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Chair: Mr. Sukh Dhaliwal



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• (1735)

[English]

The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)): I call the meeting to order.

Are there any questions on paragraph 18? I had Mr. Chiang on the list.

Go ahead, Mr. Chiang.

The Clerk of the Committee (Mr. Rémi Bourgault): Mr. Chair, I have Ms. Kwan afterwards.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much, Mr. Chair.

We're now on the public record. Is that right?

The Chair: Yes.

Ms. Jenny Kwan: We've moved to a public meeting.

Before we get on with other business, I'd like to first ask if the clerk can give us an update on the appearance of the minister at the committee. We have passed a number of motions asking for the minister to come.

One was for two hours on the Gaza and Sudan issue, which was actually passed more than a month ago, back on March 20. As we know, we have an urgent situation with Sudan and Gaza. People are literally dying, and we need to get answers from the minister and officials on this.

Have we had any response from the minister on his availability to come before the committee?

There were other motions as well. There was the Hong Kong study. We asked for officials to come, along with ministers. Of course, there are the supplementary estimates. Finally, there's the issue of smuggling and human trafficking.

Have we had any response from the minister on his availability to appear before the committee?

The Chair: The clerk is still waiting for the response with the minister's availability for the months of May and June.

Ms. Jenny Kwan: Thank you.

Just to further clarify, when did the committee request that the minister come on these motions? Can we get the date on those?

To date, you're telling me.... It is now May 1, and we have not had any offer of availability from the minister since as far back as March 20.

The Chair: My understanding is that this was before the meeting that we continued to suspend. If you want the exact dates, I will ask the clerk to look into them and to please give the information to the honourable members.

Clerk, do you need some time? Do you need a suspension, or is it okay?

The Clerk: It's okay.

Ms. Jenny Kwan: Mr. Chair, maybe we can have the clerk report that back to committee members.

Just so that we have it on the record, the Gaza-Sudan motion was actually moved on March 20. The Hong Kong study motion was on February 12. The supplementary estimates motion was also on February 12. The smuggling operations and human trafficking study motion was on February 26.

It's been months and months and months since—

The Chair: I will just correct you on the Gaza thing. The minister was here. In fact, the meeting was interrupted because of the votes and whatnot. On that issue, the minister was here and we made another request that the minister should come back on that issue.

I just wanted to correct you on that one, but about the others, you are absolutely right.

Ms. Jenny Kwan: Yes. On that day, I moved a motion after we were interrupted by many votes, because the issue's urgent and it remains urgent. That motion was passed, but to date, we have not had any dates offered by the minister.

I have to tell you how disturbing that is. I know the minister is busy, but people's lives hang in the balance. No matter how busy we are, we need to make time. People deserve answers and they deserve information. This is what we're charged with doing, so I hope the minister responds.

Perhaps when the clerk has the dates when those requests were made to the minister, they could be reported in the public record, because I think the public deserves to know.

The Chair: Thank you. Do you want them now, or do you want them later?

Ms. Jenny Kwan: Does the clerk have the dates now? If he has the dates, I'll take them now.

The Chair: Okay.

Mr. Clerk, do you have the dates? Go ahead.

The Clerk: Yes.

Ms. Kwan, if I remember correctly, we had the meeting on March 20. We adopted the motion and then the motion was sent to the department on the 21st. There was some follow-up after that about the Gaza and Sudan motion.

The other outstanding motions are also up in the air. I followed up with the department to know the availabilities, not only for Sudan, but for the other motions that were adopted, and I've had no response yet with exactly when the minister is available.

• (1740)

The Chair: Thank you.

I need unanimous consent to carry on as the bells are ringing.

Is there unanimous consent to carry on the meeting?

Mr. Brad Redekopp (Saskatoon West, CPC): No.

The Chair: There is no consent. We'll come back 10 minutes after the vote.

Thank you.

The meeting is suspended.

• (1740)

(Pause)

• (1830)

The Chair: I call the meeting back to order.

Madam Kwan has the floor, and then I have Mr. Chiang, Mr. McLean and Mr. Kmiec on the speaking list.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

We were just talking about the issue of the appearance of the minister and those requests. As the clerk had indicated, the request on the Gaza and Sudan motion following the first appearance was actually made to the minister's office on March 21. It is now May 1, and we still have not had a response in terms of offering a date from the minister and the officials to reappear. I don't think that's acceptable. The reality is that this is an urgent situation. People are dying. I know of family members who submitted their application and since that time, they have already lost their loved ones. We can't just delay and delay. We can't have the minister ignore the request of the committee. We need to redouble our efforts and to get the minister here so we can get some answers for the families.

I'm going to leave it at that. I trust the work of the clerk. I have no doubt that the clerk has done what he needs to do on behalf of the committee. I thank the clerk for his effort. Perhaps this is more of a message for the minister and their office to get on with scheduling the minister to appear before the committee and to meet all the commitments that have been requested of the minister by the committee on the motions. All of those issues are important; otherwise, we would not have passed them at this committee.

Mr. Chair, at this point, I'd like to move this motion:

That, pursuant to Standing Order 108(2), the committee add an additional meeting to the study adopted on February 12, 2024 regarding the pension transferability and access to Mandatory Provident Fund (MPF) for Hongkongers, to study the processing delays for permanent residence applications of Hongkongers, potential differential treatment among different Immigration, Refugees and Citizenship Canada (IRCC) visa offices, and the status of priority processing for applicants in Canada and abroad.

The reason I'm moving this motion at this point, Mr. Chair, is that I have spoken with a lot of Hong Kongers whose applications are simply stuck in the system. For example, Hong Kong Link and VSSDM are active organizations working with Hong Kongers. They are people who have made an application. Originally, the priority processing time for these applications was six months, and now it is to the tune of 21 months. People are still waiting for the PR applications to be processed. In the meantime, people's work permits are expiring. Their study permits are expiring. They're losing their medical coverage. Dependent children are having difficulty accessing education. You can see how difficult that whole scenario is for people.

While this is happening, in Hong Kong, they've recently passed the new Safeguarding National Security Ordinance, which only means they will further escalate the arbitrary arrests and detentions of Hong Kongers.

You can see how frantic people are with the situation. They're so worried about their study permit or work permit expiring, falling out of status and being sent back to Hong Kong to face that situation. I can tell you nothing good will come out of that.

It is really urgent for the minister to come and also address this issue as well. I hope that committee members will support this. This will be in addition to the pension question, which is also a critically important issue.

• (1835)

The Chair: Thank you.

Your motion is in order.

Is there any debate on this particular motion?

Mr. McLean.

Mr. Greg McLean (Calgary Centre, CPC): I would like some clarity. I am in support of this motion, but I want to make sure that, as with the previous motion, we have the relevant IRCC officials along with the Global Affairs Canada officials at the same meeting. We're tired of having one department blame the other department for the inaction on this file. When you talk to Global Affairs Canada, they seem to think the delay is entirely at IRCC, which should be before this committee. I want to make sure that when they're here, we also have the Global Affairs Canada officials whom the IRCC officials are going to point the finger at, saying they're the reason for the holdup. I disagree. If it's friendly.... It's not clear, but could we have both sets of officials at the same meeting as an assistance, please?

Would that be okay, Ms. Kwan?

The Chair: Madam Kwan.

Ms. Jenny Kwan: I think that's okay.

This was just to add to the motion that's already been passed. It already requested all of those officials. It's really just an extension of it.

The Chair: Thank you.

Is there any more discussion on this?

All in favour? Is anyone opposed?

(Motion agreed to)

The Chair: The next speaker on the list is Mr. Chiang.

Mr. Chiang, do you want to say anything?

Mr. Paul Chiang (Markham—Unionville, Lib.): I'm okay.

Thank you, Mr. Chair.

The Chair: Thank you.

Mr. McLean, you are the next one on the list.

Mr. Greg McLean: Thank you, Mr. Chair.

I'd like to defer my time to Mr. Kmiec. We can do a switch here.

The Chair: Mr. Kmiec is on the motion. Basically, you can take raise your hand and I will bring you back.

It's Mr. Kmiec and then Mr. McLean.

Mr. Tom Kmiec (Calgary Shepard, CPC): Thank you, Chair.

I move the following motion that's been put on notice:

That, pursuant to Standing Order 108(2), the committee conduct a study into the widespread Labour Market Impact Assessment (LMIA) fraud committed under the Immigration, Refugees, and Citizenship Canada (IRCC) Temporary Foreign Worker (TFW) program as reported by the Globe and Mail starting on September 29, 2023 specifically referencing immigration consultants and lawyers whom allegedly fraudulently marketed LMIAs to migrants in values as high as \$80,000 in violation of the established regulations; that this study consist of at least two meetings; that for one meeting the committee invite the Minister of Immigration, Refugees and Citizenship and his department officials to testify for one hour each; that for one meeting the committee invite the Minister of Employment, Workforce Development, and Official Languages and his department officials to testify for one hour each; that the committee report its findings to the House; and that the committee request a comprehensive response from the Government.

I want to briefly refer to the article Marie Woolf wrote on the subject, "Ottawa urged to clamp down further on immigration employment scam". The article refers to the following, "The federal government told The Globe and Mail it was aware of scams involving LMIA fraud, but had taken steps last year to guard against them with changes to regulations."

I believe the minister should come to explain why LMIAs are being sold for up to \$80,000.

I now have an example of where an LMIA was procured for \$1.5 million to a national from the PRC, as far as I know. There's a reference here to a registered immigration consultant from London, Ontario, who says the demand for payment from migrants to get jobs in Canada was still pervasive. It was also being used as a route for settling in Canada.

Here, I have a quote from a +1News article from February 2, 2023. The article is by Yogesh Tulani, and is titled, "They capitalize on fear—LMIA Job fraud on the rise as uncertainty with the Immigration system increases". In it he references another consultant, saying, "I am seeing LMIAs being sold in the markets for anywhere between \$20,000 - \$30,000 and sometimes even above \$50,000 to \$100,000."

I want to refer to another one here, because these numbers are just mind-blowing. I've been tracking this for a little while now. This is from Surjit Singh Flora from Asia Metro, in February 28, 2020. This is now four years ago. There's a reference in it to an LMIA that was sold in Canada's Chinese community for a staggering \$1.5 million.

I don't believe there has been much effectiveness by any of the anti-fraud measures that have been introduced. In fact, I have a recent example from a Facebook page that I found. It was referred to me by immigration consultants. On one of them here it says, with exclamation marks, "FOOD COUNTER ATTENDANT pre approved Manitoba, Food service supervisor pre approved Manitoba, Cook pre approved Saskatoon For Visitor Visa only." It says later on, "market price". The only thing this could refer to are the words, "please DM." There are 171 comments. It goes on and on like this. There are countless comments being made.

There's a serious amount of LMIA fraud. I would like the ministers to come in to explain themselves. The media is reporting on it. I have consultant after consultant sending examples of this type of fraud being committed against people from other countries coming to Canada. They're the ones being defrauded. They're the ones being targeted by these fraudulent employers. In some places it's a legal employer, but they're using fraudulent means and then billing back \$50 to \$100, and it's \$1.5 million in one case. They're billing that back to the immigrants who are coming to the country to, in many cases, typically work here under the table.

I would like the ministers to come in with officials to explain themselves.

Thank you, Chair.

• (1840)

The Chair: Thank you, Mr. Kmiec.

Mr. Kmiec, when you say, "minister", you meant the minister responsible for the LMIA section, Mr. Randy Boissonnault?

Mr. Tom Kmiec: Both of them should come in to explain themselves, because both are involved in the process.

The Chair: Thank you.

Mr. Chiang, do you want to speak on the motion brought forward by Mr. Kmiec?

Mr. Paul Chiang: Yes, Mr. Chair.

I would like to make an amendment to this motion. Can we add "that the ministers have the option to appear together for one hour followed by officials of IRCC and Employment and Social Development Canada (ESDC) for one hour"?

This could be added following the words, “his department officials to testify for one hour each”.

The Chair: Mr. Kmiec, are you okay with that? Okay.

The motion presented by Mr. Kmiec is amended by Mr. Chiang. Is there any discussion on that?

(Amendment agreed to)

The Chair: Go ahead, Madam Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

I would like to further supplement the motion by adding after the word “regulations” the following:

the alleged blacklisting by employers of temporary foreign workers who have obtained open work permits on account of being abused or at risk of abuse in relation to their job.

One of the issues we're also hearing, aside from the abusive situation they are faced with from employers potentially selling LMIA's, is that people are being blacklisted when they speak up about their abuse, so you can imagine the consequence for people who are caught up in this really bad situation.

I would like to add that to the motion in the place where it says “as high as \$80,000 in violation of the established regulations” and then put an “and”, and then a (2) so that there are then two segments to the motion.

It would also mean, for the first segment in the beginning where it says, “the committee conduct a study into”, you need to put a (1) so that there would be a (1) and (2).

The Chair: Thank you.

Mr. Kmiec and Mr. Chiang, are you okay with that?

Mr. Tom Kmiec: I'm fine.

The Chair: Is there any discussion on Madam Kwan's amendment?

(Amendment agreed to)

The Chair: Is there any discussion on the motion as amended

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

The Chair: Go ahead, Mr. McLean.

• (1845)

Mr. Greg McLean: Thank you, Mr. Chair.

Yesterday in the House of Commons one of our parliamentary colleagues called on the Minister of Immigration to answer a question about an intervention he made on behalf of a person who was supposed to be deported by the Canada Border Services Agency, and he refused to answer in the House of Commons.

This intervention the minister made is an intervention on behalf of Parliament. His responsibilities are answerable to Parliament, and he would not answer in the House of Commons yesterday. It's a great affront to his role that he has to fulfill for Parliament. Therefore, I'm making a motion today:

That, pursuant to Standing Order 108(2), the committee demand the appearance of the Minister of Immigration and the Member of Parliament for Vancouver Quadra, to explain their roles and the rationale of the Minister's intervention in

the stay of deportation of Zain Haq. Media reports that this foreign activist, who has admitted to receiving \$170,000 from a foreign entity for his illegal activities, had faced deportation due to violations of his study permit; has been arrested at least 10 times; and has been previously convicted of mischief charges. The 2023 court decision indicate[s] that Mr. Haq has “shown disdain for the rule of law and he has publicly encouraged others to break the law.” Court documents indicate that Mr. Haq helped organize a road closure that “interfered with emergency vehicles trying to access St. Paul's Hospital.”

There's further on this, Mr. Chair, that I want to go into as far as the severity of how Mr. Haq has breached the law goes. He knowingly and deliberately broke the law, and he did so fully aware of the consequences and the impact that his actions have on innocent parties.

This is the judgment against him by a court of law in Canada and subsequently upheld by a Court of Appeal:

...the rule of law must be obeyed unless legal jurisdiction permits otherwise.

Mr. Haq's conduct in knowingly blocking traffic, annoying the public and interfering with their lawful use and enjoyment of public roadways is aggravating. The significant number of police resources consumed by Mr. Haq's behaviour is aggravating. The fact that he persisted in his behaviour while knowing the consequences is aggravating as is his willingness to involve and encourage others...Mr. Haq's breach of his release order was a flagrant disregard of terms designed to prevent further offences and that he did so in the face of the authorities.

...Mr. Haq has shown disdain for the rule of law and he has publicly encouraged others to break the law while publicly celebrating his own arrest. His conduct speaks to an arrogance of ideals at the expense of the democratic process and pro-social dialogue.

...I have considered potential immigration consequences and in my view, to reduce the sentence would result in a sentence that would be disproportionate...Mr. Haq failed to disclose that he was denied a US visa, the sentence imposed may be of no moment to his immigration situation.

It goes on, but it is damning of Mr. Haq.

For some reason, at the last moment, the Minister of Immigration, along with the member of Parliament for Vancouver Quadra, intervened in CBSA's deportation of Mr. Haq. We need to know why. Parliament needs to know why. There is a process here that has to be followed, and there needs to be some rationale for intervening in a deportation order such as this.

That is the motion, Mr. Chair, and I put it on the floor for my colleagues to consider.

The Chair: Thank you. The motion is in order.

I have a speaking list.

Mr. Brunelle-Duceppe—

[*Translation*]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Mr. Chair, if I may, I think I already know which way members are going to vote on the motion. I had my hand up for the next discussion, after the vote on the motion.

Thank you.

[*English*]

The Chair: Okay. Thank you.

Mr. Kmiec.

Mr. Tom Kmiec: Without belabouring the points made by my colleague, I will say that the minister, when he rose to answer the question from the member for Spadina—Fort York on Monday, said the following:

Mr. Speaker, as the member well knows, these are not matters that we talk about publicly, much less on the floor of the House of Commons.

Unfortunately, the power that the Minister of Immigration has to stay deportation is given to him by Parliament, so we parliamentarians give him the power. It's in the IRPA. I did read the court decisions, and I think we should be mindful of the following things that were said by two different justices. This went to a court of appeal as well. There was a pre-removal risk assessment done on Mr. Haq's conduct and the potential that he could be harmed if he were to be deported. He failed each of those measures.

Paragraph 56 of the decision of the Provincial Court of British Columbia said the following:

Mr. Haq's breach of his release order was a flagrant disregard of terms designed to prevent further offences and...he did so in the face of the authorities.

It went on to say, in paragraph 62, the following.

Mr. Haq has shown disdain for the rule of law and he has publicly encouraged others to break the law while publicly celebrating his arrest. His conduct speaks to an arrogance of ideals at the expense of the democratic process and pro-social dialogue.

The B.C. appeal court decision said he had failed to comply with the conditions of his study permit and that there were reasons of criminal inadmissibility.

Finally, the pre-removal risk assessment said that the court had determined that the likelihood of irreparable harm was not distinctly different from that in the PRRA—which was the pre-removal risk assessment from September 2022—and that there was no specific or meaningful objective evidence of risk. It went on to reference his spouse's medical condition, which I understand was perhaps a consideration.

The justice said there was insufficient evidence on the likelihood of harm to the spouse, though there would be negative health effects, while noting that the spouse still had full access to British Columbia health care.

The deportation was for April 22. It was stayed on April 19.

I believe this committee needs to get answers regarding why Mr. Haq received a stay of deportation whereas other candidates all across the country have not.

I have constituents asking me about the circumstances of this case, and I would like to have the minister here so he could answer those questions for my constituents.

Thank you.

• (1850)

The Chair: Thank you, Mr. Kmiec.

I have Mr. Maguire and then Mr. Redekopp.

Mr. Maguire, go ahead.

Mr. Larry Maguire (Brandon—Souris, CPC): Thank you, Mr. Chair.

I want to follow up on what my colleague has put forward in his motion. The Liberal government has intervened to stay the deportation order for a foreign activist who has been arrested at least 10 times. He has pleaded guilty to five counts of mischief and has admitted to receiving \$170,000 from a foreign entity for his illegal activities.

In Canada on a study permit, Zain Haq was found by the Canada Border Services Agency to be in violation of his study permit by failing to make sufficient progress in his studies.

Why did the Liberal member of Parliament for Vancouver Quadra, likely with support from the Minister of Immigration, Refugees and Citizenship work to prevent his deportation?

These are the questions that weren't answered.

The Chair: Are you bringing an amendment to the motion or are you asking why?

Mr. Larry Maguire: I'm just speaking to it.

The Chair: Thank you.

Mr. Larry Maguire: This type of political interference causes Canadians to lose faith in our system, and the government's decision to halt this deportation should not go without explanation. That's all I'm saying.

I call on all committee members to demand the appearance of the minister and the member for Vancouver Quadra so Canadians can get the answers they deserve. I think that's the very least we can ask for, Mr. Chair.

I'll pass it over to my colleagues.

The Chair: Mr. Maguire, if you're telling me this, is it just a speech or do you want to make an amendment to Mr. McLean's motion?

Mr. Larry Maguire: No, I was supporting my colleague's motion.

The Chair: Okay. I wanted to make sure because you were saying that the minister should come and a member should come.

You're giving directions or asking for a direction from the committee.

Mr. Larry Maguire: That's right. I'm done.

The Chair: Thank you.

I take it that this is not an amendment. You're just supporting.

Mr. Redekopp, go ahead.

Mr. Brad Redekopp: Thank you.

I want to weigh in briefly on this as well.

This case of Zain Haq exemplifies the wacko world we live in with Justin Trudeau's Liberal politics right now.

He was a student who came to Canada, a foreign student. We know there are some issues with some students who come here to work but not necessarily to go to school. To me, it looks as though he was an example of that. In fact, he was more of an eco-terrorist, working particularly against our resource industries—things like fisheries, forestry, oil and gas and mining. Basically all the resources from which Canadians make a living were the things he was taking steps to actively disrupt and harm. This is undisputed, because he has been convicted multiple times. That's why CBSA wanted to deport him.

According to an interview he gave afterward, the deportation was stopped because of Trudeau's former fisheries minister, Joyce Murray. That's very interesting and confusing to me, because I would assume that the minister in charge of fisheries would not want somebody who's essentially an eco-terrorist to come in and disrupt fisheries and mess up our fishery industry.

That's why I think it's important that we get to the bottom of this. That's why I support calling the minister and Joyce Murray before this committee so we can ask them questions, as has been proposed here.

I think we can vote on this motion.

Thanks.

• (1855)

The Chair: Thank you.

Is there any more debate? If there is none, I'll call for the vote.

(Motion negatived: nays 7; yeas 4)

The Chair: Mr. Brunelle-Duceppe, you have your hand up.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: Mr. Chair, I'm going to take two or three minutes of the committee's time. I'm not putting forward a motion. I simply want to address a situation and describe what happened on April 10.

The committee decided not to meet that day, and the meeting was cancelled. My understanding is that, on April 9, the chair was advised that members from some parties had commitments to mark a religious holiday, Eid. A decision was made to ask the rest of the committee whether it was possible to cancel the committee meeting with less than 24 hours' notice. I said that I didn't agree with doing that, but the meeting was cancelled, regardless.

I don't want to point fingers. I just want people to know what happened. Eid celebrations aren't just held at the last minute. They are scheduled. Mr. Chair, when I commit to an event, whether it's in my riding or in honour of some holiday, and I need someone to fill in for me on the committee, I contact my whip's office and ask to have another member of my caucus take my place.

I think what happened on April 10 is unacceptable, because it wasn't some new event. Everyone knows that Christmas is on De-

ember 25 every year, and they plan accordingly. The members of the committee who had commitments to celebrate Eid could have easily asked their whip's office to have a fellow caucus member stand in for them, and the committee meeting could have gone on as planned.

I often hear committee members talk about how much work the committee has and how we are constantly having to delay our work. That's why I think it's unacceptable to cancel a meeting for something that was entirely foreseeable.

I have the utmost respect for members who committed to attending Eid celebrations in their ridings or communities. That's perfectly fine, and I deeply respect that decision. What is not acceptable, however, is being told 24 hours before a meeting that members can't be there because of a religious holiday. It's on the calendar, Mr. Chair. It doesn't make a lick of sense, as they say.

Mr. Chair, I hope all of my fellow members will agree with me on this. The next time something like this happens and members ask for a committee meeting to be cancelled, I would ask that the request not be granted unless all parties represented on the committee agree. If a member of any party in the House of Commons disagrees with cancelling the meeting, it should go ahead. I'm asking my fellow committee members to think about what happened and bear this in mind going forward.

We are here to work, and if you have a commitment to celebrate a religious holiday or any other commitment in your riding, you need to ask your whip to have someone fill in for you. My caucus has 32 members, and I can easily get someone to stand in for me. I would think, then, that the members of the parties in the House of Commons who sit on this committee and whose caucuses have more than a hundred members each, can manage to find a replacement.

I hope this won't happen again. I hope everyone has understood the message I'm trying to deliver in a very respectful way, and I hope everyone will agree with my proposal. That way, we can start anew.

Thank you, Mr. Chair.

• (1900)

[*English*]

The Chair: Thank you very much.

I have two speakers on the list: Mr. Chiang and then Mrs. Zahid.

Mr. Paul Chiang: Mr. Chair, I move to adjourn the meeting.

The Chair: The motion is non-debatable. Is it the will of the committee to adjourn the meeting?

Some hon. members: Yes.

The Chair: The meeting is adjourned.

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