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Chair

Mr. David Tilson

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•(1535)

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP)): Welcome to this 21st meeting of the Standing Committee on Citizenship and Immigration.

We will begin by hearing three witnesses.

[English]

Thank you very much to the three of you, for being with us today for our study on strengthening the protection of women in our immigration system.

By video conference, from Vancouver, British Columbia, as an individual, we have Kathryn Marshall, lawyer. Thank you for being with us, Madam Marshall

From Toronto, also by video conference, as individuals, we have Audrey Macklin, professor and chair in human rights law, faculty of law, University of Toronto. Thank you for being with us, Madam Macklin; and we have Elizabeth Long, barrister and solicitor, Long Mangalji LLP. Sorry if I got it wrong, but thank you very much for being with us too.

All three will have eight minutes for your opening remarks.

We'll start with you, Madam Marshall. Please go ahead. You have the floor.

Ms. Kathryn Marshall (Lawyer, As an Individual): Thank you.

I would first like to thank the committee for inviting me here today to speak about what can be done to better protect sponsored spouses in the immigration system.

My name is Kathryn Marshall. I'm a practising lawyer here in Vancouver. I have an honours degree with a specialization in women's studies and feminist research. I have been a columnist with a daily newspaper here in Vancouver where I have written about women's issues. The impact of our immigration system and women's rights are a particular passion of mine.

Immigrating to Canada as a sponsored spouse can be a very isolating experience. In the majority of cases, sponsored spouses are women, and my comments today will focus on them.

Women coming to Canada as sponsored spouses face barriers other immigrants may not face. The sponsor, already a landed immigrant, will have a knowledge of an official language and some form of employment. These provide him with a social network and a greater ability to communicate and integrate into Canadian society.

Dependent children sponsored to Canada are put through the best system invented to make friends, to learn official languages, and to integrate, and that is known as the public education system. This leaves a sponsored spouse often without a social support network outside of family and without an easy way to make friends or learn an official language.

Women sponsored as spouses are very dependent on their sponsors, which can put them in a position of vulnerability. It is much harder for women to leave a situation of abuse and neglect when they lack a support network outside of the family. This is especially true in cases where women also had children to care for. It is also much harder for women to leave the relationship when they are victims of practices that are not acceptable in Canada, including polygamy, forced marriages, female genital mutilation, and honour-based violence and oppression. This is obviously not acceptable.

Action is needed now to help ensure that these women are protected and can enjoy their new lives in Canada as equal, free, and productive members of Canadian society. What we need to do is help women integrate, learn an official language, and understand their rights in Canada.

It has been discussed that language requirements should be imposed before spouses are allowed to immigrate to Canada. Critics have said that language requirements would prevent many family unification sponsorships. Perhaps the best solution would be to require spouses sponsored to Canada to take English or French lessons once they have arrived in Canada. Requiring courses once in Canada could be part of the conditions of residency for sponsored spouses, and these courses could be paid for by the sponsor.

Being able to communicate in one of Canada's official languages will better enable women living in Canada as sponsored spouses to become involved in the community, meet people outside the home, obtain employment, volunteer, and get education and skills training. Having these language skills will also help women interact with important services, such as women's crisis centres and health care providers. Mandatory language classes such as these would also have the benefit of providing socialization and the opportunity for women to meet people in those critical first few months while in Canada.

These courses could also include detailed information on women's rights in our country. Understanding their rights and what options are available to them will assist women who want to leave their spouse due to an abusive situation.

It is also important that women understand they do not have to put up with practices that are unacceptable and illegal in Canada. It is also important that they understand their rights with respect to marital and common-law property, and with respect to family law and child custody and access.

The reality is that many immigrant women fear leaving their spouse because they are worried they will not be able to see their children or will not have access to their home. They may also be fearful of their legal status in Canada in the event they leave their abusive spouse.

Part of the application process should include explicitly making sure that sponsored spouses and their sponsors are aware of women's rights in this country. One possible measure is signing a document, in whichever language they know best, enumerating their rights in Canada. This document would include that women are equal, have the right to end a relationship, have parental rights, and that spousal abuse is illegal, as is polygamy, forced marriage, and so-called honour-based violence.

Upon entry to Canada, sponsored spouses should also be made aware of the vast array of resources for women, including women's health facilities, crisis centres, and educational resources, and also how to access them. It would be beneficial if more information were provided beyond just a pamphlet that's given to them on arrival, so perhaps community organizations would be willing to voluntarily host seminars or workshops for women.

I know the study is focused on the situation of spouses, but I want to direct the committee's attention to the fact that spouses are not the only immigrant women who need our help. Wives are not the only women at risk. We have tragically seen in Canada situations where daughters have become the victims of honour-based violence. As a country, we need to do a better job of protecting girls from this violence.

Aqsa Parvez, a Mississauga teenager who was the tragic victim of an honour killing at the hands of her own family, had sought help at a shelter, which unfortunately failed to identify the signs and sent her back to the hands of her abusers. The Shafia girls, who were brutally murdered in Kingston, had reportedly sought help from law enforcement and social workers. However, they tragically fell through the cracks.

We need to offer better training to teachers, social workers, workers in women's shelters, police officers, and Children's Aid Society agents to help them recognize the signs of girls in danger, and where possible, take action. The study's scope should be broadened to take into account the situation of daughters. We must do everything we can do to make sure that every woman and every girl is free and equal in Canada.

In summary, the best way to protect women coming to Canada as sponsored spouses, and to help these women break out of isolationism and better integrate into their communities, is through education. Learning an official language and understanding their full legal rights and what resources are available to them and how to access them will help fulfill these goals. Thank you for giving me the opportunity to speak about this important issue and to offer some practical advice.

● (1540)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Ms. Marshall, thank you for your opening remarks.

Now we're going to Madame Macklin, for your opening remarks. You have the floor.

Professor Audrey Macklin (Professor and Chair in Human Rights Law, Faculty of Law, University of Toronto, As an Individual): Thank you very much for this opportunity to address the committee.

I'd like to begin by commending Minister Chris Alexander for formally declaring in Parliament yesterday that his government does not have the intention of imposing either language requirements on spouses prior to sponsorship or minimum income requirements on sponsors. I think both of those declarations are commendable, in part because to the extent that these measures have been used in European countries they have demonstrably had no impact on the integration of women who are sponsored as spouses, but instead have only had the predictable impact of reducing family-based migration; that is to say, preventing and delaying family reunification. As the government and all Canadians put a high value on the intact family, it would certainly be a shame if policies were enacted by the government that had precisely the opposite effect on immigrant families.

In the time that I have, I would like to address areas that can appropriately be studied by this committee because they address the specific effect of immigration and citizenship laws on the vulnerability of women who migrate. Let me begin with immigration status.

We now have in Canada, of course, a two-year conditional status for spouses. A spouse who is sponsored must reside with his or her spouse for at least two years in order to confirm permanent resident status. A failure to reside together for those two years is taken as evidence that the relationship was not genuine, and the sponsored spouse is then liable to loss of status and removal from Canada.

What is the relationship between this and the vulnerability of immigrant women? What it does, for those women who are sponsored as spouses, is give their sponsors a new way in which to make the sponsored spouse vulnerable or exploitable. How does that work? Well, it gives the sponsor the possibility of threatening removal from Canada by withdrawing the sponsorship. Of course, what that has the effect of doing is to make the sponsored spouse intimidated, vulnerable, and afraid to do anything that would jeopardize her immigration status.

The link between that and the possibility of abuse is that if a sponsored spouse finds herself in a situation in which she is being abused, she may legitimately fear leaving the relationship, because the sponsor might claim that the sponsored spouse was in fact exploiting him and was not in a genuine relationship but in a mere marriage of convenience. Then she faces removal.

Our current guidelines on spousal sponsorship provide that when there is a relationship breakdown, it is possible for a sponsored spouse to seek a kind of humanitarian and compassionate consideration and not be removed in those two years even if she leaves the relationship. But there are a number of constraints on that provision.

The first is that she has to physically leave the house, leave the relationship. So she already has to initiate the separation—which could lead to her removal from Canada—without any assurance, of course, that she will be believed in her account of being abused.

Secondly, the requirements for demonstrating to the satisfaction of a Citizenship and Immigration Canada official that the woman is indeed subject to abuse are fairly strict and seem to rely heavily on forms of documentary evidence that may be difficult to obtain. I'll just read out some of them: court documents, protective orders, bail orders, letters from shelters or family services clinics, statements from medical doctors or health care professionals, sworn statements in the form of affidavits, police or incident reports, photos showing the victim with injuries, email messages, affidavits, and so on.

Here, the problem is that a woman may be in a very difficult situation and be unable to acquire and accumulate the kind of evidence that a Citizenship and Immigration officer demands of her. If she doesn't, then she may not be believed. If she isn't believed, then she is liable to removal from Canada instead of getting the kind of protection she needs.

Here, then, is an example of how the immigration laws in place do not alleviate, but rather exacerbate, the vulnerability of women to experiencing domestic violence.

•(1545)

As a matter of study, it might be useful for the committee to look at the practices of other countries around this matter and to ask two questions. First, to the extent that this conditional spousal sponsorship policy is meant to resolve the problem of so-called marriage fraud, or marriages of convenience, is there any evidence that conditional status actually achieves that objective? Second, what impact do these policies have on the vulnerability of women who are subject to them to domestic violence?

Let me turn now and say a few words about another dimension of citizenship and immigration policy, namely citizenship policy.

We have seen recently that there is increasing stringency around citizenship requirements, particularly as they relate to language. I'm sure it's clear and I'm sure everybody knows that citizenship is a very important kind of security that people have. They are assured, once they are citizens, that their status in Canada is stable. Accessing citizenship thus becomes a way of providing security, and withholding access to citizenship or making it more difficult exacerbates vulnerability.

Now, changes to the language requirements and the way in which those language requirements are evaluated may have an impact on access by women to citizenship. A study conducted by Professor Tracey Derwing of the University of Alberta for Citizenship and Immigration Canada in 2010 indicated that altering language benchmarks and increasing the stringency of testing will likely have a negative impact on two of the most vulnerable populations, namely

refugees and sponsored women from east Asia and Southeast Asia, and may affect their ability to access citizenship. Again the committee might want to examine what impact more difficult and constrained access to citizenship has on the vulnerability of women.

Lastly, let me just reiterate to the committee that to the extent that we value family in Canada, any policies that deter or make more difficult or delay the ability of families to be reunited has both deleterious social consequences and also ultimately damaging economic consequences as well.

I would encourage the committee to study both of those matters in their deliberations.

Thank you very much.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much, Madam Macklin.

Madam Long, you now have the floor for your opening remarks.

Ms. Elizabeth Long (Barrister and Solicitor, Long Mangalji LLP, As an Individual): Thank you very much for inviting me here today.

I am a lawyer and I practise exclusively in immigration law. I'm also certified by the law society as a specialist in citizenship and immigration law.

In my practice I have quite a few clients who come from women's shelters and from legal clinics, such as the Barbra Schlifer clinic, that help abused women. I wanted to offer some advice and share some of the experiences that I've had with clients who have been abused through the spousal sponsorship system.

It is very unfortunate that when a lot of these women come to me I am helpless, based on the current immigration system, to offer them many choices other than to stay with the abuser. First of all, before they can get permanent residence there is a dilemma within the spousal sponsorship system itself, because the spousal sponsorship system is dependent on the family being together. If the woman leaves the husband, then they lose their ability to get permanent residence.

What that means is that it results in situations where the abuser has tremendous power, which is magnified by this system. This stretches throughout language ability, education, money. Women who are in spousal sponsorship situations will have that vulnerability where they're easily exploited by their abusers in these kinds of situations.

The abuser, I've seen, will often refuse to even file the papers or will threaten to withdraw. Even when they get permanent residence, they will threaten to tell immigration, send poison pen letters, and they often do. Even though the women are in genuine relationships with them, they have children with them, they are abused and they want to leave. This is the power that the abuser has over them.

What happens to the women and what happens to the children who are in these situations? Well, the women will often lose status. Their status will become precarious. They're put into detentions sometimes. The children are put into detentions sometimes or the children can be separated from them and put into the custody of the abuser. They're separated. This kind of fear is very real, and unfortunately I have to advise women that these are some of the consequences that they might face if they leave their husbands, leave the sponsors.

This is even before the sponsorship. It also happens after they get permanent residence with a conditional sponsorship. With the conditional sponsorship, it's hard enough for an abused woman, for example, in a court of law to prove that her abuser is an abuser, as we all know. Now I have to tell my clients, "You know what, you have to prove to an officer that you have been abused. If the officer doesn't believe you, you have to go to another hearing to prove that you have been abused".

Now abuse can take many forms. Physical abuse can leave no marks. How do you prove emotional abuse? Mental abuse? Who is going to be believed?

These are often deterrents, when I am in a position of advising women. What can happen to me when I leave my husband? How will I cope with this? What will the system do to me if I leave? I have to advise them that these are possible consequences. This system is what perpetuates and what allows abuse.

● (1550)

I'd like to leave maybe with a few recommendations from my experiences to try to alleviate this kind of situation.

The first one is the conditional sponsorship. With the type of power that these men have over the women, it's not worth it. We need to take that away. It's not worth it to say that they can show that they're abused. Having to show that they're abused is a deterrent for them to leave because what they will lose if they were to leave means so much to them. They could lose so much if they left that it's just not worth it.

The second thing I'd like to recommend is that we have specific policies about allowing the women to stay temporarily if they leave and if they apply for humanitarian and compassionate grounds. We have a temporary resident permit that can be used to allow them to stay in the country temporarily and have status in the country temporarily, to allow them to work and to allow them to obtain permanent residence through their own means, through the Canadian experience class, for example. This has to be a specific policy instruction to the officers to allow women to be able to access this avenue.

We need to have officers specifically trained about abuse. Abuse can take so many different forms. It's not necessarily that if you don't go to the police there is no abuse. You have to have specific training about abuse in order to be able to deal with the situations.

Finally, we should have a "don't ask, don't tell" policy for police. Criminal law, where the victims are asked to testify against their abuser, should be separate from immigration. We can't have victims revictimized over and over again through the system.

Thank you very much.

● (1555)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Madam Long.

We'll now start our first round of questions with Mr. Menegakis.

You have seven minutes.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Madam Chair, and thank you to our witnesses for appearing before us today. I certainly found your testimonies to be very informative and very useful. Thank you for sharing your experiences with us.

This is a very important study for us. The Minister of Citizenship and Immigration, the Honourable Chris Alexander, spent the better part of January of this year doing country-wide consultations on this issue and heard many of the same things that you have brought up today, quite frankly. We have enough statistics and information to know that there is abuse in our spousal sponsorship program and it is our intention as a committee to study this and this is why we're studying it. In our deliberations we felt it prudent to do a thorough study to see how we can make improvements to the system so that we can catch those who perpetrate abuse, particularly on women.

We've touched a little bit in your testimonies on marriage fraud and marriage of convenience. We don't have an awful lot of statistics on that information. But I can tell you through our global case management system—I think, Ms. Macklin, you brought it up—the first complete year of that available to us was 2013. In 2013 for applications sponsored under the spousal or partner class, there were approximately 2,200 refusal ground instances based on bad faith relationships. So, clearly, marriage of convenience and marriage fraud are things we would like to prevent from happening and eliminate if we can in totality.

Having said that, I don't want to take away from the fact that women are being abused and they have to have an avenue. They have to have a way of getting some assistance. Certainly the conditional permanent residence, the two-year conditional PR, was not intended as a way to make life more difficult for them although I fully understand the point that you made, Ms. Macklin, as have other witnesses who have appeared before us.

There's also the other side of the coin. There are women who sponsor men to come here and those men who come here can be abusive. We recently had a case right here in Ottawa. It was very public and was published in the newspapers, of a man who was sponsored to come here and no sooner did he get here than he started abusing his wife. In his particular case, he used the system to his advantage and he's still here, and he was the abuser. We want to try to prevent these things from happening.

I'll start with you, Ms. Marshall, because you, as the others I believe, spoke about informing people of their rights under Canadian law before they come here perhaps. I believe you mentioned signing a document attesting to the fact that they have a knowledge of what their rights are. That's a very important point. I wonder if you could elaborate on that a little for us, Ms. Marshall.

Ms. Kathryn Marshall: Yes, certainly. I think when people are given information.... While it's nice to give them a brochure or booklet, that's what I would call a passive delivery of information. There's no guarantee that someone has actually read that information or really understands what their rights are. So I think it would be an important measure to actually include that within the application form for spouses who are doing the sponsoring, and whatever forms the sponsored spouse has to sign.

There should be a document included in there that they have to read and that lays out all of the rights that we have here in Canada with respect to women's equality, freedoms, spousal child access, family law rights, common-law property rights. It should be very explicit and clear that things like polygamy, spousal abuse, domestic abuse, female genital mutilation, and all forms of honour-based violence, are illegal in Canada. They are not acceptable practices. The individual should have to sign a document attesting to the fact that they have read and do understand these rights. Perhaps they can be written in whatever language they're most comfortable with.

But I think it's really important that people understand their rights, not just the individual coming to Canada as a sponsored spouse but also the person doing the sponsoring.

• (1600)

Mr. Costas Menegakis: Thank you.

Let me ask another question. Perhaps I'll refer this to Ms. Long and Ms. Macklin so that we can get input from you as well.

This is regarding proxy marriages. Proxy marriages are legal right now, as you know. It's true that a couple that is married over the phone, or sadly even by fax, can be eligible for the spousal sponsorship program. I'm under the impression that this can lead to more forced marriages, more abuse of the system, more spousal abuse cases. I'd like to hear your opinion on whether you believe that this practice should be stopped, Ms. Macklin or Ms. Long.

Prof. Audrey Macklin: I can only say that I don't know a lot about proxy marriages. The country where I do know proxy marriages happen quite a lot is Israel, where couples actually get married by proxy marriage quite frequently because the laws there are limited to religious marriage. I don't know if there has been a particular problem in Israel with proxy marriage, but this leads to my suggestion, which is that you might want to study the experiences of other countries where this is permitted to see if there is any correlation and then to figure out, if there is, what might be the best policy response.

It's not my understanding—but I have not studied it—that this is a particularly serious problem with regard to the incidence of forced marriage, but having said that, I confess that I have not done a close study of it.

Mr. Costas Menegakis: Through our—

I'm sorry. Go ahead.

Ms. Elizabeth Long: I have not dealt with many proxy marriages in my experience, but here's the thing. I don't know that being married over the phone would be any different from someone standing next to them in the aisle in a church or in a mosque. If there is abuse in a situation, there will be abuse whatever the form of marriage, in my experience. That is just my opinion.

Mr. Costas Menegakis: Thank you very much.

Prof. Audrey Macklin: Maybe one thing to consider is this. There is one more point the committee may wish to consider, which is how difficult it can be for some people to come to Canada to marry their spouse in Canada. It can often be difficult to get visitor visas. What you are describing becomes an alternative to that, so it may be worth thinking that if proxy marriage is a problem, it might be important to look at Canadian visa policies with respect to the admission of people who are intending to come to Canada to get married.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much. We're out of time now.

Now, Madam Sitsabaiesan, you have the floor.

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

Thank you to all of our witnesses who are here.

I'd like to start with Ms. Long because you had made some recommendations, and in your first recommendation you spoke of the conditional sponsorship that it needs to be taken away. When you say conditional sponsorship, you're talking about the conditional permanent residency for the sponsored spouses. Is that correct?

Ms. Elizabeth Long: That's right.

Ms. Rathika Sitsabaiesan: You're saying that the conditional PR should be removed?

Ms. Elizabeth Long: Yes. Here's the thing. If it is actual marriage fraud, under the previous laws, we can strip someone of their permanent residence based on misrepresentation. So if it is marriage fraud, we can use other laws to do that.

Really the harmful result of conditional sponsorship is clear for abused women, and I think it is not worth it to have that there.

• (1605)

Ms. Rathika Sitsabaiesan: Thank you.

Ms. Macklin, did you want to speak on conditional PR as well?

Prof. Audrey Macklin: I think that's true. I have very little to add. I think there is a choice here of what you care more about. Do you care more about the idea of marriage fraud, or do you care more about abuse of women?

If you care about marriage fraud, then my next question is this. Does this conditional sponsorship do any better job than the availability of revocation of status for misrepresentation? I don't think there is any evidence in support of the claim that it does, so if we know it does harm and it doesn't confer benefit, that raises a question of what its virtue is.

One more thing to point out here, we already screen overseas spousal sponsorship applications very closely, and as Mr. Karygiannis said, many people are screened out of that overseas, so we already have a mechanism that deals with that.

As for the in-Canada refusals that Mr. Karygiannis referred to—

An hon. member: It's Menegakis.

Prof. Audrey Macklin: I'd sure want to know what the result is, if and when those go to the immigration appeal division, rather than to simply rely on the refusal rate.

Ms. Rathika Sitsabaiesan: Do I have time?

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have five minutes.

Ms. Rathika Sitsabaiesan: Great, I have five minutes.

Ms. Long, you were speaking a lot about systemic barriers, so I want to touch on that again.

The committee has heard time and time again from several witnesses about the language and economic barriers that might prevent the sponsored spouses from reporting abuse. In your work I'm sure you've experienced or witnessed additional barriers that would prevent women from reporting abuse. You touched on a few of the systemic barriers.

I wonder if, first, you could share some other barriers that women would face from reporting abuse. As well, in your opinion what can you propose the Government of Canada—and specifically Citizenship and Immigration, because that is the ministry we oversee—do to break down some of these barriers you see? What can we do to ensure that spouses are better protected after they report the abuse?

Yesterday we heard from New Zealand about their practices and how their threshold is very low for reporting of spousal abuse. A nurse's report can be enough to ensure that a woman who is leaving an abusive relationship can actually apply for temporary residence within New Zealand, based just on a very low threshold to make it safer, easier, and to make women less vulnerable.

I know I've said a lot so I'm going to leave the remaining time for the witnesses to comment on some of these things that I've mentioned here.

We'll start with Ms. Long, and then Ms. Macklin and Ms. Marshall, if you would like to add as well.

Thank you.

Ms. Elizabeth Long: Thank you.

I think the New Zealand experience is very important. It's about what priority we put on things. If we feel that it's important to allow women who are abused and their children who are with them an avenue to leave their abusers, then it's very important for them to prove in a nurse's report and have a low threshold of proof because it's difficult for abused women to prove abuse.

To allow them to have some sort of status.... Status will be the equalizer in these kinds of cases. Otherwise, no matter how much money they have, no matter what language skills or education they

have, if they are not able to get status, they will not have the choice to leave.

Prof. Audrey Macklin: I want to return to the point that we already extensively screen people from abroad, allegedly to screen out so-called marriages of convenience. So why are we doing it a second time at great expense and difficulty inland, with this conditional sponsorship?

Unless there is an idea on the table to get rid of or very much diminish the overseas screening, I'm not sure there is much basis for retaining the two-year conditional sponsorship anyway. Without the conditional sponsorship we will not confront the problem you are now raising for us, which is, what happens when women are not believed?

• (1610)

Ms. Rathika Sitsabaiesan: Thank you.

It looks as though Ms. Marshall wants to—

Ms. Kathryn Marshall: With respect to the two-year conditional status, this does bring Canadian policy in line with that of many other countries. The U.K., Australia, and the United States all have some form of conditional status. It's an important deterrent against marriage fraud.

Frankly, deterring marriage fraud helps protect women. It's important that we maintain the integrity of our immigration system and there are mechanisms that are built into the conditional status to help protect women who do find themselves in abusive situations.

I think it's good for—

Ms. Rathika Sitsabaiesan: I'm sorry, Ms. Marshall.

We've heard from the other two witnesses that there are ample legal ramifications or leeway within our legislation that allow for identifying and dealing with marriage fraud. So do we need it also in a situation that makes sponsored spouses, usually women, further vulnerable in this situation where they're already in a vulnerable situation in a new country?

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): I'm sorry about that. We have no more time.

Now we are turning to Mr. McCallum, for five minutes.

Hon. John McCallum (Markham—Unionville, Lib.): Thank you, Madam Chair.

Thank you, all, for being with us today.

I've done a little poll of all of our witnesses as to whether they are for or against this two-year conditional rule. It's clear that Ms. Long and Ms. Macklin are opposed to it.

I think from what you were saying, Ms. Marshall, you might be in favour, but can you just confirm whether you would like to retain or get rid of this two-year conditional rule—just yes or no?

Ms. Kathryn Marshall: I'd like to retain it, and I think we can strengthen the mechanisms to help women who do find themselves in abusive situations to get help.

Hon. John McCallum: Okay, thank you.

My vote, then, is fifteen of our witnesses oppose it, two are in favour, and one is agnostic, so that's where our witnesses stand. I totally favour getting rid of it.

I think in response to Professor Macklin—and you were talking about other countries—we had excellent witnesses from New Zealand. If we do have a two-year rule or a one-year rule, as they do in New Zealand, then at least in the case of New Zealand, they have a fast, expeditious, and cheap way for the woman, if she is abused, to get permanent residence. It takes less than a year, it costs \$800, she gets an automatic work permit, etc., which is a big improvement over our Canadian system. But it's still suboptimal because you wouldn't need that if you didn't have this conditional rule.

Now, the question I would like to ask each of you, perhaps beginning with Professor Macklin, is this. I'm afraid the Conservatives aren't going to want to get rid of this rule unless you can demonstrate that either it does nothing to reduce marriages of convenience or that there may be other means of dealing with marriage of convenience. Ms. Long mentioned revocation for misrepresentation. Can any of you give us evidence that this either doesn't work or does work? More importantly, can you give us other means than two years of living together, which leads to this violence? What are other means, other than outside the country, which we already do, of minimizing the incidence of marriages of convenience?

Professor Macklin.

Prof. Audrey Macklin: In my reading of other countries' practices, Ms. Marshall was absolutely correct that many other countries have some form of conditional status, yet in each of those countries the concern about marriages of convenience and marriage fraud has not abated. Nobody has said this has either reduced or eliminated the problem, so that suggests that whatever the problem is, this isn't working, but it does have these negative effects in terms of exacerbating exposure to violence.

One of the things that's never been clear is the size of this problem. There is actually very little reliable data about the scope of this problem of marriages of convenience. Although it is a deplorable practice, how much of our public policy should be oriented toward solving this problem as opposed to, let's say, problems of long delays in family reunification? So in choosing to make this the focus of a policy, I think it's worth the committee exploring through its study the question...not only do other states do this, but does it work? If it doesn't work, why are we doing it? There's no point borrowing bad policies.

•(1615)

Hon. John McCallum: Thank you.

Ms. Elizabeth Long: In my experiences, I have had quite a few sponsors come to me saying, "I was tricked into getting married." The problem with this is not that they didn't stay together, the problem with this is that officers would not act. The mechanism was there in law for them to take the sponsored person and say, "We are taking away your status. Go to an IAD hearing." The officers would not act because there was no mandate for them to act.

You have other cases where there is a marriage of convenience where two people are complicit. In these cases, who is going to

know whether or not they stay together for two years or not? We have no mechanism of determining that. So this is absolutely—

Hon. John McCallum: Sorry to interrupt. Thank you, there is very little time.

Ms. Marshall, do you have something to say on this?

Ms. Kathryn Marshall: Well, I think the issue doesn't seem to be so much the conditional status, it seems to be the issue of women being able to access the help and resources they need when they're in positions where they are being abused. A huge barrier for women who are in these vulnerable situations is their inability to speak an official language. It's very difficult to access front-line support networks when you're not able to communicate, when you don't know your rights, when you're unsure of your legal status in the country. I think some of the recommendations I've made to help strengthen that could help alleviate some of these concerns.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much. Time is over now.

Mr. Leung, you have the floor for seven minutes.

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

Thank you, panel, for appearing before us.

This whole situation of marriage or vetting what is a genuine marriage and what is a paper marriage or fraudulent marriage appears to be one where we need better pre-arrival interview or pre-arrival assessment, or it's a case of just simply managing risk in our immigration system.

On the one hand, I've heard from your comments that we can alleviate or mitigate a lot of these if the spouse who is being sponsored coming to Canada meets, by a large extent, all the immigration requirements of being in Canada as an immigrant.

On the other hand, and in detail, whether they meet a certain means test, whether they meet our minimum official language tests, or have a certain level of education, or they are of mature age, a certain age of consent.... Or even, if we want to go that far, an examination of their religious affiliation....

So my question now is: what is our best management tool to do the pre-arrival assessment?

Ms. Marshall, do you wish to start first?

Ms. Kathryn Marshall: That area is not really my focus of expertise, but I think ensuring that there's a very good screening process would be very important, as would maybe having a very full interview process and strengthening that process. But again I'm really going back to the core issue here of how we are protecting women who are vulnerable and are at risk of being isolated when they come to Canada as sponsored spouses.

How can we better integrate them so that they can be successful, so that they can meet people, they can access health care, and they can access shelter workers, women's centres, and education facilities? How can we do this?

I think it's really through education. We have to make sure that women who are coming as sponsored spouses have some kind of language requirements when they get here, that they are fully aware of their rights, and that the person sponsoring them is fully aware of their rights and the fact that any practices around women's abuse are not acceptable in this country.

I think that's where we really need to focus and strengthen.

• (1620)

Mr. Chungsen Leung: Could I infer from that perhaps that a person who is being sponsored as a spouse coming to this country... First of all the sponsor should have a means test to adequately support her. Second, the woman—assuming it's a woman coming in—should have a minimum level of understanding of one of our official languages, perhaps have a certain level of understanding, and be of a certain higher age of consent. Because if not, then that person coming in is totally vulnerable to the sponsor.

Ms. Kathryn Marshall: I think ensuring that the woman is of age of consent.... I know right now the age is 16. I think it should be raised to 18. I think having some kind of minimum means test for the individual doing the sponsoring is important. They're already taking a large undertaking to financially support the spouse they're sponsoring. They should be in a position where they can successfully do that and not default in that undertaking.

But in terms of the education requirements, I think having those requirements kick into force once the individual has come to Canada might help alleviate some of the concerns over that being a barrier to family unification.

Mr. Chungsen Leung: Thank you.

Ms. Macklin or Ms. Long, would one of you like to comment for the remaining time that's left?

Ms. Elizabeth Long: I think the government should stand out of the way of love. We cannot be in the position of trying to regulate who is to fall in love with who and stand in the way of families reunifying. This is not an economic category. This is family reunification, and it's a different purpose.

If you have a family, just because the woman does not speak the language or just because the woman does not have a certain level of education does not mean necessarily that she will be abused. That is the wrong analysis. I have seen women who can speak perfect English, who have Ph.D. degrees, who are abused. That is the wrong analysis of abuse.

Prof. Audrey Macklin: It was my understanding that the minister stated categorically in Parliament that he was not considering the policies you mention, but if he is, and if you are, then let me add that if you want to reduce family reunification, if you want to keep families apart, these are excellent ways of doing it.

If you are interested in protecting women from violence or promoting integration, these are not ways of doing it.

Mr. Chungsen Leung: My suggestion was merely how we manage the risk and how we pre-assess a situation whereby a woman might possibly have been abused before coming to this country.

Ms. Long, you mentioned that the government should not stand in the place of love. That flies against the argument that there are

marriages that are arranged by cultural requirements, and in arranged marriages I guess a woman has no choice. It's not really love, is it?

Ms. Elizabeth Long: I'm sorry, I disagree with that. Love can happen in arranged marriages as well but that's not our decision, to decide whether or not two people can be together because of their language requirements or how much they know.

What if you have a child in the marriage? What would happen if the person does not have minimum income? Often the person who is sponsored is the breadwinner, so you cannot say just because a person does not meet a minimum income that the family will go on social assistance. There are already ways to deter that. The person who is being sponsored can't go on social assistance anyway.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much. I will have to stop you here. I'm sorry. Your time is over.

Now we'll turn to Mr. Sandhu for five minutes.

Mr. Jasbir Sandhu (Surrey North, NDP): Thank you. I have a very direct question for Audrey Macklin. Can you define an arranged marriage and a forced marriage?

Prof. Audrey Macklin: I don't think these are legal terms of art, so I am not going to try to pretend they are, but I think that the South Asian Legal Clinic of Ontario, for example, has done considerable work to raise awareness around these issues, and I commend their work on it to you.

I think the distinction they draw is that forced marriage is not the same as an arranged marriage. In an arranged marriage, both parties give their full and free consent, while in cases of forced marriage, one or both of the spouses do not consent. People of all cultural backgrounds have experienced forced marriages. In Canada forced marriages sometimes happen within newcomer communities, and the clinic goes on to talk about it as a form of family violence. They certainly do draw a distinction between arranged marriage and forced marriage, I think with a view to not letting the spectre of forced marriage become an excuse or a device to reduce or refuse the family reunification of people from cultures where arranged marriages are practised.

• (1625)

Mr. Jasbir Sandhu: We've heard concerns during these hearings, not only yesterday but from many witnesses, regarding women being isolated. When a woman is being abused, isolation also plays a role in having that woman report the abuse to proper authorities. Do you think that's a barrier, and could it be broken down, especially with regard to women who are isolated from their own families?

Prof. Audrey Macklin: I think isolation is a feature of domestic violence that is common across all cultural and linguistic backgrounds. Our shelters are full of anglophone and francophone women who can talk about the experience of being isolated by their abusers, so I don't think it's unique to any particular cultural or linguistic group.

Mr. Jasbir Sandhu: Would it help if you had your immediate family there to help reduce that isolation?

Ms. Kathryn Marshall: Absolutely. Familial support can be crucial as a bridge to seeking assistance and support, and I think that has to be true, generally. There are many different potential sources of support and family is one of them, for sure.

Mr. Jasbir Sandhu: Currently, under the Conservative government, we've seen long lineups for family reunification. It takes at least eight or nine years to get your family, to reunite with a spouse. Do you think that's also hindering a person in reporting...not helping the individual who's being abused?

Prof. Audrey Macklin: Delays in family reunification damage almost everybody. They damage the person in Canada who is wanting to be reunited with her family member. They damage the person abroad who is waiting to be reunited, possibly with children. It is damaging economically, because you have an economic unit that is splintered. It is damaging psychologically, because the longer it takes for children to get to Canada, the longer it will take for them to adapt to the Canadian public school system, which—I think as Ms. Marshall rightly pointed out—is a wonderful tool of integration.

Delays in family reunification do damage not just to the individuals. Ultimately they do damage to Canada by depriving Canadians at large of the maximum benefits that immigration can bring. So for all of those reasons, including the ones that you have highlighted, delays are a real problem.

It's noteworthy that, by adding the conditional sponsorship, we have added yet more layers and sources of delay in family reunification. We haven't eliminated overseas screening, we've just added another layer, and that just slows things down more.

Mr. Jasbir Sandhu: Thank you.

Are there any other barriers that prevent women from reporting abuse; any recommendations that you can offer to this committee?

Prof. Audrey Macklin: No, I think, if I may say something slightly related to this, because earlier, the prospect of language and the importance of women learning English or French was accentuated, and that's always a good thing. It would be worth this committee studying what the barriers to that might be. Is it child care? Is it economic? What are the reasons women aren't able to access language training, if this is the case? It might be worth inquiring into why, as a prelude to thinking about what kinds of policy responses would be appropriate for that.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you.

Thank you very much once again to all of you for agreeing for a second time to come in front of us as witnesses.

[Translation]

You had to go back home because of scheduling changes that were out of the hands of the members of this committee. We sincerely

apologize for the inconveniences this may have caused and we are very pleased that you were able to come back to this committee and that we were able to devote a full hour to listening to what you have to contribute to this study.

Again, thank you very much.

I will now suspend the meeting and invite the next witnesses to be seated at the table.

• (1630) _____ (Pause) _____

• (1630)

Ms. Lysane Blanchette-Lamothe: We will now resume the 21st meeting of the Standing Committee on Citizenship and Immigration.

Thank you to our three witnesses for being here with us this afternoon.

We are pleased to welcome you.

For this second half of the meeting, we will have:

• (1635)

[English]

From Greater Vancouver Counselling and Education Society for Families, we have Poran Poregbal, founder, executive director, and therapist. Welcome.

From Herizon House Women's Shelter, Laila Fakhri, crisis intervention counsellor, is here. Welcome.

Also from Afghan Women's Organization, we have Adeena Niazi, executive director. Thank you very much.

As I said before, I'm sorry that it's the second time we have had to invite you, but it's a pleasure that you accepted our invitation.

We'll start right away with eight-minute opening remarks.

We'll start with Madame Poregbal, please. You have the floor.

Ms. Poran Poregbal (Founder, Executive Director and Therapist, Greater Vancouver Counselling and Education Society for Families): Good afternoon, ladies and gentlemen. Thank you very much for inviting me here. It's a pleasure to be here.

I am a therapist with a background in social work. Since 1994 I have been working as a social worker, a rehabilitation worker, and a victim support worker, and now since 2009 I have been offering my clinical expertise to my community. Wearing this hat, I have witnessed and I have talked to and worked with a huge number of the women whom you're talking about and you're studying about in this committee.

The thing that we have to understand is that there are many kinds of cultural norms here for talking about the sponsored women and why they are coming, why they are accepting. I have worked with over 100 women who are, one by one, telling me if they had known that the information their husband gave them the first day was wrong and fake and overexaggerated, they would never have come. If they had known the signs and symptoms of abuse, of the mental health issues that their husbands suffered from, they would never have come.

Most often these women who come, and they're going through what they are going through, we have to treat them for the mental health issues and the psychological damages they have experienced through this situation.

First of all, since 2009 my organization has been offering many programs to a wide range of families, mostly Farsi-speaking communities—people from Iran, Afghanistan, Turkmenistan, Uzbekistan, and you name it, those countries whose people speak Farsi. You may question why Farsi-speaking. It's because we...myself, I come from Iran. Twenty-seven years ago I left Iran. I and many of my colleagues who left Iran all these years, we know by experience, lived experiences, that people have been traumatized and they are still being traumatized.

You know the human rights situations in Iran. The most of what we are offering is about offering our clinical expertise. What is clinical expertise? It's helping people understand the importance of healthy relationships, of anger management, of interpersonal relationships, of understanding the effects of traumas on their minds, understanding healthy parenting. These are the things that we are offering through our programs.

We started as an agency with seven counsellors. Now we are 22 people, although we are operating mostly based on our clinical-based programs and some small grants. Still, we are able to offer parenting, marital relationships programs, youth support programs, you name it.

In those programs we are dealing with and exploring the issues of migration for women and men equally. As a parent, as an individual, what are the issues that they are dealing with in adjusting and being integrated into this community? There are issues of loss of identity, boundaries, victims' rights, parenting responsibilities, mental health issues. That is huge, and that is very silent; it is stigmatized. We are explaining relationship health and the psychological stressors that we as a community are going through. Migration has never been something that we people from Iran, Afghanistan, and those countries learned or were used to. This is a situation that we are in because of the long-term operation of human rights worsening in our home countries.

The psychological stresses that many people are dealing with and living with, they come here with. We bring, with our luggage, those traumas. Understanding those traumas is very important in order to understand those men who are abusers and those women who are being abused. I have worked with those men too.

● (1640)

I have asked many of those men why they have been doing this. What is going on? I have visited them in jails, hospitals, mental health institutions, and so on. They all tell me, once they trust that they can talk and that they are being understood, after a therapeutic relationship has been built, that if they had known this type of behaviour was wrong, they would have never done it. They are men who have been abused and mistreated as children. Since I'm working with male survivors of sexual abuse as well in another agency other than my own, I know both sides of the story.

What we are dealing with are the layers of stigma, layers of denial, layers of blame, layers of guilt and shame—and collective shame. In

understanding why many of those women who are coming here and being abused are not reporting it, and why they are not asking to leave the situation very quickly, it is not only because of the fear of the police and authorities here, not only because of the fear of the CIC, deportation and so on, there is also the fear of what people would say about them back home.

The fact is that many of these women are being forced to stay in marriages because the families back home are asking them to. They are advising them to stay or wait a little bit more until their children are grown up, until this has been done, until they have found jobs, until they find some friends. These are the situations I am working on with women day by day. These women are very traumatized.

It is important to even understanding those men. In our agency every year I do a survey to understand what is the level of violence and domestic abuse that is going on, because no one talks about it.

In our parenting program, many newcomers arrive, people who have arrived one, two, or three weeks ago. They have learned about our programs through the Internet, social media, radio programs that they are listening to daily, and so on, or just by word of mouth. They attend our program. The name of the program is parenting; however, we are talking about many other things. Once they arrive, they are able to ease off and talk about the level of hardship they have gone through. The women are able to hear us—

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Madam Poregbal, I'm sorry, I will ask you to conclude. You have a few seconds left.

Ms. Poran Poregbal: I just want to make sure I talk about the survey we have done ourselves. On the 500 or 600 surveys that we asked people to fill in, 67 written surveys came back, without names, of course. Everyone is saying, "Yes, there is abuse going on. There is violence going on in our communities and we need to work on it."

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much for your opening remarks.

Madam Fakhri, you now have eight minutes.

Ms. Laila Fakhri (Crisis Intervention Counsellor, Herizon House Women's Shelter): Thank you very much. I'm so pleased to be here.

This is a great honour for me to bring forth actual voices and the stories of women whom I have worked with. I listen to women in my role as a counsellor. I came to keenly understand many of the issues and challenges associated with immigrant women who are experiencing domestic violence in Canada.

I want to personally say thank you to Honourable Mr. Chris Alexander, the Immigration Minister, and those who are involved in the study committee for having us here.

I would like to begin with the intention and hope that the Harvard principle of lessons learned will keep another person from meeting the fate that was met by the four females from the Shafia family in 2009 in Kingston, Ontario, and Ms. Nasira Fazli in 2013 in Ajax, Ontario, as well as many other women who are and continue to become victims of domestic violence.

I have learned that the issue of domestic violence associated with immigrant women has many causes, some of which are either unrecognized or simply unknown. I wish to highlight the following major factors that predispose immigrant women to domestic violence.

First, women are involved in an arranged marriage as a result of forced unions.

Second, women are uninformed about their rights and cultural norms in Canada.

Third, women are financially dependent on their abuser—or their spouse, I would say.

I should emphasize that the first point is deemed to be the most complicated and perhaps has the greatest impact on increasing the risk of domestic violence against immigrant women. In particular women typically raised in Canada are often encouraged by their own family members to enter into an arranged marriage. Women who share their stories recount tales of agreeing to this sort of union in order to satisfy their parents' wishes.

The perception is that this cultural practice preserves the cultural and ancestral lineage amidst a diaspora and war. This kind of marriage is also accepted by the family and the community because it is thought that the sponsor is making an altruistic decision to give an opportunity for a better life to the relative. Unfortunately these arranged marriages often quickly turn to forced marriages because women are oblivious to the exact nature of the union. Although a variety of scenarios exists, I would like to address one notable example where the woman is sponsoring the husband.

In situations where the woman has sponsored her partner from back home, after the arranged marriage he arrives in Canada to find her as an established and financially independent woman fully integrated into Canadian society. The husband may undergo cultural shock because he's not familiar with the differences in cultural values between his new bride and his own expectation. He may present well on the surface, but his mentality is heavily influenced by his own patriarchal cultural beliefs.

A few questions come to mind. Has he been culturally educated, prepared, and assimilated? Is he ready to adapt to a Canadian lifestyle? Is he ready to accept the shift switch for his wife to drive, to work, to be fully independent, and to do things without asking for his permission?

I propose the following recommendations to help address some of the above noted challenges.

First, an information booklet on fundamental rights and freedoms, in particular women's rights, should be distributed to applicants of the sponsorship program as a mandatory requirement for review prior to approval for entry into Canada. The interview process may be used as an appropriate step in the sponsorship program to test knowledge on the content of the information booklet, which should be offered in a variety of languages. I would like to personally offer guidance in developing the booklet.

●(1645)

Second, immigrant women who lack sufficiency may be dangerously dependent on their husbands for financial support. The repercussions for the woman of this type of financial dependency may include reduced self-confidence, increased isolation, and psychological, mental, and social health problems.

Concerning the financial issue I mentioned, I believe that when a woman is sponsored by her husband and is coming to Canada, she should receive some source of financial help on a monthly basis in her own account, whether the money is coming from the person who has sponsored her or from government, because from my experience, what I notice among women I work with is that a woman may stay in Canada for more than two and three years and not know how to use public transit, and she may never have had a bank account in her own name. That adds to her isolation. It adds to her need to ask the husband every day for \$5 to go to do something.

If a woman receives this money, or if it becomes mandatory for the person who has sponsored to deposit the money to a trust or to a Canadian account for the duration of two years, at least a minimum amount equal to the money that social services pays to an individual for her basic needs and the money automatically goes to the woman's account, that assists a woman to have at least some independence.

The third recommendation is that language classes after the woman arrives in Canada should be compulsory, so that a woman cannot be prevented by her family or the husband from attending classes.

Fourth, after she arrives in Canada, we need to assist her in integrating and connect her with settlement workers.

Some of these provisions are already in place; however, more work needs to be done. Ideally, appointments with settlement workers should be arranged without the presence of the husband, and the meetings would be enhanced if the worker were a woman. I believe it should be mandatory, for the duration of two years, for the woman to have regular contact with a settlement agency.

If we Canadians believe that Canada is the world leader in promotion and protection of women and women's rights and of gender equality, what do we need to do to bring this talk to a walk?

We should provide opportunities for immigrant women by creating a system to protect women's rights and gender equality. In order to create the system, we need to fill in the gaps that exist, because these gaps create barriers for women to practise their basic human rights. By empowering a woman we give her the opportunity to fully access personal power, authority, and influence, and to use this strength when dealing with family members who are pressuring her.

●(1650)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): I will ask you to conclude, please, Madam Fakhri.

Ms. Laila Fakhri: Thank you. I would like to express much gratitude to all of you for your time and for being here with us. I believe in hope. I believe in change. Together we can do our part to change policies so as to curb violence against women.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much, Madam Fakhri.

Now Madam Niazi, you have the floor for eight minutes.

Ms. Adeena Niazi (Executive Director, Afghan Women's Organization): Thank you.

Madam Chair, honourable members, thank you for the opportunity to be here today.

My summation will be focused on the issues of spousal sponsorship and spousal reunification and on violence against women and girls. My presentation is based on more than 24 years of experience working with clients, predominantly refugees and newcomers who have experienced war and violence, mainly from Afghanistan, central Asia, and the Middle East.

I would like to begin by saying that it is very important for us to strengthen the immigration system for both immigrants and refugees, because I believe that Canada has been a leader globally in the resettling of refugees and in its compassion for refugees.

One of the key concerns around the spousal sponsorship program is the long processing time. The 32-month wait often affects the relationship. The sponsored spouse and his or her family often gets the impression that there is no sincerity in the marriage. Some officers who have limited understanding of the cultural context and the realities of the life of the sponsored spouses have refused genuine spouses in their first interview. The rejection creates additional hardship, along with a heavy financial burden on the sponsor, who has to appeal the decision.

We recommend that the visa officers should receive comprehensive training on the living conditions and cultural realities of the sponsored spouses.

For the refugee women who make an inland claim, leaving their children and spouses behind, the normal wait period to reunite with their families ranges between four and six years. This long separation sometimes results in the breakdown of the family. Many women develop depression and anxiety as a result of the separation from their family. This in turn has an impact on women's health, their settlement process, and their ability to contribute to society.

We recommend that upon the acceptance of the convention refugee status of the refugee claimant, her or his family reunification should be expedited.

There are also a number of issues that impact sponsored spouses during their post-arrival period in Canada.

I think the temporary residency condition has been mentioned before, and I agree with Ms. Long regarding it. I just want to say that although there is an exemption for cases in which abuse is involved, some of the women may not know about their rights if they don't have access to services, and they need more information. They are not aware of their rights, so this information has to be available.

Besides this, there have also been some cases in which women have sponsored their partners to come over to Canada, and then the men have left them and have abused them. Sometimes they have

applied for social assistance, but the abused sponsoring spouse is then left having to continue to pay for the sponsored spouse under the sponsorship agreement. This also needs to be rectified. If a sponsored spouse chooses to leave when abuse is not the case, then he or she should be financially responsible for herself or himself.

We recommend that CIC discuss domestic violence and women's rights at the orientation, which is usually held at the visa office, or at least prior to their arrival to Canada. They need to have the information before they arrive in Canada. There also needs to be more outreach and support programs for newcomer women at the ground level.

Recent cuts in the funding for settlement services have created backlogs and huge caseloads, making it difficult to keep track of vulnerable women. It is important also for the CIC to take into consideration the special needs of women, separate from those of men. Additionally, they need to take into account the great diversity among women and how it affects their needs for different services.

At the Afghan Women's Organization we have noted some recurring issues within the sponsorship program that support the need for an approach that takes into account the complexity of socio-cultural practices and the inherent challenges of cross-border relationships.

● (1655)

For example, in most of the Muslim countries, and it was mentioned that this also happens in Israel, proxy marriages are a culturally and legally acceptable means for a couple to unite. These practices are most common in countries affected by war. These marriages are legal, binding, and it's with the consent of both parties. We have witnessed many successful proxy-arranged marriages in which the sponsor has provided unconditional support.

I also want to mention that whether or not sponsors have certain skills and attributes like education, language, and social status should not be taken into consideration as a factor in preventing abuse cases. A person can be abused or abusive regardless of his or her education, social status, religion, ethnicity, or language ability. This is more common in cases of isolated women, who have a limited understanding of their rights and are unable to access the services available to them. Canada should maintain family values in the spouse reunification for all couples, equally and equitably.

Newcomer refugee women can be empowered through the provision of information and through targeted programs for specific groups of women, for example, women-only language classes where they cover issues such as family violence, spouse abuse, women's rights, legal rights and responsibilities, and also offer referrals to other community programs. There are lots of stories, but I think my time would be over—

● (1700)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have one more minute.

Ms. Adeena Niazi: I just want to conclude by saying that while the economy is definitely important to our country, there has to be a balance between financial interest and ensuring that human rights and dignity are accessible to all.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much.

Now we'll start our first round of questions with Mr. Opitz.

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

Thank you all for being here. You're obviously very strong role models and great women in your community, and I've had the pleasure to work with Adeena before in the past as well, so I do welcome you here.

I'll start with saying first of all, I think for most people when they try to come here, we expect them to have good, strong, solid marriages where women do integrate, where they're given that freedom to learn the language, to get a job, to make friends, to create a social group, to work within cultural communities because this is a nation of diasporas. We all have our cultural communities and those are important to us, and that's all well and good. But from my point of view there's absolutely no reason for a man to beat a woman. That's not honourable and when I hear of things like honour killings, there's no honour in that. That's simply criminal. It's a criminal act and that's how I view those things.

Ms. Poregbal, while I hear what you're saying, that some people say had they only known, when you come from another country that's as stark as Iran or Afghanistan and you arrive in Canada and you've been here for a while, you do acclimatize to the differences in the laws. We do have "Discover Canada", the citizenship guide that lays things out.

What I'm hearing is that there are a lot of informational pathways that we can take to strengthen how women, before they get here, regardless of what the type of arrangement is, but they're coming here to be with a spouse, to join a union, and to enter into a new life.... You have suggested that before they get here information should be provided to them in their language so they have a full understanding, a full briefing of what they're entering into. An earlier witness also suggested they sign a document saying, "I understand". Would you agree that's a pathway to take, a pathway that would apply to men as well, by the way?

Ms. Poran Poregbal: Definitely, I agree. I suggest that before they come here, that they not only understand their rights and responsibilities in Canada, but also understand the Canadian values, what those values are about, and asking them "do you agree?" Instead of having a point system for education, we should have a point system for understanding Canadian values, which are about women's rights, equality, human rights, and respect for one another.

I definitely suggest that we take into consideration various education programs beyond what the settlement program is about today. With all due respect to the work that is being done and the interests or attention of the Canadian government, the settlement program has to be evaluated and has to be included with programs that are exploring the mental health challenges that people are coming in with. It's important for both men and women to get into the program—it should be mandatory—and talk about what is expected here that can be done.

Mr. Ted Opitz: I'm going to move on to Adeena because I only have the seven minutes.

Along that line of questioning, how do you work with the community to raise awareness of these issues, what kind of tools do you use, and what would you like to see implemented?

Ms. Adeena Niazi: Okay.

First, we are focusing on reaching the most isolated women in the community. We don't wait for them to come to us. We try to find out where they are and we send our workers. Sometimes we provide the services in the comfort of their home, just as a first step.

Also, we have special programs for women of different cultures. Native women are different; it's not homogeneous. We have special language programs for women. We use our organization as a bridge to connect the women to the bigger society.

My experience with the women under arranged marriages and who have come to Canada is different from Ms. Laila's. We work with 15,000 clients every year, and we have the statistics. There are some women who didn't know their husbands before coming here, but we cannot generalize about this. This is the same as young women who were brought up in Canada meeting somebody at the university and getting married. Then after marrying, they say, "Oh, if I knew my husband had this nature, I would never have married". This happens, and we cannot blame only the people from certain communities. It happens everywhere.

We also have special programs for women. When we work with women, we get the entire family involved. It's important to get men involved, and also faith groups, because sometimes they go to the faith groups. In order to prevent violence, you cannot work exclusively with the women, especially with the communities in which I work. We also work with the Iranians, the Middle East, and Afghanistan. We do that.

We have parenting programs for them. I don't mean that they don't know parenting, but their style is different, so we do the parenting programs for them. We talk a lot about women's rights, violence against women, how to protect themselves, and the Canadian law. This is how we work with them.

• (1705)

Mr. Ted Opitz: You use role models, as well.

Ms. Adeena Niazi: Yes, we do.

Mr. Ted Opitz: Okay.

I want to get Ms. Fakhri in as well.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have one minute.

Mr. Ted Opitz: Okay, I have one minute. I'll just jump into the question then.

When there isn't evidence of abuse, but when women are in the position that they need to talk to somebody, they need to reach out, they need to protect themselves, what kind of evidence can be presented? What kind of evidence is used? Do you have any examples of that sort of thing, or anything you could recommend for new types of evidence or something that's more effective?

Ms. Laila Fakhri: I'm working as a crisis intervention councillor and dealing with crisis calls. We don't need very strong evidence, as long as the woman is calling. Unfortunately, to them, abuse is only severe physical abuse.

They all say, "Well, I go through difficulties. My husband is not coming home or he is coming home drunk or whatever, but he never hits me. He never beats me". But when I ask more questions, there are obviously other forms of abuse, which immigrant people do not commonly consider as abuse.

As one of the other speakers mentioned, they don't count the verbal abuse, emotional abuse, and psychological abuse. However, as you ask more questions and they describe their daily lives, you can see that.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you.

Thank you, Madam Fakhri, and thank you, Mr. Opitz.

Mr. Sandhu, you have the floor.

Mr. Jasbir Sandhu: Thank you.

Thank you to the witnesses for being here this afternoon.

Ms. Poregbal, you pointed out in your testimony that when it comes to reporting violence and abuse to the authorities, in certain cases women are afraid to report it to the police, perhaps because their policing system may not be similar to what it is in our country.

You also talked about fear of CIC. Can you elaborate on why women who are being abused in a violent situation would be fearful of the CIC?

Ms. Poran Poregbal: Of course.

It's important to understand that the fear of CIC is because of deportation. This is something that the men are already using from day one.

It is very important to realize that there is a power imbalance. Once the woman has said yes to a marriage, they don't actually know their partner. This marriage is usually because someone has told them that this is a good family. I usually ask them what they knew about their husband. The woman says that she didn't know him. She had an aunt or someone who told her that the family is a good family and this man has a good balanced work position in Canada.

Mr. Jasbir Sandhu: Are you suggesting that the two-year conditional residence requirement endangers women in those situations?

Ms. Poran Poregbal: It definitely endangers them. Also, it's important to understand that many women who do not fear CIC would stay because of the feelings of shame and guilt their families are imposing on them.

• (1710)

Mr. Jasbir Sandhu: Ms. Niazi, would you agree with that, that the two-year conditional requirement endangers women when it comes to...?

Ms. Adeena Niazi: Certainly, yes, it further traumatizes women. They are very scared because of that.

Mr. Jasbir Sandhu: Would you say that we need to get rid of that requirement?

Ms. Adeena Niazi: For sure, you should have to get rid of it.

Mr. Jasbir Sandhu: Would you agree with that, Ms. Fakhri, that we need to get rid of that two years?

Ms. Laila Fakhri: Yes.

Mr. Jasbir Sandhu: All three witnesses agree.

Ms. Poran Poregbal: Definitely.

Ms. Adeena Niazi: I believe that is not the only way to stop fraud.

Mr. Jasbir Sandhu: Absolutely.

Ms. Adeena Niazi: Fraud could happen anyway.

Mr. Jasbir Sandhu: Thank you.

I'll pass to my colleague.

Ms. Rathika Sitsabaiesan: Thank you.

Ms. Fakhri, I saw you nodding, but I want to get you to say with your mike on if you think the two-year conditional permanent residency is increasing the vulnerability of women who are in an abusive situation as a consequence.

Ms. Laila Fakhri: Yes, it definitely does.

Ms. Rathika Sitsabaiesan: Do you believe it should be repealed as well?

Ms. Laila Fakhri: Maybe we need to change it differently because we can't just put conditions on the women, we need to work more with the abuser, with the man.

Ms. Rathika Sitsabaiesan: That's great. Thank you.

Ms. Fakhri, in your opening remarks you spoke a lot about arranged marriages, but you kept on saying that people are forced into that situation. I want a clarification.

Ms. Niazi, in your opening remarks you spoke about arranged marriages and proxy marriages. I wonder if you can clarify for us an arranged marriage, a forced marriage, and a proxy marriage, please

Ms. Adeena Niazi: I think there's a fine line between arranged marriages and forced marriages. In forced marriages women usually don't consent; they are forced to go into a relationship with somebody. But in arranged marriages, the family will find a match with the consent of the bride and the groom themselves. They have their own conversation, they talk and they agree, and then this marriage is arranged.

I think it's like the marriage services we have here. Somebody told us at our organization, just arrange the interviews for people to get married. That is definitely arranged by the family members. Of course, I don't say that it's 100% successful. We have seen lots of successes in that and some failures as well. There have been mistakes, as happens with love marriages as well.

Also, I spoke about proxy marriages. Proxy marriages, especially for the refugees who cannot go back to their country or who cannot... this is also something. At the beginning I was also a little worried about that, but now I see many proxy marriages that have been very successful. The sponsor has provided unconditional support for their spouses who are sponsored here. Most of them work because they know each other. They cannot just do it by phone or by...and it doesn't make a difference if you're sitting together at the same table or you are doing it by phone.

Ms. Rathika Sitsabaiesan: Thank you.

So arranged marriages are consented to by both parties, and in forced marriages one of the parties is not consenting.

Ms. Adeena Niazi: Yes.

Ms. Rathika Sitsabaiesan: So maybe, Ms. Fakhri, some of the examples you were citing were situations of forced marriages and were being called arranged marriages erroneously.

In your testimony also, Ms. Fakhri, you came up with a brilliant suggestion, I think, when you spoke of the person being sponsored having money transferred directly into an account in their name. Of course, if it's a sponsorship relationship, then the sponsor is responsible for that person, so the government wouldn't be able to do it. I think we may want to consider making that part of the sponsorship process so it reduces the vulnerability and increases the financial independence for the person being sponsored. Thank you for that suggestion.

Also, I don't remember who it was, one of the three of you spoke of language and education.

It was you as well, Ms. Fakhri.

I have to disagree on a personal experience level. I grew up in—

Ms. Laila Fakhri: Can you clarify what you meant by that, please?

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You are almost out of time.

Ms. Rathika Sitsabaiesan: I don't believe that just because you know English or you don't know English or French—

Ms. Laila Fakhri: Sorry, that was not my point.

Ms. Rathika Sitsabaiesan: —that you're going to be a victim of violence. Having or not having language, English or French in this country, is not going to prevent a woman from being abused. I grew up in Canada, speak English, I think very well, have a master's degree and have been a victim of violence. I don't think that's accurate for anybody to say.

I know you wanted to say something, so the 20 seconds or whatever I have is all yours.

•(1715)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have five seconds, Madam.

Ms. Laila Fakhri: What I said was after women arrive in Canada, English classes should be mandatory. That way her family or her husband will not prevent her from attending English classes.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much.

Ms. Rathika Sitsabaiesan: So it's not a condition of sponsoring.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Mr. McCallum, you have the floor.

Hon. John McCallum: Thank you very much.

I, as well, would like to thank you all for being here.

I have been doing a little quiz. I think the NDP did my work for me this time. Each of the 18 witnesses.... When asked whether you favour or not the two-year conditional program, I think all three of you said no. Our numbers now are 18 say no, and two say yes. If the government goes by the evidence, we won't have that around much longer. That's a big if.

Ms. Fakhri, I may have misunderstood you. I think you said that in the case of arranged marriages you're more likely to get domestic violence. Did you say that?

Ms. Laila Fakhri: I said when arranged marriages turn to forced marriages..., which happens in lots of cases especially when the girls are younger. Arranged marriages happen through the encouragement of the family. After a while if the girl disagrees and she's pushed by the family, that is when it turns from an arranged marriage to a forced marriage.

Hon. John McCallum: That is when it turns what?

Ms. Laila Fakhri: To a forced marriage.

Hon. John McCallum: But I was asking about violence. Did you say that domestic violence is more likely under arranged marriages compared with other kinds of marriages?

Ms. Laila Fakhri: Yes.

Hon. John McCallum: What evidence do you have of that? That's a very strong statement.

Ms. Laila Fakhri: The evidence that I have is that I've been working with women who are fleeing that nature of abuse.

Hon. John McCallum: What abuse?

Ms. Laila Fakhri: From the spouse or from parents who force them to agree with the marriage.

Hon. John McCallum: I'm talking about arranged marriages, not forced marriages. Arranged marriages mean that both parties agree.

Ms. Laila Fakhri: Yes.

Hon. John McCallum: Given that definition of arranged marriages, do you actually have evidence that there's more violence in arranged marriages than in other kinds of marriages?

Ms. Laila Fakhri: I would say yes because when the two are getting married, most of the time the marriage is not based on love or knowing each other personally. It's to bring the other person from overseas.

Hon. John McCallum: That's a sort of philosophical argument.

Do you have physical evidence that? If you look at all the marriages in Canada, there's more violence in arranged marriages than in other marriages. Do you know that to be a fact? Do you have evidence of that?

Ms. Laila Fakhri: I'm talking based on the experience and practice of my 12 years working with abused women and their children.

Hon. John McCallum: So that has been your experience?

Ms. Laila Fakhri: Yes.

Hon. John McCallum: Do the other witnesses agree with that?

Ms. Adeena Niazi: No.

Hon. John McCallum: I was pushing a little bit because there are many arranged marriages and I don't necessarily think they're bad marriages. They come from a different culture. I'm not aware that you can necessarily assume, just because it's an arranged marriage, that you're likely to find more violence.

Ms. Adeena Niazi: No.

Hon. John McCallum: Ms. Niazi.

Ms. Adeena Niazi: No. Actually we are completely against forced marriages, but we are not against arranged marriages. Most of the cases we've seen have turned out to be successful and good. Sometimes it happens that when you are very young and you fall in love, love is blind. If abuse happens, it could happen in love marriages or arranged marriages. As long as the marriage is not imposed or forced on them.... We actually have some very successful cases.

Hon. John McCallum: Thank you.

Ms. Poregbal.

Ms. Poran Poregbal: I would say that domestic violence and abuse happens in all forms of marriages and partner relationships. It's beyond the formality of marriage, and it's beyond age, sex, ethnicity, and everything else. It happens everywhere, every time, all of the time.

Hon. John McCallum: Hopefully not every time but—

Ms. Poran Poregbal: As much as—

Hon. John McCallum: Okay.

That would have been my opinion, but I don't have evidence. Thank you very much for your comments.

I'll leave it at that, Madam Chair.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you.

I'll turn to Mr. Daniel. You have seven minutes.

Mr. Joe Daniel (Don Valley East, CPC): Thank you, Madam Chair.

Thank you, witnesses, for not just being here but for doing such a great job on this situation, which is quite difficult. Some of the things you've suggested have been great ideas that I fully agree with. I think it was Madam Fakhri who mentioned that frequent contact with the person who's being abused is helpful.

While we're focusing on those who come to Canada and are abused, there are many women who come to Canada and are very successful. They thrive in our country, they get jobs, they integrate, and they raise children with Canadian values.

My question is this. Would it be a good idea to have these women mentor some of the newcomers who are in abusive situations and help them integrate better into our society?

Maybe we can start with Madam Fakhri.

• (1720)

Ms. Laila Fakhri: Yes. If that opportunity were available, that would be a very great idea.

Ms. Poran Poregbal: Definitely, that's a great idea, and mentorship programs to be part of the settlement program as well. I would ask for your attention to the briefing report that I have submitted to the committee, and its suggestions. One of the suggestions is considering giving immigration to younger men and women, and that would kind of prevent many of those fake marriages that you were talking about. Most of the time, unfortunately, it is very controversial, I know, but the law for Canada is beyond the law for the husband, that the woman says yes to.

Mr. Joe Daniel: Madam Niazi.

Ms. Adeena Niazi: Yes, I absolutely agree. We do use mentors, actually, for abused women, and also for youth and for other generations. We found that to be very successful.

Actually, I wanted to also mention that it is also important for the kids growing up here to start in their childhood. We have a program that we call "Equality Rocks!", to teach gender equality from the age of nine onwards. It's very effective to prevent abuse for when they grow up.

Mr. Joe Daniel: Okay.

My next question is, we heard last week from a lot of settlement agencies that many of them actually encourage sharia law and polygamy. Settlement organizations do play an important role, and while the Liberals froze the settlement funding over 13 years ago, our government has tripled it. How can we ensure that this money is being used properly? Should there be more oversight on these organizations?

Ms. Poran Poregbal: The settlement program should look beyond offering people just information. Information itself as a pamphlet, or whatever it is, doesn't work. Many women have told me that once they arrived at the airport, they heard the officer saying, "Welcome to Canada", and that was it. They were in the hands of a future abuser. No one told them that they could do this or that, or were able to call the police. Those booklets that you offer in the airport, usually those types of men hide it or they don't believe in it, because of course they know that here, women have rights.

You know that there are many men who talk about Canada as being a woman's country. They are actually blaming women for coming here to a woman-oriented country, now that they are asking for their rights and they are equal to other women asking for their rights. So basically information-giving should be more in terms of educating, offering them some kinds of tools and practices towards understanding what the issues are. That's why our programs are very successful. We offer them simple tools in understanding relationships and integration based on their own resources, and empower them to learn more about Canada.

Mr. Joe Daniel: Okay. Are there any other comments?

My background is engineering, which is funny to be in politics from engineering, but one of the things we do in engineering is look for the root cause of the problem. We've heard the symptoms of the problem, which is abused women. Clearly the root cause is men, so making sure that the men are educated to be respectful of the laws on how they treat women. How can we ensure that men who sponsor vulnerable women receive the appropriate education and understand their roles and responsibilities here in Canada? Are there any suggestions on how we can actually make sure that they understand the penalties for some of these things?

• (1725)

Ms. Laila Fakhri: I would say one of my recommendations is to give a booklet to the person who is coming to review basic human rights, women's rights. That should be given to both parties, to the one who is here as well as to the one who is overseas. This way at least they are aware of their rights and responsibilities.

Mr. Joe Daniel: Is there anybody else?

Ms. Adeena Niazi: Yes, that's why I mentioned that it's important to work with the men and the women. We also get men involved. Usually in our organization we mostly get some male volunteers, even if it's from faith groups, to talk to the men who could potentially be abusive, if you can find that out. It's very important to educate them, and to get somebody who speaks their language, is sensitive to their culture, and also somebody they can trust and could report to. That's why we have a pool of men volunteers to work with them when it's needed.

Mr. Joe Daniel: In many cases, a lot of these women actually come from a culture where a lot of these things are accepted. How do you, in your work, convince them to change from their beliefs to Canadian values?

Ms. Poran Poregbal: Obviously, for many of these women, even though they have an internalized belief of oppression and abuse, once they are here they know something else is being offered here. They know Canada as a women's-rights country. They know that, and they are willing to learn. However, they are scared to leave their husbands behind, because they know many of these men harass women. For years to come, they have to deal with situations that are very unbelievable and hurtful.

Those women are being taught and actually attend the therapy sessions, and deal with the emotions. They understand they can change and learn the new values, and they are doing it very quickly. I don't have the study here, but there was a very interesting study done by Stockholm University many years ago, about how women are integrating faster than men. As I'm talking about this, many men would disagree. However, this is true.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you. Time is over.

Now, Mr. Sandhu, you have the last two minutes.

Ms. Rathika Sitsabaiesan: I'll take those, actually.

Thank you, all of you, again.

I want to just switch gears a little. Let's talk about the success of these women when they come into this country.

Ms. Fakhri, you mentioned when spouses are sponsored here, that in order for them to succeed, be more independent, and reduce isolation, you had two suggestions. One was mandatory language classes after they arrive in Canada. This would not be a condition for sponsorship, but after they arrive they would have mandatory language and financial independence by having money in their own name. I'm wondering, Ms. Niazi or Ms. Poregbal, if you have any suggestions you would like to add about how to help the women succeed and integrate when they come to Canada.

Ms. Poran Poregbal: I would suggest—and it's in my brief as well—the mandatory.... Prior to coming to Canada if the embassies could provide that in their original country, some information sessions for the women to know what is going on, what is being offered....

Ms. Rathika Sitsabaiesan: So, her rights in Canada before she leaves her home country....

Ms. Poran Poregbal: Exactly.

Ms. Rathika Sitsabaiesan: Okay.

Ms. Niazi.

Ms. Adeena Niazi: I think it's very important to do an assessment of the woman, what are her needs—because a woman's need is unique to herself—

Ms. Rathika Sitsabaiesan: Right.

Ms. Adeena Niazi: —and provide some resources appropriate to her needs.

Ms. Rathika Sitsabaiesan: Okay.

Now, quick answers, because we have very short time.

Regarding recognizing foreign credentials, a lot of these spouses are doctors, lawyers, whatever in their country, and they come here and have trouble finding work. Any suggestions for recognizing foreign credentials to help them succeed when they get here?

Ms. Poran Poregbal: It's not only about the credentials. It's about their values, what they are coming here for, and how they are able to integrate, and understanding the values here, and appreciating that.

Ms. Rathika Sitsabaiesan: Do you think these people should have their credentials recognized in Canada before they leave their home country, so they can come here and get off the ground working?

Ms. Adeena Niazi: No, if it is in terms of the family reunification, that should be separate from coming for work, bringing the workers in our economy class. Family reunification should be solely for the need to reunite the family. Also, as I mentioned, the educational skills should not be taken into consideration.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much, once again, to all of you. Thank you for sharing your expertise with our committee.

[Translation]

On that, I declare the meeting adjourned.

This meeting is adjourned.

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