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Chair: Jean-Yves Duclos



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• (1210)

[Translation]

The Chair (Hon. Jean-Yves Duclos (Québec Centre, Lib.)): Welcome back to the committee's proceedings.

The meeting is now public. The system is working properly. We will therefore continue our meeting with officials.

If I understand correctly, Mr. McGuire, you will be the only person from your department to make opening remarks.

You have the floor for five minutes.

Mike McGuire (Director General, International and Border Policy, Department of Public Safety and Emergency Preparedness): Thank you very much, Mr. Chair.

[English]

Thank you, Mr. Chair and committee members, for inviting us here today. I am here with colleagues from several departments to answer technical questions on Bill C-12, the strengthening Canada's immigration system and borders act, in support of your committee's study of this bill.

Before opening it up to your questions, I would like to provide some brief remarks about the purpose and themes of the bill. The strengthening Canada's immigration system and borders act builds on Canada's border plan and proposes a suite of measures intended to protect Canadian sovereignty and keep Canadians safe.

If passed by Parliament, these measures will strengthen border and immigration security with new measures to combat illegal migration, the illegal fentanyl trade, transnational organized crime, money laundering and terrorist financing and enhance border surveillance, as well as to modernize laws to address national and economic security threats and respond to evolving challenges, including through providing new tools and enhanced information-sharing authorities to law and border enforcement agencies.

[Translation]

The provisions of Bill C-12 can be grouped under two key themes.

First, measures to secure the border will give border services officers better access to inspect goods intended for export. They will also expand the Canadian Coast Guard's security services. They will improve the sharing of information on sex offender travel, protect the integrity of Canada's visa and immigration system, and enhance the exchange of immigration information. In addition, they will create new grounds for inadmissibility for asylum claims.

[English]

The bill also contains measures to combat transnational organized crime, illegal fentanyl and illicit financing that will clarify exemptions for law enforcement with respect to drug production and trafficking investigations; amend the pathway that allows precursor chemicals that can be used to produce illicit drugs to be rapidly controlled by the Minister of Health; crack down on money laundering and terrorist financing by providing for stronger penalties for financial crimes and adding FINTRAC to the Financial Institutions Supervisory Committee.

Taken together, this proposed legislation will complement ongoing measures under Canada's border plan to enhance border security, strengthen the integrity of our immigration system and combat cross-border crime while still ensuring appropriate safeguards to protect Canadians' privacy and charter rights.

Mr. Chair, my colleagues and I are now happy to take any questions.

[Translation]

The Chair: Thank you very much, Mr. McGuire.

I will now give the floor to Mr. Caputo, who has six minutes.

[English]

Frank Caputo (Kamloops—Thompson—Nicola, CPC): Thank you, Mr. Chair.

Thank you all for being here. It's rare that we get so many experts at one table, and we're very grateful that all of you are here.

The Minister of Public Safety has previously been asked about the number of people who are tracking down those with warrants. The CBSA was asked about this.

This bill is about securing our borders. It was revealed two weeks ago that there are 32,000 people at this time who are at large—as in we don't know where they are, we being the government and Canadians—who are ineligible to remain in Canada and are wanted for deportation.

How many officers throughout Canada have it as their daily job to pursue these people? If you don't know, that's fine, but I would like to have that information provided.

• (1215)

Mike McGuire: I'll turn to my CBSA colleagues.

Frank Caputo: Thank you.

Brett Bush (Director General, Immigration and Asylum Policy Directorate, Canada Border Services Agency): I'm going to have to take away the number for the exact details for your question, but there are about 1,000 officers who work in land enforcement activities. That's a combination of activities. I'll have to undertake to get back to the committee with the exact number of dedicated officers who are doing just the investigations component.

Frank Caputo: Thank you, Mr. Bush.

Just to be clear, what I'm looking for is how many people on a daily basis, whether armed or unarmed, are going out and looking for those 32,000. That's what I'm looking for. I think you get my point.

It's common ground, I believe, that rail is a vulnerability for the border. That's something we all can be aware of. To summarize, no rail traffic is searched coming into Canada. It's only searched once it reaches an inland port, such as Montreal, Winnipeg, or potentially even Ashcroft, in my riding of Kamloops—Thompson—Nicola.

I just want to confirm that this committee will be provided with the numbers of how many firearms have been seized. I want to confirm as well that no train is ever searched at the border itself, which means that the train is essentially unmonitored from the time the border is crossed until its arrival at an inland terminal.

Can we agree on that?

Graeme Hamilton (Director General, Traveller, Commercial and Trade Policy Directorate, Canada Border Services Agency): I would provide one small clarification or precision to the way you framed the search of the trains.

Goods coming into Canada are all subject to a risk assessment. There's advance commercial information provided about what's on those trains, and that information is used by our targeters in the intelligence and enforcement branch of CBSA to screen through the cars to determine which ones are a risk. Before any train car does come into Canada, there is a security assessment of the goods they're carrying. That's identified in advance.

Other than that, you are correct in the sense that those goods then pass the border and travel freely to an inland rail port of entry, where they are then subject to examination and released accordingly.

Frank Caputo: The problem I see, Mr. Hamilton, is high-level traffickers are very well aware of CBSA's risk assessments. I think anybody who nefariously operates in this area knows exactly what is looked for and alters their activity accordingly.

One thing I'd be very interested in is how many random searches have been conducted, perhaps, in the last year. Could we have that information, please?

The last thing on this is just to confirm the Coast Guard wasn't traditionally under the purview of National Defence, but it is now going to be shifted to National Defence. Our numbers on defence spending will now contemplate the Coast Guard where they didn't before. Is that accurate?

Ryan Tettamanti (Senior Director, Maritime Security Force Development, Canadian Coast Guard): That is correct.

Frank Caputo: Thank you.

Let's be real. The Coast Guard doesn't engage with enemies. If there were an invasion or anything like that, they would retreat. They are not defence personnel, just to be clear.

Ryan Tettamanti: That is absolutely correct.

We remain a civilian organization reporting to the Minister of National Defence through the deputy minister. We are not part of the Canadian Armed Forces. We will not participate in defence activities for Canada.

Frank Caputo: Mr. Chair, with that, I apologize for doing this, but I do have to move a motion at this point.

That motion states:

That, given that during debate on the programming motion for Bill C-8, the Parliamentary Secretary to the Minister of Public Safety committed publicly that "we will have the Minister appear on two separate occasions", the Minister of Public Safety appear at two separate meetings for the studies of Bills C-8 and C-12 for one hour each.

The motion has been provided to the clerk in both English and French.

All the Conservatives are asking for is the deal that was made and for what Mr. Ramsay confirmed in public, which is that we would have two separate meetings. This shouldn't take long.

• (1220)

The Chair: This is a committee business motion, which could be addressed at committee business time.

We're discussing Bill C-12 with important witnesses. I take note of your intention to table that motion at some point, but this is not the right opportunity to table that motion.

[*Translation*]

I will have more to say on committee business a little later, at the end of the hour.

I'll now turn to you, Mr. Caputo. You have 30 seconds left.

[*English*]

Frank Caputo: It is directly related. We are discussing Bill C-12 today, and this is a motion related to Bill C-12.

The Chair: It is about bill C-8.

Frank Caputo: It is about Bill C-8 and Bill C-12. It is actually related to both because there was supposed to be an hour for each. We had somebody say something. This should be common knowledge, because we all agreed on this.

If that is the chair's ruling, I would move to challenge the chair's ruling on that.

Thank you.

The Chair: This is a Bill C-12 meeting.

Madam Dandurand, go ahead.

[*Translation*]

Marianne Dandurand (Compton—Stanstead, Lib.): Thank you, Mr. Chair.

We have witnesses here to discuss Bill C-12. Our meeting is public. I would like us to use the time we have with these witnesses to discuss Bill C-12 and adjourn the debate on a motion concerning a different bill. I would like to make the most of the time we have with witnesses who have come to speak to us.

The Chair: Mr. Caputo has the right to challenge my ruling.

That brings me to call for a vote.

Shall the decision of the chair be sustained?

(Ruling of the chair sustained)

The Chair: We now return to the debate. This time, Mr. Ehsassi has the floor for six minutes.

[*English*]

Hon. Ali Ehsassi (Willowdale, Lib.): Thank you, Mr. Chair.

Thank you also to all the officials who are here for this technical briefing.

I would like to start off by asking how this new bill would deal with money laundering and improve our ability to clamp down on money laundering. I understand it would amend the proceeds of crime act. Could you provide us with some more details as to why this is an important piece of legislation?

Mike McGuire: I can provide some information and then we can endeavour to get back to you if you would like some more. Unfortunately, our colleagues from the Department of Finance were unable to join us today because of budget commitments.

What I can tell you is, in general, Canada's border plan and Bill C-12 do have specific measures and provisions that are aimed at targeting money laundering, which we know is an important aspect of tackling the cross-border crime issue.

In Bill C-12, there are changes to the administrative monetary penalties, for example, that can be administered by increasing them by 40 times the current amount so that for businesses, money laundering isn't seen as the cost of doing business and there are actual strong penalties they will face if there are indeed infractions under the act.

That's probably the one most important provision I would highlight from what's contained in Bill C-12. If you would like any ad-

ditional information on that, we can endeavour to have our Department of Finance colleagues respond.

Hon. Ali Ehsassi: Thank you very much for that.

I understand that under Bill C-12, the CBSA would be provided greater opportunities to inspect outbound exports. How significant would this specific measure be to clamping down on auto theft?

Graeme Hamilton: Mr. Chair, I would say that the specific measure is really designed to bring into balance the approach we currently have with respect to imported and exported goods obligations by private sector port operators that are partners in delivering services at a number of our commercial ports of entry and exit, marine ports being a key example. We had wonderful co-operation with the Port of Montreal through the crisis providing us facilities and access to goods so we could properly undertake our export examinations and recover vehicles destined for export that had been stolen primarily in southern Ontario.

That was done based on an informal agreement that wasn't backed up with the force of law. The amendments that are being brought forward would really provide a solid legal basis for that and provide clarity not only to the port owners, who have their own responsibilities with respect to their boards of directors, etc., but also to the CBSA so we can clearly have those authorities. If we need to get in to search goods for public safety or public security reasons, it's clearly articulated in the Customs Act that we do have the ability to do that not only in private ports of entry under section 6 of the Customs Act, but also in areas where goods are assembled before export. That's in warehouses or amongst transportation operators like rail yards, where we had a tremendous amount of success in finding and uncovering stolen vehicles before they were brought to the port of Montreal.

Doing those types of searches earlier in that export supply chain is actually much better for recovery and unburdens the transportation system from having to deal with that at ports of entry. They are already highly congested, and that could have negative knock-on commercial or economic impacts.

• (1225)

Hon. Ali Ehsassi: The reason I ask, as you can imagine, is that I'm really alarmed by the numbers and I think a lot of my constituents are alarmed by them.

Will this have an impact, hopefully, in lowering the number of car thefts in our country?

Graeme Hamilton: Certainly we've already seen a significant reduction of overall car thefts, but the CBSA has seen year-over-year growth in terms of the number of cars that we've recovered.

The authorities that we're asking for as part of the bill are in practice today through an informal mechanism, so I wouldn't imagine significant new changes, but it will provide us with a legal basis so that if we need to continue to do this for a prolonged period of time, we'd have the legal basis to continue to do that.

Hon. Ali Ehsassi: Thank you for that.

I'm not quite sure who I'd have to ask about the in-Canada asylum system, but I think it would be Mr. Hamilton.

Mr. Hamilton, there are new caveats in this bill that make it more difficult to put in an asylum bid if someone is here for a lengthy period of time.

In your estimation, how impactful will these changes be?

Christopher Hamilton (Senior Director, Asylum Policy, Performance and Governance Division, Department of Citizenship and Immigration): Asylum claims fluctuate for a number of reasons year over year, so it's very difficult to predict future claims. We do believe that they will be in the thousands.

I want to provide one important clarification as well. These changes don't prevent an asylum claim, but rather apply to the claims that are deemed ineligible to be referred to the Immigration and Refugee Board. In these cases, individuals will have access to a pre-removal risk assessment, which is a robust process that considers many of the same factors.

[*Translation*]

The Chair: Thank you for those questions and answers.

Mrs. DeBellefeuille now has the floor for six minutes.

Claude DeBellefeuille (Beauharnois—Salaberry—Soulanges—Huntingdon, BQ): Thank you very much, Mr. Chair.

Mr. Hamilton, let's continue the conversation.

Last week, the Minister of Immigration, Refugees and Citizenship appeared before us. I had the opportunity to raise our concerns regarding Bill C-12. I asked her what we could do to ensure that refugees who truly need protection are not sent back to their countries. The response I received, both from the minister and from officials, was that a risk assessment is always conducted before removal. According to the figures we have and according to refugee protection groups and organizations, at this point in time, only 6% of risk assessment requests are successful. With the tightening of rules proposed in Bill C-12, my concern is that people who need protection will be sent back to their country.

The minister's entire response was based on the ability to conduct a pre-removal risk assessment. That does not seem an adequate response for all the refugee groups contacting us at the moment.

How do you respond to the criticism that this may not be the best response to ensure the protection of refugees who need it?

Christopher Hamilton: Thank you for the question.

[*English*]

The pre-removal risk assessment is a robust review process that considers several factors to ensure that Canada does not remove in-

dividuals to a country where they could be at risk of persecution, danger, torture, threats to their life or cruel and unusual punishment.

With respect to your question on why the rates are relatively lower for the current PRRA process, I think it's important to note that this process is pursued typically after someone has gone through an asylum claim at the Immigration and Refugee Board. It's likely that the process would be undertaken for people who are ineligible and are referred to the PRRA.

The strength of the PRRA process is there. They'll have the opportunity to present their claim and their fear of persecution, and the same factors will be considered. The process is robust, and it does ensure that there will be no refolement, as we say.

• (1230)

[*Translation*]

Claude DeBellefeuille: Thank you.

I will now turn to the representative of the Coast Guard.

Essentially, Bill C-12 allows for the integration of the Coast Guard into the military budget. I understand that you see this as an administrative merger rather than a military function. Your budget will fall under the Department of Defence, but no coast guard will have a military mission or mandate.

Have I understood correctly, Mr. Tettamanti?

Ryan Tettamanti: Mr. Chair, I thank the member for her question.

[*English*]

There are two parts to this question.

Fundamentally, there is the shift of the Coast Guard from the Department of Fisheries and Oceans to National Defence. That was completed by an order in council in September, and that process has begun.

As for the mission, which we are talking about here today with Bill C-12, that shift will allow the Coast Guard basically to embark on an enhanced security mandate that will allow the Coast Guard to share information with our security partners.

Right now, we're able to share safety information. Think of a search and rescue mission; we have to share the location of a distressed vessel. In this case, with Bill C-12, we'll be able to share with our security partners the information we collect in our marine security operations centres.

[Translation]

Claude DeBellefeuille: I want to be sure I fully understand. So you now have new powers that allow you to exchange information with other agencies, which will enable you to communicate quickly if you find yourself somewhere in the ocean with people who have committed illegal acts. However, you would not be able to intercept them. Your duties are limited to exchanging information. Coast Guard officers will not be armed.

Aren't you concerned about putting your officers in situations of conflict in which they could be attacked if it's known that they can now exchange information? Are your members concerned about this change in mission for Coast Guard officers?

Ryan Tettamanti: Mr. Chair, that's another very good question.

[English]

What I would say is that we are currently fulfilling that role with the Oceans Act as it is. We are currently supporting conservation protection at sea as they conduct their enforcement activities and their fishery patrols. We embark RCMP on board our vessels for the marine security enforcement teams, so we are already doing this. We already have these teams on board. Fundamentally, at any point where they need to conduct an enforcement action, they will do that. They will use our platforms essentially to launch their operations, usually in a small boat, a fast rescue craft.

Ultimately, this is business that we have been doing for years, and we are very comfortable with it.

Bill C-12 gives us an expanded mandate for security patrols and the sharing of information, most critically so that we can build maritime domain awareness in Canadian waters and share that with our partners.

[Translation]

Claude DeBellefeuille: How much time do I have left?

The Chair: You have three seconds.

Claude DeBellefeuille: Thank you very much.

The Chair: Thank you, Mrs. DeBellefeuille.

I will now turn the floor over to the member for five minutes.

[English]

Chak Au (Richmond Centre—Marpole, CPC): Thank you.

First of all, I want to thank you for your presence today and for sharing your information and your expertise. I also want to thank your frontline staff for doing the best they can to secure the safety of our borders.

In one of the previous meetings, I asked for information about a provincial breakdown on the interception of fentanyl at the border. Now I have the information. Thank you for that. It is shocking that British Columbia accounts for over 90% of all fentanyl seized in Canada.

Also, in a previous meeting I asked for the number of prosecutions that have happened in the last year. I still haven't received that number. Can you provide the statistics on how many of these seizures led to prosecutions? Do you have the number now?

• (1235)

Mike McGuire: I don't have the number on me and I don't think the CBSA would have it either. We can endeavour to get back to you on that.

Chak Au: Okay. Thanks.

To follow up on that, do you agree that merely the seizures or the interception of those illegal drugs at the border is not enough to deter this problem or is not enough to address the crisis of fentanyl coming to our country or flooding our communities? Do you agree that just intercepting those illegal drugs is not enough?

Mike McGuire: Tackling the fentanyl crisis is a big priority right now for this government, as it is for other governments around the world.

There are a variety of ways we are doing it, including interception at the border, as you said, but also in trying to tackle other aspects of the fentanyl trade, including addressing money-laundering challenges. Some of the amendments that are in Bill C-12, for example, ensure that precursor chemicals can be quickly scheduled by the Minister of Health. The government is trying a number of ways to tackle the crisis, because it is not just about interceptions. Those are part of the solution, but there are a lot of other pieces to the solution as well.

Chak Au: Do you agree that unless those interceptions lead to certain consequences for the traffickers, it is still not enough? If there are no consequences or deterrents for those traffickers, how good is this legislation?

Mike McGuire: I think you're right that prosecution is part of the solution as well, so we can endeavour to get back to you with some of the figures on that.

Chak Au: Okay.

To follow up on that, do you agree that this bill fails to address the deliberate killing of Canadians by fentanyl traffickers?

Mike McGuire: This bill provides for a number of different provisions to help protect the border and also address the fentanyl crisis, including the provisions related to the scheduling of precursor chemicals, as we discussed earlier.

In addition to the border bill, Bill C-12, there's also the border plan, which provides additional investments and resources to the CBSA, the RCMP and other agencies to add new personnel and tools to be able to tackle the crisis. The government has announced, for example, an additional 1,000 RCMP officers and an additional 1,000 CBSA personnel who will also be contributing to tackling this problem.

Chak Au: Do you agree that not strengthening deterrence for traffickers is a failure in the bill itself?

Mike McGuire: I would say that the bill does what it can to address the issues that require legislative gaps to be closed and is complemented by the border plan.

Chak Au: You haven't answered my question.

Mike McGuire: I'm sorry...?

Chak Au: You haven't answered my question. Do you agree that it is a failure in the bill not to address this deterrence issue?

Mike McGuire: No, I think the bill is closing a number of really important legislative gaps that exist and will help to secure our borders and help us in the fight against fentanyl.

Chak Au: Can you commit that in the future there will be quarterly reporting of seizure, prosecution and sentence outcomes?

Mike McGuire: I can take that back, Mr. Chair, as a question for the different departments that would be responsible for collecting that data. I am not able to respond on their behalf here.

Chak Au: At this stage, what is the coordination among different—

The Chair: I'm sorry, MP Au. These were good questions, but unfortunately the time is up, which means we'll move to MP Ramsay for five minutes.

• (1240)

[*Translation*]

Jacques Ramsay (La Prairie—Atateken, Lib.): My questions are for Christopher Hamilton and Tara Lang.

Some criticism has been levelled at portions of the bill that deal with immigration. I would like to give you an opportunity to respond to that criticism, since the committee will not be hearing from witnesses on that subject.

First, Mr. Hamilton, I heard you say that the pre-removal risk assessment process is robust, and I take your word for it. However, it is undeniable that procedural fairness in this assessment is not the same as at the Immigration and Refugee Board. There is some concern that this could lead to more challenges in Federal Court. The intent of the bill is to avoid bogging down the Federal Court.

What is your assessment of that issue?

Christopher Hamilton: I thank the member for his question, Mr. Chair.

[*English*]

As I understand the question, it's about the difference between the PRRA process and what would be considered at the Immigration and Refugee Board.

The PRRA process, as I explained earlier, is one that is robust and considers many of the same factors that are considered in an IRB decision. It considers the fear of persecution and the risk of re-outrage impacts that someone would be subjected to if they were returned to their country of origin.

With respect to the Federal Court, the PRRA process has been in place for a number of years and is quite robust. It has been defended in that way and has stood up to those types of challenges. In that respect, yes, the PRRA process is considered sufficient in this case.

[*Translation*]

Jacques Ramsay: Very well.

With regard to the one-year time limit, many specific cases have been mentioned: minors, people whose situation in their country of origin could change. These are special situations.

Was a mechanism provided to allow for some discretion or flexibility in order to adjust to such situations? If so, what is that mechanism?

Christopher Hamilton: Thank you for the question.

[*English*]

Again, the PRRA process is a robust process that considers a number of factors to ensure that Canada does not remove individuals to a country where they could be at risk of persecution, danger or torture. That process is available to people prior to their removal. They can apply for it. In our view, that process is sufficient.

[*Translation*]

Jacques Ramsay: That process is the pre-removal risk assessment. That's what you're referring to, isn't it?

Christopher Hamilton: Yes.

[*English*]

It's the pre-removal risk assessment process.

[*Translation*]

Jacques Ramsay: Let's say a person arrives here at the age of 16 and decides to apply when they are 18. Does the pre-removal risk assessment apply in that case? That's not the case, is it?

Christopher Hamilton: Thank you again for your question.

[*English*]

The measures in Bill C-12 do provide authorities to allow for exceptions in certain cases, and unaccompanied minors are one of the exceptions that are being considered. Those exceptions will be set out in regulations.

[*Translation*]

Jacques Ramsay: Okay.

My last question is about the Department of Citizenship and Immigration Act.

Part 5.5(2) of Bill C-12 states that, in the case of a disclosure to a foreign entity, the minister is the arbiter who gives written consent to the disclosure.

Have you considered an additional safeguard? Is that necessary, in your opinion?

Tara Lang: Thank you for the question.

[English]

In the instance of an information-sharing agreement with other parties, such as the provinces and territories, in order to comply with other legislation, it will be required that if there is a suggestion of onward forwarding to another government overseas, for instance, another organization, they would have to come back to the Department of Immigration, Refugees and Citizenship under the Avoiding Complicity in Mistreatment by Foreign Entities Act to ensure that we were not contravening that. No onward sharing of information that is provided under an information-sharing agreement would be permitted unless authorized by the Department of Immigration, Refugees and Citizenship.

• (1245)

[Translation]

The Chair: Thank you very much for those exchanges.

Mrs. DeBellefeuille, you have the floor for two and a half minutes.

Claude DeBellefeuille: Thank you, Mr. Chair.

Mr. Tettamanti, I will conclude with you.

I understand that your powers will change, but that, unlike the Canada Border Services Agency, you were not given an additional budget to purchase boats, hire coast guard officers, or increase your vessel capacity. All Bill C-12 changes is the ability to legally share information, which you did not previously have.

Did I understand correctly? Can you give me a yes or no answer?

Ryan Tettamanti: I thank the member for her question.

[English]

Once this bill passes, we'll be going through the parliamentary process to seek funds. What I can say is that simply with these powers, we will be able to do a lot more than we can today, but the intent is to seek additional funding to enhance our security mandate.

[Translation]

Claude DeBellefeuille: Very well. That's fine.

You do confirm, however, that you have to submit budget requests, but that you have not received an additional budget for your new responsibilities.

My next question is for Mr. Graeme Hamilton.

There are new requirements for the private sector, which must acquire facilities—spaces for border officers to conduct inspections. There's a lot of talk about marshalling yards, because we know it's not easy to inspect trains at the moment. You have a fairly limited capacity.

Bill C-12 gives the impression that the agency had great ambition but few resources. Even with additional resources, you still have a shortage of officers. When you send officers to inspect a train, other officers cannot carry out inspections because they are working on emergencies. Your resources are therefore limited.

Do you seriously believe that, with additional resources at the agency, you'll be able to inspect marshalling yards, require facilities and allow border officers to do their work safely?

Graeme Hamilton: Thank you for the question.

[English]

As we've discussed previously, the agency takes a risk-based approach to resource allocations, including assigning border service officers to conduct these types of examinations.

With the additional 1,000 border officers that have been announced, as Mr. McGuire mentioned earlier, we'll be in a better position to allocate more of those resources to undertake the types of examinations that you've been talking about, be they in rail yards or marine ports, where we see a considerable threat factor related to commercial pathways being exploited to bring in things that we've been talking about here today.

[Translation]

Claude DeBellefeuille: Do you have a deployment plan?

The Chair: Mrs. DeBellefeuille, I'm so sorry to interrupt. I know that two minutes is obviously quite brief and too short.

I now give the floor to Mr. Gill for five minutes.

[English]

Sukhman Gill (Abbotsford—South Langley, CPC): I'd like to thank the witnesses for joining us today and answering questions.

I'd like to go quickly to you, Mr. Hamilton.

You mentioned earlier that you don't have the statistics, but you will be able to provide us with the statistics related to the proportion of gun crime that involves illegally imported firearms from the United States. Am I right that you committed to providing these numbers to the committee?

Graeme Hamilton: We will to the extent that we have them. I believe we have them at the agency, and if we have them, we'll provide them to the committee.

Sukhman Gill: Thank you for confirming that.

I would like to go back to my line of questioning.

Yesterday, a CBC article reported that in a presentation to the immigration minister's office, IRCC, the CBSA and unnamed U.S. partners were seeking the mass cancellation powers contained in Bill C-12 to cancel these applications on a large scale, and it named two specific countries.

Did your department give this presentation to the minister's office?

Tara Lang: Mr. Chair, we are looking for the basis of the presentation. We brief our minister's office regularly on a variety of issues.

That said, what I can say about mass cancellations and briefing the minister is that we have not proposed powers or legislation with a specific group of people or situation in mind.

The intent of this legislation is to ensure the flexibility necessary to respond to situations such as threats to national security, public health, the integrity of our immigration system or other matters of public interest.

Again, I want to say that we are trying to seek the basis of the presentation in the department, but I can say unequivocally that we have not proposed to our minister a situation with a specific set of individuals in mind.

● (1250)

Sukhman Gill: Okay.

Is your department planning on using mass cancellation powers in Bill C-12 to mass cancel applications from specific countries, or was the CBC wrong in its reporting?

Tara Lang: As I mentioned, we do not currently have any plans in mind. The legislation was not created with a group, a nationality, or a set of circumstances in mind. The legislation is drafted for use in exceptional circumstances, and currently there is no recommendation in front of the minister or plans to be using this, as the legislation has not yet passed.

Sukhman Gill: Why did the minister tell the citizenship and immigration committee that you weren't planning on using these mass cancellation powers on specific countries?

Tara Lang: That's absolutely factual. We do not have any current plans at this time, nor were there any at the time of the drafting of the legislation, nor was any country or type of document in mind in the creation of the legislation.

Sukhman Gill: Okay.

Did you direct the minister to mislead the citizenship and immigration committee?

Tara Lang: I'm sorry—absolutely not. How so? How did she mislead the committee?

Sukhman Gill: Did anyone provide you with any advice for avoiding questions that are related to the question today?

Tara Lang: I'm sorry; I don't understand the question.

The minister, when she appeared at CIMM, mentioned that the provisions were not created with any particular use or exceptional circumstances in mind and are not tied to nationality or type of document, and I believe that's what the minister answered.

Sukhman Gill: Okay.

I would like to understand why Parliament should grant you these powers without any oversight when you are unwilling to answer basic questions that you should be able to clarify here today.

Tara Lang: The oversight mechanisms for the mass authorities rest with the Governor in Council. In the event of an exceptional circumstance—a national security issue, mass fraud, even not a cancellation but a mass extension of applications—the procedure would be that IRCC would write a proposal that would be consulted on with the Department of Justice and other colleagues. It would go to the Governor in Council for review and further consultations.

It would result in a potential order in council if the Governor in Council agreed. This would include a transparent process through the Canada Gazette.

Therefore, I believe there are safeguards in place, and we are happy to answer questions about these provisions in the proposed legislation.

Sukhman Gill: By asking for these new powers, do the minister and IRCC admit that they have allowed massive fraud and abuse of the immigration system to take place?

Tara Lang: Absolutely not. This is not the purpose of the legislation. This is to strengthen the border and to complement other parts of the bill that allow law enforcement officials and other officials, as demonstrated in this panel, to protect Canadians' security and sovereignty.

The Chair: Thank you, MP Gill, for these questions.

Madam Acan, you have five minutes.

Sima Acan (Oakville West, Lib.): Thank you, Mr. Chair.

Bill C-12, in part 1 on the Customs Act, strengthens the CBSA's authority to inspect goods destined for export and to access transport and storage facilities to support enforcement and public safety objectives. I understand that this will help to intercept shipments that pose risks.

Building on comments from my colleague MP Ehsassi about auto theft, I would like to ask how this bill addresses organized crime involvement in stolen vehicles and auto parts, and whether it will disrupt those networks while ensuring legitimate trade continues smoothly, especially as southern Ontario and my riding of Oakville West are home to major trade corridors and logistics hubs.

Mr. Hamilton, this is my question for you: With these increased inspection powers under Bill C-12, how is the CBSA planning to avoid unintended commercial delays and cost burdens for regional carriers and businesses? How will technology be adopted in those steps? Are there any mitigation strategies or coordination plans with local stakeholders to ensure enforcement doesn't disrupt trade flow?

● (1255)

Graeme Hamilton: Mr. Chair, I'll try to answer the question at a very broad level. I'm not an expert in CBSA operations and I don't manage an operational team.

I do know there's a considerable amount of coordination on the ground between our regional directors general and our regional directors who manage most specific engagement. A lot of coordination takes place, not only with respect to the private sector entities that you're talking about, such as the rail yards, but also with police forces. That takes place not only in terms of enforcement action but also in the intelligence exchange and information sharing that enables those enforcement activities.

I would say that the heart of your question asks how these measures can best address organized crime and its exploitation of our transportation and trading networks for profit. I would point to section 97, which is being changed within the Customs Act to allow clarity with respect to the CBSA's access to goods that are destined for export, both in warehouses and on transporters' premises. Those authorities will allow early intervention from CBSA officers into those situations to identify goods such as stolen vehicles that are being loaded into railcars at switching yards before they're shipped out of the region to a port of entry to get onto a boat to go overseas. Those will be very important for us.

As part of Canada's national plan to address auto theft, as well as through investments made under the Canada border action plan, a number of new technologies are being acquired by the CBSA to allow a more nimble, mobile process to do imaging of railcars as they're moving through the system. Those will allow us to do the inspections in a more timely manner and will also reduce delays within the transportation system.

We're very cognizant of not wanting to disrupt legitimate flows but also of wanting to be able to have the technology to scan and intervene when necessary. That's enabled by the provisions in Bill C-12.

Sima Acan: Thank you very much.

What internal systems or audits will monitor the proper use of these new authorities?

Graeme Hamilton: There are no proposed internal mechanisms to audit the use of these new authorities. They will be subject to the overall external audit review and to processes that already exist within the CBSA. There's nothing new that is being proposed today that would be excluded from the current systems of accountability that they have at the agency.

Sima Acan: Thank you, Mr. Hamilton.

Mr. Bush, Canadians are looking for reassurance that our border and immigration systems are secure, fair and responsive. I would like to ask about how Bill C-12 would strengthen those goals.

One of the key concerns for Canadians is the rise of transnational organized crime, including fentanyl trafficking. Can you speak to how the new inspection and enforcement powers under Bill C-12 would help CBSA to disrupt these networks more effectively at the border?

Brett Bush: Mr. Chair, on the inspection powers, I will refer to Mr. Hamilton to speak to that.

The immigration authorities themselves are designed around dealing with streamlining the processes in asylum, as the other Mr. Hamilton has already spoken about today. They're not designed around dealing with transnational organized crime. There are already authorities in IRPA for identifying and determining people inadmissible under the Immigration and Refugee Protection Act if they are involved in transnational organized crime activities. We are not seeking new authorities in Bill C-12 for that particular purpose as it relates to immigration and combatting transnational organized crime.

[*Translation*]

The Chair: Thank you, Ms. Acan.

For your information, the following items will be discussed at the next meetings. This Thursday, November 6, the Minister of Public Safety will appear for two separate hours—one hour on Bill C-8 and one hour on Bill C-12.

After we return from constituency week, we will hold a two-hour meeting on November 18 on Bill C-12. On November 20, the following Thursday, there will be another meeting on Bill C-12. Incidentally, any amendments to this bill must be submitted by November 21, which is a Friday.

The following Tuesday, November 25, we will spend one hour hearing the remaining testimony and one hour studying Bill C-12. Those two hours will be immediately followed by clause-by-clause consideration. I remind all members that this work must be completed by November 25.

On November 27, we will return to the border management study for one final meeting with witnesses. At the same time, we will have a work plan to propose to the analysts.

The following week, we will hold at least two meetings on the motion concerning foreign nationals, after which we will resume work on Bill C-8.

Given the time, I am adjourning the meeting.

● (1300)

[*English*]

Frank Caputo: Chair, no. You would either need a motion to adjourn or consensus and we don't have that, Chair.

I would like to go into committee business.

[*Translation*]

The Chair: The meeting is adjourned.

Thank you.

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