changes, which I know the committee could obtain. This includes, of course, the \$25-million reduction in the IFHP. It includes closing some offices. It includes administrative savings, for example, merging the prairie and western regions into one office rather than two, and things like that.

**The Chair:** Thank you.

Mr. Lamoureux, go ahead.

**Mr. Kevin Lamoureux:** Chair, it's interesting. The Minister of Immigration really didn't do his homework on the interim federal health cuts he made. He didn't do any consulting. Through freedom of information, we found that out that he didn't consult with anyone. Now Premier Brad Wall is calling into question the minister's ability to make good sound policy. The governments of Manitoba, Ontario, and Quebec are calling into question this particular minister's ability to make good policy decisions.

Not a small group of doctors, Mr. Chairperson, but a significant number of health care professionals from coast to coast are calling into question this minister's ability to make good sound policy regarding this issue.

Is the minister prepared to meet with his provincial counterparts to see if there can be a policy that applies to all, on an equal basis, across Canada? Will he meet with all his counterparts together, collectively, not one on one?

• (1710)

**Hon. Jason Kenney:** I would suggest that maybe the opposition could make a good investment in media monitoring. If you did, you'd know that I just had a two-day meeting with all of my provincial counterparts. None of them raised this issue.

**Mr. Kevin Lamoureux:** None of them raised the issue.

Did the minister take the time to raise the issue with his counterparts?

**Hon. Jason Kenney:** It wasn't on the agenda. We had a lot of open discussion time as well, and none of the provinces, to my knowledge, asked that IFH changes be put on the agenda.

**Mr. Kevin Lamoureux:** No province raised the issue with the minister in regard to IFH?

**Hon. Jason Kenney:** Once again, and for the record, no.

**Mr. Kevin Lamoureux:** That's very interesting.

Did any of the provinces raise the issue of provincial nominees? The Province of Ontario, for example, would like to see an increase

**Hon. Jason Kenney:** Yes. That was the main subject of discussion.

**Mr. Kevin Lamoureux:** Very good. Are you looking at increasing the number of provincial nominee certificates for the province of Ontario, and if so, by how many? In particular, with regard to the province of Manitoba, are you looking at giving them a guarantee as to the numbers they have?

**Hon. Jason Kenney:** The answer is that we have not yet done our allocations for 2013 for the provincial nominee program. We are taking into consideration the submissions that we receive from provinces. The challenge, Mr. Lamoureux, is that all provinces are asking for significant increases, which either would require a significant increase in overall immigration levels or a significant reduction in the number of federally selected immigrants.

We have already expanded the number of permanent residents admitted through the PNP, provincial nominee programs, by nearly tenfold, from a few thousand PR, permanent residents, in 2005, to between 42,000 and 45,000 in next year's immigration plan. That's not a cap; it's a tenfold increase.

**Mr. Kevin Lamoureux:** Yes, but the number of certificates issued is closer to about 20,000. We should be looking at an increase somewhere in the neighbourhood of up to 30,000.

Would the minister be prepared to increase the number of certificates so that the provinces that have the demand for these certificates will be able to receive more nominees?

**Hon. Jason Kenney:** Each certificate represents just under three people, so if you ask for an increase of 10,000 certificates issued, you're asking for an increase in immigration of about 30,000 new permanent residents.

**Mr. Kevin Lamoureux:** That's not that bad.

**Hon. Jason Kenney:** That would then lead to further family reunification sponsorship. You're talking about a very significant increase in overall immigration levels, which only 10% of Canadians support.

**Mr. Kevin Lamoureux:** Okay, now that the minister understands it, the question is, will the government actually do it? There is a huge demand coming from the provinces on this particular issue. It was a huge issue at the first ministers' meetings in Atlantic Canada recently.

Will the minister respond by saying that the government is prepared to increase the number of certificates?

**Hon. Jason Kenney:** We've certainly acknowledged requests by several provinces to increase their allotment for provincial nominees. We had a very constructive discussion about this two weeks ago at our federal-provincial-territorial meeting. I think there's an understanding on the part of the provinces that there has to be a more rational model for the allocation of these positions.

For example, one province, the one you come from, has 32% of the provincial nominees, with about 3% to 4% of the population. There's no formula for allocation. There's no correlation between the allocation of provincial nominee positions and labour market needs. Frankly, some provinces do a better job than others in terms of the administration and the integrity of their program. These are complex issues that we've discussed with the provinces. We have demonstrated our support for the program and provincial participation in the selection of immigrants by increasing it tenfold.

I would remind Mr. Lamoureux that if we were to go back to the position of the previous government, we would have to cut the number of provincial nominees by 90%.

**Mr. Kevin Lamoureux:** I have a very short question, Mr. Chair.

**The Chair:** You're out of time, Mr. Lamoureux. I'm sorry.

It's almost 5:15. There was some discussion whether we could go past 5:30.

Is there unanimous consent to go past 5:30?

**Some hon. members:** No.

**The Chair:** There's no consent. The questions to the minister will end at 5:25 because we have to have the usual three votes. I will end the questioning, wherever we are, at 5:25.

Mr. Menegakis.

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

Thank you, Minister, and all your officials, for once again joining us.

Minister, in your recent meetings with your provincial counterparts, I know that the expression of interest system was a topic that was considerably discussed. I've heard some good feedback about that system, and it seems to me that it's good common sense.

Could you share with us the reaction by the provinces with respect to the EOI system and perhaps some of the things you've been hearing from the business community?

• (1715)

**Hon. Jason Kenney:** I'm going to defer the question on the provinces to my deputy because he's been working very closely with them on this.

**Mr. Neil Yeates (Deputy Minister, Department of Citizenship and Immigration):** Thank you very much, Chair.

Provinces are very interested in the expression of interest system. In June we set up a federal-provincial-territorial working group. That group has been very busy. We have scoped out a whole different series of areas we've agreed to work on together, one of which is how best to involve employers.

At the same time, we held a series of round tables with employers across Canada. They are very, very keen to be involved in this new system. We have talked to them about a number of the key design elements. We will go back out to them early in 2013 to get another level of feedback with a further detailed level of proposals.

**Hon. Jason Kenney:** As well, in terms of the business community, I have tasked my deputy with working very closely with employers, sector councils, industry, and other stakeholders in the design of the expression of interest system to ensure that it is labour market responsive and relatively user friendly. We don't want to set up what is, in sort of bureaucratic, abstract terms, a perfect system on paper that becomes unusable for small to medium-sized enterprises, for example, that do not have their own HR departments and can't navigate their way through the complexity of the immigration system.

The deputy and officials have been meeting with all of the key industry councils, with the chambers of commerce and so forth, and there's a lot of very keen interest on their part.

As well, the deputy went with I think six provincial deputies to Australia and New Zealand to closely study their implementation of EOI systems, which in New Zealand was, I think, seven to ten years ago—

**Mr. Neil Yeates:** In 2003.

**Hon. Jason Kenney:** —and in Australia this past year.

**Mr. Costas Menegakis:** Thank you.

Minister, in your cross-country consultations with Canadians, you have spoken about the factors that will become the focus of our new and improved Canadian immigration system. They include language skills, younger applicants, relevant skills, and education.

Can you tell us why you have chosen these factors and what the evidence shows?

**Hon. Jason Kenney:** On this, there is a huge and uncontested body of research based on hard data.

For example, our own ministry conducted a major benchmark analysis of the outcomes from the federal skilled worker program. Basically, we linked tax data—data that is generic and doesn't identify anyone's name or disclose personal identity—with immigration data. We overlaid the two sets of data one on top of the other to see when people arrived, which program they came in on, based on what points they were assessed, and how they are doing economically.

We found that those with higher levels of language proficiency did substantially better; that younger immigrants do better, because they are more adaptable over their lifetime in Canada; that obviously those with Canadian work experience do better; and that those with pre-arranged jobs, when they come to Canada, do significantly better, generating, I believe, \$78,000 in average income after their third year in Canada, as opposed to about \$39,000 for those arriving without jobs. These are very useful data signposts for us.

By the way, this is not just our study. It's corroborated by all of the academic work that's been done in this area, by Charles Beach at Queen's, by researchers at universities all across the country. They all say that youth, language proficiency, Canadian work experience, and pre-arranged employment are the most important factors in the economic success of newcomers.

I emphasize that this is not to say that people can't succeed without those things; many do, but statistically speaking, those are the leading factors in terms of economic success.

**Mr. Costas Menegakis:** Thank you very much.

**The Chair:** You have two more minutes.

**Mr. Costas Menegakis:** Two more minutes. Wonderful.

Minister, can you tell us why the current points system no longer meets the best interests of newcomers or of the Canadian economy?

**Hon. Jason Kenney:** The current system, the one we're retiring, to speak in its defence, many other developed countries see our old points system as something of a model, in part because we were at least trying to attract people with relatively high levels of education and language proficiency. On the whole they did relatively well, but many, the vast majority, didn't.

I think it's in the range of 80% who did not end up working in the occupations for which they were trained. That's probably the biggest failure of the old system, that we just took people, we warehoused their applications for seven or eight years, brought them to Canada, and dropped them into the general labour pool to sink or swim. Many of them struggled to keep their head above water. Many of them ended up having to work in survival jobs, because they couldn't find employment in their particular area.

This is why I think we've seen, on average, the incomes for immigrants going from 90% of the average Canadian income in the mid to late 1970s to about 60% of the average Canadian income now. I think it's why we see the rate of unemployment among recently arrived immigrants twice as high as the general unemployment rate, and the rate of unemployment among immigrants with university degrees four to five times higher than it is for native-born Canadians with university degrees.

These numbers are unacceptable. They reflect a social reality of too many people who have left the high levels of employment in their countries of origin coming to Canada only to face frustration stuck at the bottom of our labour market. That is unacceptable.

I think there's a moral dimension in trying to get this right so the people we invite here don't feel as if they've been exploited, that we take their high levels of education and they become stuck at the bottom of the labour market. They need to come to work at their skill level, like young Mr. Gaurav Gore whom I met, our 20,000 CEC participant.

• (1720)

**The Chair:** Thank you.

Ms. Sims, you have fewer than four minutes.

**Ms. Jinny Jogindera Sims:** Thank you, Mr. Chair.

I would like to move that the Standing Committee on Citizenship and Immigration formally ask the Minister of Citizenship and Immigration to undertake to the committee to release information that the PBO has requested on the cuts in his department.

**The Chair:** Is that a motion?

**Ms. Jinny Jogindera Sims:** Yes.

**The Chair:** The motion is in order.

Is there debate, Mr. Lamoureux?

**Ms. Jinny Jogindera Sims:** Can I open?

**The Chair:** Yes, Ms. Sims, go ahead. I do remind you that this meeting will end at 5:25.

**Ms. Jinny Jogindera Sims:** The minister is here, and as we know, whenever you put a budget together, what's not in the budget is really critical because it informs us of where things are going. In order for parliamentarians to make informed decisions, and even for the PBO to do an assessment of where things are going, I think it is really critical that this information be shared.

I, as a committee member, would certainly like to have the information on the cuts to the department brought to this committee.

I know we've got numbers here and the minister gave us a couple of areas that he mentioned very briefly when he answered a question, but the critical thing for us as parliamentarians so we can do our due diligence on the budget is to get a very clear idea of where all these cuts are going to be happening so we can take a look at what the impacts are going to be before we make any decisions.

**The Chair:** To save time, Mr. Minister, will you give us this information? Is this information available?

**Hon. Jason Kenney:** You mean the PBO request? We can provide the information that we provided, sure.

**The Chair:** Okay.

Mr. Lamoureux.

**Mr. Kevin Lamoureux:** Thank you, Mr. Chairperson.

I do believe there is some merit in terms of what the member is talking about. When we look at the supplementary estimates that the minister has brought forward, one of the things that stuck out right away was the additional need for \$5,200,000 for funding of the interim federal health program. Then he gave somewhat of an explanation.

I can recall when he first made the announcement, he talked about how this was going to save tens of millions of dollars, and I thought it was closer to \$100 million, quite frankly that it was going to save over a five-year period. I think there's a need for us to get some clarification on this issue.

I can recall, for example, that in that announcement he said refugees will not get those extra benefits that the average Canadian is not receiving. These are the most vulnerable in society, so it's probably more applicable to refer to individuals on social assistance and so forth, and those individuals do receive benefits. Getting a better understanding of the numbers I think is really important for us as a committee, because the manner in which it's been presented to Canadians has been inconsistent.

When the minister made the announcement, he gave the impression it was going to apply to all refugees and then after a bit of embarrassment he came back and said he didn't mean the government-sponsored refugees. That seemed to be a bit of a flip-flop.

• (1725)

**The Chair:** We have a point of order.

**Mr. Rick Dykstra:** We have a motion on the floor, so if there's a motion on the floor, that's fine. The motion on the floor doesn't give members the opportunity to question the minister on the motion.

**Mr. Kevin Lamoureux:** I'm not questioning him.

**Mr. Rick Dykstra:** Well, you're certainly looking at him and looking for him to respond. If we're speaking directly to the motion, that's fine, and if you'd like to vote on it, you may want to hurry up.

**Mr. Kevin Lamoureux:** I'll continue, and this time I'll look—

**The Chair:** Well, let me put it to you this way. I said that the meeting would end at 5:25. It is now 5:25. If members—

**Ms. Jinny Jogindera Sims:** I would like to vote.

**The Chair:** Hold on, Ms. Sims. You keep directing me to do things, and one of these days I'm going to get mad at you.

**Voices:** Oh, oh!

**Ms. Jinny Jogindera Sims:** Oh, you wouldn't.

**The Chair:** I would.

We have a choice. We can continue with this motion—

**Mr. Rick Dykstra:** Point of order, Chair.

**The Chair:** I'm in the middle of saying something, so you'll just have to wait, Mr. Dykstra.

We have a choice of continuing on with this debate, in which case the time would end at 5:30, and in which case there's a risk that we might not be able to report the estimates to the House. You have a choice. If you want me to report the estimates to the House, for sure we need to end that today.

Mr. Lamoureux still has the floor.

We have a point of order from Mr. Dykstra.

**Mr. Rick Dykstra:** I would like to know why we didn't have to get a notice of this motion.

**A voice:** I can explain—

**Mr. Rick Dykstra:** I'm sure you can, but I want to hear it from the clerk.

Can I get a copy of it?

**The Chair:** It's on the subject that we're dealing with today, and the motion is in order.

Mr. Lamoureux, you still have the floor.

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

As I was saying, I do believe there's merit for this motion. We can take a look at the supplementary estimates that the Minister of Immigration is trying to get through. As we saw during the whole question and answer period, there's a lot of focus on the interim health financing. The minister is saying that he needs another \$5 million plus. When he made the announcement, there was the impression that it was going to be saving literally millions of dollars.

**The Chair:** We have a point of order from Mr. Opitz.

**Mr. Ted Opitz (Etobicoke Centre, CPC):** Mr. Chair, Mr. Lamoureux is going over the minister's statement. He's not really talking to the motion at all.

**The Chair:** No, he's in order.

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

We need to be able to get a better understanding of those raw numbers. The only way in which we can do that, maybe, is if we get a better picture.

The motion might help facilitate that, because there have been inconsistencies throughout, whether it's in dealing with the money issue or in dealing with the policy announcement itself and what the actual policy is today. Yesterday I stood up in question period and cited examples. Because of confusion, there are children who are not being given the health care they require. It's because of the confusion. This would help clear up the confusion, I believe.

**The Chair:** Okay. All in favour of this motion?

**Ms. Jinny Jogindera Sims:** A recorded vote, please.

**The Chair:** We'll have a recorded vote.

I'm sorry, Ms. James. Did you wish to say something?

**Ms. Roxanne James:** I'm going to withdraw it. Actually, I think Mr. Dykstra was ahead of me. I'm okay just to vote on this motion.

**The Chair:** Okay. Is there any further debate? All those in favour?

**Ms. Jinny Jogindera Sims:** A recorded vote, please.

(Motion negated [See *Minutes of Proceedings*])

**The Chair: We'll deal with the estimates.** CITIZENSHIP AND IMMIGRATION

Department

Vote 1b—Operating expenditures.....\$1,220,428

**The Chair:** Shall vote 1b under Citizenship and Immigration carry?

(Vote 1b agreed to)

**The Chair:** Shall vote 7b under Citizenship and Immigration carry?

Vote 7b—Pursuant to section 25(2) of the Financial Administration Act..... \$442,013

(Vote 7b agreed to)

**The Chair:** Shall I report the supplementary estimates to the House?

**Some hon. members:** Agreed.

**An hon. member:** No.

● (1730)

**Mr. Kevin Lamoureux:** I would like a recorded vote, Mr. Chair, please.

**The Chair:** We're going to have a recorded vote.

(Motion agreed to [See *Minutes of Proceedings*])

**The Chair:** I will report the matter to the House on Monday.

Madam Clerk, you will have something for me tomorrow? I will report it tomorrow.

I want to thank you, Mr. Minister. You and your extraordinary assistants are dismissed. Thank you very much.

This meeting is adjourned.





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