



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

45th PARLIAMENT, 1st SESSION

Standing Committee on Citizenship and Immigration

EVIDENCE

NUMBER 012

Tuesday, November 18, 2025

Chair: Julie Dzerowicz



Standing Committee on Citizenship and Immigration

Tuesday, November 18, 2025

• (1530)

[English]

The Chair (Julie Dzerowicz (Davenport, Lib.)): I call this meeting to order.

Welcome to meeting number 12 of the House of Commons Standing Committee on Citizenship and Immigration.

Today's meeting is taking place in a hybrid format.

I think we have a few motions to start off with, but I will just get started with giving the introductory comments first.

I want to make a few comments for the benefits of our witnesses and always as reminders to our members as well.

For those who are joining us on Zoom, kindly click on the microphone icon to activate your mic, and please mute yourself when you are not speaking. As a reminder for those on Zoom, at the bottom of your screen, you can select the appropriate channel for interpretation: floor, English or French. For those in the room, you can use the earpiece and select the desired channel.

As always, kindly wait until I recognize you by name before speaking. I will remind everyone to kindly not speak over each other, as it will be very hard for our translators to translate, and it makes their job difficult.

Of course, please ensure that all of your comments are addressed through the chair. Members, please raise your hand if you wish to speak. The clerk and I will manage the speaking order the best we can.

I have sadly forgotten my red card and yellow card today, but I will give you a one-minute warning, and then I will let you know when your time is up and your microphone will turn off.

Thanks in advance for your co-operation.

Before we get into the order of the day, I'm going to turn to Ms. Rempel Garner. I think she has a couple of motions to introduce.

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): Thank you, Chair.

I'll begin with our housekeeping motion. I move:

That, notwithstanding the usual practices of the committee concerning access to and distribution of documents,

a. up to three associate members of the committee per party be authorized to receive the notices of meetings and notices of motion and be granted access to the digital binder;

b. that the associate members be designated by the offices of the whips of each recognized party and sent to the committee clerk; and

c. that the provisions of this motion expire as of Monday, January 26, 2026, unless otherwise ordered.

The Chair: Thank you, Ms. Rempel Garner.

Do we have anyone to speak to this motion?

(Motion agreed to)

The Chair: Thank you, Ms. Rempel Garner.

Let's move on to the next one.

Hon. Michelle Rempel Garner: Thank you.

Chair, I move:

That the committee invite the Minister of Immigration, Refugees and Citizenship to appear before the committee for two hours in relation to both the 2026-2028 Immigration Levels Plan and the Supplementary Estimates (B) 2025-2026 and that this meeting be held no later than Thursday, December 4, 2025.

The Chair: Thank you.

Are there any comments or questions? If none, do we have agreement?

(Motion agreed to)

The Chair: Thank you very much, Ms. Rempel Garner. That's very efficient.

With that, pursuant to Standing Order 108(2) and the motion adopted by the committee on October 23, 2025, the committee is resuming its study of the subject matter of Bill C-12, an act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

I would now like to warmly welcome the witnesses for our first panel.

Joining us by Zoom, we have Debbie Douglas, the executive director of the Ontario Council of Agencies Serving Immigrants.

Here in the room, we have Mark Weber, national president of the Customs and Immigration Union, from the Public Service Alliance of Canada.

I'm going to ask Ms. Douglas if she could begin with an opening statement of up to five minutes, and then I will invite Mr. Weber to do the same.

She just got disconnected, so while we reconnect Ms. Douglas, we will start with Mr. Weber for five minutes.

Thank you.

Mark Weber (National President, Customs and Immigration Union, Public Service Alliance of Canada): Thank you, Madam Chair.

Members of the committee, thank you for inviting me to appear as a witness as part of your study on Bill C-12. As national president of the Customs and Immigration Union, I'm happy to be here today to represent Canada's border personnel. I am also appearing today on behalf of our umbrella union, the PSAC, the Public Service Alliance of Canada.

Per its name, Bill C-12 proposes a number of measures intended to strengthen Canada's border and immigration system. On paper, some of these measures are certainly very positive. A prime example of this is language in the Customs Act that would see commercial operators provide border officers with access to facilities for both import and export inspections. The export aspect is currently lacking in the act. This is a commendable addition.

In practice, the reality is that despite already having these powers for import inspections, the CBSA is rarely able to conduct these inspections when it comes to certain modes, such as rail, due to a now well-established lack of staff and lack of facilities at which to do so. While the federal government has made it clear that hiring 1,000 additional officers was a priority—and one we very much welcome—Bill C-12 highlights once again how crucial adequate staffing is to a secure, well-functioning border.

Adequate staffing also needs to be the cornerstone of well-oiled, secure and fair immigration processes, including refugee claims. While Bill C-12 seeks to speed up the refugee claim process to address “lengthy processing times and backlogs”, it is worth pointing out that without the sustained understaffing our border system has experienced for many years, these lengthy processing times and backlogs, and therefore the pressure to seek efficiencies, would likely be far less considerable than they are now.

This is especially important in light of how CBSA has been managing the border for most of its history. Efficiencies, as implemented by CBSA management, almost always result in a degradation of the security and integrity of our border processes. We've seen it with traveller operations, where people seeking entry to Canada do so through automated machines, with no real interaction with officers.

Outside of Bill C-12, we are already seeing it in some circumstances with the refugee claim process itself, where the agency's simplified intake process, known as “one-touch”, means that claimants spend significantly less time meaningfully interacting with officers, with the result of reduced security for the sake of expediency.

Interaction between officers and anyone who seeks to enter the country, be they travellers or refugee claimants, is a key component of border security. These interactions result in better intelligence and allow officers to recognize patterns and flags that would other-

wise be missed, ensuring that any potential problem is detected early on and will not put further stress on the system at a later date.

Crucially, experienced officers have the training necessary to navigate complex processes efficiently, without compromising security, yet too often CBSA prefers to push out experienced officers—as it is currently in the process of doing with nearly 200 officers who cannot carry a firearm—eroding both its institutional memory and its ability to maintain a direct contact with people transiting through our borders.

The conclusion here is clear. Ensuring the security and integrity of our border and associated processes starts with an adequate human presence. Without this, without the human element, no bill can hope to truly solve border issues in the long term.

I thank you for having me here today and look forward to your questions.

● (1535)

The Chair: Thank you so much, Mr. Weber. That was excellent. It was less than four minutes. Thank you.

I'm going to see whether Ms. Douglas happens to be available to do her five minutes.

You have to unmute yourself, Ms. Douglas.

Thank you. You've now unmuted yourself. Could you maybe start from the top?

Debbie Douglas (Executive Director, Ontario Council of Agencies Serving Immigrants): Okay. I thought I had started.

The Chair: We couldn't hear you. We can hear you now. If you want to just start from the top, you have five minutes, Ms. Douglas.

We're ready for you.

Debbie Douglas: That's great. Thank you very much.

The Ontario Council of Agencies Serving Immigrants, OCASI, is the umbrella organization for immigrant-serving and refugee-serving agencies in Ontario, and it now has over 250 member agencies across the province.

We appreciate the opportunity to submit this brief to the Standing Committee on Citizenship and Immigration. This brief highlights our member agencies' concerns about potential impacts on the communities they serve.

We want to draw attention to the possible negative impacts and unforeseen consequences of Bill C-12 on women and other survivors of gender-based violence, and the disproportionate impact on Black and other racialized people and communities. These measures would weaken refugee protections, undermine charter rights and contravene Canada's—

• (1540)

[*Translation*]

Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): I have a point of order, Madam Chair.

[*English*]

The Chair: Go ahead on your point of order.

[*Translation*]

Alexis Brunelle-Duceppe: The interpreters are telling me that they unfortunately can't interpret at this time, because the connection is too poor. The health and safety of House staff are important to us, so we need to make a decision.

[*English*]

The Chair: Mr. Clerk, what do you recommend?

[*Translation*]

Alexis Brunelle-Duceppe: Madam Chair, as soon as there's a risk to the health and safety of House staff, we can't proceed, unfortunately.

[*English*]

The Chair: I'm asking the clerk to respond.

[*Translation*]

The Clerk of the Committee (Rémi Bourgault): Mr. Brunelle-Duceppe, from what I understand, the interpreters have a copy of the witness's opening statement. That could help for the presentation, at least.

Alexis Brunelle-Duceppe: Okay.

The interpreter says she can read the statement the witness sent us. From what I understand, though, she won't be able to interpret during the question and answer portion of the meeting. Interpreters have suffered acoustic shock before, and we do not want that to happen again.

Thank you.

[*English*]

The Chair: With that, we'll let Ms. Douglas finish her five-minute remarks, since we do have the notes already.

Then, when we're asking questions, Ms. Douglas, you'll probably have to write down the questions and provide us with the answers in written format, if that's okay, and we'll have to get them translated.

Is that okay with everyone? I don't know what else to propose at this point in time. Is that okay?

Debbie Douglas: I'm sorry, Madam Chair, but what's the issue?

The Chair: The issue is the sound connection. I think that when you did your test earlier this week, you were in a different location.

We were able to hear you clearly. Where you are right now, it's very difficult to hear you.

We're able to finish your five minutes because we have your speaking notes. The interpreters now have those speaking notes. I think that all we can do right now is hear you finish your five minutes, and then I'll have to ask you to take down the questions. You'll have to take them down and respond to us in writing. I don't know of any other way to proceed.

Debbie Douglas: Okay.

The Chair: Please continue with your five minutes.

Debbie Douglas: Should I start at the beginning?

The Chair: No, just continue from where you left off, please.

Debbie Douglas: This brief highlights our member agencies' concerns about potential impacts on the communities they serve. We want to draw attention to the possible impacts and unforeseen consequences of Bill C-12. We have a number of key concerns.

The first is the new ineligibility categories for refugee claimants. The bill introduces two new ineligibility provisions that prevent individuals from accessing an oral hearing before the Immigration and Refugee Board: first, for persons who claim more than one year after their first entry in Canada, which is for people who have been here since June 24, 2020; second, for persons who claim more than 14 days after entering at the land border between ports of entry. Canada may return such people to countries where they may face persecution and risk to their safety, thus contradicting the non-refoulement principle. Individual circumstances may change and may present a new need for protection beyond the one-year deadline imposed by Bill C-12. This provision can disproportionately impact women, members of the 2SLGBTQI+ community and other survivors of gender-based violence. It risks excluding people whose countries are facing political upheaval and war, and who are now [*Technical difficulty—Editor*].

The second is the pre-removal risk assessment. People who are excluded from making a refugee claim under the above two ineligibility provisions may be referred for a PRRA. The assessment is an administrative decision made by an IRCC officer, and it lacks the procedural safeguards of a formal refugee hearing. Unlike the Immigration and Refugee Board, it provides no right to an oral hearing—as required by the Supreme Court's Singh decision—nor does it provide a right to resources or expertise to properly evaluate a claim. There is a very real risk that people in need of protection will be quickly deported, only to face persecution and harm.

Third, on moratorium countries, individuals from countries like Haiti, Afghanistan and Venezuela, where Canada has suspended removals due to generalized [*Technical difficulty—Editor*]. They are granted temporary presence but denied fundamental rights and a pathway to permanent residency. Since a PRRA [*Technical difficulty—Editor*] order—which does not exist for this group—they are left in a perpetual state of uncertainty, unable to fully participate in or contribute to Canadian society.

Fourth are new powers to cancel documents and suspend and terminate applications. The bill gives the government sweeping new powers to cancel [*Technical difficulty—Editor*] documents for reasons of public interest, including permanent or temporary resident visas, work or study permits and [*Technical difficulty—Editor*]. The bill will allow the government to suspend new applications in a specific category, and suspend and terminate processing of applications already submitted, as a matter of public interest. This can include applications for permanent or temporary residence, or work or study permits.

These measures will create gaps and unexpected problems for affected people and lead to more people living precariously [*Technical difficulty—Editor*]. There will be a compounding effect of cutting them off from rights, entitlements and access to services, which will increase their vulnerability to exploitation and abuse by bad actors.

These are broad provisions, with no safeguards against the targeting and singling out of certain groups and potential unfair treatment and discrimination by the current or future governments. Several recent reports have highlighted the rise of racism and xenophobia against many different refugee and migrant groups, including international students from South Asia, specifically Indian students. This measure can potentially risk making these conditions worse.

Fifth is the disclosure of personal information. The bill allows the government to disclose personal information within the immigration department and federal government, as well as to share it with other orders of government, agencies and Crown corporations, and foreign entities. It weakens the protection of refugees' and immigrants' data by sharing information relating to their identity, status or immigration documents, and it could risk their safety if they are deported or when they must travel abroad.

Thank you. Again, I apologize for the bad sound.

● (1545)

The Chair: Thank you so much, Ms. Douglas.

I did give you a little extra time, since I know that we are not going to be able to ask you any questions. I will make sure that your remarks are distributed to everyone on the committee as well.

I, too, apologize for the sound issues. Thank you, particularly to our translators, for speaking so quickly. I know that was very quickly done.

We'll go to our first round of questions, which is for six minutes. Again, Ms. Douglas, sadly, I don't think we will be able to have you answer any, but if you would like to respond.... I'm not quite sure how we'll do it. If there are questions for Ms. Douglas, maybe you could ask the questions and we'll have Ms. Douglas write in her an-

swers. We'll have them translated and, hopefully, get that to everyone by the end of the day on Wednesday, if possible. It's the best thing we can do.

For the rest, Mr. Weber, you are the man in the hot seat here, and I think there will be many questions for you.

First, we have Mr. Redekopp for six minutes.

Brad Redekopp (Saskatoon West, CPC): Thank you, Madam Chair.

Thank you to the witnesses today.

Mr. Weber, you spoke in your testimony about the “one-touch” system, and you talked about how there's little interaction with a human in that system. Are we talking about the machines where I put my stuff when I come across the border, back to Canada? Is that what you're talking about, or is this something different?

Mark Weber: It's a different system. Those would be PIK machines.

Previously, when refugee claimants arrived into the country, they had a full interview with an officer. Security screening was done there. That's changed to a system that's called “one-touch”. Essentially, we get tombstone data. We do some biometrics. The claimant is then allowed into the country to complete their security screening and such on their own through the one-touch system. They have, I believe, 45 days to submit that.

In essence, it means that to speed things up, because we're short-staffed, we're allowing people into the country without first doing that security screening—

Brad Redekopp: Hold on a second here. You're saying that a refugee claimant coming to Canada goes to a machine, says they want to be a refugee in Canada, hits a button and they're in the country. Is that what you're saying?

● (1550)

Mark Weber: It's not a machine; it's an application. They're given instructions on how to use the one-touch system. That connects directly with IRCC. They're given that documentation to complete on their own, once they're in the country. We're not doing that up front with them anymore.

Brad Redekopp: Basically, they take out their phone, theoretically, and tap it a few times. They are now in the country as a refugee, accepted by our country.

Mark Weber: Yes. We get some basic data from them. Again, we do the biometrics. Beyond that, they're doing that on their own, yes.

Brad Redekopp: There's no human interaction. Your members do not ask any questions. They don't confirm anything.

Is it a free-for-all into the country that way?

Mark Weber: There's very little. I don't know if I'd use the term "free-for-all", but for the most part, it's self-declaration on the claimant's part, yes.

Brad Redekopp: From your perspective and your members' perspective, this is not a good thing.

Mark Weber: This is a terrible thing.

Again, in my opening statement, I spoke about the human interaction. During the interview, we ask follow-up questions. That's how we establish whether there's coaching or whether it's a legitimate claim. That's how those files are built. It's so that they can be dealt with properly later. That's where we gain that intelligence. That's currently been lost.

That's not to mention the fact that about 10% never complete the forms through one-touch. You can figure, with about 100,000 claimants a year, that about 10,000 people who are allowed into Canada just disappear. Then it's our inland officers who have to find them and remove them. You're adding additional burdens down the road.

Brad Redekopp: So 10,000 potential false claimants coming in through that system have to be removed. Wow.

Would it make sense from your perspective if...? When asylum claimants appear at the border, they don't necessarily have to give a reason why they want to claim asylum at that point. Is that true?

Mark Weber: Not a full reason, no.

Brad Redekopp: Do you think it would be helpful if they did have to make that statement right away?

Mark Weber: Again, the devil is in the details. The key is allowing us to do the interview to get the full story and ask follow-up questions to judge and provide the proper information so that it can be dealt with later to determine whether it's a legitimate claim or not. That's what we're trained to do, and that's currently the part that has specifically been lost.

Brad Redekopp: What would you think about not only doing that but also having that recorded so that it's clear what the answers were from the claimant? Would that be a helpful thing or not?

Mark Weber: I think it could be, yes.

Brad Redekopp: Is it technically something that could possibly be done?

Mark Weber: Technically.... I mean, given what we see can be done now, I think so, yes.

Brad Redekopp: That's interesting.

When the government did Bill C-12, did they ask for your or your members' input on this?

Mark Weber: No. They may have spoken with members. The CBSA may have spoken with members directly about some needs, but not that I know of. I was not spoken with.

Brad Redekopp: You testified at the public safety committee a while back. Speaking about the culture of the senior leadership in the Government of Canada, you said that they have "chosen to focus entirely too much on the 'services' part of its name, at the expense of what should be its primary mission: ensuring the security of our border and protecting Canadian communities."

I'm assuming you're talking about CBSA there.

Mark Weber: Yes.

Brad Redekopp: I think we agree with that. If you look at Roxham Road, CBSA and RCMP officers became welcoming.

Do you believe that with the adoption of Bill C-12 the government will suddenly shift its general attitude away from servicing illegal border crossers to enforcing the law, or do you believe that this legislation is just another gift to Donald Trump from Mark Carney?

Mark Weber: My belief aside, I'm here to provide testimony in the hope that the focus now switches back to security over facilitation.

Technology is absolutely useful. We're not dinosaurs. We realize that there's a place for that, but again, the technology that we see the CBSA putting in place is all about self-declaration. It's about the traveller. It's about the refugee claimants doing everything on their own because we simply don't have the staff to do the proper interviews and do what we did previously. We need to see that stop.

Brad Redekopp: The government has consistently said that the United States is a safe third country. From your perspective, would you agree with that assessment?

Mark Weber: That is worth monitoring closely as time goes on.

Brad Redekopp: Do you think that other western democracies could also be considered safe third countries, such as European countries and places like that?

Mark Weber: Again, it's not something that CIU has analyzed or put any research into.

If you're asking me as Mark Weber, I would say, most likely, yes.

• (1555)

The Chair: Thank you so much.

Thank you, Mr. Weber.

Thank you, Mr. Redekopp.

Our next person for six minutes is Ms. Sodhi, please.

Amandeep Sodhi (Brampton Centre, Lib.): Thank you, Madam Chair.

Thank you, Mr. Weber and Ms. Douglas, for being here today.

My first question is for you, Mr. Weber.

The federal government recently announced the hiring of 1,000 additional CBSA officers, which you mentioned in your opening statement, as well as 1,000 additional RCMP officers, with funding allocated for all purposes—hiring, training and deployment. How do you think this initiative will support the work that your members do on the front lines, and how will these additional officers improve the integrity of our immigration system?

Mark Weber: A thousand is a great start. We estimate that we're short between 2,000 and 3,000, but again, you have to start somewhere. You have to start training them somewhere. Our training program is 18 weeks, with essentially a one-year apprenticeship to be a full FB-03 BSO. That's a lot of work to get those numbers up.

We have concerns around our facilities and how many people we could train per year, given that attrition is about 600. We could train a maximum of just under 700 per year, so we're looking at having that added as well.

We need the facilities to be able to train people to get those numbers up, but the 1,000 is absolutely welcome and will be a tremendous help, yes.

Amandeep Sodhi: Thank you for your answer.

Bill C-12 will enact legislative changes that would allow CBSA to better respond to the needs and pressures of the asylum system. Are you able to outline what tools this legislation would unlock for officers in the field and how these tools will help stabilize and secure the asylum system?

Mark Weber: I know there are curbs on when claims can be made, and greater information sharing. Again, the devil is really in the details. We don't know specifically what information is going to be shared. Is it information that's useful for us? What are we getting from IRCC? What is being provided by the RCMP and back and forth? None of that has been worked out yet, so it's really hard to answer that in terms of the information.

On the additional staff, if they're allocated properly to the front line and focused on security, that will absolutely be a big help, yes.

Amandeep Sodhi: Okay, perfect.

You've also stated that, with the introduction of this legislation, the federal government is highlighting "its willingness to tackle border issues head-on." What specific border challenges were you referring to when you said that, and how does Bill C-12 help to address some of these challenges or issues?

Mark Weber: The additional resources in terms of staff, the additional 1,000 officers, are really what I was referring to.

Again, though, I'm here because I need the CBSA, as much as the Government of Canada, to hear and understand that we need to get our focus back on interdiction. It's been entirely about facilitation for far too long. We see self-declaration, with the machines that were described earlier, at our airports. We see plans for that at land borders. We seem to have a system where we're waiting for people who are here for ill intent to declare to us voluntarily that they are here for ill intent. We're still waiting. That's never happened, and it never will.

Most travellers are here legitimately. Most claimants are here legitimately. Our job is to find the ones who aren't, and without the

interaction with the traveller or the claimant, we're simply not able to do that. We want to see us get back to that.

Amandeep Sodhi: Okay. This is my last question for you. In addition to the measures in Bill C-12, are there any further resources, training programs or procedural improvements you would recommend to strengthen border security while supporting fair and consistent outcomes for asylum claimants?

Mark Weber: Yes, absolutely. Again, the initial interaction with the person coming in is key. That helps in both ways. It helps identify legitimate claims, and it helps identify concerns. It helps build those files so that when it's dealt with later, it is dealt with appropriately. That's currently missing.

Again, on the additional people, if the 1,000 are allocated properly, it will help us do that and hopefully get away from that kind of automated self-service system where, again, we're seeing about 10% who never even follow up, who are in the country. We assume it's not a legitimate claim if they're not following up as they should. That's not necessarily even so. It's just that 10% essentially disappear into Canada somewhere. We don't know where.

Amandeep Sodhi: Thank you, Mr. Weber.

I have no further questions, Madam Chair.

The Chair: All right.

[*Translation*]

Mr. Brunelle-Duceppe, you have the floor for six minutes.

Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I'd like to thank the witnesses for joining us.

Unfortunately, I can direct my questions only to Mr. Weber, because of the connection issues we're having.

Mr. Weber, your union represents the officers on the front line who process claims. There are usually a lot of claims to process.

I have a very broad question to ask you. If the current version of Bill C-12 was passed, would it make it easier or harder for the officers you represent to do their job?

● (1600)

[*English*]

Mark Weber: Again, if it's applied properly, I think it could be helpful. There's hope for it, yes.

[Translation]

Alexis Brunelle-Duceppe: Given the new requirements and powers described in the bill, is it realistic to think the bill could be implemented with the current staff level?

[English]

Mark Weber: That's difficult in every mode and across the board. We talk about additional facilities to inspect exports. We have to get those facilities built. We have to get the people in place. We can't really do that now.

Again, with the focus on exports, there is a concern—and I hear it from our members—that a lot of this is really focused on hopeful tariff relief. We were trying to show that we're focusing on exports to hopefully get a break, in terms of what's going on in the current regime in the United States. We've tried that. I don't know that there's any hope that any kind of appeasement is going to help.

Really, we're here to keep Canadians safe. Our focus still has to be on imports. Right now, we're able to force importers to build the facilities to do exams, such as in rail, and we simply don't do it, even though we're able to. When we see adding the ability to force building facilities to inspect exports.... If we can do it for imports, but we're not doing it, then are we going to do it for exports?

We really need to focus on keeping Canadians safe.

[Translation]

Alexis Brunelle-Duceppe: The media have often reported that one of your demands is that the border service officers be allowed to patrol the areas between border crossings. Is there something in Bill C-12 that would help in that sense?

[English]

Mark Weber: No, we don't. We see expanded powers for the Coast Guard to do that.

Again, if it has to do with IRPA or the Customs Act, are we going to be involved in that? Right now, as far as we can see, the answer is no. Between ports of entry, we don't do that at all. It's our mandate. CBSA has just decided they're going to allow the RCMP to do it. The RCMP isn't overstaffed either. We're talking about thousands of kilometres where we already have officers sitting at the border, who have the full, legal mandate to do that work.

If I work at a port of entry and see someone crossing a minute down the road, I am not allowed to interdict, even though I have a legal authority to do that. I have to call the RCMP, who may say that they can't send anyone or that someone could be there in three hours. That's not an acceptable answer.

We have the mandate, the legal authority, to do it. We want to do it. We're trained to do it. We have the equipment. We're tooled. We have the vehicles. We have everything in place to do it, and we're told not to. For a minute, try to imagine what that does to the morale of our people working at the border.

[Translation]

Alexis Brunelle-Duceppe: Could the government cite a lack of training to justify its decision not to grant you this power? Would the border officers be trained anyway to patrol the border?

[English]

Mark Weber: We're ready to go—tooled and trained. We have absolutely everything available to do it tomorrow, if the will were there, but it's just not, somehow.

[Translation]

Alexis Brunelle-Duceppe: Why is the government not allowing the border service officers to do that, do you think? Has it given a reason for that decision?

[English]

Mark Weber: There was an order in council in 1932 that essentially gave that work over to the RCMP. That was the prohibition era. That's a long time ago. I don't know what the reasoning for that was at the time. Times have changed. We see the provinces organizing different combinations of provincial authorities and park rangers. It seems that everyone is involved in this work except the people who have the responsibility to do it, which is us.

[Translation]

Alexis Brunelle-Duceppe: Is alcohol still prohibited in the U.S.? Never mind.

Are you familiar with the 14-day rule in the safe third country agreement between Canada and the U.S.? I'm not trying to catch you out.

[English]

Mark Weber: Yes.

[Translation]

Alexis Brunelle-Duceppe: Do you think the amendments the government is proposing in Bill C-12 will change anything? Are they really necessary, since migrants will eventually be subjected to a pre-removal risk assessment anyway?

[English]

Mark Weber: I think it could. Again, I hate to sound like a broken record, but it depends on the application.

[Translation]

Alexis Brunelle-Duceppe: Would the current version of Bill C-12 improve your members' safety? Would it change anything?

[English]

Mark Weber: For our members, if it's applied properly and if they're allowed to get back to the work of interdiction rather than facilitation, I think it could be of great help. Again, this is very overall and broad. The devil is in the details. We need to get back to doing those interviews and doing the interdiction that we were doing previously.

[Translation]

Alexis Brunelle-Duceppe: Have you talked to your members about Bill C-12? Are they talking about it among themselves?

• (1605)

[English]

Mark Weber: Our members are very aware and very involved. Yes, we've put it out there and they're really able to get into the weeds of what needs to be done.

I have no expertise in terms of processing refugee claims. We have people, for example, who've worked at Roxham Road for a long time and know it inside out and backwards.

In my opinion, you always go to the people who do it to find out how to do it well. I think that's part of what's lacking in this process as well.

[Translation]

The Chair: You have 30 seconds.

Alexis Brunelle-Duceppe: Could you tell us what your members think, in general, of Bill C-12? Are they in favour of it or not?

[English]

Mark Weber: I think it's hope, based on the hiring of 1,000 additional officers. Absolutely.

[Translation]

The Chair: Thank you.

[English]

Next is Mr. Menegakis for five minutes.

Costas Menegakis (Aurora—Oak Ridges—Richmond Hill, CPC): Thank you, Madam Chair.

Thank you, Mr. Weber and Ms. Douglas, for appearing before us.

Mr. Weber, you said something powerful in your opening remarks to us. You used the words “reduced security for the sake of expediency.” That's very concerning.

In response to some questions from my colleague Mr. Redekopp, did you say that after someone gets to that initial one-touch system, where they basically pass the biometrics and fill in a few things, they have 45 days to self-administer the rest of the questionnaire and respond?

Mark Weber: That's correct.

Costas Menegakis: How many of those in that period of time were deemed inadmissible?

Mark Weber: Inadmissibility is deemed later on in the process.

Again, our goal at the border is to build the file to be able to identify non-genuine claims. Right now, we're kind of relying on people to self-declare that their claim is not genuine.

Costas Menegakis: You don't have them in front of you, and you can't speak to them. They're just giving you a document that says, “No, I'm not a criminal. I'm a good person and I'm coming in to the country, so let me stay in the country.”

Mark Weber: Yes.

Costas Menegakis: This is at a time when CBSA has testified before this committee that it's trying to find 30,000 people in Canada who need to leave the country, who are not found at this time.

I want to touch base with you about one other thing. You mentioned additional resources and getting more people. I looked in the 406-page budget that the government put forth in Parliament for Immigration, Refugees and Citizenship to see what's in there for immigration. Very much to my surprise, on page 311—in the one-page document that deals with immigration, despite the massive problems we're having with the file in the country—the very opening line is, “To meet up to 15 per cent in savings targets over three years, [IRCC] is rationalizing programming” and so forth.

How do you see that affecting your members?

Mark Weber: Our members are not IRCC. I have a lot of sympathy, and our members do too, for what they're going through. With the one-touch system I described, essentially when claimants complete that, it goes directly to IRCC. That's out of our hands. They're given all that additional work while we talk about massive cuts.

Costas Menegakis: You're doing really important work, and your work is ensuring that the people who come into this country are safe to walk around in our communities. You're being hampered because you don't have the resources to do that. They put in a system that, as you say, reduces security but is more expedient.

Canadians have an expectation that the people who are allowed into the country are safe to walk around in our streets, in our communities, around our schools and around our community centres, so it's shocking that committed officers with conviction—your members—who want to make sure that the border is as safe as possible don't have the right tools to be able to do that.

You also mentioned the morale. I want to ask you about that. How are your members dealing with the strain of having 300,000 pending asylum claims on top of what they're dealing with every day?

Mark Weber: Yes, that's a heavy load to carry.

We score last in the public service employee survey. We were last in the last one. Occasionally, we get up to second-to-last, but we're fairly regularly down at the bottom.

I think this is part of it. I think having management culture where management does not come from the ranks and where you have people making decisions who have never worked at the border, have never worn a uniform and don't understand the details of how any of these processes work is a big issue. I think how our accommodated officers are dealt with—

The Chair: You have one minute.

Mark Weber: I mentioned it briefly in my opening statement. Currently, we have about 200 accommodated officers. When I say “accommodated”, I mean that they can do almost the full job, except they cannot carry a firearm, because of injury. Some were injured during use-of-force training. The CBSA is having them look at forced medical retirement rather than taking them and using that expertise and that knowledge. We're talking mostly about seasoned officers who would be able to do things like process these claimants rather than have them go through one-touch.

There was a pilot program in Niagara Falls that had accommodated officers do exactly this, and they were able to process faster than one-touch was able to do it—and give the full interview. Those are the kinds of things that we look to the CBSA to work on, to bring us back to interdiction rather than facilitation, and it doesn't. It's easier to treat your employees as numbers, as disposable employees. That's how it's looked at.

• (1610)

Costas Menegakis: Yes, that's very unfair.

I assume that's time.

The Chair: That is time. Thank you so much, Mr. Menegakis.

Thank you, Mr. Weber.

Next we have Mr. Fragiskatos for five minutes.

Peter Fragiskatos (London Centre, Lib.): Thank you, Chair.

Thank you, Mr. Weber, for being here.

Can you speak more about the current situation with respect to resources, specifically in terms of personnel and also in terms of training? You made a point regarding training that I think is an important point, but it's nuanced. This government has committed to hiring more or putting the funding forward so that more personnel can be hired at the CBSA, but there's an important point about training that you have on the record, and I think it's important for us to hear that again.

Mark Weber: Yes, thank you.

The 1,000 additional officers are absolutely welcome. They're a long time coming, and again, I thank the government for coming through with that.

With regard to the training facilities that we have now, there is one training centre in Rigaud, Quebec, and it could pump out just under 700 new recruits every year. Our attrition is around 600, so it's very difficult with only the one training centre to really get our numbers up as quickly as we need to. We have a secondary campus in Chilliwack. We've run some pilot projects through that, but it doesn't look like that is being used as it could. I know there was a location in Windsor that looked viable. However, despite what we bring forward—and we've tried to help the government and help the CBSA in locating places that they can use—it's just at Rigaud right now.

If we just stick with the current model, it's going to be a long, long time before we get up an additional 1,000 officers, so we really need to find somewhere to train them.

Peter Fragiskatos: Okay. Thank you very much.

I don't see utility in dwelling on the past. However, it is important to understand where we've come from. Can you speak about previous cuts to the CBSA—I'm talking about years ago under the Harper government—the effect that those had on the CBSA and the challenges that those posed for border security in general—as a lesson learned, perhaps?

Mark Weber: Yes, that was back during the DRAP, I would say, in 2013-14. It was very difficult. Again, a lot of frontline positions were lost. I believe around 1,200 total positions were lost during that period, and you know, we haven't really recovered from that.

Those numbers stayed pretty much at what they were cut to for many years afterwards, and of course, we've gotten busier. We've seen the influx of refugee claimants. We did not have Roxham Road. We didn't really have the inland offices that we have now. We have immigration holding centres now, too, that have to be staffed. So, our needs have gotten greater, and our numbers have not come back up from those years when we got cut. It's been extremely difficult, so the 1,000 are very welcome.

Peter Fragiskatos: Now I have something more concrete.

We are looking at Bill C-12. What are two or three recommendations that you have for this committee, based on your understanding of Bill C-12?

Mark Weber: Again, review one-touch. Start getting those interviews going, and start doing the screening before you're allowing people into the country. Allow us to use our skill and expertise to gather the intel, to find the people smugglers and to look for those indicators of coaching. That's what we used to do. I'd really like to see us get back to that.

Overarching, I think, whatever is applied from Bill C-12, we need to make sure that the technology that's applied is used to help the human being who is having the interaction with the person who is coming into Canada, rather than allowing people to simply self-declare and hoping that at some point they will self-declare that they're here for no good.

Peter Fragiskatos: With regard to the point about one-touch, I understand everything you've shared so far, but there are other democracies that are using this system. Can you speak to that and how that compares with Canada?

Mark Weber: I can't, no. I'm not sure exactly how their systems work. I know there's technology that's used in other countries. I mean, I've flown into the U.S. You see the biometrics and such in certain aspects. They have more in place than we do, but when I go, for example, to the United States, one of the things I do see is officers interacting with and speaking to travellers as they come through. We've almost completely gotten rid of that at the CBSA. That's partly due to staffing, but it's also partly due to focus. We've become really focused on facilitation and an attitude of, "Oh, well, it's fine; they self-declared at the PIK machine."

• (1615)

Peter Fragiskatos: For the purposes of the record, I'll just note to colleagues that it's the European Union and specifically Germany that's noted that it is using systems quite similar to this. This is for our understanding as a committee, and I just referred that to the analysts as well.

I'm all through, Madam Chair. Thank you very much.

The Chair: That's time. Thank you.

[Translation]

Mr. Brunelle-Duceppe, you have the floor for two and a half minutes.

Alexis Brunelle-Duceppe: Thank you, Madam Chair.

Representatives of migrant advocacy organizations on both sides of the border have said that, as of February 2026, the influx of migrants could be much greater, because of American policies regarding Haitian visas, among other things.

Are you ready for that? Would Bill C-12 help you be ready? Would officers have more powers? Some say the current version of Bill C-12 wouldn't stand up in court, which means the government could end up in court before the legislation was even implemented.

What would that mean for you in terms of the anticipated February influx?

I know I'm asking a lot of questions, but I have only two and a half minutes.

[English]

Mark Weber: Hopefully that does not happen.

In terms of personnel, again, there's no way we're going to get 1,000 new officers trained, ready and in place by February. It's going to be all hands on deck, a lot of overtime and a difficult situation once again. Again, that speaks to the difficult position the CBSA is in with their current staffing levels, when you look at systems like one-touch and something like what you're describing, what's happened at Roxham Road and the numbers that we're dealing with with the staff that we have. From the outside, to someone who is less concerned with security, you could see why a system like one-touch is very attractive.

[Translation]

Alexis Brunelle-Duceppe: Do you have ties with the American border officers' union or with your U.S. counterparts?

[English]

Mark Weber: No, we don't, not in terms of the specifics of how they do their jobs.

[Translation]

Alexis Brunelle-Duceppe: What you're saying is that there are no discussions on what this would involve.

Some say smugglers are operating on both sides of the border. It's not just people coming to Canada; there are people going to the U.S. also. That said, the 14-day rule applies to both countries. You might have heard this too, but apparently, smugglers are now offering package deals. They will help people cross the border, for example, and then hide them somewhere for 14 days.

Have you caught anyone doing that? That would be impossible for you to do, since you don't have the authority to patrol the border, right?

[English]

Mark Weber: Again, yes, once they're past the border, the RCMP deals with that. We're not given the authority to do any of that work whatsoever.

[Translation]

Alexis Brunelle-Duceppe: It's important for committee members and analysts to hear this again: If the hours of service at ports of entry were increased and border services officers were allowed to cross the border, logically that would completely change response times.

I'd like to hear you again on that, because I have only 30 seconds left.

[English]

Mark Weber: It would be instant. It would be welcome. Again, we're tooled and trained. We have the legal authority. We and the RCMP are the only two agencies that have full legal authority under IRPA and the Customs Act. I've not yet heard an argument that makes sense to me as to why we don't do this work with them.

The Chair: I just want to make sure that everybody is okay with this. We're going to finish this round, and then I think we'll end this session. Mr. Weber has been very kind to be in the hot seat solely for about an hour.

Next, we have Mr. Redekopp for five minutes, and then we're going to go to Ms. Sidhu for five minutes.

Go ahead, Mr. Redekopp.

Brad Redekopp: Thank you, Madam Chair.

Mr. Weber, you just said something quite interesting. You were referring to one-touch, and you said that if one is not concerned about security, it's a great system, or something to that effect. What exactly are you referring to there? Are you referring to a specific person?

Mark Weber: No, it's not a specific person. I'm talking about the culture at the CBSA. Over the years, having to deal with the level of understaffing that it has, I believe it has organizationally become kind of lazy. That is no longer really the focus. How do we keep this ship afloat, given what we have? I think that's the mentality.

Brad Redekopp: To paraphrase, then, you're saying that, from your perspective, the culture that exists at CBSA—and I assume you're speaking of management culture there—is not focused primarily on security. Basically, the agency whose job, whose sole purpose in life is to keep our borders secure is not overly concerned about security. Is that what you're saying?

• (1620)

Mark Weber: I think that can be a challenge, yes. Over time, the focus has become more about facilitation. There are excellent managers I speak with who contact the union about concerns that they have and who would love to get back to doing the kinds of interviews and interdiction that they used to do, but realistically.... They tell me, "Who am I sending to do that?"

Brad Redekopp: I don't doubt that you have very capable officers, and I'm sure there are management-level people who are also very dedicated and want to do their job. I'm sure that's why you signed up for the job in the first place.

What you're saying is basically that, coming from the government and into senior management levels, there's a culture that the job is to be more customer service-oriented rather than security-oriented. Is that fair?

Mark Weber: Yes, my experience at the CBSA, and what I hear from my members, is that there's nothing more frightening than a wait time. That always seems to be the focus: "Keep it moving; keep the wait times down. Keep it moving; keep the wait times down. Get them out the door and go."

Brad Redekopp: Basically, if you create a wait time—in other words, if you take a few extra minutes to do your job—that is viewed negatively from a management perspective.

Mark Weber: It is. I've heard some pretty extreme stories about people who are spoken to about taking too long, about going too far in the interview. That's everything that you're there for. I question what the 18-week training and the one-year apprenticeship are for, if I'm simply there to watch a machine allow people in.

Brad Redekopp: This just gets worse, because you're basically saying that if an officer has some suspicions, let's say, and wants to ask a few more questions and takes a little bit longer, they can actually be punished for something like that.

Mark Weber: I've never seen anyone punished for taking too long, but I think you're reminded that your co-workers are dealing with an extreme volume and you're told, "Can we please keep the line moving?"

Brad Redekopp: You're told to move it along.

You also used the word "facilitation". When you or your members decided that they wanted to become CBSA officers, were they thinking they were going to be facilitators, customer service people, serving drinks or whatever this conjures up in your mind?

Mark Weber: We're not serving drinks yet.

Certainly not. It's a learning curve. I do meet with the recruits when they go through Rigaud, and I see the eagerness and everything that they want to do and why they get into the work. I guess I'm a bit of a Debbie Downer, in that I try to give them a realistic picture of what they can expect when they get to their workplace. It's a little bit disappointing that this has to be part of what they learn.

Brad Redekopp: I have a Roxham Road question. As you said, the RCMP dealt with people at Roxham Road, and from what I understand they were simply given a customs violation for crossing that border, rather than a charge that could have been done under IRPA or something like that. Can you speak to that at all?

Mark Weber: I don't know any specifics around that. I'm sorry.

Brad Redekopp: Are there certain charges under IRPA that should be levelled against somebody irregularly entering our country?

Mark Weber: There are, yes.

Brad Redekopp: To your knowledge, you don't know if they were applied at Roxham Road.

Mark Weber: I couldn't speak to exactly what happened with the charges that were levelled there, sorry.

Brad Redekopp: Even today, it's the RCMP, not CBSA, that deals with irregular crossers. Is that correct?

Mark Weber: That's correct. The RCMP has different combinations of provincial authorities, depending on the province, that are doing that work as well.

Brad Redekopp: I think I've heard enough.

The Chair: Thank you so much, Mr. Redekopp.

Thank you, Mr. Weber.

We have Ms. Sodhi next for five minutes.

Amandeep Sodhi: Thank you, Madam Chair.

Thank you, Mr. Weber. I know it's been a long hour of questioning for you.

Once again, I just want to reiterate the staffing shortages that the CBSA has had in recent years. You've spoken about it multiple times. This is exactly why our government is committed to hiring 1,000 new CBSA officers. I know you've mentioned that it's just a start, but it's to support the important work that your members do on the front lines.

Can you once again tell us how the day-to-day operations of CBSA officers will improve through both the hiring of these new officers and the new tools that Bill C-12 introduces in terms of how your members are able to process asylum claims at points of entry, which have decreased about 30% in comparison to last year?

Mark Weber: Thank you.

The 14 days should decrease some of the amount of work that they have to do. In terms of facilities for examining exports, if those facilities are indeed built for us to be able to do it, that would be tremendous as well. Staffing will help, as long as, again, the staff is allocated to the front line. We see that the CBSA is an organization that is very management-heavy. We have small armies of middle- and lower-level managers. We currently have a contest—I'd urge everyone to visit our website—where we have members send in the most outrageous ratio of managers to officers at our workplaces. In some, we have twice as many superintendents as officers working the line.

That has gotten absolutely out of hand, and it has gotten worse every year at the CBSA. We have superintendents, chiefs, administrative superintendents and administrative chiefs at ports of entry, with two people working with a lineup further than you can see. That is not uncommon, and I see that in every workplace I go to. Anything above a BSO does not process a traveller. That's really something on top of all this that has to be looked at as well. The 1,000 will help, but I really urge the CBSA to apply it where it needs to be applied—that is people who actually interact with the travellers and focus on the security of Canada.

• (1625)

Amandeep Sodhi: You've previously noted that outdated or manual processes can slow decision-making and increase pressure on CBSA officers. Do you believe the modernization measures in Bill C-12 would offer improvements that will reduce bottlenecks and help your members work more efficiently?

Mark Weber: Yes, I think they could. Again, it's very difficult, because there's no detail on how this is going to be implemented, so without that detail, it's a difficult question to ask. There's definitely a lot that is positive in here. Our concerns are mostly around the implementation. How is that going to happen? Is that going to happen with a focus on the front line, on security and on getting back to actually speaking to travellers and looking to do interdiction, or will the focus around that be on introducing more technology to allow people to further self-declare and circumvent the people who are there to keep Canadians safe?

Amandeep Sodhi: Do you have any recommendations in terms of the improvements and the modernization tools?

Mark Weber: Yes. Use the people you have in place, such as the accommodated officers I mentioned, the 200-some who can start assisting and start doing the actual interviews with the refugee claimants, and get back to the kind of system we used to have before it was completely self-serve. Make the focus of working at ports of entry on interacting with travellers coming through and speaking to travellers, not relying just on the machine. Reduce the number of middle managers we have in order to get the numbers up at the front line so we have the people to do those interviews. I don't need six people supervising three people working; that is crazy by any measure, and that's currently what we have.

Amandeep Sodhi: You've emphasized the importance of having timely and accurate information when dealing with complex or high-risk cases. My last question for you is this: Do you believe the enhanced information-sharing measures in Bill C-12 would improve frontline decision-making and the system's overall integrity?

Mark Weber: They absolutely could, if it's the information our officers need. Again, the devil will be in the details. What kind of information would we be getting? Would we be sharing and not receiving?

Again, when we're looking specifically at refugee claimants, we're not going to be asking for any of that information, because that's all self-declared through a one-touch machine. Our interactions with the claimants coming through involve getting some tombstone information and doing the biodata, fingerprints and that kind of thing, and off they go to self-declare and do all the paperwork on their own, which then goes directly to IRCC.

I'm not really sure, in that milieu, what information we could get that would help, if we wouldn't be getting back to doing the actual screening up front when they arrive.

The Chair: Thank you so much, Ms. Sodhi.

That concludes our first panel and our first hour. I want to say thanks to both of our witnesses, Ms. Douglas and Mr. Weber. Especially you, Mr. Weber, you've really been in the hot seat.

I want to thank all of my colleagues for their questions as well, and for the overall testimony.

I'm now going to suspend so we can change panels and start our second one, hopefully in five to 10 minutes.

Thank you.

• (1625)

(Pause)

• (1635)

The Chair: Welcome back, everyone.

I think all of our witnesses are here in person, thankfully. We don't have anyone on Zoom, so thank you for being here in person.

I'm going to give a few reminders, although I think all of you are quite seasoned witnesses. Kindly wait until I recognize you by name before speaking. All comments should be addressed through the chair. I'll give you a one-minute warning, and then basically your time is up, once it is completed.

Now, I would like to warmly welcome our witnesses for our second panel.

We have Professor Michael Barutciski. We have Mario Bellissimo, lawyer, certified specialist from Bellissimo Law Group Professional Corporation. We have Azadeh Tamjeedi, senior legal officer for the United Nations High Commissioner for Refugees.

I'd like to give a warm welcome to all three of you.

Each one of you will have five minutes to give your opening remarks, after which we will delve into questions.

Professor Barutciski, you can begin with five minutes.

[Translation]

Michael Barutciski (Professor, As an Individual): Madam Chair, thank you for this opportunity to appear before the committee.

[English]

We have witnessed, in the last few years, what is arguably one of the country's biggest public policy failures this century. We've seen record numbers in various categories, including asylum seekers who don't even come from the typical refugee-producing states. We've seen the issuing of visas that were super lenient, with consequences that we're still managing, and we still have three million temporary residents, who are not all going to become permanent residents. Even the very pro-immigration former prime minister and his immigration minister admitted a year ago that various parts of the system were being abused and were out of control.

It's in this exceptional context that I believe the immigration-related parts of Bill C-12 should be evaluated. Extraordinary times require extraordinary measures. I'll jump right into the controversial parts of the bill.

First, I'll say a few words on part 8, which eliminates the 14-day exception. Canada needs to treat asylum seekers fairly and humanely, but we have to make sure the system isn't abused. It's logical to eliminate, at least in domestic law, the incoherent 14-day rule introduced in the amended version of the safe third country agreement two years ago. Claimants should return to the U.S. to make their case for asylum protection if the government considers that the U.S. is indeed safe for asylum seekers. If the migrants refuse to do that, it is not unreasonable for the government to decide that they should be returned to their country of origin, following a pre-removal risk assessment. The 14-day loophole remains in the treaty with the U.S., but it should be rendered ineffective, and the proposed amendment is a simple and elegant way of doing this.

I'll continue with another amendment in part 8, specifically the one-year deadline. The one-year filing deadline has existed in the U.S. since the 1990s. To some extent, harmonization is inevitable if we're going to seriously engage in continental co-operation. It's still somewhat controversial for Canada to adopt this rule, given how much it's been criticized by refugee advocates over the years. In the U.S., the one-year period is calculated from the date of an individual's last arrival. I don't understand why we're proposing to calculate the one-year period from the date of the first arrival. Why import this controversial new rule and make it even stricter? At the very least, a small compromise would be to calculate from the last arrival date.

Having said that, there is a larger issue that deserves more attention. The concept of refugee *sur place*, promoted by UNHCR for decades, shouldn't be dismissed so easily. It's the expression used to highlight changed circumstances in the home country while the migrant is residing in another country. I think the committee should suggest the idea of inserting an explicit requirement to consider UNHCR's refugee *sur place* concept somehow alongside the pre-removal risk assessment.

I'll say a few words now on part 7 and the mass cancellation ability. There is little transparency, yet the decisions can have grave consequences. Perhaps some public debate and scrutiny could be encouraged by inserting an obligation to adopt some sort of declaration in Parliament, recognizing, for example, a specific crisis or a situation of massive fraud. In any case, I'd encourage the committee to think about a mechanism that creates parameters around the use of this new tool.

● (1640)

How would these powers actually be used? Would the government really cancel visas or permits for entire groups? Then, if the people didn't leave voluntarily, what would it do, mass removals? You can change the law, but ultimately it depends on your willingness to actually remove those who are present unlawfully. Given the track record to date, it seems unlikely that we would do this or be effective at it.

My last suggestion is this. Why not look at the problem from the other end? If we're deploying carrots and sticks, then the approach in part 7 is as if we're signalling that we might bring out the big stick. The other side of the strategy, the carrot, could be for the government to incentivize migrants to leave on their own. Perhaps this could be done by proposing financial aid to help them return home. This could be combined with future eligibility for legal residence if they do leave on their own.

[Translation]

Thank you, Madam Chair.

[English]

The Chair: Thank you, Professor Barutciski.

Next, we have Mr. Bellissimo.

You have five minutes.

Mario Bellissimo (Lawyer, Certified Specialist, Bellissimo Law Group Professional Corporation, As an Individual): Madam Chair and members of the committee, thank you for the opportunity to appear again today.

Bill C-12, in my view, presents a meaningful opportunity to modernize Canada's immigration and refugee system while restoring balance, security, efficiency and fairness. Its aims of integrity, transparency and modernization are commendable. Such measures as removing the designated country of origin regime, expanding digital tools and improving cross-agency co-operation are positive and long overdue.

The committee, though, has received, as my co-panellist just mentioned, substantial testimony warning that certain provisions expand discretion without adequate safeguards, weakening parliamentary oversight—including the role of this committee. Undefined “public interest” cancellation powers are of particular concern. The 2012 federal skilled worker termination demonstrated the uncertainty such authorities can generate. The minister testified that public interest is deliberately undefined to preserve flexibility. No doubt flexibility has value, but without limits, extraordinary powers risk becoming unconstitutional.

Similar concerns arise with the ineligibility bars for over-delayed or trauma-affected claims. There are concerns with the expanded data-sharing authorities and with provisions preventing proceedings unless claimants or persons concerned are physically in Canada. We recommend, as set out in our brief today and in the brief we put before SECU, that those provisions require further study.

Now, even if these clauses are ultimately upheld, implementing them would require major operational changes. For example, for many failed refugee claimants—apart from those from moratorium countries, to list one exception—the only remaining pathway would be the PRRA, as we've heard. It's a process not at present designed to replace IRB adjudication. To even approach fairness, PRRA would require significant scaling, an independent unit, specialized training and enhanced protection. The committee may wish to ask IRCC to produce current PRRA volumes and processing times to evaluate whether the system could realistically absorb that shift.

Recent actions have lowered intake, but Bill C-12's eligibility bars, in our view, will not produce lasting volume change, and neither will broad cancellation powers. Canada has seen this cycle before. We've tried restrictive levers and short-term fixes, only to see pressures reappear in different forms.

The good news is that none of this is inevitable. Lasting modernization and security are achieved not through episodic cancellations or deterrents but through transparent, predictable intake management across the entire immigration and refugee system. A flexible expression of interest framework could better align admissions with processing capacity and real-time reporting, guided by labour market needs and absorptive indicators, including housing, health care and francophone integration, supported by modern digital tools. Even in such rights-based streams as family and humanitarian, EOI principles can help, not as selection tools but to manage intake fairly and prevent backlogs.

For refugees overseas, a more structured preregistration process supplementing current UNHCR referrals would enable earlier identification of at-risk populations and orderly, data-informed movement planning. It would also reduce reliance on dangerous irregular routes.

For those already in Canada, the IRB could adopt EOI-style management and a national scheduling model supported by Bill C-12's improved information sharing to link hearings to capacity throughout Canada and better identify vulnerable claimants more effectively, reducing adjournments and delays while improving fairness.

Our recommendations offer practical ways to advance modernization while avoiding new legal or operational risks. Certain provisions are not suited to quick amendment, in our view. To give full effect to the bill's aims, the committee may wish to recommend that complementary reforms, reported and already explored here at CIMM, be referred back for further study and broad consultation following SECU's review.

With thoughtful revision that builds on the positive elements of Bill C-12, the legislation can modernize the system in a way that strengthens border security, protects fundamental rights and enhances public confidence. Canada can achieve both security and fairness without compromise.

Thank you, Madam Chair. I look forward to your questions.

• (1645)

The Chair: Thank you, Mr. Bellissimo. You should be a politician; that's almost exactly five minutes.

Next, we have Ms. Tamjeedi please, for five minutes.

Azadeh Tamjeedi (Senior Legal Officer, United Nations High Commissioner for Refugees): Thank you very much.

Thank you for this opportunity to appear before you today on Bill C-12.

As UNHCR, the UN agency serving refugees and asylum seekers in 134 countries and territories, providing technical advice on building a strong asylum system is an integral part of our advisory role.

As of June 2025, 117.3 million people were forced to flee their homes, with 71% being hosted by low- to middle-income countries. Closer to home, Canada, like many countries, has seen a rise in asylum claims amid increased global displacement. Ensuring a strong asylum system that can both quickly recognize those in need of protection and refuse those who do not meet the international definition of a refugee is an important goal of any asylum process. We recognize the challenges that this entails, but we fully believe that Canada can meet them in a way that ensures that the right to seek asylum is protected.

Regarding Bill C-12, UNHCR notes that many of the proposed changes depend on future regulatory amendments, and a full assessment will only be possible once the draft regulations are available. We welcome elements that reflect past UNHCR recommendations, such as streamlining eligibility processes and enabling earlier appointment of designated representatives for children and other vulnerable persons, both of which contribute to a stronger and more efficient asylum system.

At this time, UNHCR would like to focus its comments and recommendations on the new ineligibility provisions. One of the main changes under the proposed bill is that individuals found ineligible under the two new provisions would receive a pre-removal risk assessment, or PRRA. Like the Immigration and Refugee Board, or the IRB, the PRRA could grant refugee or protected person status. It was originally designed to be used prior to removal after someone has exhausted all their legal means in Canada, including a hearing before the IRB.

However, if the PRRA is used as a first assessment of an individual's asylum application, as this legislation proposes, it should incorporate safeguards to comply with international and domestic law.

First, UNHCR recommends that a mandatory hearing be added, to ensure an individual's right to be heard.

Second, we recommend that those deemed ineligible under these new provisions have the right to a full appeal at the refugee appeal division of the IRB, which would also stay their removal until the appeal is heard. This would minimize the risk of returning a person to a place where their life would be at risk if there was an error in the PRRA decision, and it would increase overall system efficiency.

The final recommendation is that individuals from countries that Canada does not deport to—so-called moratorium countries—be granted exceptions to the new ineligibilities. If the bill remains unchanged, when a person from a moratorium country, like Afghanistan, is deemed ineligible under one of these new provisions, they will not have their refugee application heard, and their case will remain in limbo. These are typically strong asylum claims, and they merit an opportunity to obtain refugee protection.

Moreover, certain individuals should be exempt from the one-year ineligibility bar, such as vulnerable persons and when there is a change in circumstances. This would allow for the specialized tribunal, the IRB, to handle more complex claims. UNHCR has long supported Canada's refugee adjudication model and the IRB. At the same time, we recognize that finding ways to increase efficiencies while upholding access to fair procedures is a legitimate objective.

We hope that Canada continues to be a champion for fast, fair and efficient asylum systems and to lead in an environment where other countries are closing the door on the principle of asylum. We have seen first-hand how the 1951 refugee convention on asylum has saved millions of lives in the past 74 years.

As this committee has heard, 61% of those who claim asylum in Canada are found to be refugees, meaning that they have fled dangerous situations and require Canada's protection. For this vital reason, UNHCR remains committed to working with the Canadian government and civil society to ensure that the new measures are implemented in a manner that provides protection to those who need it and builds a stronger system to face the challenges of the future.

Thank you very much.

• (1650)

The Chair: Thank you to all witnesses for the excellent testimony and for all the great recommendations.

We are going to begin our first round of six minutes.

We're going to begin with Mr. Ma for six minutes, please.

Michael Ma (Markham—Unionville, CPC): Thank you, Madam Chair.

My questions will be addressed to Mr. Barutciski.

In a June 2025 article, you discussed the safe third country agreement component of what is now Bill C-12. You emphasized that harmonization of the Canadian system with the U.S. system is “the only way...to bring migration under control.” Can you expand on this harmonization point for the committee?

Michael Barutciski: I can expand a little bit, if you want. What I was referring to is that the dynamics of regional approaches to refugee protection are such that we can't have partner states with widely different standards. That's the problem for Canada, to the extent that the U.S. is perceived as having lower standards, and Canada is perceived as having higher standards.

What I'm pointing to is that we have to think about this difficult situation where, because of geography and history, we're forced to co-operate with the U.S. and figure out a way to have standards that are relatively going towards harmonization. That is what I was trying to suggest.

Michael Ma: What impact would that have for Canadian asylum seekers, in your opinion?

Michael Barutciski: I think my colleagues sort of referred to that, in a sense. A lot of the testimony you received was about the risk of the standards in Canada dropping so low that they maybe don't respect our charter obligations, for example. The challenge for all of us is to figure out how to harmonize to some extent while preserving our specific approach, and we try to maintain relatively high standards.

These issues are not unlike what the European Union has to go through: wide standards and then the consequences of not harmonizing to some extent. There are consequences we have to think about, and that's a bit of the dynamic we're stuck in.

• (1655)

Michael Ma: Thank you.

I also noticed, in the paper on the 1998 Kosovo refugee crisis and the UN High Commissioner for Refugees' supervisory role, that burden-sharing agreements are a recurring theme for solutions. Can you outline some of the best practices around burden-sharing agreements, especially as they apply to Canada's safe third country agreement and how this can help bring our asylum numbers under control?

Michael Barutciski: Burden sharing or responsibility sharing is what we're dealing with with the U.S. We're trying to avoid having asylum seekers make multiple claims. I think that's the motivation behind this. It's related to your first question. Standards have to be somewhat similar, but we have to be confident that we can partner with another state, such as the U.S. and maybe other states as well, for some testimony or some questioning to explore other states that Canada would inevitably have to partner with in terms of safe third country agreements.

The idea is that we can agree on standards that are reasonable for all of us and then try to manage forced migration in that sense. I think we are, in a sense, forced to. This is not the nice side of international refugee protection, but the reality is that we're going to have to collaborate, and these responsibility-sharing mechanisms are something we're inevitably going to have to look at more seriously in the future.

Michael Ma: Thank you.

You described that "Federal failures broke Canada's asylum system" in a January 2024 commentary published with Macdonald-Laurier Institute. You also mentioned the burden-sharing scheme in this commentary as a solution. Building upon that article, would you say that Bill C-12 is doing enough to fix the problem of the broken asylum system?

Michael Barutciski: I don't know that I was explicitly trying to push the idea of a broken system; I was trying to suggest that there are a lot of problems. We have to acknowledge those problems and learn lessons from them.

In terms of figuring out something with the U.S., I think Bill C-12, as I tried to explain a few minutes ago, is proposing what I see as exceptional measures, and I think that makes sense if we accept the idea that we are in an exceptional situation. There are various problems relating not just to asylum questions but to the immigration system more generally. I think this is a good try at bringing this. I think it signals very clearly that the government is trying to

fix something. Politically, this is delicate, in the sense that we don't want to insist too much on how we got there, yet we do want to learn the lessons, but we want to co-operate and figure out the mechanisms that can make sure that what is being proposed is charter-compliant and fair towards different migrants who are affected.

Michael Ma: Thank you.

What more should we be doing in Bill C-12, then, under this burden-sharing lens?

Michael Barutciski: I'm not sure I see more that can be done. I think what is actually being proposed can be refined so that it's better.

The Chair: Thank you so much, Professor Barutciski.

Next, we have six minutes for Mr. Zuberi.

Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Madam Chair.

Thank you to the witnesses for being here today.

I'm going to focus my questions on Ms. Tamjeedi, or as they say in French, Maître Tamjeedi.

You mentioned a number of things in terms of some concrete suggestions on how Bill C-12 can be adjusted, in your expert opinion from UNHCR. You said that if PRRA is used, all claimants should have a hearing. That's number one. Number two is an appeal to the IRB. Number three is moratoriums. You had a commentary on moratoriums in terms of those who are covered under that.

Do you make those suggestions because of any international pacts or obligations that Canada has?

• (1700)

Azadeh Tamjeedi: I make them because, under international law, to assess whether someone is a refugee or not, states are required to give them a right to be heard.

If, for example, you're going to refuse someone, you should give them an opportunity to respond to your concerns. That is also in conformity with Canadian jurisprudence under the Singh decision, so that's under the mandatory hearing requirement. A full appeal right through the refugee appeal division of the IRB is also a right that has been enshrined in international law and norms.

On the moratorium countries, the reason we make that suggestion is that we saw, when Canada brought in amendments in 2019 that did a similar thing and gave PRRA applications to certain ineligible persons as a first-instance refugee status determination, that persons from those countries weren't getting assessed. They don't have an opportunity to get refugee protection. They don't have an opportunity to integrate, and they don't have an opportunity to bring their family over. Arguably, persons from those countries who are under a suspension of removal have strong claims. They're coming from places like Afghanistan, Syria and Iraq, so they should have an opportunity to have their cases heard.

Sameer Zuberi: Thank you.

Can you tell us which international pacts and covenants you're referring to that Canada is a signatory to?

Azadeh Tamjeedi: There's the 1951 refugee convention and the optional protocol that Canada is a signatory to.

There are also other international covenants, like the International Covenant on Civil and Political Rights, that Canada is signatory to. These covenants and conventions inform how an asylum system should be built and the rights that should be given to individuals when they come to claim in Canada.

Sameer Zuberi: Certainly.

Mr. Bellissimo, I believe you mentioned that PRRA wasn't designed for the way we're using it right now or intending to use it.

Do you like these suggestions you heard just now, in order to adapt it to the way in which we're trying to use it in this new system under Bill C-12?

Mario Bellissimo: I think there are a couple of things there. One, we have to be careful that we're not overcorrecting for a temporary intake. Refugee intake is down. The overall volume in Canada is down because of the measures the government has already taken.

The measures that my colleague is suggesting would go towards charter compliance. However, in my view, you already have an expert tribunal that is performing those functions. For the most part, as we talked about, with better management principles, better identifying of vulnerable claimants and some of the enhancements that Bill C-12 hands the IRB, there's no need to reinvent the wheel. Leave it where it is, because that's where I think we will achieve the greatest efficiencies.

Sameer Zuberi: You speak about better management techniques within the existing system. Do you want to concretely outline what those are?

Mario Bellissimo: I think Bill C-12 creates an informational journey that is much stronger than what exists. What the IRB is going to be receiving is stronger. If you leverage those expression of interest principles we talked about—the intake and the capacity management based on scheduling no matter where a member might be in Canada—you get that hearing going and you better identify vulnerable claimants, so you triage those cases faster. On the flip side, for the cases that are weaker, you triage them out faster.

With those tools, with what Bill C-12 is equipped with potentially—and again, I know the details will be in the regulations, but it

sounds encouraging—I think you might see quite a positive outcome that I think CIMM should recommend be seen, and not over-correct on a process where you'll have to scale, train officers and create an independent unit. In my view, it's quite expensive and you might create a larger backlog. PRRAs are already taking a long time. If you're now going to place that administrative burden or capacity burden on PRRA, I think we're working backwards.

• (1705)

The Chair: You have 30 seconds.

Sameer Zuberi: Ms. Tamjeedi, I'll leave 30 seconds to you.

Azadeh Tamjeedi: As my colleague mentioned, the PRRA has been designed for the back end of the process.

I will say that there is always going to be a backlog in an asylum system. No asylum system is perfect and goes down to zero. It's a question of managing that backlog. How do you manage that backlog? You create triaging systems. You create accelerated processes and different ways of deciding a case that will help you figure out which ones can be decided on faster and which ones require a bit more time to study.

The Chair: Thank you so much, Ms. Tamjeedi.

Thank you, Mr. Zuberi.

[*Translation*]

Mr. Brunelle-Duceppe, you have the floor for six minutes.

Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I'd like to welcome the witnesses.

Ms. Tamjeedi, would the current version of Bill C-12 violate the international convention agreements Canada has signed? If so, how?

Azadeh Tamjeedi: Thank you very much for the question.

If you don't mind, I'll answer in English.

[*English*]

I will note that there are regulations that have to be drafted and that we have not seen. It's hard to make a full assessment of the legislation without seeing those regulations, but the minimum standards we have outlined here today in terms of the amendments will bring the bill in line with international law and international norms regarding refugee status determination.

[*Translation*]

Alexis Brunelle-Duceppe: I'd like to ask you the same question, Mr. Barutciski.

Michael Barutciski: The problem is the way the bill is going to be used, not the bill itself. For the moment, we don't know how it'll be used. That's the issue, in my opinion.

That said, the minister and Governor in Council are being given very broad powers, which could be of concern. That's why we're talking about parameters, so that the decisions being made are subject to controls. I think that's where the problem lies.

We also have to try to avoid potential violations. I don't think we can say, for the moment, that the amendments are not in line with our international obligations.

Alexis Brunelle-Duceppe: You talked earlier about harmonizing our system with those of partner countries, mainly the U.S.'s.

However, when a country like the U.S. makes considerable changes to its refugee acceptance measures, to the point where they might be in breach of international rules, how do we adapt our own rules?

Michael Barutciski: U.S. laws are still the same, for the moment.

The government's policies might change, but the directives, the orders coming from the White House have certainly changed over the past few years and months. Obviously, if U.S. laws change, then the way asylum seekers are treated could be very problematic with respect to international standards. We would have to rethink our cooperation with the U.S., but that's part of our system, anyway. We constantly have to review the situation to make sure the safe third country agreement Canada signed doesn't violate international law.

Alexis Brunelle-Duceppe: My next question is for Ms. Tamjeedi, but the other witnesses can also answer. Public opinion on immigration in general, but also on asylum seekers, is increasingly negative. The debate is very polarized, even politicized, since the issue is often exploited for partisan or political purposes.

That said, back when he was immigration minister, Mr. Miller, alongside provincial ministers, announced with much fanfare the creation of a committee tasked with distributing asylum seekers across the country according to each province's demographic weight. That was the last time we heard anything about the committee, despite the fact that the idea was put forward by the immigration minister and several provinces that take in many asylum seekers, such as Quebec and Ontario.

Do you think this idea should have been included in Bill C-12? Could the government defend its decision, from an international standpoint, to distribute asylum seekers among provinces regardless of which province they arrived in?

• (1710)

[English]

Azadeh Tamjeedi: I will state that there are nations that do distribute and relocate asylum seekers to different parts of the country, depending on their own policies. It is possible to do that in legislation and regulations or any other way that Canada decides to do so.

For UNHCR, the important thing is that we would prefer that this relocation be voluntary and that it look at other good practices that we see internationally. For example, in Mexico and Brazil, we're seeing relocation programs where they look at the employment needs of different parts of the country, pair asylum seekers and refugees with employers for training, and relocate them based on that employment need. That way, individuals are able to integrate

properly in a different part of the country while they go through their process, and they're able to settle better once they get a decision on their case, if they get a positive decision.

[Translation]

Michael Barutciski: A year ago, I wrote an op-ed in *La Presse* on this topic.

I'd like to build on my colleague's comments, and say that it would be preferable if transfers were voluntary, but not necessary. We have to be realistic, and see what other countries are doing.

That said, your question is whether this proposal should be included in Bill C-12. I think it's a policy issue that can be negotiated separately from the bill. The bill already has complex elements. I see no need to add an element that could be politically controversial, as you know.

Alexis Brunelle-Duceppe: I understand.

I just wanted to point out that the public's perception would probably improve if provinces that take in asylum seekers, as compared with those that don't, took in only their share, as per their demographic weight.

What you're saying is that this proposal shouldn't be included in Bill C-12, given what's already in there. It should be separate.

Michael Barutciski: I totally agree with you on the public's perception.

In order for people to know that the situation is well managed and under control, I think that in certain parts of the country—

The Chair: Thank you.

[English]

I'm sorry, but that is time, Mr. Brunelle-Duceppe.

Next, we go to five-minute rounds.

We'll start with Mr. Davies for five minutes.

Fred Davies (Niagara South, CPC): Thank you, Madam Chair.

Thank you to the witnesses. This has been very informative for me.

In my riding in the Niagara region—I can see by the reaction that you can tell where I'm going with this—we had a number of asylum seekers who took up a good portion of the hotels in Niagara Falls for 16 months. In fact, they took up the key hotels in the tourist area and put a significant strain not only on the tourism sector but on the educational sector, the health care sector and schools. The burden on the public education system was incredible.

This is a question for Mr. Barutciski.

Can you give me your opinion on the impact of this? Would you agree that we cannot continue to operate in that sort of atmosphere in any circumstance in the future, regardless of what this bill does?

Michael Barutciski: I think this is a good continuation of what Mr. Brunelle-Duceppe was talking about. We do need to think seriously about responsibility sharing within the federation. If a region is impacted disproportionately or if the government decides to resettle in certain areas, obviously that poses problems for the host community.

Quebec had another kind of problem, in that people were arriving initially there and then transferring, maybe without consent, to a particular region and creating problems in that region. This is obviously a problem, and it affects public opinion. I think part of the reason we're here is that we did not manage this politically very well. I don't think there's a legislative solution to this. It's a political problem that needs to be handled more effectively and more seriously—if we even took this seriously up to now.

Fred Davies: CBSA's recent departmental results found that the agency continued to miss key performance targets and had a lack of follow-through. The government has promised to hire 1,000 new CBSA officers. I was speaking in the House today about the problem with CBSA. One thousand new officers are a drop in the bucket of what is actually needed across the board to manage not just asylum seekers but border issues across the country.

I think it was Mr. Bellissimo who said that the IRB would have a better-informed intake process through parts of this legislation, but I just learned, for example, that CBSA reduced its detention capacity by over 40%. Now, for people coming into the country seeking asylum, the CBSA is discouraging those who are deemed to be a difficult case to be put into the community. That, in and of itself, creates another burden for the Canadian taxpayer.

What impact do you think this would have on the judicial process that these people may be going through, having been discharged from a detention centre, as an asylum seeker, into the community? Does that complicate the process through which they would proceed in order to find a determination of admissibility?

Ms. Tamjeedi.

• (1715)

Azadeh Tamjeedi: I just want to highlight that the majority of asylum seekers are fleeing persecution. They are not the agents of persecution or subject to criminality. Less than 1% of foreign nationals are deemed inadmissible to Canada due to some kind of serious criminality. Asylum seekers make up a very small proportion of that.

We actually recommend alternatives to detention during the asylum process, because it enables asylum seekers to participate in the asylum system much more effectively when they're not detained—to obtain documents and evidence of the persecution back home and be able to file that in a timely manner.

Fred Davies: If the CBSA has actually reduced its detention capacity, in your experience, what would put somebody into a CBSA detention centre?

Azadeh Tamjeedi: It would be if it's flagged as a high-risk case where there's a security concern. A very small proportion of individuals who claim asylum would fit under that category.

The Chair: Thank you, Mr. Davies and thank you, Ms. Tamjeedi.

Now we go to Ms. Zahid for five minutes.

Salma Zahid (Scarborough Centre—Don Valley East, Lib.): Thanks to the witnesses for coming today.

My first question is for Madame Tamjeedi.

You raised concerns in your opening remarks about the pre-removal risk assessment process and the fact that it does not include an in-person hearing for the claimant to make their case. Could you discuss the difference between an in-person hearing and one that is conducted on paper? How could the government create a process that meets its desire for an efficient process while still meeting our obligations under international treaties and ensuring procedural fairness for the claimant?

Azadeh Tamjeedi: A hearing gives the claimant an opportunity to respond to questions from an interviewer. It gives them an opportunity to validate their case and give evidence. Their testimony is part of their evidence. With the paper-based process, you won't get that type of evidence. You will just get bits and pieces of paper from an asylum seeker that may or may not show what they're claiming and why they're fleeing persecution.

It's important to remember that oftentimes asylum seekers don't have a lot of documentation. They are fleeing situations where they were at risk and they don't have time to pick up papers and leave. If you're fleeing a burning house, you don't have a lot of papers with you.

A hearing gives them an opportunity to give that in-person evidence as sworn testimony, and it gives them the opportunity to answer any concerns that a decision-maker would have about their claim.

Salma Zahid: Can you give us some examples? Like, for some refugees coming from countries where there is moratorium or they cannot go back, how would that affect not having the chance for the in-person hearing?

Azadeh Tamjeedi: People from moratorium countries would never even get an assessment of their refugee claim if this legislation remains as is. Because the pre-removal risk assessment was designed as a process to be done at the end of someone's journey in Canada, they will not get that pre-removal risk assessment unless they get a removal order. Because there's a suspension on removals from their country, they will never get that assessment.

That's why we're asking that those individuals be granted an exception to this legislation, so they could have a chance to get a decision on their refugee claim. If they could get a decision on their refugee claim, then they would be able to apply for permanent residence, if they are accepted, and include any family members they wish to bring over to Canada, so they could integrate and continue their lives.

• (1720)

Salma Zahid: You also mentioned in your opening remarks the right to full appeal. Can you elaborate on why that process is important?

Azadeh Tamjeedi: Currently, as this legislation stands, the only appeal that someone would have would be at the Federal Court, and what the Federal Court will be doing is not reassessing the decision or the case but looking at whether that decision was reasonable. They will not be interviewing the asylum seeker again. They will only look at paper-based arguments that are submitted by counsel. If they're granted the right to do that judicial review, the counsel will be able to make arguments in person.

A full appeal allows a decision-maker to re-evaluate the full case, and it allows a decision-maker to also call a hearing if need be. It's a good check on the pre-removal risk assessment process, and it's also a good way to distribute efficiencies within the system. This way, you're not sending a huge number of cases to the Federal Court, which already gets quite a few immigration-related cases, and you're ensuring that the refugee appeal division, which does have capacity, can look at those appeals.

Moreover, we recommend that people have a stay of removal when they are doing their first appeal after a first decision. You are eliminating the risk of them being returned to persecution. Under the current legislation, that stay of removal does not exist for people going through a pre-removal risk assessment, so you risk a chance that you would have an erroneous decision made by a decision-maker that would send someone back to a country where they may face risk. It's better to have that full appeal right up at the front, and then the whole system will have efficiencies further down the road.

Salma Zahid: Canada has committed to having an orderly and managed immigration system. What are the UNHCR's best practices or recommendations for managing sudden surges in asylum claims or irregular border crossings in a manner that balances national security and system sustainability with our international humanitarian commitments?

Azadeh Tamjeedi: I would say it's flexibility. Make sure that your systems are flexible, that they have different triaging models and that you are able to also shift around personnel to be able to address increases in volume.

I will say this. I think Canada can manage this, and it has managed this in the past when we've seen increases at the border. It's been able to shift, for example, CBSA personnel from the west coast to the east coast to manage those increases. Canada has also done contingency planning to be able to respond to those increases. This includes the one-touch system as well, which I think has been able to create a system that's a bit more flexible to ensure that the CBSA can manage an increase in claims. The majority of people going through the one-touch program are identified as low-risk cases. If there's criminality identified, they are not going through the one-touch program; they're going through a longer, more elaborate process at the border.

The Chair: Thank you so much. That is time.

[Translation]

Mr. Brunelle-Duceppe, you have the floor for two and a half minutes.

Alexis Brunelle-Duceppe: The Bloc Québécois always gets less time.

Ms. Tamjeedi, according to several migrant advocacy groups, several refugee centres and Amnesty International, the current version of Bill C-12 would greatly limit the rights of asylum seekers.

What is the UNHCR's position on the matter?

[English]

Azadeh Tamjeedi: UNHCR really is a body that's there to look at the minimum standards for an asylum claim and refugee status determination system. Canada has long had a gold standard in its refugee status determination process. We often use Canada as an example to other countries in the world on how to properly assess whether someone is a refugee or not.

For this legislation, the advice that I'm giving in terms of the recommendations that we are proposing to you today is to bring that legislation in line with the international minimum standards. It's up to Canada to decide if it wants to go beyond that or not.

[Translation]

Alexis Brunelle-Duceppe: Mr. Barutciski, migrant advocacy groups are saying that, if passed, Bill C-12 would greatly limit the rights of asylum seekers. What do you think?

Michael Barutciski: Migrant advocacy groups will undoubtedly criticize any government proposal. They've done it before, they'll do it again. It's somewhat their job. They have to make sure standards are as high as they can be.

As was just said, Canada needs to decide what it wants to do about these standards. Yes, Canada may be limiting those rights and opening the door to quicker decisions, which is raising some issues.

Without a doubt, associations will be against it, but they'll continue to express their opposition, as they've always done.

• (1725)

Alexis Brunelle-Duceppe: Mr. Bellissimo, do you, as an immigration lawyer, think Bill C-12 will free up the Immigration and Refugee Board or clog it up?

[English]

Mario Bellissimo: Absolutely. I think it is an overcorrection. Despite debating minimum or gold standards, ultimately you're taking legal and operational risks at a time when the Federal Court is incredibly backlogged. To me, it's an inopportune time to test something like this. I think it's best to talk about the efficiencies. You already see all of the unintended consequences, like moratorium countries and people under removal orders who will now need to go for stays while they're waiting to go to a PRRA.

In my view, there are other ways to gate it based on the recommendations we made. There's no need to get into constitutional quagmires right now. Let's stay focused on processing efficiencies using the great parts of Bill C-12 to move this all forward.

The Chair: Thank you, Mr. Bellissimo.

[Translation]

Thank you, Mr. Brunelle-Duceppe.

[English]

I always give you additional time. I think you know that.

We are left with three and a half minutes each for Mr. Menegakis and Mr. Fragiskatos.

Costas Menegakis: First of all, thanks to all of you for appearing before us today.

Mr. Barutciski, I have a question for you. Do you believe that Bill C-12 will be challenged in the courts?

Michael Barutciski: As I just said to Monsieur Brunelle-Duceppe, I have no doubt that it will be challenged. Regardless of what you do and what amendments you propose, it will be challenged. There is no question in my mind.

Costas Menegakis: Do you think it will survive a court challenge?

Michael Barutciski: That, I am not too sure about. We have had situations like this in the past. I am thinking particularly of the big decision from the Supreme Court on the safe third country agreement, where all the associations and all the academics—everyone—were trying to prepare big files, and we had a unanimous decision telling us that the U.S. is safe for asylum seekers.

Costas Menegakis: We are talking about people here who are fleeing persecution in other countries and so forth.

We've heard testimony in this committee recently that it will take almost four years to clear up the asylum backlog with no new additional applications, which is not reality. Every day we get applications. We've also heard testimony that Bill C-12 would make the process less fair, more costly and longer.

In your view, do you think this bill will clear the backlogs? They're talking about mass cancellations and all kinds of stuff here.

Michael Barutciski: If we think that the situation is not that exceptional, then we shouldn't overcorrect. If we think that the country cannot normalize six-digit numbers—100,000-plus asylum seekers per year—if that's the new norm, I don't think we'll.... It's a lot. It stands out if we look at the last couple of decades in Canada. I think it's very difficult to actually deal with that backlog with those kinds of numbers, which I would say are not comparable with those of all our ally states per capita. Actually, in absolute terms, they're getting close to the top.

Costas Menegakis: We've also heard testimony about the one-touch system. With that system, Mr. Barutciski, as you know, if you pass the initial biometrics and the questions you're asked, then you have up to 45 days to provide the rest of the information.

Do you not think this lends itself to the possibility of allowing people who have criminal backgrounds to come into the country and into our communities in 45 days?

Michael Barutciski: Of course there's a risk there. I would hope that the security screening is very serious.

Costas Menegakis: It would have to be, because if not, I can't imagine that someone who's a criminal is going to magically say, 30 days after they get here, "Oh, by the way, I'm a criminal. I should not be here."

• (1730)

Michael Barutciski: It has always been the risk of an open asylum system that you can have—

Costas Menegakis: In-person interrogation up front is critically important, as opposed to just a one-touch system or a fast track for expediency purposes, at the risk, of course, of allowing people into the country who shouldn't be here.

The Chair: Thank you, Mr. Menegakis. I'm sorry, but that's three and a half minutes.

I'm going to go to Mr. Zuberi for the last three and a half minutes.

Sameer Zuberi: Thank you, Madam Chair.

I'll ask Ms. Tamjeedi about vulnerable people.

We heard, from a previous panel, testimony that was given in terms of opening around vulnerable people and how there is uniqueness to them vis-à-vis Bill C-12. Do you want to share your opinions about the uniqueness of vulnerable people and what those categories of vulnerability are?

Azadeh Tamjeedi: For individuals who are unable to understand the nature of the processes they're going through—minors or individuals who have suffered extreme trauma—when they're identified as vulnerable at the start of their process, the IRB, the Immigration and Refugee Board, has put in place specific processes that would enable a better adjudication of those cases without retraumatizing those individuals, ensuring that they have a chance to have their story heard. In those types of cases, because of the training of the IRB members, it's good for the IRB to deal with them, given the complexity of those cases. Those cases could be granted an exception under this legislation, if there's an amendment, so that the IRB would handle those cases.

Sameer Zuberi: That's interesting. You're suggesting to kick back vulnerable cases to the IRB instead of going...?

Do you want to outline some of the potential vulnerable categories, which are not necessarily exhaustive?

Azadeh Tamjeedi: For example, someone who is a minor, not necessarily vulnerable but a minor, could be handled by the IRB. They have processes in place for determining the case of a minor, especially an unaccompanied minor who's not coming with their parents.

For individuals with mental health issues who are unable to understand the nature of the process they're going through and who need a designated representative appointed to help them go through that process, the Immigration and Refugee Board could handle those cases very well.

For individuals who have severe post-traumatic stress disorder due to their past experiences and who have difficulty articulating their case, if those individuals are identified through a proper psychiatric report as being vulnerable, they could be handled by the Immigration and Refugee Board as well.

Sameer Zuberi: The change in country situation, does that require, under international pacts and covenants, a new evaluation of the situation? How would that nexus with Bill C-12 work?

Azadeh Tamjeedi: If there's a change in country circumstances—for example, if someone has been here on a student visa for five years and then war breaks out in their country—instead of channelling them through the pre-removal risk assessment, you could grant an exception in this legislation and channel them to the IRB to deal with their cases, so they get a chance to appear before the specialized tribunal. We've seen that, for example, in the case of Ukrainians. They may have been here for a couple of years, and then war broke out and they wanted to make an asylum claim.

That's the type of exception that we could look at for individuals if there's a change in circumstances.

Sameer Zuberi: Thank you.

The Chair: Thank you so much.

I want to say a huge thanks to our three witnesses. You provided not only important testimony today, but very thoughtful and excellent recommendations, which will be taken into consideration. Thanks to all three of you. With my last name, you would think I would say everybody's last name perfectly, but I'm as bad as everybody else, so, apologies. I'm going to say thanks to all of you.

Colleagues, I just have two quick things to mention. Our last day for the study is going to be Thursday. We have officials coming back for the first hour. In the second hour, we are going to be looking at the recommendations. We do have approval to extend up to half an hour. We do have translation and everything set up for Thursday.

Just to let everybody know, next Tuesday we are scheduled to go back to the massive immigration study that we have. I just wanted to make sure everybody's on the same track for that.

With that, there's nothing else on our agenda. We are adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>