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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Thursday, October 25, 2018**

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**Chair**

**Mr. Robert Oliphant**



## Standing Committee on Citizenship and Immigration

Thursday, October 25, 2018

• (1545)

[English]

**The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)):** I call this meeting to order.

We are going to be operating under what is called reduced quorum. As long as I have three voting members of the committee here and at least one government member and one opposition member, we can proceed.

I believe our whips will all nod that this is true.

I thank the witnesses. I'm sorry that this has happened. Rarely do we have this much voting on a Thursday.

We have a little time before bells ring and we have to run back to the House for votes, but I thought we should try to hear testimony. We may not have time for questions, then the committee will decide what happens after that.

Let's begin.

By video conference, I'm going to start with Ms. Martínez Fernández from the International Crisis Group. You have about seven minutes to present your thoughts.

**Ms. Sofía Martínez Fernández (Analyst, Central America, International Crisis Group):** Good afternoon, Mr. Chair and members of the committee.

I am pleased to be here with you today to discuss the situation in Central America and the root causes that are driving migrants and asylum seekers to flee this region.

I am an analyst for the International Crisis Group, which is a conflict prevention organization based in Brussels that combines field-based research, in-depth analysis and high-level advocacy on how to solve and mitigate deadly conflicts.

In this capacity, I cover Guatemala, Honduras, and El Salvador from Guatemala City, where I am based, although I am constantly travelling through the region. Over the past two years, I have conducted extensive research on the three countries to study the issues of gang violence, institutional weakness, political instability and other factors that have become increasing drivers of forced migration.

One of the main lessons that I have learned from several hundred interviews in the field with government officials, civil society, victims, etc., is the following one.

Seeking better economic opportunities and escaping poverty has traditionally been and still is the main reason that Central Americans leave their home countries. However, over the past five years, criminal violence has also become an important push factor for forced migration. This has been reflected in the number of asylum requests from the region which, according to the UNHCR, has seen a tenfold increase since 2013.

Not only has the reason for fleeing changed, but the profile of the migrant has changed as well. Traditionally, we saw young male migrants who attempted to cross to the United States to send some extra money to their families back home. Today, we see more family units, women and unaccompanied children.

This is significant for the following reason. An 18-year-old boy from Honduras might be willing to risk his life for a better job. A pregnant woman won't do that just for the money. She, as well as those in other vulnerable groups, is more likely to be escaping a life-or-death situation.

In their journey north, undocumented migrants are exposed to kidnappings, human trafficking, enforced disappearances, sexual violence, robbery and extortion. However, the situation they leave behind is often worse than the potential dangers of the trip itself.

In countries such as El Salvador, criminal groups like the MS-13 and the two factions of the 18th Street gang are the de facto authority in around 80% of the national territory. They impose their control through extortion rackets, payments from medium-sized and small businesses, forced recruitment and targeted violence. Any kid between eight and 18 years old is eligible for forced recruitment, and girls are usually victims of sexual abuse. I have documented cases of sex slavery of young girls by criminal groups.

The issue of gang recruitment in Central America is usually overlooked, but it has many similarities to the case of child soldiers in an African context, which in the long term has tremendous psychological and physical effects on these children.

Just to give you the magnitude of the gang violence problem, in El Salvador alone there are 65,000 active gang members that have a social support base of around half a million people, or around 8% of the country's population of 6.5 million. Imagine nearly one out of 10 Canadians being either indirectly or directly related to a criminal group.

In Honduras, gangs are not as powerful as they are in El Salvador, but they also have a significant presence in the country's largest cities, especially in the capital, Tegucigalpa, and San Pedro Sula. In Honduras, gangs have stronger links with the drug trafficking routes, which, since the 2009 coup that ousted President Manuel Zelaya, have become an important transit point of drugs in the region.

On top of the gang violence, there are also in Honduras important levels of political instability. The crisis after the general election on November 26, 2017, which spiked social unrest and numerous protests that left around 30 dead, was the latest sign of the civil, political and social wounds that the country has been dragging since the 2009 coup.

In both countries, the policies the governments have implemented over the past 15 years to fight criminal groups have also fuelled insecurity in the communities, generating even more conditions for fleeing. People, especially young people, are victimized twice. On one hand, the gangs target them to get into the gang by extortion, threatening to kill them if they refuse, but at the same time the police officers harass them and treat them as criminals even if they are not gang members, just for the fact that they live in a community controlled by a gang. All in all, these have been the main issues that have created more reasons for Central American migrants to flee their homes in recent years.

The caravan travelling through Mexico these days is the latest example of how the countries of Guatemala, Honduras and El Salvador have failed so far to respond to the necessities of their citizens and provide safety, access to basic needs and economic prosperity. There is no doubt that in the long term the solution to tackle this humanitarian crisis has to start from stronger political will by local authorities. However, the problem has grown so much that these countries cannot do it alone.

Canada, following on its solidarity approach to the victims of the civil wars in the 1970s and the 1980s, now again has a chance to make a difference in the region. First and foremost, the priority at this moment should be protecting vulnerable groups, especially women or children who have credible asylum claims and qualify for refugee status. Again I am very much convinced, based on my research, that when we are referring to women and children, usually they are overwhelmingly fleeing violence and not solely poverty.

Members of the LGBTQ community, many of them survivors of sexual violence, should also be considered a vulnerable group. The UNHCR has identified over 1,000 people who need to be relocated from Central America due to risk of reprisal from criminal gangs or their being rape survivors. Canadians' well-known, welcoming attitude for the most vulnerable refugees can be once again put into good use.

Canada is already helping Mexico, which has seen a 300% increase of refugee claims since 2014, to strengthen its asylum system. Apart from Mexico, other countries such as Guatemala, Panama, Costa Rica and Belize, which have also seen a surge in applications for refugee status, could also benefit from Canadian assistance. Canada could share with these countries its expertise in assisting refugee claims.

Co-operation with Central American countries to help them tackle the root causes of migration should also be part of a broader strategy focused on reducing the levels of criminal violence and boosting development in the region. More specifically, Canada could consider increasing co-operation funds for anti-corruption institutions and violence prevention in Honduras, Guatemala and El Salvador. The safer Central Americans feel in their home countries and the more they trust their institutions, the less likely they will have to consider forced migration.

Thank you very much.

● (1550)

**The Chair:** Thank you for an excellent presentation.

In case we lose you, just because you're on video, we're going to go to Professor Basok next.

**Ms. Tanya Basok (Professor, University of Windsor, As an Individual):** Thank you very much for inviting me. I too will be talking about the situation of Central American migrants and refugees. I apologize for the possible overlap between my presentation and the previous one.

The caravan of some 4,000 to 7,000 Honduran asylum seekers currently travelling through Mexico is drawing attention to the desperate need for safety and security among Central Americans. This caravan follows on the footsteps of another caravan of some 700 to 1,000 Central Americans who passed through Mexico in April of this year.

It is estimated that between 250,000 and 400,000 Central American migrants—mostly from El Salvador, Honduras and Guatemala, with a rising number of Nicaraguans—are travelling through Mexico each year in the hope of crossing over to the U.S.A. They travel on foot, cargo trains and buses. While in transit in Mexico, they are at risk of being kidnapped by criminal organizations, robbed, assaulted, raped, extorted by the police or immigration authorities, or mutilated by rapidly passing trains as they try to climb onto or remain on cargo trains.

Poverty in Central America, gang violence, and rising political instability in Nicaragua are among the main reasons for the exodus. In 2017 more than 13,000 homicides were registered in the region. Guatemala registered 32 homicides per 100,000 people, El Salvador 60, and Honduras 42.7. The World Health Organization considers that more than 10 homicides per 100,000 people is an epidemic. These high levels of violence are attributed mainly to youth gangs—*maras*, as they're called in Spanish—such as MS-13 or Barrio 18, the 18th Street gang. By forcing local businesses to pay protection fees, they reaffirm control over poor urban enclaves and rural areas.

What has been the response of the United States? The U.S. has fortified its borders. As the borders are becoming more difficult to cross, criminal organizations have assumed greater control over the border crossings, charging high smuggling fees and kidnapping and killing those unable to pay them.

What has been the response of Mexico? I'll mention three responses: first, detention and deportation, with approximately 100,000 migrants detained each year; second, some status regularization or amnesty programs, which have had limited success, with only about 10,000 migrants receiving permanent or temporary residence since 2008; and third, providing opportunities for asylum seekers to obtain refugee status.

I will talk a bit more about the third response. At the end of 2017, a number of asylum seekers and refugees from the three Central American countries of Honduras, El Salvador and Guatemala reached almost 300,000 worldwide, 58% more than in the previous year and 16 times more than at the end of 2011. Most sought asylum in the United States, Mexico, Belize and Costa Rica. In Mexico the number of asylum seekers went up more than tenfold between 2013 and 2017, from a little under 1,300 in 2013 to 14,500 in 2017. Most of the asylum seekers were from these three Central American countries.

The approval rate in Mexico is relatively high. It is between 62% and 64%.

• (1555)

Approximately two-thirds of the completed applications from El Salvador and a little over one-half of completed applications from Honduran asylum seekers received positive decisions and were granted either refugee status or complementary protection status in 2016 and 2017. However, COMAR, which is the Mexican commission for refugee assistance, is significantly understaffed and under-resourced, making it virtually impossible for them to deal with the backlog and the increasing numbers of new applications. Despite the legal requirement that all applications be reviewed in 45 days or less, more than one-half of the 14,500 refugee claims presented in 2017 remained unresolved at the beginning of 2018.

This shortage of personnel severely hampers refugee protection in Mexico. According to one Mexican researcher, whose presentation I had an opportunity to hear about a month ago, officials interviewing asylum claimants, who are rendering decisions, do not have sufficient training or reliable information on the conditions in the home countries to enable them to make fair decisions. The appeals process is flawed. The same people who make original decisions receive the appeal, and in most cases the decision on the appeal reaffirms the original decision.

Asylum seekers who are detained in detention centres are interviewed by COMAR officials by phone, thus denying them a proper hearing. The requirement to render a decision within 45 working days places tremendous pressure on COMAR officials, undermining their ability to adjudicate claims in an impartial manner. Like the previous speaker, I believe there is a great role for Canada to play in engaging and supporting the Mexican asylum process and in offering Central American asylum seekers third country resettlement.

• (1600)

**The Chair:** I'm going to stop you there for a moment. I know you're going to continue. The bells are ringing. We have a 30-minute bell. I'm wondering if we could get about seven or eight more minutes, and leave 20 minutes to get to the vote. I need unanimous consent for that.

**Some hon. members:** Agreed.

**The Chair:** Let's continue with this testimony. Abbreviate it as much as possible, and then we'll get to Professor Duhaime after that. Thank you.

**Ms. Tanya Basok:** I'm done.

**The Chair:** You're done? Are you not doing the part on Venezuela?

**Ms. Tanya Basok:** Would you like me to? I wasn't sure. I can do it.

**The Chair:** We may come back to that. We can use this as a brief.

Let's go to Professor Duhaime. We'll give him seven minutes, and then we may come back to you, because I'd like a little on Venezuela.

Go ahead.

**Mr. Bernard Duhaime (Full Professor, Département des sciences juridiques, Faculté de science politique et de droit, Université du Québec à Montréal, As an Individual):** Thank you, Mr. Chair.

Thank you for inviting me, ladies and gentlemen.

I'm here as a law professor at the University of Quebec in Montreal, working mainly on human rights law, in particular the field of inter-American human rights law, but also as the president and chair of the UN working group on enforced or involuntary disappearances. I've submitted documents from both my areas of work so you may look at them later.

**The Chair:** I will just interrupt you for a minute. You have a deck that needs to be translated, so we will get more material as soon as it's translated.

**Mr. Bernard Duhaime:** Thank you.

As you know, migration is at the heart of the history of the Latin American continent and of current public policy concerns. There have been migration crises in the past; it's not a new phenomenon. There have been waves of migration related to armed conflicts, violence and economic crises. We can think of the boat people crisis or the Chilean refugee wave in the 1980s.

There's a current crisis, not only in Mexico, but we're also looking at the Venezuela-Colombia border. It's really a concern in the region. The OAS special rapporteur on the rights of migrants wrote recently that he was very concerned about policies relating to the criminalization of migration, racial profiling and other consequences that public policies may have on the human rights of migrants.

I will address, essentially, two main points and then a quick one.

The first one addresses the inter-American system and its contribution to the issues of migration as well as its relevance for Canada. Second, I'd like to talk about the report of the working group on enforced or involuntary disappearances on disappearances in the context of migration, and then let you know a little bit more about the consultations I'm making through a research project on human rights in Canada and Latin America.

Let's start with the inter-American system migrations in Canada. As you know, the inter-American human rights system is part of the mechanisms of the Organization of American States, of which Canada has been a member since 1990. It has several human rights instruments. First, there are human rights provisions in the constitution of the organization, the OAS charter, as well as in the Declaration on the Rights and Duties of Man, which is a prolongation of the charter, as well as in the American Convention on Human Rights.

There are institutions that look at the implementation of these standards by OAS member states: the Inter-American Commission on Human Rights, based in Washington, D.C.—where I used to work prior to academia—and the Inter-American Court of Human Rights, composed of seven judges in Costa Rica. The commission receives cases. It also does on-site visits. It also writes thematic and country reports. The court does advisory opinions for the states, including on issues of migration, and also adjudicates contentious cases from the commission and from the states.

Both the commission and the court have addressed a long jurisprudence on these issues, including the right to judicial guarantees for migrants in the context of the rights of asylum seekers, as well as the rights to equality of migrants and the relevance of interpreting inter-American human rights in light of the Vienna Convention on Consular Relations and all the rights that are attached to that. There are lots of cases, for example, dealing with how refugees should be given an individualized judicial process to make a refugee claim—for example, in the Haitian boat people cases—as well as cases addressing how deportation processes should take into consideration the consequences that deportation may have on the human rights of a person.

The Inter-American Court of Human Rights in particular adopted two very important advisory opinions. One is on the Vienna Convention on Consular Relations, meaning all the rights that a foreigner has to access if his liberty is limited. The other is an advisory opinion on the right to equality of migrants, advisory opinion 18, which I encourage you to look at, and there is as well a series of decisions dealing with due process guarantees for individuals who are captured, including a very important decision prohibiting collective expulsions in the *Dorzema* case, which I argued successfully before the court.

I want to turn to the issue of Canada and the inter-American system. As you know, we have not ratified the American Convention on Human Rights, but I argue that there are lots of reasons we should do so. I've written a few pieces on this, which I've submitted as well.

•(1605)

There have been two very important contributions by the inter-American system on migration rights-related issues in Canada: first, a report in 2001 on the human rights of asylum seekers in the Canadian refugee determination system, with a series of recommendations, some of which are still relevant today; and second, a very important case in *Suresh v. Canada*, which overlaps with some Canadian decisions in the *Charkaoui* case and the *Ahani* case at the UN Human Rights Committee.

Speaking of the UN, the second area is enforced disappearances. Basically, enforced disappearances are the capture of an individual

without his consent by state officials, and then the denial by the state of the detention of this person, or even the existence of this person. It's of course a violation of human rights law that dates back a very long time.

In the 1980s, the UN created the Working Group on Enforced or Involuntary Disappearances, which receives cases and issues thematic reports. I'm now a member presiding on this committee, this working group.

Last year we adopted a very important report on the phenomenon of disappearances in the context of migration. We addressed how disappearances caused migration—in particular, as threats on human rights defenders and families—as well as how families migrate in order to seek justice and truth in cases of disappearances of their loved ones in transnational processes.

Then we addressed the issue of disappearances of migrants themselves. It's not a new phenomenon; you've heard of Operation Condor in the 1970s and 1980s, whereby states of the Southern Cone collaborated to capture refugees, for example, in another state, through transnational processes.

We also documented disappearances during detention and/or deportation processes. In our own case law, there are instances of an individual being captured while being in a host country, and then handed back to the state-of-origin authorities, or sometimes captured by authorities from the state of origin in the host country in cases of refugees.

We also looked at disappearances in the context of push-backs and refoulement, which is basically when states prevent people from entering their territory and push them back into countries where they risk disappearances.

Then we looked at the importance of releasing individuals after detention in manners that can be documented and that allow people to exercise their rights.

Finally, we looked at the intervention of smugglers and traffickers, and the involvement of state agents in this context.

We also looked at factors that contribute to the disappearances of migrants: vulnerability and intersectional discrimination faced by migrants, as well as their invisibility; state migratory and counter-terrorism policies; the criminalization of migration and the terminology used in public policies, such as calling them criminals, calling them enemies of the state and so forth, sending a bad message to non-state actors, including organized crime; and other factors, such as obstacles in the search for the truth and justice, access to justice by migrants and their families, lack of resources, obstacles at the linguistic level, and the lack of international collaboration.

Our report ends with a series of recommendations, in particular those dealing with prevention, with detention and deportation procedures, and with remedies and ensuring access to justice.

I will refer you to that report.

In closing, I would highlight the fact that since last year, I've been doing the first year of a four-year research project in which I consult in different Canadian cities to try to understand what Canadians' priorities are in terms of human rights, which includes issues related to migration.

My hope is that after this, we will bring Latin American experts to try to see how the Latin American experience, in terms of human rights and reconciliation, can be useful to Canadians in this context, and then formulate recommendations for Canadian authorities, such as your committee.

I hope we will be able to continue this exchange at a later stage.

Thank you, Mr. Chair.

• (1610)

**The Chair:** Thank you. I'm afraid we need to end there.

I'm going to let the witnesses know that if there is anything they want to submit, we will make that available to the committee and to the analysts, as well as further readings we have from Professor Duhaime.

I want to give you notice that we might be calling you back for questions. I have a feeling that there are many questions around the Latin American experience that our committee is going to want to ask.

Unfortunately, we have to go to vote. I'm going to suspend the meeting, and I hate to tell you this, but we are going to return after the vote to continue to get witness testimony from our second panel, which is the Iranian Canadian Congress and the Migration Policy Institute.

We might again only have time to get their testimony, but we will continue after we vote.

The meeting is suspended.

• (1610)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (1650)

**The Chair:** I'm going to call us back to order.

My apologies to our witnesses. This is what happens in parliamentary democracies. We have votes.

We have some time to hear your testimony. We're not going to have too much time, unfortunately, for questions, but it's important to get your statements on the record.

Just as a note to the committee, we're working on reduced quorum, but we're okay with reduced quorum.

We're going to begin with Ms. Hooper, who is with the Migration Policy Institute, coming to us from California.

Thanks for joining us today.

**Ms. Kate Hooper (Associate Policy Analyst, Migration Policy Institute):** Mr. Chairman and members of the standing committee, my name's Kate Hooper and I'm an associate policy analyst with the Migration Policy Institute.

We are an independent, non-partisan think tank with offices in Washington, D.C., and Brussels. MPI analyzes international migration policies and trends around the world. My colleagues and I have long analyzed Canada's immigration system and admired it as a rare, successful example in which policy-makers can use evidence on immigrant outcomes and input from employers, industries, regions and localities to regularly adjust their system.

Thank you very much for the opportunity to testify today.

To begin, I would like to set out how the world of work for many industrialized societies is likely to change dramatically in the next couple of decades. This carries implications both for countries' immigrant workforces and for their selection policies. These changes are spurred by a number of different trends, four of which I'll outline for you now.

The first is technological developments, such as digitization, automation and artificial intelligence, which are likely to both eliminate and create jobs. The automation of certain routine tasks is likely to transform or even eliminate certain jobs, but those jobs that rely heavily on creative skills, cognitive skills such as abstract thinking, or interpersonal skills are likely to be much harder to automate. Some jobs will also replace others. While we expect some jobs in manufacturing or administrative in-office roles to be lost, other jobs in data analytics or computer science will be created.

The challenge, of course, is helping those who are displaced to find new work.

The second trend is demographic. Populations are growing all day in Canada and elsewhere, and the share of people in the workforce is shrinking. This creates additional pressure, both on welfare systems and on pensions. Policy-makers often look to immigration as a way to offset these trends, but this hinges on both ensuring that newcomers enter the formal labour market and on continuing to admit large numbers of people as both the native-born and immigrant workforces age.

The third trend is the growing polarization of labour markets between high-skilled, highly paid and more stable jobs on the one hand, and low-skilled, poorly paid and more precarious jobs on the other hand. We're seeing knowledge-intensive industries grow, which is likely to result in growing competition for skilled workers, both among traditional immigrant destination countries like Canada and in emerging economies as well.

The fourth trend is changing work arrangements. Here, I refer both to the development of the gig economy, which allows people to participate in freelance, flexible types of work—this ranges from Uber to food delivery services to child care—and also to improvements in remote work arrangements and digital collaboration. This means that location is becoming less important for certain types of work.

While the flexibility and informal nature of the gig economy hold potential for getting immigrants and other under-represented groups into the workforce, these jobs offer less stability and fewer protections and benefits, such as health insurance or disability insurance. This risks increasing the vulnerability of these groups.

While it is clear that the world of work will undergo dramatic changes, it is far harder to predict either the scale or the pace of these changes. What is clear is that we're likely to see a lot more churn in many sectors, as jobs transform and more workers either need to leave their occupations or undergo quite significant training in order to continue performing their duties.

These trends place growing pressure on education and training systems that will need to deliver lifelong training to help people navigate these changes in their occupations or even their professions. That obviously has implications for social protection systems, which will not only need to support those workers who leave their jobs but also need to provide benefits to the growing number of native-born and immigrant workers employed in the gig economy.

As Canada's policy-makers reflect on this global scenario, I think the emphasis should therefore be on creating flexible selection policies that can incorporate and respond to labour market information in a timely fashion. This includes creating responsive systems that can admit all categories of low, semi-skilled and skilled workers as needed and as indicated by labour market information, and making sure that the system is really easy for immigrants and employers alike to navigate.

Changing work arrangements also carry implications for selection policies. For example, remote work arrangements may reduce the need to admit some immigrants on a permanent basis, and employer-sponsored channels may become less relevant, given the proliferation of self-employed workers who freelance and collaborate with a number of different employers.

• (1655)

Policy-makers should also think about adaptability when they're assessing prospective immigrants. If you admit an immigrant to do one job but that job disappears, what qualities will help them find work in a different occupation quickly?

One part of this is looking at the factors that Canada's longitudinal data suggests help immigrants integrate quickly, such as strong English language or French language skills and ties to the Canadian education system and labour market. However, policy-makers should also consider the soft and cognitive skills that are likely to be more valuable to employers going forward.

This may require rethinking how we evaluate immigrants. Currently immigration systems focus on formal education credentials, but these don't really give us a sense of these softer skills that are becoming more valuable.

Policy-makers should also look beyond admissions policies to think about how they can help more people enter and remain in the labour market. Canada already invests in the immigrants it admits, because it understands that the investments in language training and credential recognition ultimately pay off for migrants, employers and society.

Canada will also need to think about those groups that are currently under-represented in the labour market and provide them with the training that can equip them for the emerging jobs.

Ultimately, I think immigration policy can only be one aspect of these efforts to prepare Canada for this changing world of work.

I thank the committee for the opportunity to testify, and I'm glad to answer any questions.

• (1700)

**The Chair:** Thank you very much.

It's stunning how much you know about Canada there in Los Angeles. It's quite impressive.

We're going now to the Iranian Canadian Congress, the ICC.

Mr. Tabasinejad, are you starting?

**Mr. Pouyan Tabasinejad (Vice-President, Iranian Canadian Congress):** Yes, I will start.

**The Chair:** It's good to see you again.

**Mr. Pouyan Tabasinejad:** Thanks. It's good to see you too.

Hello, honourable members of the committee. My name is Pouyan Tabasinejad. I'm the vice-president of the Iranian Canadian Congress. We're a Canadian advocacy organization whose goal is to advocate on behalf of Iranian Canadians, who number around 300,000 in Canada.

First of all, I wanted to thank you for inviting me here today as a representative of the Iranian Canadian Congress. While our community faces many issues that other immigrant communities also face, today I must unfortunately put these issues aside so that I can speak to you about something that I believe poses a grave threat not only to our community but to the integrity of Canadian values themselves, and the commensurability of those values with our policies as a government and as a country.

You have likely heard about the delayed Iranian applications campaign in the news. Iranian PR applicants were stuck waiting for years for their permanent residency applications to be accepted, usually with no justification whatsoever. Prevented from finding employment and undertaking studies, these applicants and their families suffered tremendously during these months and years of waiting.

The delayed PR campaign and the ICC discovered, upon investigation of this issue, that Iranian PR applicants were subject to systematic differential treatment by our immigration and security authorities. Mainly because their nationality is Iranian, these individuals were subject to lengthy and opaque comprehensive security processes, delaying their applications by months and even years. We have traced the existence of this de facto policy in its current form and intensity to at least 2016.

In addressing the issue, the Honourable Minister of Immigration and Refugees, Ahmed Hussen, recently announced that Iranian PR application times have been significantly reduced, although they are still significantly longer than the average by around 10 months.



Indeed we are appreciative that the government has reduced these delays, and here we must also thank all the representatives who championed this cause, specifically Jenny Kwan, who not only advocated passionately for this issue but also handled the individual casework of these applicants; Thomas Mulcair as well; Majid Jowhari; and Michelle Rempel, who sponsored a petition on this issue.

However, what I'm here to tell you today is that the fundamental problem of discrimination against Iranians because of their nationality in our immigration system persists, not only for PR applicants but also visa and citizenship applications.

According to data gathered by the delayed Iranian applications campaign, Iranian applicants are still being tagged en masse for comprehensive security examination. The reduction in delays showcased by the minister seems to be because Iranians are being fast-tracked through the comprehensive screening process and not because they are not actually being subject to them in the first place, which is the original root cause of the problem.

Here I must mention that we have indications that some government officials are referencing certain sections in IRPA, the Immigration and Refugee Protection Act, dealing with inadmissibility based on sanctions or human rights regulations, and rationalizing this treatment of Iranians. However, and I must state this point very clearly: in no way is any section in IRPA applicable to a blanket policy against individuals of a certain nationality. Indeed, any treatment of a nationality in this way effectively constitutes systematic discrimination on the basis of nationality in the Canadian immigration system. It not only runs counter to fundamental Canadian values of equality but may actually form a violation of the charter, specifically those sections prohibiting discrimination based on nationality.

Now that I've spoken about this a bit, I have the pleasure of also presenting with Mahdi Yousefi. He's a representative of the delayed PR applications campaign and a PR applicant himself. We're still waiting for his application to go through.

He will now speak about his first-hand experience with this issue.

Mahdi, please go ahead.

• (1705)

**Mr. Mahdi Yousefi Koopaei (As An Individual):** Thank you very much, Pouyan and the committee, for giving me this opportunity.

I only have three minutes, but I want to state that I'm an independent individual here, independent from the Iranian government and from any organization, including the ICC. Today I am representing the delayed Iranian applications campaign.

Other than that, I'm an electrical engineer with two master's degrees, one in telecommunications and another in quantum optics. They are from Canada, the country of my choice.

Why did I choose Canada, you may ask? It was because of its merits and humanitarian values.

During the last six years that I have been living and working in Calgary, I have been contributing to this country's innovation and economic competitiveness.

Today I would like to talk about the delayed Iranian applications, a campaign built by independent, educated and talented Iranian Canadians who are advocating for one of the most important Canadian values: the right to be treated equally under the law.

Last year, hundreds of Iranian applicants living either in Canada or Iran noticed that there were extraordinary delays in processing their visa and PR applications. After a thorough analysis of publicly available governmental and self-extracted data, we were disappointed to learn that the root cause of these delays was being singled out because of our country of origin.

These delays have had huge negative impacts on our lives. Iranian applicants, many of them highly educated, with graduate degrees in science and innovative fields, were deprived of job opportunities, international conferences, investment opportunities and family reunification. This was a source of tremendous mental anguish and pain. More importantly, we were held back from taking part in the growth of this beautiful country.

Back in April, in a joint meeting between IRCC, Public Safety Canada, our campaign and ICC, we were told that the security screenings conducted by the CBSA are the main reason for these delays—293 days, on average, as was announced in this very committee.

In fact, according to the immigration data, Iranian applicants make up over 16% of security screenings sent to the CBSA. Just note that Iranians make up only 3.5% of recent immigration in Canada.

We have reason to believe that Iranian applicants are sent for comprehensive security screenings after eligibility, criminality and medical requirements are met. While Canadian immigration laws state that the applicants must be handled on a case-by-case basis, Iranian applicants are consistently asked to submit additional documents in the admissibility stage. I have the same document here today. This suggests that we are singled out due to our nationality. This is the very definition of discrimination based on country of origin.

Here I should state my appreciation for the help of representatives from across the political spectrum. MP Kwan has discussed this issue in the House of Commons many times, and she has handled many cases directly. MP Rempel has sponsored an e-petition for us that has gathered about 2,000 signatures. I appreciate that I had a chance to work with both of them. MP Hussen and MP Goodale have admitted to the delays and have promised to resolve the issue.

While there have been improvements in reducing the average wait time in the past few months, for which we are very thankful, the root cause of this appalling issue is far from being resolved.

I would like to invite all the members of this committee, regardless of their respective parties, to stand in unity against discrimination, to help us resolve this issue for the remaining applicants, including myself, and to prevent this from happening in the future of Canadian history.

Thank you very much for giving me this opportunity.

I would like to ask Pouyan to talk about solutions.

**Mr. Pouyan Tabasinejad:** Thank you, Mahdi.

**The Chair:** We just have about one minute left.

**Mr. Pouyan Tabasinejad:** It's short.

The ICC has five recommendations to remedy this important issue.

The first is to prioritize all the remaining applications that are still in delay so that these files are processed as soon as possible.

The second is to establish a visa application centre in Iran to reduce the rates of comprehensive security screenings for outland applicants.

The third is to ensure that private information that is being gathered by third parties on behalf of the Canadian government is not shared with other countries or third party agencies. This is an issue that's very important to a lot of the applicants, especially in view of the Trump administration's ban on Muslims.

The fourth is to adjust the delays towards the citizenship applications by adding applicants' extended wait times to their citizenship waiting periods. We believe that this is fair.

Last and most important is to stop labelling Iranians as security threats, to provide justifications to the individuals who are being sent for comprehensive security examinations, and to generally be transparent in terms of how individuals are chosen to be sent for comprehensive security examinations.

Thank you.

**The Chair:** Very good.

With the committee's permission, I'm going to suggest that we do a five-minute round so that we can get through one round before 5:30 p.m. The other option is to stay 10 minutes late.

Which would you prefer? I see it's a five-minute round. Okay, let's do a five-minute round, then.

Mr. Tabbara, you have five minutes.

• (1710)

**Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.):** Thank you very much to the witnesses for being here. Again, we apologize for the disruption from the votes. We came back as fast as we could.

Kate Hooper, you mentioned that we need to look at and examine softer skills in terms of migrants and under-represented groups. I know you were short on time for your testimony, so I just wanted you to elaborate on those two things.

**Ms. Kate Hooper:** In terms of softer skills, we understand that beyond the educational credentials that we usually think about when we're assessing immigrants, there are a number of different skill sets that are becoming more and more important for employers.

These are things like creative skills, cognitive skills, abstract thinking, problem-solving, evaluating data and that kind of thing, as well as the social or interpersonal skills. Those are the skills that are

likely to be hardest to automate, but they will also become more valuable as we continue.

Currently there aren't that many ways in which Canada can assess that in its immigration system. The U.S. Department of Labour has something called the O\*NET database. This maps out the different types of skills across occupations. It tracks those different skill sets across different occupations, and then you can even search for those particular skills across different occupations.

I could do a search, for example, for abstract thinking skills across different occupations. That's an interesting way in which we can start thinking about those different skill sets and how they are applicable across different occupations as we see this churn in different sectors. It might be one area in which Canada could perhaps look to the example of the U.S. in that regard, and see how applicable it is to their selection policies.

In terms of under-represented groups, the reality is that immigration policy will be one part of responding to emerging skills needs, but we'll also need to look at groups that don't work in the labour market. This could be stay-at-home mothers. It could be older groups. It could be minority groups, who tend to be traditionally under-represented. We need to look at immigration policies, but we need to look also at ways to help people who may have been outside the workforce for a number of years to re-enter the workforce.

With immigrants, that may be providing them with tailored language support or help with credential recognition, or it may just be looking at bridging programs that can help, say, mothers who've been staying at home for a number of years re-enter the workforce, update their CVs and find new occupations they can bring their expertise to.

**Mr. Marwan Tabbara:** There's a shortage here of skilled labour, especially in the skilled trades, so I've been advocating for looking at the points system by which eligible migrants come in. They're always looked at in terms of whether they have an undergraduate degree, a master's degree, etc., and they get certain points based on that. I've always stressed the need for those soft skills, as you mentioned.

My next question will be to Mr. Tabasinejad. The committee heard a lot of testimony about the continuous refugee flows due to the inability to broker peace around the world.

Can you provide suggestions as to what the international community should be doing better to broker peace?

**Mr. Pouyan Tabasinejad:** I'm sorry; I would love to speak on this issue, but I was informed that this would be about voluntary migration, and this is specifically what we've prepared for. We've prepared specifically on the issue of the delays in PR application cases.

This seems almost like a foreign policy question, and it is not what I was expecting.

• (1715)

**Mr. Marwan Tabbara:** That's understandable.

Besides the five points you mentioned that the government should look at within Iran, is there anything else you'd want to add to the reasons for the delays? As you mentioned—

**The Chair:** I'm afraid I'm not going to be able to give you time. I'm being quite totalitarian at this moment.

Mr. Waugh is next.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Thank you, Chair.

I want to thank our committee members. We only have five minutes, so we'll try to be quick.

I just want to say, Ms. Hooper, you've hit the nail right on the head with the labour market in this country. It is changing so quickly right now that it is hard to adapt. You mentioned Uber and B and Bs and everything like that. These jobs could certainly be offered to the people coming into this country, because many Canadians don't want to work second or third jobs.

Pensions are going to change in this country. We know the labour market is going to get softer with permanent jobs that have nice pensions and all the benefits, and yet when we bring these people in, they are not going to have the same quality of life—I believe, and you may share that—that we have today in this country.

Would you agree or not?

**Ms. Kate Hooper:** In terms of the benefits and the protections, that's my primary concern when it comes to the new types of jobs that are emerging.

We're seeing a lot of growth in temporary work and in contract or freelance work. The reality is that the way in which many of our employee systems work means that these benefits are provided through your employer, but if someone is working for multiple employers, they may not be covered for things like disability insurance or health insurance.

I think it's really a matter of looking at how our social security system is set up and making sure that people aren't falling through the cracks. That's true for immigrant workers, but it's also true for younger people, who tend to be disproportionately represented in these more informal types of work. Looking forward, I think that one of the questions is thinking about our welfare system, thinking about the labour protections that are in place, thinking about our benefits, and ensuring that they move in tandem with the developments in the labour market so that we don't see a bifurcation into permanent jobs that have all of these protections and stability, while a growing number of people are then left behind.

**Mr. Kevin Waugh:** One of the challenges we've had in this country is that when we do bring in immigrants and newcomers to settle in our communities to deal with some of the labour problems—and you mentioned schools—all of a sudden, English as an additional language is a big issue in many communities in this country. School divisions have to find resources not only for the current school population but now also for these newcomers coming in. They're being stressed out because classrooms are larger and they're having difficulty dealing with these immigrants who cannot speak English or French very well. That is causing a big strain on provincial authorities along with territorial authorities in this country.

Can you comment on that a little bit and how we can deal with that?

**Ms. Kate Hooper:** I think that it goes to show the importance of investing in English as a second language training, both within schools and also for adults.

I think that one example that we can draw on from the U.S. is the way in which cities and states are able to share some of their expertise, especially when you're dealing with immigrant groups that may have a smaller number of people in Canada. If you're welcoming new groups of people who may have a different background or speak different languages, encouraging that resource sharing, both from the federal government and also among provinces and territories and among cities, would be really helpful for equipping teachers with the information they need to help children.

**Mr. Kevin Waugh:** I'm going to go to Mahdi because I think I just have a minute left.

We've had delays in our province of Saskatchewan for many Iranians to get their permanent residence in Canada. Is there any advice that you can give? You're in Calgary, and you know the problem very well.

I want to say this—they're in all of our offices, all 338. Those who are here are in our offices trying to get information that is not available right now, or is very hard to get.

**Mr. Mahdi Yousefi Koopaie:** Thank you for that question.

As you know, there are thousands of Iranians from coast to coast in Canada who are involved with this issue. We believe that the main issue is caused by not profiling in the right way. By profiling, I mean there is a security system that...

We do appreciate the existence of that because we want to raise our children here and we're going to integrate into this country for sure. At the same time, there should be indicators that find the right people to be sent for comprehensive security screenings versus regular screenings. When you send all Iranians for comprehensive security screenings and the queue for that system to be processed is a long wait, it's going to take a long time. The easiest way would be to do better profiling for all applicants across the board. It doesn't matter where they are from.

• (1720)

**The Chair:** I'm afraid I need to end you there. Sorry.

Ms. Kwan is next.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Mr. Chair, and I thank the witnesses for their presentations. In the limited time we have, I know that the Iranian applications are from highly skilled, highly talented individuals who bring a lot to Canada in terms of our economy. Employers are looking for them. They want them especially in the high-tech sector and the new economy sector.

My understanding is that in some of these cases, the average processing time is about a year. In the spreadsheet I have in my office, on which there are some 77 applications, they're over two years. Is that the general experience from your community?

**Mr. Pouyan Tabasinejad:** Maybe Mahdi is better off answering this. Go ahead, Mahdi.

**Mr. Mahdi Yousefi Koopaei:** The thing is, when you look at the processing time for Iranian applications and you look at all the streams, there is no evidence coming from the government, because they have not released any data. We know that based on the data that came from the government in 2015, the wait time for Iranians was 90% higher than others all over the world, and in 2017 it was about 40% higher.

Again, we have self-extracted data that shows, for instance, that if the average time for express entry is six months, we are looking at 18 months, or if the average for PNP is 15 months to 19 months, we are looking at somewhere between 27 to even 30 months.

Yes, that's true all across. Even the QSW is the same thing. It rarely happens that we can get the application process done in the normal processing time.

**Ms. Jenny Kwan:** We also learned of a situation in the Paris office, for example, where of at least 15 applications in the Paris office, nine had gotten their security screening, criminality screening, and medical checks successfully completed, yet the applicants had not been notified. Their files were just somehow sitting there gathering dust. We asked IRCC how that could possibly be, because all the screening had been completed, yet the applicants had not been notified that they had been approved and they were just still waiting and waiting.

I wonder if any of you can shed some light on that experience.

**Mr. Mahdi Yousefi Koopaei:** I have first-hand experience with that. I'm representing this campaign, so I hear from them. I have been talking to 15 of them who applied in 2011 or 2012. They have passed every single stage of the immigration system under the IRPA—inadmissibility, criminality, medical—but basically there's been no response and the government is not releasing any data as to why these applications are on hold.

**Ms. Jenny Kwan:** You also often have a situation that when people inquire about it, the one-word answer they get is “unknown” or “pending”. Is that correct?

**Mr. Mahdi Yousefi Koopaei:** I personally have emailed the Minister of Public Safety, and the result that I got from that minister is that the security screenings are in process and there is no timeline for that provided for you guys.

**Ms. Jenny Kwan:** Thank you.

Go ahead.

**Mr. Pouyan Tabasinejad:** It seems everybody is being sent towards a comprehensive security screening to begin with. That's the real problem all Iranians face, based on their nationality.

**Ms. Jenny Kwan:** Sorry—

**The Chair:** Could you just repeat the first part of that? We missed it. Thanks.

**Mr. Pouyan Tabasinejad:** The problem we've identified is that Iranians have a much higher chance than anyone else of being sent for comprehensive security examinations. Again, we don't have exact reasons as to why this is happening, but that is the root cause

as far as we've identified it. That's what I would say needs to be looked at.

We need to look at why these individuals are being tagged and we need to have greater transparency in the process, both for organizations like us from the outside looking in but also for the applicants themselves. This information as to why they are being sent towards comprehensive security screening needs to be given to them, if that is indeed happening, rather than just telling them that it's pending.

• (1725)

**Ms. Jenny Kwan:** On this issue, I think that the committee would benefit quite a lot if we could receive a submission from you outlining the current situations and giving examples of the situations and the challenges people are faced with, and then of course providing recommendations in going forward.

I truly hope that we can find a way forward for the government to address these issues, because having the Iranian applications stuck in the system like that is truly our loss. It's Canada's loss, because the talent pool among the applicants is astounding. The vast majority of them have Ph.D.s and double graduate degrees. They're smarter than all of us put together and then some, and that's just one applicant. I think it is really important that we're trying to figure this out. If you have any recommendations specifically on what the government can do to address that situation, we would appreciate it.

**The Chair:** Be very, very quick.

**Mr. Pouyan Tabasinejad:** Unfortunately, I want to apologize that we weren't able to give any submission. It's because we were told about this only late Wednesday evening. That didn't give us enough time to prepare and then submit in time for translation. We can definitely do that.

Again, I outlined five recommendations in my presentation. I'll also provide those in writing, and then we can also come up with a long recommendation. Thank you.

**The Chair:** Thank you.

Mr. Whalen is next.

**Mr. Nick Whalen (St. John's East, Lib.):** Thank you, Mr. Chair,

Thank you, Ms. Hooper. I'm not going to focus my questions on the Iranian delegation or the folks for the conference.

Of course, most Canadians know that diplomatic relationships with Iran broke down in 2003 after the state-sanctioned murder of Ms. Kazemi, the photojournalist, and then of course Canada recalled its own ambassador permanently in 2012.

Are members of the Iranian community, the immigrant population in Canada, having other difficulties due to the lack of an embassy in Tehran?

I direct that question to you, Mr. Tabasinejad.

**Mr. Pouyan Tabasinejad:** What was the question?

**Mr. Nick Whalen:** What other problems is your community facing as a result of the lack of an embassy in Iran?

**Mr. Pouyan Tabasinejad:** I actually see part of the delayed applicants issue as being related to this, because we don't have an embassy in Iran, especially for outland applicants. We don't have visa applications in Iran either, and this is something that we actually made into a petition that was sponsored by MP Kwan.

This is one way that it's likely affecting us, but it affects us in multiple ways. We have no access. The Iranian community, unlike pretty much all immigrant communities, in Canada has no access to consular services. If tomorrow I wanted to renew my Iranian passport, I wouldn't be able to do that in Canada. I would have to go through a lengthy and costly process and go through the United States.

**Mr. Nick Whalen:** Would you agree, then, that it's this lack of formal diplomatic ties between the countries that the problem really stems from, and not any human rights abuse being committed by Canada?

**Mr. Pouyan Tabasinejad:** I would say that they're not necessarily mutually exclusive and that our lack of relations has perhaps exacerbated this problem. Really the onus right now, even putting the issue of diplomatic relations aside, which also definitely needs to be solved, is that's very urgent. Our organization is very clear that we support diplomatic relations, but the issue right now that's very urgent is figuring out what's happening. Why are these individuals being tagged? If it is related to lack of diplomatic ties, that needs to be addressed, but really this just needs to be tagged because I believe that it's a violation of the charter and of Canadian values.

**Mr. Nick Whalen:** I hear that position, but I think you also made some arguments against that in your previous statement. In the statement that was made by Minister Hussen on October 17—and obviously there was a lot of other news on October 17 besides this particular statement by the minister—he provided some additional details. Are you aware of the statement about the wait times?

**Mr. Pouyan Tabasinejad:** Yes, we are.

**Mr. Nick Whalen:** Is it reasonable? Have they done well in reducing wait times by 20 months between 2015, where they hit their peak under the previous government, when they were an extra 32 months, down to now just an extra 10 months? It seems to me that they're really clearing the backlog.

**Mr. Pouyan Tabasinejad:** First, I wouldn't characterize it necessarily as a backlog. What's happening is that the vast majority of Iranian applicants are actually being sent into another stream. They clear everything else through IRCC and they're being sent into the comprehensive security screening processes.

That said, yes, we do appreciate it. I mentioned in my presentation that we do appreciate that the delays have been reduced, but even in

Minister Hussen's statement, he mentioned that we're still about ten and a half months over, and that's still an issue.

Our view of this—and it's difficult to say—is that the comprehensive security screening is actually being done faster but that Iranians are still being sent into comprehensive security screening at a rate far higher than the rate for anyone else.

• (1730)

**Mr. Nick Whalen:** I appreciate that. Just as Mr. Waugh and Mr. Saroya have mentioned, we all have Iranians in our ridings who are trying to become Canadian. They provide great service and they have great talents. They are excellent at the universities and we want their skills being put to work in the country, but there are also other communities. With respect to Turkish and other potential immigrants to Canada from the Middle East region, do you work at all with those other groups? Are they experiencing delays similar to those that Iranians are facing?

**The Chair:** Please be very brief.

**Mr. Pouyan Tabasinejad:** From what I understand, the Iranians are singular in this issue. We're the only ones facing this issue at this scale. Again what I would recommend for the committee to do is to really ask and demand information about why this is happening. We need more information about why. We need transparency into why Iranians are being sent into comprehensive security screening.

**Mr. Nick Whalen:** Thank you.

Mr. Chair, I would suggest we also get the information, then, on delays associated with Turkish, Syrian, Iraqi and other areas in the Middle East, because I have—

**The Chair:** And maybe Pakistani.

**Mr. Nick Whalen:** Yes, just to see; because I think it's really an issue about where there's conflict in the world. It's not that Iranians are being singled out; it's just that Iranians love to come to Canada. We want them to come to Canada.

Thank you very much.

**The Chair:** I'll just put it on the record that we'll be requesting from IRCC a comparative analysis of that, just to double-check. We will commit to the witnesses to try to understand that better.

Thank you very much, not only for today but for your work generally. We're always impressed with the quality of civil society work on these issues.

Thanks, everybody.

The meeting is adjourned.





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