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Chair

Mr. Borys Wrzesnewskyj

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• (1535)

[English]

The Chair (Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.)): Good afternoon.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on February 25, the committee will resume its study on family reunification.

I understand that we're still trying to do some of the technical hookups, so I will introduce the individuals that are before us. We will reverse the order slightly from what we had set as our agenda originally.

As individuals, by videoconference from Toronto, we have Rupaleem Bhuyan, professor, faculty of social work at the University of Toronto; Ma Lean Andrea Gerente, as an individual, and she's appearing here as the daughter of a Filipino nanny who passed away in Canada. Also, as an individual, we have Mr. Amit Harohalli.

It appears we don't have the video hookup as yet. We'll begin with Mr. Harohalli. Mr. Harohalli, you have seven minutes.

Mr. Amit Harohalli (As an Individual): Thank you very much for giving me this opportunity to speak before this committee. I am here to speak about the importance of family reunification, especially with sponsoring parents and grandparents.

My family and I immigrated to Canada about seven years ago, and we have been residing in Ontario since then. My wife and I have been working full-time jobs, looking after our kids, and doing our duties as citizens, as well as paying our taxes on time.

Being a Canadian does not change the fact that I am an Indian by origin, and I pass our traditions and culture to our kids. My parents have been visiting me every year for the last five years. They have been a great help to our family by helping us with our household chores and taking care of our children, and at the same time it's a relief for us that they are closer to us. We do not have to worry about them and their health and well-being, as we would if they were far away.

Being Indian, we have a tradition to take care of our parents when they are in their old age. We want to continue and pass on this tradition to the new generation with my kids.

At the moment, the obstacle we are facing to keep our parents here on a long-term basis is the current process of immigration. Our family, like many other families in Canada, cannot meet the minimum annual income requirements set by immigration. Our

parents being here with us in Canada helps us to bind together and care for each other. My kids get the love, care, and attention of grandparents.

If there was some leniency or flexibility in the low-income cut-off for sponsorship, then this would definitely be beneficial. The low-income cut-off differs every year, I guess due to inflation, but the government or immigration should also understand that not all employers, especially in the private sector, consider the same rate of inflation when reviewing for appraisals. The current process requires applications to be submitted as soon as the application period opens up, but it closes within a couple of hours of opening when the cap is completed.

Would there be a possibility to have separate application periods for individual applicants, as well as organization applicants through an immigration lawyer? Not all individuals, such as myself, are able to afford the services of immigration lawyers or agents.

Moreover, the processing time for family sponsorship should be shortened for families to reunite sooner.

The option currently provided by immigration to keep parents or grandparents on a long-term basis in Canada is a super visa, which definitely is a plus, but the requirements of getting medical insurance locally is not affordable. If the super visa process allowed people to get the medical insurance from respective home countries, with certain minimum requirements, this could definitely boost the number of super visa applicants.

With parents being here with the family, we are able to give the best possible child care any parent would want for their children, with the advantages of children being able to learn about our culture, religion, and language, and avoiding the huge amounts that we are paying to day care institutions.

My wife and I are here today because of the peace of mind we have knowing that our parents are looking after our kids back home.

Furthermore, with parents being here as permanent residents, they will be able to contribute to the community by volunteering, as well. They will be able to impart their employment experience to the new entrepreneurs and help them succeed.

In our case, our parents are in very good health and excellent condition, with no instances in the last five years where we used the medical system, since they always come in with insurance when they travel.

I would request that, if possible, changes be made to the policy with lenient income requirements for many families like ours to sponsor their parents or grandparents, who can then contribute to the family, as well as to the community and the country.

● (1540)

The Chair: Thank you.

We'll now proceed to Ms. Rupaleem Bhuyan for seven minutes, please.

Dr. Rupaleem Bhuyan (Professor, Faculty of Social Work, University of Toronto, As an Individual): Hello, good afternoon, and thank you.

My name is Rupaleem Bhuyan. I'm a researcher and professor in social work at the University of Toronto. I'm here today as the lead researcher on the Migrant Mothers Project, but also as a social work educator and a recent immigrant to Canada.

Since 2011, the Migrant Mothers Project has conducted research on access to social and health services for immigrants who have a temporary or precarious status. We work with a network of service providers, legal advocates, immigrants who are directly impacted by our research, as well as policy-makers.

Today I want to focus my remarks on research that we have been conducting with sponsored spouses and their partners, as well as people working in Canada's caregiver program.

The right to be with family is foundational to Canadian ideals and equality. Although family reunification has been a central component of Canadian immigration for decades, the right to be reunited with family has been significantly eroded for recent immigrants, especially the hundreds of thousands who enter Canada as migrant workers.

Canada currently extends differential rights to people based on their purported skill level and the kind of work they do, in ways that are antithetical to Canada's commitment to equality and fairness. I ask you as members of Parliament to consider—and you probably have been doing so throughout this study—the long-term impacts on a society that deems some people worthy to live with and raise their children, while a growing number of people do not deserve to do so.

A key concern we would like to raise today stems from the long processing times and bureaucratic hurdles that people are faced with when sponsoring their relatives or applying for permanent residence as migrant workers in Canada.

I'm appearing here today with Ma Lean Garente, who will be sharing, from her own experience, her family's struggle with the caregiver program due to long processing times after her mother was eligible for applying for permanent residence as a caregiver.

In a letter dated May 2 this year, advocates working with Ma Lean from Thorncliffe Neighbourhood Office submitted a brief to Minister McCallum that estimated that 38,000 caregivers and their families are currently waiting to be reunited in Canada. The IRCC website reported recently an average of 51 months of processing time for permanent resident applications for caregivers. Imagine waiting for a month or two months or more than four years for an application to be

processed while you are separated from your children and your spouse.

It is my understanding that the minister has committed to prioritizing live-in caregiver applications that were submitted in 2010 and 2011. While we believe this is an important first step, it's also crucial that the applications received before 2010 be addressed in a timely manner. We recently learned in our research that some caregivers who applied in 2015 have already received permanent residence, whereas those who applied earlier, in 2009 and 2010, are having to wait up to five to six years. This disparity, we believe, needs to be addressed, certainly with more resources provided for application processing.

We also join many advocates who urge the committee to reconsider some of the basic terms of the caregiver program. Many advocates in this program call for permanent residence upon arrival and urge that they be able to bring their family with them when they move to Canada. We also believe that many caregivers working in Canada should have their applications expedited to reduce the wait times, so that they may be reunited with their family members.

I also have remarks that we'd like to present today regarding conditional permanent residence, which is a different area of our research. Just last Friday the IRCC posted their draft regulations to repeal conditional permanent residence, which was a period imposed on sponsored spouses and their partners, newly sponsored spouses having to reside in a conjugal relationship with their sponsor for two years before the condition would be removed.

Since 2014, our project has been collaborating with partners in Alberta and Ontario to examine the impacts of conditional permanent residence. We understand that on average 25% to 35% of newly sponsored spouses have been receiving this condition. We also have been identifying concerns related to domestic violence in cases in which sponsored spouses are afraid to or worry about leaving their spouse or seeking safety because of its potentially jeopardizing their immigration status.

● (1545)

We applaud this proposal to repeal conditional PR. We also encourage the committee to consider some of the unprecedented support this new policy measure has introduced. At the time of creating conditional permanent residence, immigration also created an exception for victims of abuse and neglect. Although the process for applying for this exception had some bumps in the road, we've learned through our research that it has improved. IRCC reported that 436 requests were received from applicants who were requesting an exception to their condition on their status due to abuse or neglect, and more than 75% were approved and were submitted by women.

For us, this was an important role that the Canadian immigration policy is playing to support sponsored immigrants who may be abused by their sponsor. Though conditional PR will be repealed, we hope, we believe this is an opportunity for the committee to consider how other immigrants who are being abused by their sponsor could be supported by the Canadian government. We believe it's possible to extend an exception program for those who were sponsored as parents, grandparents, children or sponsored spouses waiting in Canada for their application to be processed, a time that takes up to two years. Immigrants who are in these relationships may be experiencing abuse from their sponsor in ways that jeopardize their safety, and we encourage the committee to consider using—

The Chair: Ms. Bhuyan, you have 20 seconds, please.

Dr. Rupaleem Bhuyan: Yes.

We encourage the committee to consider expanding the infrastructure within IRCC to provide very needed support to these immigrants who are vulnerable to abuse.

Thank you very much. I look forward to your questions.

The Chair: Thank you.

Ms. Gerente, the floor is yours if you'd like a few minutes.

Ms. Ma Lean Andrea Gerente (As an Individual): Hello, and good afternoon.

First, I would like to thank the committee and Migrant Mothers Project for giving me this opportunity to talk to you.

My name is Ma Lean Gerente, a client of Thorncliffe Neighbourhood Office and Neighbourhood Legal Services, in Toronto. I am the eldest child of the late Maricon Gerente, a former live-in caregiver who arrived in Canada back in 2008 and got terminally ill in 2013 while waiting for her PR application approval.

My mother had long dreamed of having my sister and me join her here in Canada. It wasn't until my mother had fallen ill that her application for permanent residency was approved. I was only a year old when my mother first left the Philippines to work overseas, so growing up in the Philippines without my mother was not that easy. It was hard for me to understand that my mother was taking care of other children instead of my sister and me. She moved to Canada, but she had to leave us behind with our relatives.

I remember every time my mother visited the Philippines, once a year, I would beg her not to leave again. She would always say that leaving us was the hardest decision she ever made in her entire life. She promised us a better future here in Canada, and that once she got her permanent residency, she would be able to bring us; we could join her, and we'd finally be able to live happily together.

After many months and years of waiting, my mother was granted permanent residency on her deathbed. While we were in Canada at that time, we were only given a temporary resident permit. We applied on humanitarian and compassionate grounds and we were initially refused, but then we made an appeal to the Federal Court. We are grateful to the individuals and groups who have been supporting us from then up until now.

Fighting for our right to stay in Canada was not easy. Our mother worked hard to complete the requirements of the live-in caregiver

program. We should have not suffered this much. While we were waiting for the appeal, our education was not interrupted. That's a very good thing. We are aware that some children whose immigration status is in limbo might face interruptions in their education, and this should not be the case. The affected children should continue to go to school. This can have an impact on how quickly they can become self-sufficient and achieve their full potential here in Canada and be productive citizens of Canada some day.

Nothing is more painful than a separated family. It's worse than a divorced family. The long years of waiting have serious psychological and physical impacts on families, especially on us, the children. I remember having nightmares regularly while waiting anxiously to hear the good news from my mother about her PR approval. The torture of waiting caused my sister and me great emotional suffering. We are now permanent residents of Canada. My mother is gone, but we're still here.

I'm aware that the current government has attempted to speed up the family reunification program, and we are pleased by your commitment to reducing waiting times for family class immigration. I learned that family reunification for live-in caregivers and refugees is separate from the family class, and we are now concerned that these groups will be forgotten.

I have been meeting many caregivers within the Filipino community who arrived in Canada between 2007 and 2010 and are still waiting to be reunited with their families. I know the pain they feel. I can't help but think about their children back home who are waiting for their parents to tell them that they're finally going to be together, and actually start living together as a family unit.

I believe that the long delays of family reunification are unacceptable for the children, for caregivers, and for refugees whose children are in dangerous situations. I believe that Canada should exercise its obligations to protect caregivers and their children by respecting their right to be with their families. Caregiving is as important and valuable as other work. It must be dignified and celebrated, too.

On behalf of all the children of caregivers and refugees waiting to be reunited with their families, I urge the Canadian government specifically to allocate resources to address PR applications of caregivers submitted from the years 2007 to 2011; to commit to the same reduced times for family reunification of caregivers and refugees as for the family class; to dedicate more resources to the PR processing to decrease waiting times; to increase efficiencies, and address PR refusals caused by administrative errors; to address repeated medical procedures that seem to be arbitrary and unnecessary; to respond to the “death of the sponsor” resolution of the Canadian Council of Refugees, or CCR; to review section 38 of the Immigration and Refugee Protection Act for discriminatory content against persons with disabilities; and to provide landed status on arrival to allow caregivers to enter Canada with their families.

• (1550)

Thank you for this opportunity to talk to you. I look forward to your questions.

The Chair: The committee thanks you, Ms. Gerente.

We will begin with Mr. Tabbara, for seven minutes, please.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thank you to the witnesses for appearing here today. We really want to thank you as we continue this important study on family reunification. Your testimony is very important to us, and we're looking forward to discussing more with you.

My first question is for Mr. Harohalli.

There have been many witnesses who have testified here, and we've been talking about families. What some witnesses have suggested is that we need to include other family members in the nuclear family. Some of their suggestions were that parents and grandparents should also play an active role in the nuclear family.

One of the questions that has been brought to us is, should there be a redefinition of what a nuclear family should be?

Mr. Amit Harohalli: What I feel is that especially when you have your elders, your seniors, staying along with you, they are able to impart all their knowledge and experience that they have gained over the years, as well as the culture and the traditions. Being in a joined family helps the new generation to learn about the traditions and culture, as we are separated from our traditions and culture. As for being Canadian, yes, we are proud of that, but at the same time our roots are something that we do care about and want to pass on to our kids, so we feel that is something that is....

• (1555)

Mr. Marwan Tabbara: I'm sorry, I might have been a little unclear.

When people are sponsoring some of their family, they're sponsoring their spouse and their children, which is the nucleus of the family. Should the definition be broadened to include parents and grandparents? I'm sorry, I wasn't very clear.

Mr. Amit Harohalli: My apologies. Yes, if that is taken into consideration, then it will definitely help families, as well, if they were to include the parents and grandparents into making up the nuclear family. As an individual, yes, I would say many other

individuals and families would definitely be excited if that was something that was taken into consideration.

Mr. Marwan Tabbara: In your family situation, if your parents and grandparents...I'm not sure if they're here right now under a visitor visa, but if they are here, can you give an indication to the committee or some information of how they would be beneficial? Would it alleviate things if you have young children that you have to care for and your grandparents could take that role? Could you elaborate on that?

Mr. Amit Harohalli: My parents are currently here. My mom and my dad are currently here on visitor visas. I have a three-year-old son and a 10-year-old son, and at this moment, when my parents are here, it feels very homey for them rather than being with somebody else like a nanny or being at the day care. My wife and I definitely feel at ease and have no tension at all when our kids are properly looked after at home. When they are at a day care, or whether they are getting into some kind of scrape, then they're not being looked after properly. We don't have that in the back of our minds.

With our parents being there, we know that we don't have to worry about them. If they are far away in our home country, always there is a question of what has happened. We have to call them and always be in touch with them, but their being here, they are right in front of us and if anything is needed, we can take care of them.

Mr. Marwan Tabbara: So a lot of your concentration is focused here at home, and then more concentration can go toward your careers and elsewhere.

Mr. Amit Harohalli: Yes, career....

Mr. Marwan Tabbara: My second question is for Ms. Bhuyan.

Many witnesses have acknowledged that the aging-out issue of dependants and children is a real problem with applications. We've heard of incidents where a teenager who is 16 or 17 years old has applied, and the application has taken a long time, so there is a phasing-out issue and they are not able to apply and immigrate to Canada. Can you elaborate on that and tell us if you've had any experiences with that?

Dr. Rupaleem Bhuyan: Certainly. I can give examples specific to the caregiver program, although this likely would apply to people applying for reunifying from other programs as well. Given the long processing times, five or six years, at the time of applying there is definitely a risk for older children who are in their teens of reaching an age where they are no longer eligible. I think this is an opportunity to expedite those applications or perhaps impose a stricter time limit so that people do not have to wait multiple years for an application to be processed, especially when they are deemed eligible for permanent residence.

I understand there are a lot of paper requirements. Some of the application processing offices overseas have had wait times of up to 48 months. This is true for sponsored spouses and partners. Forty-eight months is a long time to wait for our paperwork to be processed. In addition to adding more resources to reduce the processing times, the government can impose a regulation that allows people to be admitted if they were eligible at the time they submitted their original application.

• (1600)

The Chair: Thank you.

Mr. Tilson, you have seven minutes, please.

Mr. David Tilson (Dufferin—Caledon, CPC): All three witnesses have given us excellent food for thought. I have some questions for Professor Bhuyan and Ms. Gerente on caregivers.

Several years ago, this committee had a hearing as to the conditions of caregivers, and it was alleged that many of them weren't being treated properly by the people who had engaged their services. My question is particularly for Ms. Gerente. Do you have any knowledge of what the feeling is, generally, as to how caregivers are treated today?

Ms. Ma Lean Andrea Gerente: Certainly, I do. I've talked to a lot of caregivers. Sometimes their employers won't allow them to go out on their day off, which is normally during the weekend, Saturday or Sunday. Every day, during their mealtime, some of their employers won't allow them to eat the food they want to. They will starve them. They won't give them the day off that they deserve. The most unfortunate thing is that sometimes they don't even pay them for a month. They delay it for two months and then just give them one month's pay. That's mostly what I hear from other caregivers.

Mr. David Tilson: Professor Bhuyan, do you have any recommendations as to what this committee could recommend to the government for the improvement of the conditions that caregivers have?

Dr. Rupaleem Bhuyan: The caregiver program is specifically unique because much of the work is happening in the home. The vulnerabilities for abuse and trafficking are there for many temporary foreign workers, who are dependent on their employer, especially if they have a closed permit.

My primary recommendation is to consider removing the closed permit. Those workers who have the freedom to seek employers who treat them respectfully, because we are working with caregivers who do have good employers, find they're able to finish the program and are able to apply for permanent residence. Those who are working on a closed permit are often in a bind. They're afraid to speak out against their employer because the employer can let them go. Under the current system, there is often up to a four-month wait period while they seek a new employer. The new employer submits an LMIA, and then they have to submit a renewal on their work permit. During that four months, there's incredible economic hardship, and people are very vulnerable for trafficking. There's also the risk of speaking out against abuse because they worry about losing their status in Canada, especially as workers are accruing hours so that they can apply for permanent residence. Their aim is to reunify with their family members. Even though they may have been working in

Canada for even a year and a half, that almost puts more pressure on them to keep quiet in cases of abuse, or even when people are just not getting along.

I spoke with a caregiver just two weeks ago, and the primary insult she experienced was around food. The employer did not want the caregiver to eat any of the food in the home. Sometimes this worked out. The caregiver could bring food from home. Other times she had to go the whole day without eating because she was not permitted to eat the food, even though she was providing food for the children she was taking care of. This might seem like a minor offence on the range of abusive acts, all the way to physical and sexual assault on the other end; however, it gives the nature of the kind of constraints people feel, and how they stay with an employer who may not be treating them with dignity. They're worried about losing their work permit and not accruing hours, so my primary recommendation—

Mr. David Tilson: Thank you.

I have another question for you, Professor, if I have time.

Yesterday, Minister McCallum tabled the 2017 immigration levels plan. It held the line at 300,000 total immigrants per year, which was the same as 2016. Of interest, however, was the fact that caregivers dropped by 4,000, while spouses, partners, and children went up by 4,000. We've heard testimony that caregivers are tied to the family class in a number of ways. My concern is that, with the reduction in caregivers, a two-income couple might be forced to have one partner leave the workforce in order to become a primary caregiver for either their children or their parents. This could have an adverse impact, particularly on women with successful careers.

My question for you is whether you have any opinion or comments on what the minister did yesterday.

• (1605)

Dr. Rupaleem Bhuyan: I'm still digesting the information. Let me see if I can understand the question.

The caregiver numbers dropped, meaning people who are currently working as caregivers who are entered in the caregiver program—

Mr. David Tilson: By 4,000.

Dr. Rupaleem Bhuyan: —they will reduce the numbers there. The question on the status of two-parent households, can you clarify that?

Mr. David Tilson: You're from Toronto. I have a riding just north of Brampton called Dufferin—Caledon. It's a rural-urban community. I used to have a lot of people asking for caregivers, and there are fewer and fewer. In fact, recently I haven't had any. Now the minister says he's dropping by 4,000 the number of caregivers that will be allowed. You spent a lot of time in your presentation talking about caregivers, so my question is what your thoughts are on that.

Dr. Rupaleem Bhuyan: Thank you for clarifying.

I'm actually very concerned. I think it was last month the minister announced they will be repealing the live-in caregiver program, removing it from the Immigration and Refugee Protection Act. What we leave in place is just the caregiver program, which does not guarantee access to permanent residence. In fact, it has caps on the caregivers. It may end up requiring people who come to Canada as caregivers to be a cycle of temporary foreign workers who must have a work permit. Then, once it is expired, there's no option to apply for permanent residence, and they return to their homes. I think this is the exact opposite direction that many caregiver communities have been advocating for. I think it is a cause for concern.

The Chair: Thank you, Professor Bhuyan.

Welcome, Mr. Angus, to our committee. You have seven minutes.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. Chair. I want to apologize for being late. It's great to see you in this role.

I want to thank our witnesses for the excellent testimony.

Ms. Gerente, I would like to start with you. I thought you were very eloquent and powerful. You speak to what, to me, immigration in this country should be: that we give opportunity to young people to build a future.

I want to ask you about your experience. You were talking about the abuses of the people you know that are going on in the system, on the front lines. What kind of support is there? Are they told their rights? Are they aware that they have rights? Or in fact are they a secondary class of workers who can be abused?

Ms. Ma Lean Andrea Gerente: No, some of these workers—they're mostly women—don't particularly know what their rights and freedoms are when they go to Canada. Some of them think that because they're foreigners, they don't have the same equal rights as the people who live here. If they are abused, if their employer works them beyond the hours they have to work, it's normal. They don't have any knowledge when it comes to these things. The fact is, they're scared and uneducated about the laws of Canada when it comes to immigration and working status.

Mr. Charlie Angus: Thank you for that.

Ms. Bhuyan, you were talking about the changes in the caregiver program that would create a permanent cycle of temporary foreign workers, as opposed to actually creating the opportunity for people to work here and eventually build a life here with their family. What effect do you think these changes will have on the abuse that the caregivers are exposed to and their sense of a lack of rights?

Dr. Rupaleem Bhuyan: In addition to what Lean was saying about their not knowing their rights, we've been meeting with a lot of caregivers who actually are quite knowledgeable, at least in Toronto, although I will say that there are differences regionally for caregivers who work in more remote or rural areas; for example, in suburbs outside the centre of Toronto, as well as—with our research in Alberta—those more remote caregivers, for example, coming out of the tar sands region, who are very vulnerable because there are not community resources.

There are caregivers who know their rights, but they cannot exercise their rights. There are very few protections in place. If an

employer disagrees with their claim of abuse, the option for the employer is to let the worker go.

As far as I know, there is not a lot of oversight to implement the labour laws that we have to protect those workers. I feel that this is an issue that affects all temporary foreign workers who are tied to their employer and have a closed work permit. We will see more of that type of abuse if caregivers are not provided the option to apply for permanent residence.

• (1610)

Mr. Charlie Angus: Thank you.

I want to ask about the issue of the closed permit and its implications, because it does give an enormous amount of power and potential for abuse. Even if someone does know their rights, if they are let go, they lose their status here.

I have seen this in other areas. I'm not going to talk about individual cases, but I became aware of a young girl who was going to be deported. She was in a home in which they were physically abusing her. They told her that if she spoke up, her permit would be revoked, and she'd be deported. It almost happened.

If I became aware of something like this, then I'm sure things like this happen a fair amount of the time.

If we are going to have a just system of immigration and care work, you're suggesting that we need to be able to allow families such as Ms. Gerente's to come and be part of our Canadian society and that we need to move beyond the closed permit so that there is some level of right for the person, if they are in an abusive, unfair relationship of work, to find other work.

Dr. Rupaleem Bhuyan: Yes, and I think we can take examples from within our current programs.

I entered Canada as a migrant worker. However, because my job skill was considered high skilled by the Canadian government, I was permitted to enter with my spouse and our child.

When we entered Canada, I presented our documents at the border. I received a closed permit tied to my employer; my spouse was given an open work permit, and our child was given the opportunity to go to school.

We have within our system two very different programs. Some workers are allowed to maintain family unity, and we see that they're able to demonstrate whether they want to settle and decide whether they want to stay permanently in Canada. Then there are those who are considered unworthy.

I think we can learn from the practices we currently have what is working when we allow workers to arrive with their families, to establish their ties, and to begin contributing as families and communities. I think we could probably extend this much further than we currently do to a broader group of workers.

Mr. Charlie Angus: Thank you.

Ms. Gerente, what's your vision for your future here in Canada?

Ms. Ma Lean Andrea Gerente: I clearly see myself finishing high school and then eventually finishing college.

I really want to be involved with this thing, because first-hand experience will allow me to help the people who are experiencing this pain, who are in this case and do not really know how to move and how to act.

I also want to build a family eventually—in the long future, not the near one—and be satisfied and content and not worry about my immigrant status, or my sister's status and mine, or where we're going to be 10 years from now.

Mr. Charlie Angus: Thank you very much for that.

Thank you, Chair.

Ms. Ma Lean Andrea Gerente: You're welcome, sir.

The Chair: Thank you, Mr. Angus.

Mr. Ehsassi, take seven minutes, please.

Mr. Ali Ehsassi (Willowdale, Lib.): Let me first ask Mr. Harohalli a question.

I understand that your principal misgiving is that when families want to sponsor a relative, they have to state what their household income is. As far as I understand, you're in favour of modifying those particular provisions or the amounts. I was wondering if you could share with the members of the committee what you have in mind in terms of modification.

Mr. Amit Harohalli: This is with respect to the requirements or the low-income cut-off, which every year increases. I understand it's because of inflation.

I myself work in the private sector for a company owned by an individual. When it comes time every year to go for an appraisal, it's not in line with the current inflation rate. They may just give 2% or at the max 3%, and that too, only if you are very close to your manager or they have put in a recommendation. But when it comes to the low-income cut-off, every year we try. I have tried working two jobs to meet that level, but every year it goes on increasing, but at the same time the income we receive is not in line.

Especially in the GTA, the level of income is very high compared to where we come from—the Cambridge, Waterloo, Kitchener area—so it's not in line. If that's something that the committee or the government can look into, that would be....

• (1615)

Mr. Ali Ehsassi: Essentially, all you are requesting is that it not be indexed to inflation.

Mr. Amit Harohalli: Yes, something similar to that.

Mr. Ali Ehsassi: Thank you.

Now let me ask Professor Bhuyan a question.

Thank you very much for your testimony. I understand that you come with many years of experience. You've done a lot of research on issues that are before this committee. Specifically I refer to a paper that you authored called "Unprotected, Unrecognized: Canadian Immigration Policy and Violence Against Women". Also, judging from your testimony, you obviously are very much aware of terrible things that are happening and abuse that is taking place.

I wonder whether you could share with us any specific recommendations you have to make sure that, to the best of our ability, we can prevent these types of incidents from happening. The incident you talked about, someone being denied food, is a terrible thing. It's really significant that we look into it and try to the best of our ability to change it.

Dr. Rupaleem Bhuyan: Certainly. Thank you for the opportunity.

I think this calls for a broad visioning. I understand that the Minister of Status of Women has formed a federal strategy against gender-based violence and that there is in place a gender-based analysis plus requirement for all departments to analyze how different policies are affecting various groups, based on their vulnerability. I think this is an opportunity to reconsider what role the federal government can play to provide protection for immigrants, including those with temporary visas who are being abused by their sponsor or their employer.

We have, for example, a trafficking visa in Canada. I don't think it's implemented well, but it presents some framework for acknowledging that some people are abused in the process of migration and that some of the immigration rules we have can trap people in these relationships.

The exception for abuse and neglect, frankly.... As a project, we were trying to repeal the conditional permanent residence but not throw away the development of the immigration process in which it acknowledged.... For me it was exciting to see the federal government acknowledge that people who are sponsored can be abused and neglected by their sponsor.

The federal government has a role to play in ensuring that they're not trapped in a relationship. This is specific to the conditional permanent residence, but it already existed. There is a long-term phenomenon in Canada called "sponsorship breakdown". This refers to people who are sponsored as a spouse inside Canada and are waiting for their application to be processed.

Usually, if a relationship breaks down, it's "we're done", but if it's breaking down because of a pattern of domestic violence, then I think the government has a role to ensure that the person's rights are protected and that they're not deported because the person they intended to have a relationship with is holding them in an abusive cycle.

Similar laws have been passed in other countries. In the United States they have the violence against women act, which has specific measures for immigrants who are being abused by their sponsor, whether it be a spouse or a parent. I think we can learn transnationally about what other governments are doing. Again I think this requires a federal strategy, because this is true for workers as well as for sponsored family members, including parents and grandparents.

Mr. Ali Ehsassi: Speaking, as you did, of transnational experience, I'd be remiss if I didn't ask whether you could kindly offer us your expertise insofar as the Yazidi community is concerned. As I'm sure you've heard, they will be coming to Canada through the immigration process. Given that your expertise is violence and abuse and things of that nature, is there anything that you think we should be mindful of?

• (1620)

Dr. Rupaleem Bhuyan: Maybe you could help me clarify. Do you mean about the Yazidi as a community that has experienced a high volume of violence?

Mr. Ali Ehsassi: Yes.

Dr. Rupaleem Bhuyan: There have been many cuts in our settlement services. This is a very different topic. The previous government in particular was pulling back a lot of resources from settlement programs. Even just now, the advocate working with Lean here has very limited capacity to support the people who need help.

I think we should consider what supports are in communities not only for those very traumatized immigrants but also for making sure their basic settlement needs are met. This may require increasing some funding, but also identifying, perhaps, the resources currently available to support mental health as well as physical health needs.

I don't have more information, but those are my initial remarks.

The Chair: Thank you, Professor Bhuyan.

Mr. Saroya, take five minutes, please.

Mr. Bob Saroya (Markham—Unionville, CPC): Thank you to all the witnesses for coming out and giving us your expertise.

I have a question for the professor and Lean.

The live-in nanny's job is sometimes referred to as modern-day slavery. When my kids were small, I had a live-in nanny. She would leave at 5 o'clock and come back Monday morning at 8 o'clock. On Monday morning she'd tell us the horror stories.

A number of nannies would get together. They would party, or whatever—the socializing effect. They would tell each other what the issues were, what horrible employer they had, stuff like this.

If you have 60 seconds, both of you, perhaps you could tell us what you would recommend. You know a lot more than I do. The reason I know is that back in 1986 our nanny used to tell us the horror stories.

If both of you could take a minute, what would you recommend to this committee, please?

Ms. Ma Lean Andrea Gerente: I would say to allocate more resources to address the PR applications of caregivers to enable them to get out of those situations and away from the employers who are

abusing them. I have certainly been to gatherings and parties where nannies get together to share and talk about how good or how bad, how great or how abusive their employers are. When I hear the stories, all I can think about is how they are able to hold it in. I would say that maybe they need psychological help so as not to be traumatized or scared to talk about these things.

Dr. Rupaleem Bhuyan: Thank you for the question. Just to reiterate, the conditions, especially for workers who have a closed permit, are really ripe for abuse whether or not an employer intends to be abusive. "Oh, it's 6 in the morning. Can you help me do something? Oh, it's 9 o'clock at night at night. Can you help me do something?" A number of caregivers we've spoken with—I would say the majority—have been required to do work outside of their contract or required to work longer than their contract in terms of hours per day, and they have often been paid less. This is certainly the case on an hourly basis if they put in 12 to 15 hours per day instead of eight hours per day. This speaks to the expansive abuse across the program.

Does this go away if someone has an open permit or permanent residence? It may not go away completely, but the reliance of the worker on that employer is minimized. They have the opportunity to seek other employment without having a gap in their eligibility to work. Currently, if those with a closed permit leave an abusive employer, we expect them to have the agency to take care of themselves. They may have to wait four to six months before they can find a new employer and have the proper documents to work legally. This really puts people in vulnerable positions. It often pushes people to break the strict rules that are placed on them. It makes them vulnerable to what is called labour trafficking.

Those are the recommendations we have. I understand they were laid out in a brief that was submitted by the Thorncliffe Neighbourhood Office. I think it provides some concrete direction to protect workers.

Mr. Bob Saroya: If the permit were an open permit, would that help?

Dr. Rupaleem Bhuyan: I believe that many caregiver action groups are calling for permanent residence on arrival, in the same way that the economic class has structured permanent residence. At a minimum, I believe an open work permit that allows people to arrive in Canada with their families....

I was able to arrive with my family. It makes a significant difference and helps people to establish long-lasting supports in their community and to contribute to Canada.

• (1625)

Mr. Bob Saroya: Thank you.

We talk about the processing time, the number of years for parents and grandparents. What would be acceptable? What should it be? Would you recommend something for the time it takes to approve their applications? Do you have anything to add to that?

The Chair: You have 20 seconds, please.

Mr. Amit Harohalli: I would recommend at least 36 months because I understand there are checks and paperwork that needs to be done. I would say that 36 months would be okay to wait to have the paperwork.

The Chair: Thank you.

Ms. Dzerowicz, you have five minutes please.

Ms. Julie Dzerowicz (Davenport, Lib.): I want to thank all of our presenters for their very passionate and informative presentations.

I have a few questions. I'm going to start with you, Professor Bhuyan.

In your research, did you look at the overall demand for caregivers in Canada? Did you get a sense of that?

Dr. Rupaleem Bhuyan: No. Actually that is outside of our research. I understand that there is a long-standing problem in Canada in terms of a lack of family support for working parents. I believe this is a broader economic question. Does Canada provide adequate support for two-parent households or sole support parents? The caregiver program, as a temporary foreign worker program, provides some amelioration for this, but it doesn't address the larger problem of gender pay equity as well as the lack of parenting support in the early childhood years.

Ms. Julie Dzerowicz: Okay, thank you.

You talked a bit about how parts of the processing time are quite extensive. I think you gave the example earlier of 48 months to process a spousal application. It seems incredible how long that is. What do you think is taking so long? Do you have an idea where in the process it's getting stuck? Is it the medicals? Is it the security checks? Is it that for some reason, it just goes into a black hole? Do you have a sense of where in the process it might be taking extra long?

Dr. Rupaleem Bhuyan: For the sponsorship applications we don't have specific data from the overseas visa offices.

In 2015 we saw a troubling pattern, in that countries located in the global south, specifically those that are Muslim-majority countries, had longer processing times. This was particularly alarming, because when we were looking at conditional permanent residence, although on average 25% to 35% of sponsored spouses were getting the condition, people coming from Muslim-majority countries were receiving it on average 50% of the time.

I thus have concerns about the kinds of relationships that people who are evaluating the applications view as more valid. I have concerns about the kinds of documentation requirements people have that conform to Canadian constructions of a proper family.

I have heard from our caregiver advocates that the applications for permanent residency have been bogged down for many different types of bureaucratic reasons. Some family members who are

overseas are being requested to do three or four medical examinations. I don't know whether the medical results are lost or whether they are inadequate. Often the caregivers are not provided information about why there is a delay. They are referred to the website, which just tells them that there is a delay.

I just learned yesterday, for example, of a caregiver who had to pay an exorbitant fee for transmitting the application of her spouse because the photo was not in regulation size. Some of these bureaucratic steps may seem minor, but when they contribute to multiple years of delay, I think they are unjust.

Ms. Julie Dzerowicz: Very quickly, because I have questions for the other presenters, what do you think is a fair amount of time for processing? The 51 months is obviously way too long, but what's a fair amount of time?

Dr. Rupaleem Bhuyan: I would say six months. I have an 11-year-old. I don't like it when she goes away for two weeks. I can't imagine people having to wait multiple years. I will say that six months would be reasonable.

Ms. Julie Dzerowicz: I have a quick question for Ms. Gerente. Thank you so much for your presentation.

When your mom was applying to come here to be a caregiver, did she know that it would take 51 months, or did she have a sense about how long the time period was when she was applying?

• (1630)

Ms. Ma Lean Andrea Gerente: Thank you for the question. No, she didn't. She thought that it would be at least 24 months before she could get my sister and me to be with her.

Ms. Julie Dzerowicz: The reason I'm asking is that sometimes I think we don't give the right information internationally—not that I think 51 months is just, but even if it were two years, we should be giving proper information around that.

Her thinking, then, was that it was going to take two years. She must have been surprised when it took 51 months.

The Chair: You have 20 seconds.

Ms. Julie Dzerowicz: Mr. Harohalli, if you have one top recommendation for us, what would it be?

Mr. Amit Harohalli: Allow the parents and grandparents as well to be part of the family, part of the Canadian culture, and get the paper processing done much faster.

Ms. Julie Dzerowicz: Perfect. Thank you so much to everyone.

The Chair: I would like to thank all of the witnesses for providing their insights before our committee today.

In particular I would like to thank Ms. Gerente for the courage she showed in appearing before our committee. I know that your poignant and insightful testimony will help us with our work, and I know I speak on behalf of all of the committee when I say that we're proud to welcome you and your sister into our Canadian family.

Thank you.

With that, we'll suspend for two minutes.

• (1630)

(Pause)

• (1635)

The Chair: I would like to welcome, by video conference from Vancouver, Richard Kurland, lawyer and policy analyst.

Perhaps, Mr. Kurland, you could clarify. Unfortunately our notes are incorrect. You're from Vancouver, so I don't think you're representing the Toronto Community Legal Services.

Mr. Richard Kurland (Lawyer and Policy Analyst, As an Individual): Not today, Mr. Chairman; I'm appearing as an individual. I'm an immigration lawyer and policy analyst and a member of the Quebec bar and of the British Columbia bar.

The Chair: Thank you.

We have Sheila Monteiro, a lawyer. Perhaps you are the person who is here on behalf of the East Toronto Community Legal Services. Okay, so there is a bit of a mix-up there in our notes.

Ms. Sheila Monteiro (Lawyer, East Toronto Community Legal Services Inc.): That's correct.

The Chair: Welcome to you both.

We'll begin with you, Mr. Kurland. You have seven minutes for your presentation, please.

Mr. Richard Kurland: Thank you. It's an honour and a pleasure to be appearing before the committee. I'll try to use the seven minutes wisely.

First, to save time, I would draw again the committee's attention to the submissions of the Canadian Bar Association. I support and endorse every recommendation made therein.

Today, I'd like to draw attention to just three things.

The first is money. This may be the appropriate venue to illuminate a way of assisting the financing of family reunification processing. I'll just take a brief couple of minutes to illustrate.

In Canada, we receive, in a year, about 1.5 million visitor applications, about 300,000 study permit applications, 400,000 work permit applications, half a million PR cards applications, and about a quarter of a million citizenship applications. These are the volumes—about three million applications a year. Well, there is a design flaw. When the department created its information technology system to intake applications, including family reunification applications, what happened was that the designers used as a model the old paper-based forms—one form for a visitor visa application, another for study, and another for work. Guess what? We are completing....

Oh, I'm sorry about that. Can you hear me?

The Chair: Please, continue.

Mr. Richard Kurland: We are completing the same information at every step along Canada's immigration continuum, for both temporary and permanent resident status. It's as if you had a dozen different silos for information collection. The model is [*Technical difficulty—Editor*] Canada Revenue Agency....

The Chair: Please, continue.

Mr. Richard Kurland: Sorry, we are receiving here in Vancouver messages that the communication has been disconnected.

I'll continue regardless.

The Chair: It hasn't been. Please, continue.

Mr. Richard Kurland: What should occur is the use of the CRA model in information intake—one file, one person. You enter your personal information and update it over time. You then select the service requested—visitor visa, extension, study, work, PR card, sponsorship, or even citizenship application. The failure to do this is costing the Canadian economy over three million hours per year, assuming one hour per application.

In addition to the complexity of the Immigration department's website system, how do you navigate and find the right form? Single person, single portal, single entry for your lifetime—this simple fix would reduce member of Parliament representations driven by confused constituents.

I'll stop there.

The other two points are related to marriage of convenience and.... In that, I would recommend softening the impact of an evidentiary rule, *res judicata*. I would propose, five years following an immigration appeal determination of marriage of convenience, to expressly provide the immigration appeal division jurisdiction to consider compassionate humanitarian relief.

Finally, ministerial instruction for the department's processing choices.... For example, within the parent and grandparent processing category, announce the number to be processed from inventory in the year, alongside the number of new cases to be accepted in the year. Until we achieve an equilibrium where we take in as many cases in a year as we can process in a year, letting the public know that intake will be less because we have to take care of the queue is appropriate. That would be a recommendation.

Those are my opening remarks, Mr. Chair.

• (1640)

The Chair: Thank you, Mr. Kurland.

Ms. Monteiro, you have seven minutes, please.

Ms. Sheila Monteiro: Thank you.

I welcome this opportunity to speak to you today.

I have been practising immigration law for a little over 10 years. I find it quite ironic that they are talking about permanent residence and family reunification today.

I came across an article in the *Toronto Star* that says approximately 7,136 people were granted renunciation of their permanent residence cards. This tells us that people, after coming to Canada and establishing themselves, are willing to give up their residency. Obviously, there are reasons for this. Although the article talks about those other reasons, I want to stipulate that maybe the reasons are the obstacles in applying for permanent residency or in getting citizenship.

While the current system of immigration doesn't prevent Canadians from marrying non-Canadians, the current immigration barriers effectively produce this result. Prospective spousal immigrants face unreasonably long separations. This is true for other family categories, as well.

Obstacle number one—I've gone through a few—is that if you start the process of your spousal application from outside of Canada, you cannot get a visitor visa into Canada. The chances of your being denied are very high. The reason is that they feel you're going to come and stay illegally, and you may outstay your visa. There are all sorts of reasons. This is very unfair. It is contradictory to our immigration act, which clearly states that we should reunite families. I firmly believe that we must perform the due diligence of evaluating these family...prospective immigrants.

Why don't we take the stance of innocent until proven guilty? The reason I say this is that we treat everybody as though they've committed marriage fraud, or they've married because of the convenience of coming to Canada, instead of saying to them, "Hey, you've married a Canadian. Welcome to our country. If you do something wrong, we're going to look into it, and there will be..." whatever the punishment or...how to correct the issue.

My recommendation is to issue landed status for all spouses married to Canadians, or at least provide them with work permits on arrival.

My second recommendation is that we provide either permanent residence or work permits. Then, we continue to do the due diligence if they're given work permits while they are in Canada. This means they bring their spouse and stay in Canada. This continued due diligence would look at whether the marriage is genuine and continuing, which is the current marriage test.

The government, I also believe, needs to put some tracking mechanisms in place to make sure there is no abuse of this by taking social assistance or other programs they're not entitled to.

Regarding my second obstacle, the resolution for the long delays is to eliminate the caps. The reason I say this... Increase resources, process within six months, and the incremental costs can be borne by the individuals. Checks and balances are built into an undertaking and will prevent the abuse of social assistance.

In terms of processing times in other countries, I took a look at different like-countries, like Australia. They process a spousal application in eight months when it's inland. In the U.K. they call it the marriage visa. They process it in two to four weeks. Why is Canada taking 24 months when they're in Canada? Why is it taking forever when they're out of Canada? I cannot understand this. These are countries that, yes, they may be smaller than Canada and have other issues, but obviously this is an example that we should look to

and maybe strive to be like them. We are a country of immigrants too.

• (1645)

The fourth obstacle they have is a travel document for persons who are in war-torn countries like Nepal, Eritrea, Syria, and Afghanistan. If they cannot get identity documents, even if they're approved at the Canadian high commission, they cannot travel. These are countries where it's very difficult to get travel documents for whatever reasons. Why doesn't the high commission issue them? My recommendation would be to issue them a single travel document, so that they can be united with their families.

I would like to re-state that our current immigration system is a major bar to preventing families from reuniting. It's a real shame, because uniting families is a part of our immigration objective, and it seems to be lost.

Coming to the age and threshold of sponsorship, the good news is that while I was writing this, the government already took my recommendation and passed a regulation in the *Canada Gazette* with a definition of "dependent child". They said that they changed the definition. I was going to write about how it needs to be 22 years. I welcome this change. The financial threshold is yet another barrier. As I'm going through this, I just see barriers and barriers, again and again, that are put to families that want to reunite.

For dependent sponsors, the parent needs to meet a LICO test. This affects single parents, marginalized people, and people with low incomes. They're not able to meet LICO, as you heard from the previous witness. It only means that well-to-do Canadians, or permanent residents, can sponsor the dependent children, or they can sponsor the dependent parents and grandparents with the LICO being 30% or more for the parent and grandparent class. My recommendation here is that you allow multiple family members to co-sponsor for dependants, and for parents and grandparents, thereby allowing the parents or the grandparents who come into the country to babysit the child, or whatever, and allow the husband and wife to go to work. I'll talk about that in the next slide.

The Chair: Twenty seconds, please.

Ms. Sheila Monteiro: Okay.

I'm going to go to citizenship. Here I just wanted to touch upon the fact that Canada has the highest naturalization in the world for citizenship. It's 86% of permanent residents who become citizens, which means that a lot of people want to become Canadian citizens, but there are obstacles that they face while submitting the applications. Waivers are not meant for people who are mentally ill. I request that there be a recommendation to process the applications in 12 months.

The Chair: Thank you, Ms. Monteiro.

Ms. Zahid, you have seven minutes please.

Mrs. Salma Zahid (Scarborough Centre, Lib.): I would like to thank both Ms. Monteiro and Mr. Kurland for their important testimony, and thanks for all the work that you are doing.

My first question is for Ms. Monteiro.

You have raised the issue of marriage of convenience and proving if the marriage is genuine. I have heard a lot about this from my constituents that the IRCC official tasks were determining whether or not the marriage is genuine. They are not very much aware of the cultural practices that could make a relationship appear unusual by western standards.

Could you discuss any experiences you have had with the people you have dealt with in regard to the spousal applications? What do you recommend, and how can these necessary evaluations be made more culturally sensitive?

Ms. Sheila Monteiro: I think to educate the officers would be one recommendation. I'm Indian, and India is a huge country. I'm from a place called Goa, which was a Catholic Portuguese colony. The majority of the people used to be Catholic, but people look at you... and in north India we have Punjabi, and every culture is different. Talking, for example, for India, I would say they need to be educated. In India and in these other cultures these are the kinds of marriages. In Arab countries it might be a different situation in the Middle East and maybe in Africa.

You have to understand what the idea of marriage is. In some cultures they say, "We would like you to marry this boy." They meet and then they say, "Yes, okay. I'm willing to take the chance of marrying. My parents have interviewed the family." This is an arranged marriage and people work towards it. There are people who meet through their parents. They are introduced with the prospect of being the husband. They start off with, "This is a nice guy. Date him. See if you like him, and get married to him."

It's different for different cultures. Everybody is not Canadian outside of Canada, where they meet and they date for years and years. That's not a cultural thing. I don't know whether that's Canadian culture, but that's certainly been my experience, where you hear people saying, "I've dated for years," but then you also have the flip side that says, "I met this guy three months ago, and I'm getting married in three months."

You have to understand that love is not something, or a marriage is not something, where we can dictate whether it's genuine or not, but there can be checks and balances that we have already, where the officer asks to explain why they should believe the marriage is genuine and continuing. In my experience, I advise my clients, "Write your story. Tell us how you met. Tell us what makes this person special, and why you got married."

• (1650)

Mrs. Salma Zahid: Yes, I agree with you because I have lived in Pakistan and was raised there. I know that most of the marriages are arranged. The cultural sensitivities are different there.

The other issue I would like to ask you about is parents and grandparents. There are certainly lots of issues. There is the income-level issue. People have to show their income. Then we have caps on

the number of applications which we can take in and the process though which the applications are taken in, because if it opens on a Wednesday and two hours later it is closed, people are not able to get their applications into the processing centre or to the window in that time frame.

What do you recommend, knowing the contributions the parents and grandparents make when they are here through looking after their grandkids and through the emotional support they provide to their families? What changes or recommendations do you think are necessary?

Ms. Sheila Monteiro: There was a paper put out in February 2014 by Citizenship and Immigration Canada. I'm going to refer to it because I thought it was a very well written paper on parents and grandparents.

It said that they made a considerable social, cultural, and economic contribution. I'll just quickly go through it.

First of all, if a parent or grandparent is brought to Canada, they are able to help both the husband and wife go to work, which means there will be more income in the household as well as more taxes for the Government of Canada. There's also the idea of joint families. I know it's in Indian culture. I don't know which other cultures have it.

Mrs. Salma Zahid: Other than India, it is also the culture in many other countries. I know, because I grew up in a house where the grandparents used to talk about the religion and about the culture. Sometimes I feel, when I look at my kids, that they didn't get the opportunity to know about that.

Ms. Sheila Monteiro: Right. My statement goes back to that. These parents and grandparents also provide the cultural and moral support that families need when they move to a new country.

Mrs. Salma Zahid: What are your recommendations? How can we make it easier? What changes should we make so that this process becomes easier?

Ms. Sheila Monteiro: Well, I'm in favour of the LICO because I think it shifts the burden away from the Government of Canada, but I think the processing time is an issue. Grandparents are not young; they're very old. If you're going to wait five to seven years to process them, they could die in that time, which is a very sad situation.

The proposal I have is to look at Australia. They have what they call contributing parents and non-contributing parents. If you want to bring your non-contributing parent, which means a parent who is not going to work, then your fees are higher but your processing time is shorter. That would be one recommendation for sure.

I think that parents certainly give a social aspect to the nuclear family, and certainly they need to consider that parents and grandparents are not a burden. They shouldn't be considered as a burden, but as more of an enhancement to our culture.

• (1655)

Mrs. Salma Zahid: Would you agree with—

The Chair: You have 20 seconds.

Mrs. Salma Zahid: In some cultures kids look after their parents, and a lot of people send money to their parents back home.

Ms. Sheila Monteiro: Yes, I do agree, and in England, they have a provision just for that. Maybe we should look at England. England has a provision that if there is no one else in your home country to look after your elder, then you can sponsor them. There are some ways of looking at it.

Thank you.

The Chair: Thank you.

Mr. Saroya, you have seven minutes please.

Mr. Bob Saroya: Thank you to both witnesses for coming and educating us.

Something caught my eye here. Mr. Kurland, you're saving \$100 million in a couple of seconds. Three million hours saved times \$30 an hour plus the tax on that. There's \$100 million for the Minister of Finance, and the taxpayers are going to love you for this one. Could you explain it a bit more?

Mr. Richard Kurland: To clarify, there are approximately three million applications made in a year for immigration services, and the oddity is that individuals, for each individual application, repeatedly enter the same information again and again and again, instead of having a central repository for that individual's personal information, which is updated as time goes on. The savings come from the reduced demand for services, the reduction in confusion, the reduction in error rates by individuals, the simplification of the administrative process behind the IRCC or *Wizard of Oz* curtain. You can have, say, fewer paid employees doing more with less. That's the goal there.

Related to the previous question, I can't resist that we can collect more evidence-based data two ways. One, given that immigration computers do talk to the tax computers, we can track people, say, over the previous five years or over the forward five years and know where they are now. If they enter Canada under the spousal category, we can objectively measure, within a five-year period, how many remain married. That way we know objectively whether there's a signal, good or bad.

The other way is to track the officers. We can track individual decision-maker results the same way. That way, for some officers who may be generating above average refusals—marriage of convenience decisions—we can provide additional training, as suggested by the other witness.

Mr. Bob Saroya: Talking about marriages of convenience, it's all about what Sheila said, checks and balances. What checks and balances can both of you advise?

I can tell you that, in the last couple of years, I got maybe eight or 10 calls, which I've personally seen in Markham, in Woodbridge, in Scarborough, and many other places. People come in within 48 hours. Sometimes the police are called. Sometimes somebody comes in with a marriage situation, or somebody comes with a student visa. There are issues that I have personally seen. Could both of you suggest something to the committee, please?

Mr. Richard Kurland: In this, it's a question of what they call risk management. The magic golden nugget is something called the

abuse variable. How many cases are you going to tolerate before pointing the enforcement spear? The good thing is that, for the first time in close to 10 years, there are fresh eyes with fresh ideas on the dossier and the new mantra, it seems to me, is “Why are we doing it this way? Explain it to me.” That's where the solutions are going to come from.

On the front end, I'm already witnessing, statistically, reductions in spousal processing times. There's no doubt about that. Of late, there is a new policy to facilitate the issuance of work permits at the ports of entry in appropriate spousal cases. That's the right direction. Can we do more? Yes, but we need the evidence on where to focus the resources, which particular officers or offices. That's the gap. That's what's missing.

• (1700)

Mr. Bob Saroya: Got it, thank you.

Do you have something to add?

Ms. Sheila Monteiro: Yes. I just want to add that in terms of genuine marriages, I don't have my paper with me, but there was an article written in the *Toronto Star*, which talked about the removal of the conditional permanent residence. It's a government study and I guess they addressed it saying that they haven't found a lot of fraudulent marriages or marriages of convenience and that the majority of the marriages are genuine.

Mr. Bob Saroya: What's your experience, though?

Ms. Sheila Monteiro: My experience is that a majority of the marriages are genuine. I have seen quite a few abuse situations. Those are the ones they question, and that's okay. You can do a question on those, because those people may have, for whatever reason, never reported on time, and that's fine.

Mr. Bob Saroya: My next question is on the wait time. In some cases, for the parents and grandparents, it takes 51 months, 48 months, or something along those lines. What is acceptable, and what can be done?

Ms. Sheila Monteiro: For parents and grandparents, I would say 12 months, because they are not in Canada. For whatever reason, it takes 51 months or 36 months. I'm just throwing this number out there, because I think 12 months is something I can live with. I sponsored my own mom, and it took me three years. It's ridiculous, because there is no reason for it to take that long when they have all the paperwork and everything is there. The downside of this is that, when you call Immigration, they say, “Well, you haven't reached your maximum processing time; you need to wait” or “We don't have any more information; you'll just have to wait.” That is not an answer.

Mr. Bob Saroya: Do you have something to add to that?

Mr. Richard Kurland: Yes, I do. I think it is entirely appropriate to have processing times published for public consumption when it comes to parents and grandparents. That way, people will know in advance of their application how long processing will take. Until the inventory is reduced, 12 months is not possible.

The Chair: Thank you.

Mr. Angus, you have seven minutes, please.

Mr. Charlie Angus: Mr. Kurland, one of the things that surprised me most when I was elected to Parliament was that I was going to be an immigration expert. We are the front line for all manner of cases. Over the last number of years, we used to have people we would call. They'd answer, and they were experts. We dealt with them all the time. When you are calling call centres, dealing with extremely complicated cases, when people may be deported.... I had an MP say to me, "I really feel bad for the people I dealt with in my first two years, because I was learning on the job."

How do you see, over the last number of years, these kinds of cases? Is the federal government...? Is it getting easier or harder to walk people through the system?

Mr. Richard Kurland: What I have done over the years is provide quality time with "wannabe" members of Parliament of all parties, with the following: "I hope you are aware that 80% of an MP's time is dedicated to immigration issues. If you don't know it now, you certainly will know it if you are successful and proceed to Ottawa."

What is different is that IRCC, to its great credit, does provide an in-house direct line to departmental experts who have direct access to file-specific issues. I've witnessed this sitting beside members of Parliament to watch it happen. For the public, however, internal audits continue to show an unacceptable error rate at the call centres. What happens is that you have one quality of service for the general public, which often leads individuals astray into immigration problems, driving them to the MPs, the lawyers, and the consultants. On the other hand, you have the golden thread between the members of Parliament or the senators and IRCC in-house experts with direct file access.

We need to improve that line. Frankly, we need to fully resource the members of Parliament over the years for taking on delivery of Canada's immigration program. The MPs have been swallowing those costs, rather than the department.

• (1705)

Mr. Charlie Angus: Thank you for that.

I certainly think it's absolutely bizarre that a member of Parliament's office is the front-line immigration staff. When you represent a region like mine, which is bigger than the United Kingdom, there is nowhere else to go. My staff do excellent work, but it does seem to be a very bizarre use of our resources.

I want to talk about cases of marriages of convenience. We deal with all manner of marriages coming through. We deal with all kinds of delays and problems, but we have dealt with many cases that seem to come from certain red flag countries. It seems to me that the flags go up immediately with Immigration that some of these look like.... The rise of Internet wives is an issue that I see.

Mr. Kurland, how do we balance that, the right of the citizen to go down to a hot climate, fall in love on the weekend, come home, and say they want their wife, without any expectation that she is actually going to stay for more than a week?

Mr. Richard Kurland: I think the success model was built by IRCC in greater China. A specialized team of marriage of convenience visa officers and assorted personnel were clustered to identify and determine these kinds of cases rapidly. That team enjoyed such a success rate that the MOC, marriage of convenience, rate plummeted and processing times were able to shorten dramatically. The team shifted to other fraud areas, notably Vietnamese and Cambodians being driven out of Singapore.

What we need to do is to continue the best practices of using our highly trained officers overseas to identify and attack a trend of increasing marriages of convenience, as it appears. That's the reason for this data match deal. Tracking individual officer decisions when it comes to marriage of convenience, tracking tax and immigration information five years post-landing—these are the canaries in the coal mine to give us that signal.

Mr. Charlie Angus: Thank you.

Ms. Monteiro, I'm very partial to the importance of parents and grandparents coming. I was raised by my grandmothers while my parents worked. I guess the question is what the reasonable expectation is for the family on responsibility. The image we're being given is always that they come and they look after your children while you work, but we also have a very different demographic, internationally, of older parents. Some are professionals. Some may not want to live with their kids. Some may actually want to just come to Canada and live on their own. I've had cases where young families invite parents over and then say they don't want them anymore, and they're stuck.

What's the reasonable expectation on the family, and what's the reasonable expectation for parents or grandparents?

Ms. Sheila Monteiro: My opinion would be that there needs to be a shift away from the burden on the sponsor. The sponsors could say their parents don't want to live with them, and they're not responsible. They'll go to social assistance, so that's going to ultimately come down on the government, and that's something we do not want. I guess that's why the LICO 30% came into play. But the LICO 30% removes a lot of working poor. It's something like \$73,000 if you want to sponsor two people. I don't think that's realistic. I think if a husband and wife are working, maybe they can make \$45,000. I don't know these numbers, and I'm not an expert. Definitely you have expertise in that area.

I don't think they just bring the ability of looking after the grandchildren. I think they also bring the cultural values. I think they bring stuff that we cannot quantify. It's quality. It could be love. It can be affection. It can be learning how to address something. Maybe it's even teaching not only their grandchildren but maybe even their own children in a situation that maybe the parents went through and never told their kids. I think the experience that they bring as parents, as pointed out earlier—

• (1710)

The Chair: Thank you.

Ms. Sheila Monteiro: We do have a culture in which we talk about looking after your elder parents.

The Chair: Thank you.

Mr. Sarai, you have seven minutes, please.

Mr. Randeep Sarai (Surrey Centre, Lib.): Thank you both, Ms. Monteiro and Mr. Kurland.

I'll go to you, Mr. Kurland.

I actually like your idea of tracking officers. Without strong objective evidence, I think there is a bias among some officers in certain regions, who have a tendency to say no before they say yes, so they look for a reason to say no as opposed to yes. I've looked into that as well, and there is no way to track it based on what officers are doing.

Their own performance evaluations are not done based on whether they have an 80% approval rating or a 50% refusal rating. There's no retribution, no review of their conduct. They can give 90% refusals and they'll still get the same promotion, or demotion for that matter.

I like that idea if there's a way we can track. We do it in food policies now, where food comes out and has a tracking number. We know right to the end of where it goes as well as where it originated from. So I think that's a great idea.

I think your CRA model would be helpful. It would also be helpful in tracking fraud. I like that about it.

I want to come to marriages of convenience. When you alluded to using humanitarian and compassionate grounds for the IRB officials on a review, are you referring to those marriages such as in regulation 4, which prohibits them or considers them not.... They may have kids now. There's DNA evidence. IRB officials should be able to determine that maybe it was a marriage to come into Canada. Perhaps there's no issue of genuineness in this. Is that what you are alluding to?

Mr. Richard Kurland: Precisely. I have active cases where, for example, unfortunately the person in the Indian subcontinent passed away, leaving a wife. The late husband's family here in Vancouver wanted the brother to marry the husband's spouse and it was blocked as a marriage of convenience. Nevertheless, over the years it was a genuine marriage. However, because of the rules—the evidentiary rules as well as the regulations—the immigration appeal division simply did not have jurisdiction to consider compassionate and humanitarian grounds.

You're faced with an evidentiary bar that rises to the level of a statutory bar, so it's up to Parliament to expressly provide the IAD

with jurisdiction to consider H and C. Arbitrarily, I'm setting it at five years following an IAD determination of marriage of convenience. Keep Canada's compassionate door open in deserving cases.

Mr. Randeep Sarai: In terms of your other comment about perhaps an evidence-based method of dealing with fraudulent marriages, if the percentage of fraudulent marriages is so low—maybe one in 1,000, and I assume it's less than 1%—would there not be a better idea for those that are marriages of convenience? For example, the spouse finds out he was duped just so the bride could come into Canada—in the foreign brides or mail-order brides situation, or in arranged marriages when they have somebody else in mind, so they just want to get to Canada and then they will divorce and then bring the actual person they love. Would an evidence-based process be better, where the spouse who was duped could actually say, “Hey, I just found these emails” or “I found out that this relationship existed before the whole thing I was duped into”? It would be the same case for somebody who went to Cuba and instantly fell in love, as in the case that was mentioned, but found out that it was all a sham just to get here. Somebody could investigate that, if it were evidence-based, rather than having the whole system designed to just deal with these 0.01% of marriages.

Mr. Richard Kurland: Exactly. The word of the day is “baseline”.

What we can measure are trends—increasing or decreasing number of poison pen letters, or cases where within 12 months of landing under the spousal category the immigrant is sponsoring someone else as a spouse. It's that sort of measurement that will give you the trend. If the trend is stable and it's hitched to the baseline, you can take more risk. You instruct the visa officers, if in doubt, to allow more people forward. That's what's needed. The best solution is to accept risk.

• (1715)

Mr. Randeep Sarai: My last question in this regard is actually on queues. You said not to take more in, and I found that for live-in caregivers that's a big problem. We process 18,000 to 20,000 a year, but we were taking probably 25,000 or 30,000, resulting in the situation we heard about just before you came in where somebody was told that it would be 24 months before her mother would become a permanent resident and then it took more than 48 months. I have about 15 in my constituency who are past even 60 months.

Are you saying that we should stop the queue at the outset, so that you say we are going to take only 20,000 this year, so after 20,000 applications we won't take any more until the next fiscal year, or are you saying that we will open it up as normal when the backlog is taken back?

Mr. Richard Kurland: The reality check is that it's the political third rail in this country to allow for an expectation that's not delivered when it comes to the immigration of parents and grandparents.

Rather than kicking the ball down the road and hoping that this thing self-fixes in a number of years, just be honest and transparent. Just say in the first week of January, or whenever, that we're going to take in 4,000 cases—representing 8,000 persons—because we're going to reduce 12,000 from inventory.

Until you get rid of the chicken and the python, the inventory of parent and grandparent cases, you will never have predictable processing times.

That's the key. Don't take in more files in a year than you can process in a year. To do that you have to cut inventory.

The Chair: Thank you, Professor Kurland.

I'd like to thank the panellists for their insights today.

We will suspend for two minutes, and reconvene in camera.

[Proceedings continue in camera]

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