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• (1630)

[English]

The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)): I call this meeting to order.

Good afternoon, everybody. Welcome to meeting number 59 of the House of Commons Standing Committee on Citizenship and Immigration. Today we will continue our study of the government's response to the final report of the Special Committee on Afghanistan.

On behalf of all members of this committee, I welcome the Honourable Marilou McPhedran.

Thank you for appearing before the committee. You will have five minutes for your opening remarks, and then we will go to our round of questioning.

Please begin.

[Translation]

Hon. Marilou McPhedran (Senator, Manitoba, not affiliated): Thank you, Madam Chair.

As an independent senator from Manitoba, I am privileged to reside in the territory covered by Treaty 1, the home of the Métis nation.

I'd like to thank the committee for inviting me to testify today.

In September 2022, The Globe and Mail published two articles containing allegations by Immigration, Refugees and Citizenship Canada officials that I sent a standard document in August 2021 to stranded Afghans, mostly women fleeing the Taliban. Those allegations are false.

[English]

IRCC allegations against me in The Globe and Mail and elsewhere are false. They are not true.

On August 25, 2021, the facilitation template in question was sent to me by George Young, chief of staff to then minister of defence Harjit Sajjan. As members will remember, when Kabul fell, Canada had no diplomatic presence on the ground in Afghanistan, and Canadian special forces were empowered to do what was necessary to get people safely to the airport for evacuation.

Mr. Young received this facilitation template from Global Affairs Canada, and he told me this in writing. As the committee was told on February 8, both Global Affairs and IRCC were issuing facilitation templates, yet IRCC alleged that the facilitation letter I re-

ceived from Mr. Young was inauthentic. This was despite the fact that the facilitation template I received from him was the exact same facilitation template content that IRCC was sending to vulnerable Afghans.

I will provide the committee with one of the Global Affairs letters from IRCC to compare with what I received. However, my office did request that the first facilitation template I received be changed so that it did not state that the bearer was a Canadian citizen, and Mr. Young quickly sent what was requested.

My office sent this facilitation template to a rolling list of vulnerable Afghans—names we were receiving from trusted advocates in a number of countries. Names for the rolling list were sent frequently to George Young and Mr. Oz Jungic, a senior policy adviser to the Minister of Foreign Affairs. Jungic confirmed receipt of the names to me on August 24, with an assurance that they would do everything they could to try to help get these people out.

Mr. Young stated that he had put these names “into the system”. Mr. Jungic emailed to say that he had shared these names “with GAC officials and IRCC”. My office continued to update the Government of Canada on additional Afghans who needed safe passage to the airport in Kabul, most of them women.

As the committee was told on February 8, IRCC testified that the facilitation letters were not meant to facilitate the boarding of a flight at the airport or confirmation of a visa. When George Young sent me the facilitation templates on August 25, he wrote, with the first one, “I have received this from a colleague at GAC...try it. George.” I understood that this meant I was authorized to use the template, and I was assured that the names we sent were being put into the system.

Madam Chair, these facilitation letters came from the chief of staff to the defence minister. IRCC was sending facilitation letters with the same content, also to help vulnerable Afghans escape the Taliban. I trusted then, and I do now, the facilitation templates that Mr. Young provided. I trust them to be authentic, and they helped to save many lives, mostly women.

Ultimately I made the decision to speak publicly to my colleagues in the Senate, when earlier this year I learned that an affidavit had been signed by an official at Immigration, Refugees and Citizenship Canada continuing to allege that I was the source of the so-called inauthentic Global Affairs facilitation template. I then decided to provide my own affidavit in support of the Afghans challenging the IRCC, and I can provide this to you if you wish.

• (1635)

I appreciate this opportunity to correct the record.

Thank you.

The Chair: Thank you, Senator.

We will now proceed with our rounds of questioning, beginning with Ms. Rempel Garner.

Ms. Rempel Garner, you will have six minutes for your round of questioning. Please begin.

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): I would like to start by acknowledging that I think everyone in this room wishes the government had done more. There are still Afghans with connections to Canada who have not been evacuated and who should be.

Senator McPhedran, who in Global Affairs sent the visa facilitation letter to Mr. Young?

Hon. Marilou McPhedran: I don't know.

Hon. Michelle Rempel Garner: You don't know.

Hon. Marilou McPhedran: I do know that the email Mr. Young sent had the first template attached, and he copied Mr. Jungic from Global Affairs.

Hon. Michelle Rempel Garner: Was Mr. Young aware of all the names you were adding to these facilitation letters?

Hon. Marilou McPhedran: I can't answer that. He could answer that, but I understand you decided not to invite him. What happened is—

Hon. Michelle Rempel Garner: Did you tell him which names you were filling into the facilitation letters?

Hon. Marilou McPhedran: It was a rolling list. We had numerous emails, copies of which I'm happy to provide. We added names. We gave the names and also tried to make corrections as the situation changed.

Hon. Michelle Rempel Garner: There was a rolling list, but did he know you were adding names to facilitation letters and then sending them out?

Hon. Marilou McPhedran: Yes.

Hon. Michelle Rempel Garner: Was Minister Sajjan aware you were sending out these facilitation letters?

Hon. Marilou McPhedran: Yes.

• (1640)

Hon. Michelle Rempel Garner: He was. Do you have correspondence to that effect?

Hon. Marilou McPhedran: I do, in that he was copied on the correspondence back and forth about what we were doing.

Hon. Michelle Rempel Garner: He explicitly knew you were filling in names on visa facilitation letters.

Hon. Marilou McPhedran: I can't speak to what Mr. Sajjan knew in his mind, but I can tell you that he was copied on the communications.

Hon. Michelle Rempel Garner: Can you table that with the committee?

Hon. Marilou McPhedran: Yes, I can.

Hon. Michelle Rempel Garner: Thank you.

Were you ever, at any point, told to stop issuing these facilitation letters by anyone in any government department?

Hon. Marilou McPhedran: No, never.

Hon. Michelle Rempel Garner: Did you ever ask anyone in Global Affairs whether you had express authorization to write names on these facilitation letters?

Hon. Marilou McPhedran: I did not, because the nature of our communication made what we were doing clear.

Hon. Michelle Rempel Garner: How?

Hon. Marilou McPhedran: We were talking about it. In one communication I can give you as an example, my colleague Laura Robinson said, "Is someone in government going to add these names? If not, we'll go ahead and do that." Nobody answered, so we went ahead and did that. We made it very clear, and the communications show this was an ongoing process until the airport was bombed.

Hon. Michelle Rempel Garner: Did you give the altered visa facilitation letter to any other third party to distribute?

Hon. Marilou McPhedran: What do you mean by "altered"?

Hon. Michelle Rempel Garner: The original facilitation letter that came in had "Canadian citizens only" written on it. Is that right? Then Ms. Robinson wrote to Mr. Young and said—

Hon. Marilou McPhedran: That was at my request.

Hon. Michelle Rempel Garner: —at your request that this doesn't work. Then a template came back that was altered. Is that correct?

Hon. Marilou McPhedran: That's correct.

Hon. Michelle Rempel Garner: Did Mr. Young alter that template?

Hon. Marilou McPhedran: I don't know. I just know he sent it.

Hon. Michelle Rempel Garner: You don't know whether Mr. Young or anyone at Global Affairs altered the template. Did you, anyone in your staff or Ms. Robinson send the altered template to any other third party for the purpose of distributing it?

Hon. Marilou McPhedran: Yes, we were working with a network of trusted advocates. It was altered in that "Canadian citizen" was removed. Nothing else was changed.

Hon. Michelle Rempel Garner: Did you have permission from Global Affairs to send the altered facilitation letter to any third party for the use of distribution? Did you have express permission to do that?

Hon. Marilou McPhedran: I'm happy to table the email communications. We made a request, because women were getting turned away.

Hon. Michelle Rempel Garner: Thank you. I would love to see that communication.

Like many parliamentarians, I had dire cases in my office of people pleading for evacuation. On August 27, my office was corresponding with the government to get a constituent's mother—a member of the Hazara ethnic group—and a doctor who was educating women in how to resist virginity checkups out of the country. I was not offered visa facilitation letters but you were. Why do you think that is?

Hon. Marilou McPhedran: I don't know, other than to say that I had been part of an email group that started around August 20. George Young was part of that communication. It was initiated by then minister Monsef.

Hon. Michelle Rempel Garner: In an email included in your affidavit, on September 21, 2021, at 1:03 p.m., you wrote to Mike Jones, chief of staff to then immigration minister and now public safety minister Marco Mendicino, and said, “While we were certainly prepared to work as closely as possible in the event of a Conservative government, I think I can honestly say that we are more hopeful to see the same PM this morning and Minister Mendicino and the team still at the helm of IRCC”.

Do you think you were given the ability to issue visa facilitation letters and the ability to choose who came to Canada while others weren't because you had voiced support for the Liberal government to a Liberal minister's political chief of staff during a federal election?

Hon. Marilou McPhedran: No, I don't think that was the case.

Hon. Michelle Rempel Garner: Then why do you think you were you given authorization or claimed to be given authorization and no one else was?

Hon. Marilou McPhedran: I think because of this communication that was happening in the small group, which included copying the ministers regularly.

Hon. Michelle Rempel Garner: Would you say that your political access to the Liberal government allowed you to select people to come to Canada?

Hon. Marilou McPhedran: No. I would say that my decades of work as a human rights activist that led to Afghan women leaders asking me to help—

Hon. Michelle Rempel Garner: I've done a decade of work in casework as well, as have many of my other colleagues around the table. We don't think it's equitable or right for parliamentarians to pick and choose who gets to come to Canada in an emergency situation like this. Why did you?

Hon. Marilou McPhedran: First of all, I think we need to correct the facts: I wasn't choosing who gets to come to Canada.

Hon. Michelle Rempel Garner: Who was?

Hon. Marilou McPhedran: That's a completely different process that happened. My focus was on evacuation.

The Chair: I'm sorry for interrupting. The time is up for Ms. Rempel Garner.

We will now proceed to Mr. El-Khoury.

Mr. El-Khoury, you will have six minutes. Please begin.

[*Translation*]

Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.): Thank you, Madam Chair.

Welcome, Senator.

I read a number of articles in which you stated that you were confident you were authorized to send the facilitation letters you sent. I'd like to discuss that briefly and ask you for more specific details about this belief. I will rely on some of the facts that you have described. First, I should make it clear that I don't know whether the statements are true or false, but I will rely on them in asking my questions to you today.

In some of the media articles, you state that you were authorized to send facilitation letters and that you did so in good faith. You say that you were authorized to do so by a staff member who provided you with a letter template. Again, I understand that you have a strong desire to help people. I believe that many, if not all, of us around this table have that great desire too, because it's one of common factors that drives people to get involved in public life. However, I firmly believe that fairness and justice must underlie all decisions we make in the course of our work. To me, that means respecting processes and procedures, even if we disagree on what they are.

Let's assume—this is an assumption—that a staff member provided you with the template. As a senator and jurist, did you honestly think, ma'am, that receiving a government document template via email was sufficient to authorize you to officially issue the documents to someone else?

I await your explanation.

• (1645)

[*English*]

Hon. Marilou McPhedran: Thank you very much for your question.

[*Translation*]

I'm sorry, but I will answer in English, if that's okay.

[*English*]

First of all, the message I received from the chief of staff—not just a staff person but the chief of staff—for the Minister of Defence for Canada said, “I have received this from a colleague at GAC...try it.”

Mr. Fayçal El-Khoury: Is there no name for the colleague?

Hon. Marilou McPhedran: No. It said, “a colleague from GAC...try it”. Then there's a period and then “George”. Attached to that was the first template, which included the words “Canadian citizen”. I asked Laura to write back to say that we were helping Afghans and to ask that we please be given a document we could use for Afghans. Very promptly we received a second template with “Canadian citizen” removed. All of the other wording was exactly the same. All of the insignia—the Global Affairs stamp, etc.—was exactly the same.

In an extreme humanitarian crisis, in a huge emergency, is not when bureaucratic processes should triumph. Frankly, the people from the government who were in the midst of that crisis and with whom I was communicating were far more experienced than I was. After many emails and examples we gave saying that these women were being turned away by our own Canadian soldiers—and our raising this went on for days and nights, with us saying, “They say there's a form. What's the form? What is it that these women need?”—finally, around noon on August 25, that was the email we received.

I was not the only one to receive that email. It was sent to Minister Monsef and her staffer. It was sent to me and the colleague I was working with. It came from George Young, and it was copied to Mr. Jungic at Global Affairs.

[Translation]

Mr. Fayçal El-Khoury: In another article, you state that in the alleged emails, the staff member told you that they had received the Global Affairs Canada, or GAC, template, and suggested that you try it. A staff member told you that they had received the template from GAC and suggested that you try it in response to a request from you. It was this specific conversation that you mistook for delegation of authority from the Minister of Foreign Affairs or the Minister of Immigration, and you believed that this statement authorized you to distribute facilitation letters on behalf of Ministers of the Crown.

• (1650)

[English]

Hon. Marilou McPhedran: Is that a yes or no, sir, that you want? The answer is yes, that is what I believed and that is what I acted on. It was because all of us were working together to try to save lives.

[Translation]

Mr. Fayçal El-Khoury: All right.

[English]

The Chair: Mr. El-Khoury, your time is up.

We will now proceed with Mr. Simard.

Mr. Simard, you will have six minutes for your round of questioning. Please begin.

[Translation]

Mr. Mario Simard (Jonquière, BQ): Thank you very much, Madam Chair.

Senator, I'd like to come back to the principle. What I understand is that your goal was to save Afghan women. That was the ultimate

goal. It's often said that the end justifies the means. Quite frankly, the fact that you sent facilitation letters that were found to be inauthentic doesn't bother me much. What bothers me is government action. I read somewhere that you provided 640 letters, I believe.

How is it that a senator was contacting Afghan women who may have wanted to come to Canada? I'm having a hard time understanding that.

How is it that the government is not the one primarily responsible for this? How come you were the one taking the lead on what was being done in Afghanistan?

[English]

Hon. Marilou McPhedran: There's a practical reality here that we need to keep in mind, and that is that non-governmental organizations and advocates around the world were doing a lot of the heavy lifting to try to save lives. Governments were not able to. They just weren't able to respond to the massive need.

Many of us—certainly in the network of trusted advocates that I was part of—have been working with Afghan women, have been to Afghanistan and have worked with the organizations for 20-plus years. When the request comes in from someone you know and when you are working with others you know who are in direct contact with these Afghans at high risk and they ask if there's something we can do to help, I'm the kind of person.... As I said to my colleagues in the Senate, sir, I came into the Senate as a feminist activist and a human rights lawyer, and that's who I still am. That's why I was responding, and that's why I was working with a trusted network of non-governmental advocates in direct contact with those who were at such extreme risk.

[Translation]

Mr. Mario Simard: Thank you.

I'm going to draw a parallel with the work we have to do as MPs in our constituencies. I'm the one who informs the government of the interests of the people in my riding, but to get results, I need the government. I can't believe that the government was not made aware of what you were doing. If you want results, you need someone in the government to know what you're doing and the contacts you are making.

I reiterate what I said in response to the first question: What bothers me isn't so much the way you did it, although that may be debatable, it's the lack of government leadership in this crisis.

You tell me that trusted networks are formed, and I understand all of that, but while you were taking action, what was the government doing? What do you think the ministers responsible for this were doing at that time?

• (1655)

[English]

Hon. Marilou McPhedran: I think we need to recall that on August 15, 2021, when Kabul fell to the Taliban, Prime Minister Trudeau called an election. I think there's some relevance here to some of what went on—some of what happened and some of what didn't happen.

I'm a very pragmatic person, sir, and work with the tools that are available, and there was no time. It was announced officially that Canada would be gone by August 31, but we were told unofficially that Canada would be gone by August 27. Indeed, I certainly didn't know that HKIA, the airport at Kabul, was going to be bombed on August 26, thus shutting down the entire air bridge.

What I did know in those days—and they were only days—was that we were working to get mostly women and their families out, and we had no time. We had to use the resources and the relationships that were available. That's what I tried to do.

[Translation]

Mr. Mario Simard: You're explaining a bit of the background and that's great. However, since I don't have a lot of time left, I'd just like to ask you one more question.

As you experienced this from the inside, so to speak, can you tell us what might be done differently by the government in a similar crisis in the future?

[English]

Hon. Marilou McPhedran: I think the work that has already been done by the Special Committee on Afghanistan, chaired by Michael Chong... The recommendations are excellent. I think the next step has to be—and I hope it will be for this committee, and I would be very happy to come back to be part of that process—to focus more on the implementation of those recommendations. There's a lot of learning in there.

[Translation]

Mr. Mario Simard: Thank you.

[English]

The Chair: Thank you. The time is up.

We will now proceed to Ms. Kwan.

Ms. Kwan, you will have six minutes. Please begin.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Madam Chair, and thank you, Senator, for being here today.

I just want to get some facts on the record. Could you tell the committee how many facilitation letters were sent out from your office?

Hon. Marilou McPhedran: I need to clarify—when you say my office—the process that happened. The template we were given by George Young was shared with a number of trusted advocates in different countries who then facilitated, as best they could, people hopefully being accepted by soldiers into the airport.

You asked me for a specific number, but I wasn't keeping track of the numbers. It was about getting as many people, as many women, as possible out.

Ms. Jenny Kwan: I'm sorry. I understand that the letter was shared with organizations and trusted advocates so they could distribute letters, but did you not keep track of how many facilitation letters came out of your office?

Hon. Marilou McPhedran: I did not keep close track, no. It was about giving the template to trusted advocates and helping to get the names to create the letters that could be used.

Ms. Jenny Kwan: Let me clarify, then. I'm understanding that your office did not send out any facilitation letters to individuals, but rather sent out these facilitation letters to organizations for distribution.

Hon. Marilou McPhedran: No, that's not correct. It's not an either-or situation, Ms. Kwan. I will give you a specific example of what I mean.

Ms. Jenny Kwan: I'm sorry. Can I just get clarity? Is it the case that your office both sent out letters and shared those letters with trusted organizations?

Hon. Marilou McPhedran: They were advocates and organizations.

Ms. Jenny Kwan: Okay. They were advocates and organizations.

Do you have a list of the advocates and organizations that received these facilitation letters from you that you can share with the committee?

Hon. Marilou McPhedran: Yes. It's a small list. I can tell you right now.

Ms. Jenny Kwan: I think we will ask you to submit that to the committee, because there might be groups involved that will be put in jeopardy. I don't want to do that.

What is your understanding of these facilitation letters? What were they supposed to do, from your understanding?

Hon. Marilou McPhedran: They were supposed to help people get to the airport and, when they got to the airport, to then get access, through the soldiers guarding the airport, and be processed, hopefully, for evacuation. That's what the letter says.

Ms. Jenny Kwan: It was to get them through to the checkpoint and then, hopefully, onto a plane for evacuation.

• (1700)

Hon. Marilou McPhedran: There's some processing that must have gone on for getting through the line.

Ms. Jenny Kwan: I assume so, yes. Ultimately, your understanding is that it would get them out of Afghanistan to safety.

Hon. Marilou McPhedran: It's evacuation.

Ms. Jenny Kwan: Okay, got it.

Was this exchange with George Young that was copied to GAC—I think you said Mr. Jungic—done through your parliamentary email, or was it done through your private email?

Hon. Marilou McPhedran: It was done through my parliamentary email.

Ms. Jenny Kwan: With regard to Mr. Jungic, who was engaged by GAC and was copied on this letter, do you know what his position was at the time?

Hon. Marilou McPhedran: He sent an email to me introducing himself on August 24, and he said he was a policy adviser for Minister Garneau.

Ms. Jenny Kwan: Thank you.

With respect to the period in which this was done, do you know if the people you assisted were evacuated under Operation Safe Haven?

Hon. Marilou McPhedran: I do not.

They were evacuated in a number of ways. In truth, they were evacuated by a number of countries. We had situations where they got in with our assistance but the Australians helped them, or they ended up in the U.K.

Ms. Jenny Kwan: These were individuals who were seeking safety through the humanitarian stream and not through the stream where they served Canada. Do I understand that correctly, or is it both?

Hon. Marilou McPhedran: It's both.

In terms of serving Canada, for the most part, these are women. These are women working in Canadian-funded non-governmental organizations, and some young activists, male and female, working in some of those organizations with funding from Canada.

Ms. Jenny Kwan: As to the people who received this letter, I read in the media that many of them are still stuck and unable, ultimately, to get to Canada for safety. What is their understanding of what that letter meant? Do you know?

Hon. Marilou McPhedran: I can't speak to their understanding. I can certainly note for you that there is an application for a judicial review of IRCC and the Government of Canada by five Afghans at extreme risk, whose lawyers are arguing that the letter—

Ms. Jenny Kwan: Got it. Yes, I am aware.

In your testimony, you indicated that the former defence minister, Minister Sajjan, was copied on the correspondence. Can you explain clearly what he was copied on and what he was advised on?

Hon. Marilou McPhedran: I could table it. It's a lot of emails. I have copies.

Ms. Jenny Kwan: I think it would be very helpful to table it.

Since you received this authorization and believe you had authorization to act accordingly, who within government knew, who within government ministries knew and which ministers, more to the point? I don't believe that chiefs of staff act on their own without the authorization of their political master.

If you have correspondence to indicate that ministers were aware and knew this was all going on at the same time, that would be a pertinent piece of documentation we need to have—

The Chair: I'm sorry for interrupting, Ms. Kwan, but your time is up.

We will now proceed to Ms. Rempel Garner for five minutes.

Ms. Rempel Garner, please begin.

Hon. Michelle Rempel Garner: Thank you, Chair.

Senator McPhedran, earlier in your testimony, in answer to a question from me and somewhat to Ms. Kwan, you stated that the letters weren't meant to allow people access to Canada. Is that your understanding?

Hon. Marilou McPhedran: Yes. They were to get them to the airport and hopefully get them out.

Hon. Michelle Rempel Garner: Okay.

A Globe and Mail article yesterday stated, “More than 150 Afghans [are] stranded in Albania after receiving” this letter. The article says that, according to documents filed in a court case, “the lawyers say Ms. Robinson”, your consultant, “confirmed in a September, 2021 written exchange with someone whose name is redacted that the documents would allow the Afghans entry to Canada. ‘They will definitely be allowed to enter Canada with this letter’, Ms. Robinson wrote”.

How do you square that circle?

Hon. Marilou McPhedran: I think Ms. Robinson has to square that circle. You may want to invite her to come and speak with you.

Hon. Michelle Rempel Garner: Do you believe you delegated the authority to Ms. Robinson to make these types of claims?

Hon. Marilou McPhedran: I believe I asked Ms. Robinson to work with me as a volunteer and that the delegation you're talking about.... I was not overseeing every word Ms. Robinson wrote.

• (1705)

Hon. Michelle Rempel Garner: Did you personally see every name affixed to the altered facilitation letter before it was sent out?

Hon. Marilou McPhedran: By “altered” do you mean the second template I received?

Hon. Michelle Rempel Garner: The second, yes.

Hon. Marilou McPhedran: No, I did not.

Hon. Michelle Rempel Garner: Okay.

How many “trusted” advocate groups in other countries did you send the second template to?

Hon. Marilou McPhedran: It was not that many. We were working with the former captain of the Afghan national soccer team, Khalida Popal, who was the person who initially asked me.

Hon. Michelle Rempel Garner: Did anyone—

Hon. Marilou McPhedran: May I answer the question, please?

Hon. Michelle Rempel Garner: Sure.

Hon. Marilou McPhedran: Thank you.

We were working with the chief human rights officer for FIFA. We were also working with a former Canadian Olympian, who is now a lawyer in Australia, and with a network in the United States.

Hon. Michelle Rempel Garner: Okay.

Did anyone in Global Affairs, IRCC or the Department of Defence authorize you to send the second template to those groups for further distribution?

Hon. Marilou McPhedran: Authorization in writing.... I've told you what I received in writing.

Hon. Michelle Rempel Garner: Just give me a yes or no on the record here. Did they...?

Hon. Marilou McPhedran: I took it to be authorization, yes.

Hon. Michelle Rempel Garner: Okay.

Did you ever seek further clarification, outside of the copying on the email? Did you expressly ask whether you could further distribute the second template letter to these organizations?

Hon. Marilou McPhedran: The agreement was acted upon and was evidenced in many of our communications. It was very clear that this is what was happening.

Hon. Michelle Rempel Garner: Are there any other ministers or ministers' office staff whom you feel directly knew about what was happening in your office?

Hon. Marilou McPhedran: Absolutely. We were copying ministers regularly.

Hon. Michelle Rempel Garner: Who?

Hon. Marilou McPhedran: It was not on every single email. It depended on the topics, but it was Minister Sajjan, Minister Monsef, Minister Mendicino and Minister Garneau.

Hon. Michelle Rempel Garner: So they all would have had direct knowledge that this was happening.

Hon. Marilou McPhedran: Yes, as a result of being included in the email communications.

Hon. Michelle Rempel Garner: How about Olga Radchenko?

Hon. Marilou McPhedran: Yes, definitely.

Hon. Michelle Rempel Garner: Okay.

Do you consider that Ms. Radchenko gave you authorization to proceed this way?

Hon. Marilou McPhedran: I wasn't dealing with Olga Radchenko, who was the director of policy at the time and then became chief of staff to Minister Fraser.

Hon. Michelle Rempel Garner: What about Mike Jones?

Hon. Marilou McPhedran: Yes, we had communications with Mike Jones.

Hon. Michelle Rempel Garner: Did any of them ever tell you to stop doing this?

Hon. Marilou McPhedran: Absolutely no one did.

Hon. Michelle Rempel Garner: On August 25, 2021, at 9:49 p.m., your office, on your behalf, sent the second template—an altered visa facilitation letter—to a family member of one of my constituents. The email that accompanied it stated there was “no guarantee” that the document would work. It also told my constituent's family, “Please do not discuss”.

Why were these instructions included in the email you sent?

Hon. Marilou McPhedran: I'm glad you raised that.

I understand that your constituent has found safety and will be going or has gone already.

Hon. Michelle Rempel Garner: Just for the record, though, after coming to danger and thinking they had a passage to Canada, and after my office got the runaround for a year thinking this was an official government document, which put them out of contention for the government's official programs.... This put them in a crush of humanity going to the airport, thinking they had a plane ticket to Canada.

However, please continue. Why was that in there?

Hon. Marilou McPhedran: I can't speak to how they interpreted it. I can tell you, though, that there was no safe way out of Afghanistan in those days.

Hon. Michelle Rempel Garner: Thank you.

I'll just close with this: If you had to do this all over again, would you do it the same way?

Hon. Marilou McPhedran: I would try. I did everything I could do that I thought was possible at the time. Under those circumstances, I stand by the choices I made.

The Chair: I'm sorry for interrupting. The time is up.

We will now proceed to MP Ali.

MP Ali, you will have five minutes for your round of questioning. Please begin.

Mr. Shafqat Ali (Brampton Centre, Lib.): Thank you, Madam Chair.

Through you, Madam Chair, Senator, I'm grateful for your joining us here today.

I would assume you are aware that there are very formal instruments that ministers' offices and departments use when they wish to delegate executive authority, statutes and regulations and the instruments.... It's never an email from staff with templates attached.

Have you, in any other Government of Canada operation or line of business, seen an authority delegated in the way that you suggest it was in this instance, that is to say, via an email exchange?

Hon. Marilou McPhedran: Thank you for the question, Mr. Ali.

I have never worked in a situation like the extreme humanitarian crisis that was happening as a result of the Taliban retaking Afghanistan. I considered it a unique situation, and a lot of the bureaucratic rules that one might apply just weren't realistic at that time. That's my estimation of it.

• (1710)

Mr. Shafqat Ali: Senator, I can see that all of the work you do is motivated by a desire to help others. I can assure you that it is important to me and to this committee to understand precisely what transpired in this situation and not to blame anyone.

I want to focus a little bit on the differences between a visa and a facilitation letter and your understanding of these two documents.

I'm guessing that you are aware that a visa is to come to Canada. A temporary resident visa is a document that foreign nationals travelling to Canada from countries that are not visa exempt must obtain through an application prior to travelling here. In some cases, a visa counterfoil is put in the individual's passport prior to travel and sometimes upon arrival at the Canadian border.

You understand that a facilitation letter is an exceptional document that was created and issued in order to help visa holders travel to and through the Hamid Karzai Airport in Kabul. Is that correct?

Hon. Marilou McPhedran: No, sir.

I'm sorry, but my experience of what was actually happening, as opposed to the theory of maybe what should happen, was that many of the people being given the letters based on the template from Global Affairs, whether they were getting it from IRCC or Global Affairs or National Defence or through my office, were not holders of visas.

If you look at the letter, you see that the content of the letter has statements that, for the most part, were not true for most of the Afghans who were trying to escape. It wasn't the content of the letter so much that was the purpose of the letter. The letter was to assure the soldiers that they could let someone through to be processed, and those processes, in order to protect our country, had to happen after people made it safely into the airport compound.

Mr. Shafqat Ali: Senator, I want to better understand whether you're aware of the differences between a visa and a facilitation letter. You issued inauthentic facilitation letters, but it seems that you explained to the people you were sending them to that they were actually visas, not just letters.

Can you speak a little bit about what exactly you told the people you were sending the letters to?

Hon. Marilou McPhedran: Sir, you can't hold me responsible for the contents of letters that were prepared by the Government of Canada.

The content was the content, and it came, in my case.... I was assured that it came from Global Affairs. It had Global Affairs' in-

signia. It has exactly the same wording on the template that I received from George Young as, I can table, was sent by IRCC to another Afghan who is now here in Ottawa.

Mr. Shafqat Ali: My understanding is that the actual facilitation letters that were legitimately issued by Global Affairs and IRCC came with a context from the issuing department, which included an explanation that they were only for the transitioning through checkpoints. They were—

The Chair: I'm sorry for interrupting, MP Ali. Your time is up.

Hon. Marilou McPhedran: May I just say that we have a different understanding, sir.

The Chair: Thank you.

We will now proceed to Mr. Simard.

Mr. Simard, you will have two and a half minutes. Please begin.

[*Translation*]

Mr. Mario Simard: Thank you, Madam Chair.

Senator, earlier you said that you are pragmatic and you were trying to get results. That prompts me to ask you the following question, and feel free to answer it.

Do you feel that the government was dragging its feet on the humanitarian crisis in Afghanistan?

• (1715)

[*English*]

Hon. Marilou McPhedran: Overall, I think governments of democracies failed a great deal of the time in trying to respond to this crisis. I think leaders in civil society picked up a lot that governments dropped and were not able to do at all or perhaps do well.

My short answer is that I wouldn't necessarily use the term “laggard”, but I would say, “unable in many cases to respond adequately to the crisis”. Again, I refer to the excellent report from the Special Committee on Afghanistan. Many of these issues are very well identified—and the changes that are needed.

[*Translation*]

Mr. Mario Simard: Thank you.

I don't want to put words in your mouth or heap criticism on the government, but let's just say you were more effective than the government.

If I'm in government and I'm aware of what you're doing—earlier, you talked about trusted groups with whom you had relationships—it seems to me that the first thing I would think to do would be to reach out to you and connect with these trusted groups. That's the first thing I would do because I'd want to be kept in the loop and want to know the process and how these things work. I can't believe that no one in the government reached out to you to find out who these trusted groups were.

Has anyone reached out to you?

[English]

Hon. Marilou McPhedran: Yes. There were numerous conversations and numerous communications, and in particular with Olga Radchenko, the director of policy at IRCC, and in particular around mid-September, when many of the women, some of whom are still languishing in Albania, had been airlifted by FIFA, and the facilitation letters were part of what made it possible for that airlift to happen of those hundreds of women athletes. The understanding was not that they had visas—

The Chair: I'm sorry for interrupting, Senator. The time is up for Mr. Simard.

We will now proceed to Ms. Kwan.

Ms. Kwan, you will have two and a half minutes. Please begin.

Ms. Jenny Kwan: Thank you.

Senator, you mentioned earlier in your testimony that former minister Maryam Monsef's staff and another colleague were aware of these facilitation letters. Can you advise us who this other colleague is?

Hon. Marilou McPhedran: It's Laura Robinson.

Ms. Jenny Kwan: Got it. Okay. Thank you. I thought so, but I wanted to be sure.

Now, given the current situation, there are many Afghans who have been left behind, including the ones you've been trying to assist. There are those who need a humanitarian stream, and then there are those who served Canada. In fact, people who served Canada through the military, through NATO and through various other activities to help Canada complete its mission did not even get their applications processed.

The government came in with a limit of 40,000, an arbitrary number that came from I don't know where. Do you think the government should be lifting that arbitrary limit of 40,000?

Hon. Marilou McPhedran: Absolutely. This is essentially a promise. The minister's mandate letter says “at least 40,000”. It does not say, “Stop at 40,000.”

You've made some very powerful points on this, and I agree with you completely.

Ms. Jenny Kwan: Okay.

Some of these applications came into the system in an email in which the government told people to indicate their intention to try to get to safety through...back in August, in the summer. By the way, I'm still getting emails and family members contacting me who have not even gotten an acknowledgement or a response from

the government. What do you think the government should be doing about bringing individuals to safety, particularly those who are in crisis and being persecuted by the Taliban, those who served Canada and their family members?

• (1720)

Hon. Marilou McPhedran: First of all, I think the recommendations made by the Special Committee on Afghanistan identify a number of the actual practical steps that need to be implemented, but in addition to that, I have to say that when Mursal Nabizada was murdered on January 15, I actually thought that we were going to see an acceleration. I thought we were going to see at least women parliamentarians trapped in Afghanistan made a priority, and that has not happened. I and others have been working—for example, with the Inter-Parliamentary Union—with specific lists of women parliamentarians. It hasn't happened.

The Chair: I'm sorry for interrupting, but time is up for Ms. Kwan.

We will now proceed to Ms. Rempel Garner for five minutes.

Ms. Rempel Garner, you can please begin.

Hon. Michelle Rempel Garner: The template letter my constituent received from your office—

Hon. Marilou McPhedran: It was from me, actually. I wrote it myself. I mean that I wrote the email.

Hon. Michelle Rempel Garner: Thank you.

The letter states that the Canadian government validates that the names identified below have been “granted a VISA to enter Canada”.

I've been on this committee for seven years. At the time, I was the vice-chair and I was the critic. This fooled me into thinking that they could get into Canada.

Are you now claiming that you never thought this would actually grant them entry into Canada?

Hon. Marilou McPhedran: I'm not responsible for the wording that Global Affairs put into that letter.

Let me be very clear. I am not responsible for the content of that. The letter—

Hon. Michelle Rempel Garner: In this—

Hon. Marilou McPhedran: Let me finish, please.

The letter was provided to facilitate—

Hon. Michelle Rempel Garner: I just have five minutes.

Hon. Marilou McPhedran: —getting into HKIA.

Hon. Michelle Rempel Garner: In the original facilitation letter, my understanding from Global Affairs Canada is that those were only issued to Canadian citizens. Why would it say that they need a visa to enter Canada if they're Canadian citizens.

Was it altered? Was the word “visa” altered in the second template?

Hon. Marilou McPhedran: The only change, as I stated previously, was to remove “Canadian citizens”.

Hon. Michelle Rempel Garner: Thank you.

In previous testimony today, you stated that you did not know all of the names that were being entered on those forms. Is that correct?

Hon. Marilou McPhedran: I did not at the time.

Hon. Michelle Rempel Garner: You also said it was for the purpose of being presented to Canadian soldiers at the airport. Is that correct?

Hon. Marilou McPhedran: That was my understanding.

Hon. Michelle Rempel Garner: How did you have any assurance that those weren't people who posed a threat to the lives of Canadian soldiers?

Hon. Marilou McPhedran: Women, athletes, many of them—

Hon. Michelle Rempel Garner: Did you know it was women?

Hon. Marilou McPhedran: Yes, of course. I was working with a feminist network.

Hon. Michelle Rempel Garner: You personally saw every name on all of those letters.

Hon. Marilou McPhedran: I did not, but—

Hon. Michelle Rempel Garner: You see what I'm saying.

Hon. Marilou McPhedran: —I personally trusted the advocates who chose those women.

Hon. Michelle Rempel Garner: You trusted them, but you had no assurance that those persons—

Hon. Marilou McPhedran: I didn't need any assurance. I trusted the advocates. They knew them.

Hon. Michelle Rempel Garner: Did they validate identity? Did you validate identity?

Hon. Marilou McPhedran: They knew them. They didn't need to validate identity.

Hon. Michelle Rempel Garner: On the concept of authentic and inauthentic letters, you have a background in constitutional law. Is that correct?

Hon. Marilou McPhedran: I do.

Hon. Michelle Rempel Garner: As a parliamentarian, I understand that I am not the executive branch of government, so I don't have the authority to authorize certain things like issuing letters like this, because there's due process that needs to go on. You are claiming, if I understand correctly, that you believe the letters are authentic because somebody emailed you a template.

Hon. Marilou McPhedran: It was not “somebody”. It was the chief of staff to the Minister of National Defence.

Hon. Michelle Rempel Garner: You do understand that for them to be authentic they have to be issued by the government. Is that correct?

Hon. Marilou McPhedran: I do understand that. They were issued by Global Affairs.

Hon. Michelle Rempel Garner: The fact that you issued them and the government did not.... Are you a member of the government?

Hon. Marilou McPhedran: I conveyed them. I received them from the chief of staff to the Minister of National Defence, and I conveyed them to trusted advocates who helped women get out and lives were saved.

Hon. Michelle Rempel Garner: However, the government never knew because you didn't know. The government never knew. Is that right? Did the government know whose names were going on there?

Hon. Marilou McPhedran: We had a rolling list of names and, as much as we could, we put those.... They wrote back and said they were in the system.

Hon. Michelle Rempel Garner: In terms of its being authentic, you're not a member of the government. Is that correct?

Hon. Marilou McPhedran: That's correct.

Hon. Michelle Rempel Garner: How is it possible that you could authorize authentic letters if you're not a member of the government with duly authorized authority to...?

All I'm trying to say, Senator, is that none of us would ever do this, regardless of political stripe, because we understand the division of powers and because of the danger it can pose to soldiers. There are equity issues.

I'll close with this—

Hon. Marilou McPhedran: Are these women a danger to soldiers? Do you want to help me understand that?

Hon. Michelle Rempel Garner: How do you know who was on...? You just said you didn't even know who was on the letters.

Hon. Marilou McPhedran: No, I didn't say that. I said the trusted advocates I was working with knew these women.

Hon. Michelle Rempel Garner: How were the people you selected more deserving than other people on the government list? How did you determine that?

Hon. Marilou McPhedran: I didn't determine that. I was doing what I could with the resources I had.

Hon. Michelle Rempel Garner: Earlier, you also said that you believed that the election had an impact on this. Do you believe that the Prime Minister's calling of the federal election during that time precipitated the need for you to undertake those activities?

Hon. Marilou McPhedran: I wouldn't put it that way. I would say that there were a number of impacts.

Hon. Michelle Rempel Garner: Thank you.

My colleague, my caseworker from Ottawa, Mackenzie Schultz is in Ottawa today. She spent a year lobbying the government, trying to get information and going through all the hoops to try to get my family out. Do you think that what you did was better than what she did? Was that more effective?

• (1725)

The Chair: I'm sorry for interrupting—

Hon. Marilou McPhedran: I commend you for your work as a parliamentarian on this file.

The Chair: The time is up for Ms. Rempel Garner.

We will now proceed to Ms. Kayabaga.

Ms. Kayabaga, please go ahead. You have five minutes.

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Madam Chair.

Through the chair, I would first like to thank you, Senator, for taking the time to be here today and for answering these very hard questions. I know that you're going to be here for the full two hours, and I really do appreciate your extending your time to answer these really important questions from this committee.

Senator, I'm wondering more broadly if you can opine on whether you think the way in which you operated in this situation set any sort of precedent. There are extreme and unfortunate situations and crises unfolding across the world right now, and Canada responds to several of these. While seldom do we respond to any situation on the scale and magnitude of the fall of Kabul, there are other situations—for example, Uganda right now.

Do you think it would be appropriate for me as a member of Parliament to be working with partners in Uganda to issue letters of my own volition and then tell the government that they need to honour the promises I made? I just don't want people all around the world to think that a Canadian parliamentarian has made a promise to them while they were vulnerable and in a dire situation.

Can you comment on that?

Hon. Marilou McPhedran: The letters that were conveyed via my office came from Global Affairs Canada. If any promises were made, those promises were made by the Government of Canada. I had nothing to do with the wording of that letter.

The fact that the chief of staff for the Minister of National Defence sent me the template and then sent me a second template that was more appropriate for Afghans to use is, for me, a more than adequate demonstration that, in a massive humanitarian crisis, people like George Young in the government were doing everything they possibly could to try to get people out. Everyone knew that people were going to be left behind, but the people I was working with were working literally night and day to do everything they could to get out as many as they could.

Ms. Arielle Kayabaga: I would like to pick up on something you mentioned earlier regarding the awareness that political staff and ministers might have had about sending these letters. I'm not making a judgment on whether your actions were right or wrong, but I would like us to be very clear not to accidentally place blame on staff members who were doing their jobs. I'm sure you would agree with me.

If you were legally authorized to do this, it would make sense to me that there would be a very long list of staff and ministers who would have been aware of it, but we are instead dealing with a potentially very short list. In regard to this list—Mrs. Radchenko, Mr.

Jones, Mr. Jungic and the ministers you previously mentioned—are you telling the committee that you emailed directly to their personal accounts to inform them that you were sending facilitation letters on your own?

Hon. Marilou McPhedran: You know, I—

Ms. Arielle Kayabaga: I just want to understand the nature of the correspondence you sent to these staff and ministers—if you're suggesting now that this indicates their knowledge of your activity on their part, if you communicated directly with them on your activity and if you informed them.

Hon. Marilou McPhedran: Yes. The short answer is yes. They were in a number of these communications. I'm more than happy to table them. I must apologize, because they're only in English. All of these communications occurred in English. If you would like to see them today, I would be more than happy to table them.

It's very clear that there are communications about getting out as many of these facilitation letters as possible. In some of those communications, to be honest with you, usually when pleading for more action I copied the ministers and I copied their chiefs of staff. This went on over several days until the bombing occurred.

• (1730)

Ms. Arielle Kayabaga: Just to clarify, when you say you copied them, did you copy their direct personal emails?

Hon. Marilou McPhedran: I did.

Ms. Arielle Kayabaga: Okay.

Hon. Marilou McPhedran: They answered me on occasion and they called me on occasion.

Ms. Arielle Kayabaga: Was it on this specific letter you sent that you said you cc'd them?

Hon. Marilou McPhedran: It was on the situation, on the fact that we weren't getting many of these women out, on anticipating that the soldiers would let them through and they weren't being let through.

Ms. Arielle Kayabaga: Was this—

Hon. Marilou McPhedran: Also, there was quite a bit of communication about women parliamentarians in a very separate stream.

Ms. Arielle Kayabaga: I apologize for cutting you off because of time. I don't know whether—

The Chair: I'm sorry for interrupting. Your time is up, Ms. Kayabaga.

We will now proceed to Ms. Rempel Garner for five minutes.

You can please begin.

Hon. Michelle Rempel Garner: Did any minister ever directly communicate with you on the matter of your issuing the second template to Afghan nationals?

Hon. Marilou McPhedran: No.

Hon. Michelle Rempel Garner: When was the first time you were made aware that any person in the government felt that these letters were either inauthentic or shouldn't have been issued through your office?

Hon. Marilou McPhedran: In July 2022, I started to receive requests from The Globe and Mail—

Hon. Michelle Rempel Garner: Was this after I copied you on the issue of my...? I did copy you on an email that I sent to the minister of Global Affairs as well as the Minister of Immigration, because I didn't know where this letter came from.

Hon. Marilou McPhedran: You did copy me on it.

Interestingly enough, when we spoke in person in June, you never raised any of your concerns or criticisms with me.

Hon. Michelle Rempel Garner: Right, because you fooled me. You fooled me. It's tough to do.

Hon. Marilou McPhedran: I fooled you...? You fooled me. Why didn't you ask me the questions?

Hon. Michelle Rempel Garner: Because we hadn't heard back from the government yet.

This is why I'm trying to ascertain who knew what when, and I'm trying to ascertain, after a year of my office asking where this letter came from, how nobody knew and how my constituent's family weren't allowed to apply for regular programs, even though they had a bona fide claim to Canada because they thought they had been let in by this letter. It fooled me.

I didn't want to cast aspersions on you. That's why I wrote to the ministers and said, "Hey, what the heck? Where is this coming from?" That's me, but this is about you today. I want to know...

You said earlier that Minister Sajjan knew and Minister Mendicino knew. You said that Minister Garneau knew.

I just want to be very clear. You believed that they knew you were issuing the second template to trusted organizations. They knew this.

Hon. Marilou McPhedran: They were copied on correspondence that was dealing with this situation.

Since this is about me, I would also like to say it's interesting that you were comfortable casting aspersions on me and then sharing that with The Globe and Mail, and—

Hon. Michelle Rempel Garner: Now you're putting aspersions on me.

Hon. Marilou McPhedran: I'm describing what you did.

Hon. Michelle Rempel Garner: I don't know the reporting methods at The Globe and Mail. I just try to stay out of their crosshairs. I would recommend the same for anyone else in this room.

Hon. Marilou McPhedran: They used your letter in following up with me.

Hon. Michelle Rempel Garner: I would say this. I can tell you honestly that whoever leaked this issue on the front end was not me, but let's keep going.

Hon. Marilou McPhedran: No. They were anonymous sources within IRCC.

Hon. Michelle Rempel Garner: There we go.

I want to know. You sent this list of people—

Hon. Marilou McPhedran: Lists...rolling lists.

Hon. Michelle Rempel Garner: When did you send this list?

Hon. Marilou McPhedran: Many times over several days.

Hon. Michelle Rempel Garner: You were sending the rolling list. Were you saying that these are people who need to get out, or that these are people I'm issuing the letters for?

Hon. Marilou McPhedran: It was a combination, saying that we're issuing—

Hon. Michelle Rempel Garner: Can you table that with the committee?

Hon. Marilou McPhedran: Yes, I can give you everything. I'm happy to. It's only in English, though.

Hon. Michelle Rempel Garner: Okay. I'm specifically interested.

Can you tell me which email address...? To follow up from Ms. Kayabaga, you know for a fact that you sent it to the actual ministers' personal email addresses.

Hon. Marilou McPhedran: Their P9s.

Hon. Michelle Rempel Garner: Okay.

Did you receive any responses from the ministers' P9s with regard to the facilitation letters?

Hon. Marilou McPhedran: I did.

Hon. Michelle Rempel Garner: Can you table that?

Hon. Marilou McPhedran: I also received phone calls.

Hon. Michelle Rempel Garner: Can you table that with the committee as well?

Hon. Marilou McPhedran: Yes, I can.

Hon. Michelle Rempel Garner: Okay.

I also think that it's really important what Ms. Kayabaga said—desperately important. Regardless of what you may think, I think it is important for anyone listening to this committee to understand that parliamentarians in the Senate or in the House of Commons do not have authorization to grant access to Canada, because I think that—

• (1735)

Hon. Marilou McPhedran: And I did not do that.

Hon. Michelle Rempel Garner: Okay.

Senator, I'm not clear at this point what you thought you did. I have a letter here saying, "visa facilitation letter". There's a Globe and Mail article saying that Ms. Robinson said this letter would definitely get them into Canada.

For the record, for anybody who is listening around the world or in Canada, a parliamentarian cannot grant you access into Canada. We can't grant you access to an airport. There's a reason why we have government processes. I want to be very clear. Our job as parliamentarians is to fix the processes and to hold the government to account.

Senator, you put my family's lives at risk. You did.

Hon. Marilou McPhedran: I reject that allegation.

Hon. Michelle Rempel Garner: You did.

Hon. Marilou McPhedran: I reject that allegation. I did everything I could to try to help them.

Hon. Michelle Rempel Garner: No. They went to the airport and they came—

Hon. Marilou McPhedran: They had to make choices.

Hon. Michelle Rempel Garner: They put their lives in danger and then they weren't able to apply for a regular program. Do you know how much heartbreak that...?

Again, you just said earlier that you would do this all over again. Knowing what you know now, knowing that there are 150 people languishing in Albania because you took it upon yourself to issue these letters, would you do it again?

Hon. Marilou McPhedran: These women are in Albania with food, with shelter, with safety. They are in a much better position than in Afghanistan.

The Chair: I'm sorry for interrupting—

Hon. Michelle Rempel Garner: What about my family?

The Chair: I'm sorry for interrupting. The time is up for Ms. Rempel Garner.

Hon. Marilou McPhedran: Your family had to make choices like many of the other people we tried to help.

The Chair: I'm sorry, Senator. The time is up.

We will now proceed to Mr. Dhaliwal.

Mr. Dhaliwal, you will have five minutes for your round of questioning. You can please begin.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Thank you, Madam Chair.

Madam Chair, I move that the meeting be now adjourned. Please take a vote.

(Motion agreed to: yeas 6; nays 5)

The Chair: The committee is adjourned.

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