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Chair: Mrs. Salma Zahid



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• (1220)

[English]

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

Today we are here to study the subject matter of part 5, division 23 of Bill C-19, an act to implement certain provisions of the budget tabled in Parliament on April 7, 2022 and other matters.

I would like to welcome and thank our witnesses from the Department of Citizenship and Immigration for appearing before the committee today. We are joined by Julie Chassé, director general, financial strategy; Philip Somogyvari, director general, strategic policy and planning; Marcel Poirier, director, fees and activity based costing division; and Jonathan Joshi-Koop, acting director, express entry policy.

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

You can please begin. You will have five minutes. Thank you.

Mr. Philip Somogyvari (Director General, Strategic Policy and Planning, Department of Citizenship and Immigration): Thank you, Chair.

Good afternoon, and thank you for the opportunity to discuss the proposed changes to the Immigration and Refugee Protection Act that are included in the budget implementation act.

My name is Philip Somogyvari, and I am director general of strategic policy and planning at Immigration, Refugees and Citizenship Canada. I am joined today by my colleagues Julie Chassé, director general, financial strategy; Marcel Poirier, director, fees and activity based costing; and Jonathan Joshi-Koop, acting director of express entry.

The proposed amendments cover two areas. One is changes to express entry and the second is an exemption from the Service Fees Act for certain fees established under the authority of the Immigration and Refugee Protection Act.

Express entry is the application management system for a number of Canada's economic immigration programs. Candidates express an interest to immigrate to Canada, and if they meet the basic requirements of one of the programs managed by express entry, they are placed in a pool of pre-qualified candidates and ranked against one another based on a transparent scoring grid that favours individuals with high human capital. IRCC then invites the top-ranked candidates in the pool to apply for permanent residence

through one of the programs through regularly held invitation rounds.

The proposed amendments being sought through division 23 of the budget implementation act will build upon express entry's existing flexibilities and support Canada's economic recovery and future growth by permitting the department to more easily select candidates who meet a range of economic needs and priorities. More specifically, the amendments authorize the Minister of Citizenship and Immigration to invite foreign nationals to apply for permanent residence through express entry on a new basis: the eligibility to be members of a category that would support an economic goal identified by the minister.

Eligibility requirements to be a member of a category would be established by the minister and could be based on factors such as work experience, educational background or language skills. For example, if there was a desire to leverage immigration to support the growth of Canada's tech sector, a category of express entry candidates would be created based on criteria such as their possession of work experience in their sector occupation and/or their possession of a related educational credential. Invitations could then be issued to the top-ranked candidates in that category. The minister would establish the category through ministerial instructions and post details, including the eligibility criteria, on the departmental website.

To support program integrity, the proposed amendments also direct officers to refuse applications from candidates who cannot demonstrate that they were eligible to be a member of the particular category. To support transparency around these authorities, the proposed amendments also require the minister to identify the economic goal they are seeking to support in establishing each category. The amendments also include the requirement for the minister to report on the use of these authorities through the annual report to Parliament on immigration.

Amendments in division 23 also include technical amendments to division 1 of IRPA, notably to eliminate of a minor inconsistency between the English and French versions of division 1 and to clarify the minister's authority to specify to which program an invited applicant may apply in the event they qualify for more than one program.

With respect to amendments regarding fees, the department is seeking an exemption from the Service Fees Act for four fees established under the authority of the Immigration and Refugee Protection Act. They are the authorization to return to Canada, rehabilitation for criminality and serious criminality, restoration of temporary resident status and temporary resident permits.

The Service Fees Act received assent in June 2017. It requires that service standards be established for all fees and that fees be remitted to clients when these service standards are not met. Services related to these four fees exist to address an inadmissibility for applicants who may have a criminal record or have been flagged to have special circumstances that prevent them from following the regular temporary residence pathways to enter Canada.

As such, these services have highly variable processing times that are dependent on clients' individual circumstances, and therefore an exemption from the Service Fees Act is being proposed, as it's difficult to establish reasonable and meaningful service standards for these fees.

Thank you for the opportunity to provide you with more information on these proposed amendments, and I look forward to your questions.

The Chair: Thank you. We will now proceed to our round of questioning.

We will begin with Mr. Genuis. Mr. Genuis, you will have six minutes. You can please begin.

• (1225)

Mr. Garnett Genuis: Thank you very much, Madam Chair.

Thanks for being here.

One of the changes that's been brought in is with respect to fees collected. Could you just explain more precisely what the impact of the Service Fees Act changes would be?

Ms. Julie Chassé (Director General, Financial Strategy, Department of Citizenship and Immigration): Yes, I can answer that, Madam Chair.

In terms of changes to these fees, it will not change the Service Fees Act itself. What it will do is exempt these four fees from having to set service standards that are related to inadmissibility.

Mr. Garnett Genuis: Right, so what is the specific effect? You're not eliminating the fees in those categories, but you're eliminating the requirement that service standards be associated with those fees.

Ms. Julie Chassé: Correct. This is exactly it.

Mr. Garnett Genuis: Why is that change being made?

Ms. Julie Chassé: Technically it is extremely difficult to establish service standards for these fees because the time can run from two days to 1,200 days. We would be in the position that if we did not meet the service standards, we would have to refund these fees to applicants.

It's extremely difficult to establish predictable and transparent processing times that will apply to a large number of these applica-

tions. It's basically more of a case-by-case basis for these types of applications.

Mr. Garnett Genuis: I'm going to try not to sound like my four-year-old here, but again, why? Why is it hard to establish consistent processing times and service standards for these four particular categories of applications? It does seem like we're struggling to meet service standards across a very broad range of applications. Why is it particularly difficult for these four in a way that you think justifies their exemption?

Ms. Julie Chassé: I think the question right now is not really meeting the service fees as of now, because it's extremely difficult to establish any. I think it's not really a question of meeting them, but it's a question of establishing something that is predictable and that we can abide by more. As I was saying previously, in certain circumstances an application can take months when we have to go through criminal records to ensure that the person can enter Canada and can be admitted to Canada. It's really dependent on every applicant's individual situation in terms of their criminal record or their situation.

Mr. Garnett Genuis: The reference to a criminal record, I understand that to be a reference to one of the areas of exemption, which is determination of rehabilitation. Intuitively I would understand why that might be one for which it is more difficult to establish service standards, but another one that's being exempted, for instance, is an application for a temporary resident permit, so as a result of these changes, someone applying for a temporary resident permit would no longer have the benefit of having an established service standard. It doesn't seem like assessing an application for a temporary resident permit should be any more or less difficult compared to many other application categories in establishing what an appropriate service standard should be.

I can accept the inclusion of the one on determination of rehabilitation, but explain to me why it's somehow difficult to establish what a service standard should be for a temporary resident permit.

Ms. Julie Chassé: In terms of this application specifically as well, a temporary resident permit, although again not specifically related to criminality, is also highly dependent on an individual's situation in terms of being able to become admissible to enter the country.

Mr. Garnett Genuis: Isn't that true of all categories, though? How is that particularly true of an application for a temporary resident permit any more than it's true of a spousal application, an application for citizenship or an application for refugee status? How is that uniquely difficult or uniquely individualized compared to the other categories?

• (1230)

Ms. Julie Chassé: Specifically in terms of this, all our other... For example, regarding visa applications, we can put in predictable service standards and processing times and then calculate how we meet them. In terms of a temporary resident permit, because it's highly dependent on an individual's situation and his or her ability to provide the information that is required—

Mr. Garnett Genuis: Sorry; I'm running out of time. Again, in the case of a temporary resident permit, it's highly dependent on the individual's situation, but the same is also true for a refugee application. In some ways, it might be even more difficult in that case, because you're talking about information that you need to gather from abroad, compared to....

I'm out of time. I still don't understand the rationale for why these categories would be exempt from the service standards that we expect in other cases. Especially at a time when we're failing to meet service standards in so many different areas, why would the government be seeking exemptions from those standards in these cases?

Do I have more time?

The Chair: You have 20 seconds.

Mr. Garnett Genuis: Could you respond to that in the time you have?

Ms. Julie Chassé: I don't think I have much more to bring in terms of details on this, but I understand your point of view.

The Service Fees Act applies to a number of fees set by the government. Other fees that were set by a department are not subject to the Service Fees Act, and we do have service standards for these fees. Although they are not subject to the Service Fees Act, for example, a temporary resident would—

The Chair: Sorry for interrupting, but time is up for Mr. Genuis.

Mrs. Lalonde, you have six minutes.

[Translation]

Mrs. Marie-France Lalonde (Orléans, Lib.): I'd like to thank the witnesses for appearing before the committee on such short notice. I have a few questions for them.

[English]

I'll go straight to my questions.

I understand that Bill C-19 aims to make enhancements to the express entry program for highly skilled individuals who want to immigrate to Canada.

Could you briefly summarize these enhancements, please?

Mr. Philip Somogyvari: I would be happy to.

The amendments to the express entry provisions in the act essentially provide the ability for the minister to issue instructions that would focus on particular candidate attributes in the express entry pool and allow for invitation rounds to focus on individuals with those particular attributes.

The current formulation of the act specifies that the minister can issue invitations based on the total size of the invitation round and based on the underlying regulatory program for which the candidate qualifies. This change would provide flexibility to, for example, be able to invite candidates from the express entry pool who have particular work experiences or credentials, or who, for instance, are French speakers destined to an official language minority community. These are currently features that are not permitted under the current formulation of the act.

Mrs. Marie-France Lalonde: Thank you for those examples. Could you just explain why the government is proposing these changes now?

Mr. Philip Somogyvari: The pandemic in particular highlighted the value to the government and the immigration program of inviting those who wish to come to Canada to participate in the labour market, whether it be in central services or in areas of the economy where labour is needed.

This, I would add, was something we were striving to do prior to the pandemic, but the pandemic placed a focus on the need for our economic immigration programs to be as flexible and nimble as possible to address what could be labour market shortages sectorally, nationally or regionally. We wanted to meet other economic goals, whether they were defined by the government through speeches from the throne, through the budget or were in fact contained within the objectives of the Immigration and Refugee Protection Act itself.

• (1235)

Mrs. Marie-France Lalonde: Thank you again. What I'm hearing from you is certainly an aspect of flexibility that I think would be welcome, but I'm always conscious of how this will impact the applicants.

Can you explain how these changes will be communicated to clients and Canadians?

Mr. Philip Somogyvari: Yes, absolutely. The amendments contain provisions, for instance, to ensure transparency in the application of the proposed new authority. These include ensuring that the economic goal upon which the minister seeks to conduct an attribute-based round be contained in the ministerial instruction itself, which is posted publicly on the departmental website. Furthermore, to continue with the purpose, not only the goal sought but how many individuals were invited through the use of these new authorities must be included in the annual report to Parliament on immigration.

In terms of interaction with clients, each client will set up a profile within express entry; therefore, the system will already be aware of the attributes that these clients possess. As is the case currently with the express entry system, these candidates are waiting to be invited to apply for permanent residence, so the same mechanism by which candidates in the pool are informed that they've been invited and asked to submit their application for permanent residence will be used in the system under these proposed amendments.

Mrs. Marie-France Lalonde: I have very little time, so I'm going to ask, because it's very sensitive to me and you did make remarks about it, whether this change to express entry contributes to the government's official languages commitment. If so, how?

Mr. Philip Somogyvari: Yes, it can.

If I may explain, to date the express entry system has in fact been amended to increase the number of points provided to candidates who are French speakers or bilingual within the system. To date, the means by which the department is able to recognize and contribute to this goal is through the addition of extra points. Having said that, there are still those—

The Chair: I'm sorry for interrupting, but the time is up for Mrs. Lalonde. We will proceed to Mr. Trudel for six minutes.

Mr. Trudel, you can please begin.

[*Translation*]

Mr. Denis Trudel (Longueuil—Saint-Hubert, BQ): Thank you, Madam Chair.

I would like to thank the witnesses for being with us today. Immigration is just as important as it is interesting.

Let's talk about Quebec, where permanent residents are selected on the basis of selection certificates issued under the 1991 Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens.

Will the amendments proposed in Bill C-19 affect the agreement or Quebec in any way?

[*English*]

Mr. Philip Somogyvari: I can confirm that the proposed amendments have no impact on the selection authority that was granted to Quebec via the Canada–Québec Accord.

[*Translation*]

Mr. Denis Trudel: Thank you.

As we speak, 40,000 permanent residence applications for Quebec are pending. Since the amendments proposed in Bill C-19 do not affect Quebec, they will not help reduce the IRCC backlog of applications for Quebec. Isn't that something Bill C-19 should have addressed?

• (1240)

[*English*]

Mr. Philip Somogyvari: In this case, I can speak to the application management within the express entry system. Here there is the ability to pause the intake of applications, which has been done for federal programs since September 2021. This not only allows the department to catch up on the inventories of federal economic applications, but, in doing so, also allows the department to focus more broadly on the treatment of economic class applications writ large.

[*Translation*]

Mr. Denis Trudel: Let's turn to the express entry system then. It has often been touted by the federal government as a way to achieve the target of processing francophone immigration applications within six months. What conditions does the 2022-23 budget set out to ensure the government meets francophone immigration targets?

[*English*]

Mr. Philip Somogyvari: The department is quite aware and is concerned with the service standards within the express entry program. That's why intake was paused in September of 2021 and is expected to resume in July of 2022. In so doing, there's a recognition....

These amendments themselves, I should add, do not impact treatment of applications or existing or future processing times. However, it's the intent that once application intake within express entry is

resumed in July, we will be able to once again strive to attain the service standards of express entry.

[*Translation*]

Mr. Denis Trudel: On the same topic, I would like to know how francophone immigration is going to change in practical terms. It's a fact that the numbers for 2022 are still below the targets set by the government.

How will Bill C-19 change things?

[*English*]

Mr. Philip Somogyvari: Express entry already plays a large role in helping to increase francophone immigration to official language minority communities outside of Quebec. For example, the changes themselves would permit the minister to focus on all French-speaking candidates within the express entry pool. Currently, while French-speaking candidates are provided with bonus points, which will increase their ranking score, it may not invite all French-speaking candidates within the pool. Theoretically, with the proposed authorities in use, if the minister chose to do so, the department would be able to conduct an invitation round that would virtually invite all of the identified French-speaking candidates within the express entry pool.

[*Translation*]

Mr. Denis Trudel: With the funding allocated to the express entry system, does the department expect to finally be able to meet the six-month processing standard?

[*English*]

Mr. Philip Somogyvari: Of course, resource-wise, funding for the express entry program is provided through the multi-year immigration levels plan.

With respect to returning to service standards, yes, the intent for those who apply, following the resumption of the invitation rounds, is to be able to have their application, once a full application is received, treated within service standards for issuance of a permanent residence visa. Furthermore, it speaks to why the government chose to pause the intake of new applications in September 2021, which was to catch up on the applications that had accumulated during the pandemic.

The Chair: Thank you. We will now proceed to Ms. Kwan.

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

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

Thank you to the officials for coming to our committee today.

I have questions in both areas, so let me first go to the piece around the fees. Just to be clear, under our current rules, the Service Fees Act for immigration requires the government to reimburse portions of fees when service standards are not met. Then there are certain exemptions to areas where service standards are not met such that the government does not have to reimburse. They're exempt.

Bill C-19 is now asking for further categories to be exempt in terms of the government having to reimburse fees if they don't meet service standards. Is that correct?

• (1245)

Ms. Julie Chassé: Yes, Madam Chair.

Thank you for that question. I can answer it.

Ms. Jenny Kwan: I just need a short answer.

Ms. Julie Chassé: As it stands right now, these four fees fall under the temporary resident category, and all other fees under the temporary resident category are currently not subject to the Service Fees Act. We still provide service standards and we still have service standards in place for all these fees, and we publish them on our website; however, we are not subject to the Service Fees Act, so we do not remit fees when the service standards are not met. These four fees would be added to this specific list of fees that are currently exempt.

Ms. Jenny Kwan: That is to say, if an applicant's processing time exceeds service standards, then they will not get reimbursed if this passes, right? That's the nub of it.

Ms. Julie Chassé: That's correct.

Ms. Jenny Kwan: This is calling for it to be retroactive back to 2017, so that is to say, one could only assume that the government.... There are a lot of people's applications that have not been processed within service standards. If this is not passed, then the government owes people a lot of money, and you don't want that to happen. Isn't that the gist of this situation?

Ms. Julie Chassé: In terms of these four types of applications, they have a relatively low volume compared to our other types of applications, especially in the temporary resident stream, so it's really a question of establishing the processing times and being fair across all our clientele. Some clients would not be entitled to a refund if the service standards are not met, for example, for a temporary resident visa. For these four application types, when it's a case of inadmissibility, clients would be entitled to a refund if the service standards were not met. This is a question of consistency and transparency.

Ms. Jenny Kwan: I'm troubled by this, because one would think that the government should meet its service standards. If they do not meet the service standards, then the applicant should be reimbursed part of the fee. This is to say that no, they don't need to be reimbursed, and therefore they should be exempt from the requirement of having to reimburse. That troubles me, and this goes retroactively back to 2017. I just want to put that on the record here.

The second area I have questions about is with respect to the express entry categories. The bill does not stipulate what categories these are or what sorts of job categories we are talking about. It just gives broad authority to the minister to make that determination. The bill does not provide for parliamentary oversight as to what these groups will be, and there's no process as to whether or not these groups will be fair. How will they be fairly chosen and how will they be selected?

Why didn't the officials put in a requirement so that the groups that the government is thinking about would have to make that list? Exactly who are we thinking about with this provision?

Mr. Philip Somogyvari: First, the economic goal upon which the invitation is conducted will be in the instruction itself.

With respect to process, this is something that is currently being developed. Having said that, just for example, features such as consultation with employer groups and other stakeholders with awareness of labour market information would be a likely reference, as well as the objectives within the immigration act itself. There could be consultation with colleagues at Employment and Social Development Canada who have knowledge of labour market information, and then finally consultation with provinces and territories. These could be some of the areas in preparing advice as to the things that category-based rounds could be conducted upon. These could be examples.

• (1250)

Ms. Jenny Kwan: Do the officials have a list of occupations in mind right now?

The Chair: Ms. Kwan, your time is up.

Ms. Jenny Kwan: Can I just get a quick yes-or-no answer?

Mr. Philip Somogyvari: Thank you for the question.

Currently, there are no specific occupations in mind.

The Chair: Thank you.

We will now proceed to our second round. Mr. Benzen and Mr. Ali will have three minutes each, and then we will have one and a half minutes from Mr. Trudel and Ms. Kwan.

We will proceed with Mr. Benzen.

You can proceed, please. You will have three minutes for your round of questions.

Ms. Jenny Kwan: I'm sorry, Madam Chair. I don't mean to interrupt.

Very quickly, are we going to have enough time to give instructions to you on how to write the letter?

The Chair: Ms. Kwan, thank you for your question.

We were asked by the finance committee to do this study. If you want to propose sudden changes, then we will write a letter with the amendments to the ministry of finance. If we don't propose any changes, then we don't report back.

Ms. Jenny Kwan: Thank you, Madam Chair, for that clarification.

I do have some proposed changes. Given that we have limited time, we have to do this today. I would suggest that we actually go to that discussion now.

The Chair: Okay, we have to stop our round of questioning and talk about that.

Go ahead, Ms. Kwan.

Ms. Jenny Kwan: On that note, I do have some suggestions on both provisions.

On the first provision related to the categories of groups on the express entry procedures, I am troubled by the fact that there is no parliamentary oversight as to what these groups will be. There's no process as to whether these groups will be fair or how effective they will be in selecting people who would provide economic contributions to Canada. I know that there's this broad notion that they would have to provide some sort of contribution. We just heard from officials as well that they actually don't know who these groups might be at this point in time. We have no inkling of that.

I think it would be very important for us to request that FINA includes, by way of an amendment to this provision, that the government list out the groups that they are intending for this to affect.

Also, it's important to ensure that there is a transparent selection process to determine who will get on the list of occupations that are needed. Without a transparent selection process whereby industries are able to provide formal submissions on which occupations are in need, and without an objective committee to determine the needs of these occupations, the process could become fodder for lobbying industries. That's not what we want.

I think we need to have established criteria and a transparent process. I would like to make that suggestion by way of amendments for FINA to incorporate into this provision.

With respect to the second provision, I am troubled—

• (1255)

The Chair: I'm sorry for interrupting, Ms. Kwan. I just wanted to let the officials know that if they would like to leave, they can leave.

On behalf of all the members, I would like to thank all of the officials for appearing on such short notice and for all of the work that you do. If you desire to leave, you can. Thank you.

We will proceed with Ms. Kwan.

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

On the second provision, which relates to the fee, we're talking about allowing the government to not reimburse applications under

four categories, which are authorization to return to Canada, determination of rehabilitation, restoration of temporary resident status and temporary resident permit. It's to not reimburse a portion of the fees if they don't meet service standards, retroactive to June 22, 2017.

I think that is wrong. The government set these standards and they need to meet them. We already know that there's been an exceedingly excessive backlog in processing delays. Now the government's trying to find a back door to say that even if they have processing delays, they are not going to be responsible for that and, by the way, applicants are still going to be on the hook for it. I don't think that should be allowed.

I would propose that we instruct FINA to strike this out. They should not be allowed to have zero accountability in processing. That's what this is. It's zero accountability in processing delays. We should not be allowing for that, Madam Chair.

It would be my suggestion for you, Madam Chair, to incorporate that into the letter to FINA. If I need to move those changes as a motion, I will.

The Chair: Is it the desire of the committee that in my capacity as the chair of this committee I write a letter back to the chair of the finance committee and incorporate the changes as said by Ms. Kwan?

Some hon. members: Agreed.

The Chair: The deadline to do that is May 27, so I will draft the letter and send it to the chair of the finance committee.

Thank you.

Is it the will of the committee to adjourn the meeting?

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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