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Chair: Mrs. Salma Zahid



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• (1555)

[English]

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

Welcome to meeting 43 of the House of Commons Standing Committee on Citizenship and Immigration. Today we will continue our study of the conditions faced by asylum seekers.

I confirm that all witnesses have conducted the required technical tests in preparation for the meeting.

For our first panel, I would like to welcome our witnesses today.

We are joined by Frantz André, spokesperson and coordinator for Comité d'action des personnes sans statut.

We are also joined by The Refugee Centre, represented by Abdulla Daoud, executive director, and Pierre-Luc Bouchard, refugee lawyer and head of the legal department.

Our third witness for today is Eva-Gazelle Rududura, vice-president of Unis pour une Intégration Consciente au Canada.

On behalf of all the members, I would like to welcome you all. You will have five minutes for your opening remarks, and then we will go to our rounds of questioning.

We will start with Mr. André.

You have five minutes for your opening remarks. You can please begin.

Mr. Frantz André (Spokesperson and Coordinator, Comité d'action des personnes sans statut): Good afternoon.

[Translation]

It is a privilege to have the opportunity to talk about the crisis situation that migrants in general find themselves in when they arrive in Canada. I am going to take the situation of Haitian migrants, very specifically, as an example, but you should know that there are similarities with what other migrants of various origins experience. Nonetheless, it must be noted that at present, a large majority of the migrants who arrive at the border via Roxham Road are of Haitian origin, as was the case in 2017.

Their arrival via Roxham Road is described as "irregular". What must be described as not only irregular, but also tragic, is the fact that these Haitian migrants have had to transit numerous countries, travelling through forests or areas where they were targeted by robbers, when they were not being attacked by wild animals. Some mi-

grant women in particular have suffered sexual violence along the way.

You will understand that these migratory journeys leave scars and trauma. Of course the migrants pass through the United States before arriving in Canada, but they very often decide not to stay there because of the mistreatment and racism they suffer in that country. We will recall the shocking images that circulated last year in the news showing American border agents on horseback chasing migrants toward a river, lassos in hand, as if it was a slave hunt.

Apart from those images, there are also the shocking facts: the United States has deported more than 28,000 Haitians without giving them an opportunity to have their asylum claim heard. In that situation, Haitian migrants, like migrants of other origins, prefer to come to Canada to claim refugee protection. However, the safe third country agreement requires that their claim be made in the United States. That, in a nutshell, explains why migrants come to enter Canada by irregular means.

Regarding how migrants are received, there is inconsistent processing of cases that is a result of a lack of resources. The other challenges relate to housing for migrants. In some cases, there are still quarantine situations that delay filing documents. In other cases, migrants who were housed in Quebec have been given short notice to find accommodation on their own, or else agree to be moved by bus from where they are being housed in Quebec to a facility in Ontario. I have heard reports that some of them did not understand they were being taken to another province.

With respect to the refugee protection claim document, the "brown paper", that allows the holder to obtain a work permit, it requires other preliminary documents to be completed and submitted electronically in order for the claim to be analyzed. However, since some migrants do not have the technical skills or the ability to write in one of the two official languages, some migrants send the documents in late, so there is a long waiting period before they obtain a work permit. This means that they have no choice but to continue receiving last resort assistance, which is insufficient to meet their basic needs and keeps them in a precarious situation.

Some choose to work under the table and are then at the mercy of employment agencies that do not abide by labour standards or employers who subject them to abusive working conditions. A major challenge relates to the difficulty of finding an immigration lawyer, whether through legal aid or privately. At the same time, the government portal, which should make it possible for people to find information or send documents, is very difficult to use.

There is much more to say, but five minutes is not enough to talk about the distress experienced by asylum claimants who have chosen to come to Canada in the hope that they will be able to work and integrate into a welcoming and safe society under the rule of law.

For some months, Haiti has been in the news because the situation is not secure and because the humanitarian crisis has recently been exacerbated in that country, which is my country of origin. What is not explained in the media is the connection between Canada's foreign policy in Haiti and the flight of Haitian migrants to Canada. Canada has to have a foreign policy that does not contribute to exacerbating conflicts abroad. Most importantly, Canada has a duty to receive migrants with the dignity and respect that they expect.

Once again, thank you for inviting me to speak on this subject.

• (1600)

[*English*]

The Chair: Thank you.

We will now proceed to Mr. Daoud, who is presenting for The Refugee Centre.

Mr. Daoud, you will have five minutes for your opening remarks.

Please go ahead.

Mr. Abdulla Daoud (Executive Director, The Refugee Centre): Thank you. I'll be joined by Pierre-Luc Bouchard as well.

Honourable Chair, vice-chairs and members of the committee, thank you for the opportunity to submit a brief and appear on behalf of The Refugee Centre today.

I'm joined by the head of our legal clinic, Maître Pierre-Luc Bouchard, to bring forth an issue that we believe needs to be addressed urgently by this committee and policy-makers at large regarding the asylum-seeking process in Canada.

Typically, as soon as an individual makes an asylum claim in Canada, whether it be an inland claim, a border claim or an irregular crossing claim, they are instantly given the refugee protection claimant document, famously known as the brown paper. As soon as they are granted this document, they are given 45 days to submit their paperwork and initialize their claim. The brown paper affords them certain rights within this country, including the interim federal health plan and the right to apply for a work permit for asylum seekers in Canada.

This committee is already aware that it can take up to two years to get a hearing with the IRB, also known as the Immigration and Refugee Board. The brown paper is the only form of Canadian photo

to identification given to the claimant, which is vital for their ability to reside in Canada while they wait for their hearing.

In early January 2022, Maître Pierre-Luc Bouchard and I started encountering two additional documents, depending on the point of entry for the refugee claimant, in temporary lieu of the brown paper. These are entitled "acknowledgement of claim" and "entry for further examination". Both of these documents serve as a bureaucratic tool to delay granting the refugee claimant the brown paper, while stripping them of certain rights that the brown paper affords them.

At first, it provided an appointment dated three to six weeks from the refugee claimant's time of entry for them to acquire their brown paper and become eligible to apply for asylum in Canada. However, as time progressed, appointment times for both of these documents lengthened to 12 to 24 months. Furthermore, these dates seem to be arbitrarily set. In one instance, our legal clinic saw an appointment given 16 months from the time of entry and the appointment was on a Sunday, when the IRCC offices are closed. This practice is seemingly becoming the norm, as well. From our own internal statistics, from September 1 until today, over 90% of the 312 asylum seekers we have worked with have received an acknowledgement of claim with a date in the future for a brown paper.

With the existing delay in hearing times at the IRB, and now the additional delays created by the CBSA and the IRCC, we have witnessed an average time, from entry, that a refugee claimant spends waiting for their turn to prove that they will gain safety in Canada go from two years to four years. Most of these people do not have a Canadian photo ID, nor the ability to work, as work permits are processed separately and take an extra six to eight months to process. This is a recent policy that was passed.

If this practice of additional bureaucratic hurdles continues, we will witness devastatingly severe economic and social outcomes for the refugee claimant population. These delay tactics force refugee claimants to be dependent on social assistance without the ability to work, not only to provide for themselves, but for the Canadian economy as a whole.

Furthermore, without a Canadian photo ID, they are forced into housing with few to no rights, as the only landlords willing to rent out to individuals without an official photo ID depend on cash-only payments in buildings with extremely poor conditions. Access to health care is also severely impacted, as the majority of clinics that accept the IFHP are not aware of this new document, the acknowledgement of claim, and turn away many of our clients.

These unnecessary additional hurdles are forcing our clients into a cycle of systemic poverty.

Despite common beliefs, Canada has the means and the capability to provide for our future citizens with a better and more stable start to life in our country. The commendable Canadian response to previous world crises exemplifies how our nation can provide for vulnerable individuals. We witnessed government documentation being provided for vulnerable individuals and processed swiftly and hastily when it came to the Syrian and Afghan crises, and the Ukraine crisis more recently.

Furthermore, the brown papers were being issued with fewer staff and fewer resources before COVID-19 and prior to our borders reopening. Now we are experiencing a similar or lesser number of claims, with more funding and more staff, making the reasoning for such forms puzzling at best.

Go ahead, Pierre.

• (1605)

[Translation]

Mr. Pierre-Luc Bouchard (Refugee Lawyer and Head of Legal Department, The Refugee Centre): I am going to continue on the subject my colleague has spoken about. Based on our conclusions and the results we have witnessed directly, we strongly recommend a list of suggestions to the committee that you will find in the brief we have submitted.

Two main recommendations are the most urgent in our minds.

The first is to standardize the issuance of the refugee protection claimant document, the "brown paper". When refugee claimants arrive, they have to be given an open work permit, or at least a temporary federal identity document that allows them to apply for a work permit or guarantees additional rights, given that it takes a lot of time to get a refugee protection claimant document.

The second recommendation we consider to be important and urgent is to extend the validity period of the documents.

[English]

The Chair: Your time is up. You can go into your recommendations when we go into our round of questioning.

We will now proceed to Madame Rududura.

You will have five minutes. You can please begin.

[Translation]

Ms. Eva-Gazelle Rududura (Vice-President, Unis pour une Intégration Consciente au Canada): Good afternoon, parliamentary committee members and guests.

My name is Eva-Gazelle Rududura and I am the vice-president of UNICC, Unis pour une intégration consciente au Canada, a not-for-profit organization whose objective is to promote the harmonious integration of newcomers from the Burundian diaspora into society and the workforce, and enable them to contribute to the social and cultural development of their new country, Canada.

In response to the invitation the organization received to testify regarding the conditions faced by asylum seekers in the Burundian community who arrive via Roxham Road, we did some information-gathering in order to collect their testimony. In addition to the information we regularly receive from the members of the commu-

nity we meet with and help to integrate, we held individual discussions with more than a dozen people who had come via Roxham Road. When they were assured that their anonymity would be protected, they spoke openly. We are going to provide you with a condensed version of what they said.

Everyone who spoke regarding entry to Canada via Roxham Road talked about the warm, humane and very respectful reception they got from the border services and police officers. In general, the people who spoke said they had received good guidance regarding how the administrative formalities would proceed, as well as help in navigating to obtain the support services they needed.

One woman who had come via Roxham Road when she was pregnant told us that when she arrived she was greeted in French and she felt better, not just because of the language, but also because of the human warmth of the Canadian officers. After helping her complete the administrative process, they showed her a place where she could buy something to eat and guided her to the station where she was able to get the bus to go to the downtown Montreal YMCA, where she spent the night. At the YMCA, she met another woman who directed her to the immigration office so she could report that she preferred to join her uncle who lived in Ottawa. Her case was then transferred to Ottawa, where she is living today with her husband and two sons. That woman is the wife of the current president of UNICC, Corneille Nibaruta, who joined her several years later. Today, they both work for the Royal Canadian Mounted Police.

In the course of our interviews, which were relatively similar in terms of the positive responses, we also heard the experience of a young man who arrived several months ago via Roxham Road, who knew no one in Canada. He told us that all he knew about this country was that he could build a life here that was worth living. Today, he has found a shared apartment and is impatiently awaiting a work permit so he can enter the workforce.

This enthusiasm for work is a hallmark of the Burundian community living in Canada. A majority of that community is composed of people who were first granted protected person status. Today, they have integrated into society and have become permanent residents or Canadian citizens and are contributing to the richness of Canada. They are also proud of this.

The members of the Burundian community in Canada include public servants in the federal and provincial governments, healthcare workers who are saving lives and helping to keep Canadian healthcare systems thriving from coast to coast, successful entrepreneurs who are creating jobs and helping to strengthen the Canadian economy, and experienced engineers like the Burundi-Canadian woman who is working on projects like the Canadarm or bringing the Internet to the North Pole.

Another not insignificant characteristic of the Burundian community is its considerable contribution to Canadian francophonie, as shown by these figures: between 2016 and 2020, five per cent of the francophone immigrant population in Canada outside Quebec originated from Burundi. Between 2006 and 2016, Burundi ranked second, after France, among the countries of origin of francophone newcomers in Ontario.

Last, the refugee claimants of today are also the potential Canadian residents and citizens of tomorrow whom Canada can count on. By giving thousands of refugee claimants a fresh start, Canada in return receives the finest they have to offer, whether that be their knowledge, their skills, their labour, or, in many cases, their youth.

I have attached to my presentation an article that the president of UNICC, Corneille Nibaruta, wrote in celebration of the welcome that people find in Canada. The article was published in *Le Droit* on June 28, 2019, and is entitled "La reconnaissance d'un citoyen envers le Canada". Today, Mr. Nibaruta is a proud and committed Canadian citizen, whose story resembles that of many others in our community. It is a story that, like so many others, began with entry via Roxham Road and continues today with the gratitude of a proud and committed citizen.

Thank you.

• (1610)

[*English*]

The Chair: Thank you.

We will now proceed to our round of questioning. We will begin with Ms. Rempel Garner.

You will have six minutes for your round of questioning. You can please begin.

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

I'll start with Mr. André.

I believe the United States has extended temporary protected status this month for Haitian nationals who are making asylum claims. Is that correct?

[*Translation*]

Mr. Frantz André: Yes, that's right.

That program was extended several weeks ago now. However, there is still a lot of uncertainty and anxiety about the possibility that it will be suspended, and when. Under the Trump administration, the program was suspended and then restored.

[*English*]

Hon. Michelle Rempel Garner: Thank you.

I'm just going to try to elicit yes-or-no answers to a certain extent, because I want to get through a line of questioning in a short period of time.

Temporary protection status has been afforded to Haitian nationals. Do you think this suggests that the American legislative framework for being able to evaluate ongoing or emergent issues in a

country allows for flexibility in extending additional protection to asylum claimants?

• (1615)

[*Translation*]

Mr. Frantz André: No.

[*English*]

Hon. Michelle Rempel Garner: Okay.

You said in your testimony that Haitian nationals prefer to file their claims in Canada as opposed to the U.S. With the United States having designated temporary protection status to Haitian nationals, is there another reason for preference in claiming asylum in Canada?

[*Translation*]

Mr. Frantz André: In many cases, when people went to their hearing to have their case determined, many of them were detained and deported. Arbitrary actions were carried out and there is this uncertainty, and the rumour circulating about deportation, that motivates people to come here.

[*English*]

Hon. Michelle Rempel Garner: Thank you, and thank you for your brevity.

Do you have evidence of the arbitrary nature that you just referred to?

[*Translation*]

Mr. Frantz André: I can certainly provide you with evidence.

Some people with whom I have been in contact went to their hearing in the United States, from which they were detained and deported. There are also people who came here and returned to the United States, where they were picked up by the authorities and also were deported.

[*English*]

Hon. Michelle Rempel Garner: Did they not have pending refugee claims, or had they not gone through any process whatsoever?

[*Translation*]

Mr. Frantz André: You mean here, in Canada?

[*English*]

Hon. Michelle Rempel Garner: I mean in the U.S. primarily.

[*Translation*]

Mr. Frantz André: In most cases, people do not claim asylum. They are summoned to a hearing. Because of what happened last year, when more than 28,000 people were deported, people are afraid of being detained and deported, and so they leave the United States.

[*English*]

Hon. Michelle Rempel Garner: Do you think there is a difference between a perception of fear and perhaps a ruling that was established through a hearing process?

[*Translation*]

Mr. Frantz André: I believe that fear prompts many people to leave their country, which they would not choose to do if there were no conflict.

The United States does not demonstrate that it is a safe country since certain people are more favoured than others. In my and other communities, such as the Nigerian community, primarily, I have observed that a large number of people are coming here. It even seems that during the period when Canada was not granting a moratorium for Haitians, it deported more people in those two groups, Haitians and Nigerians.

[*English*]

Hon. Michelle Rempel Garner: In terms of recommendation, then, perhaps to decrease the pull factor in preference to one country over another, a recommendation could be that the government seek to strengthen review processes to ensure that there isn't discrimination against persons from any country when making asylum claims so that they aren't subject to arbitrary or subjective measurements of discrimination.

Would you agree?

[*Translation*]

Mr. Frantz André: I agree that the safe third country agreement, which causes exactly the problems we are having here, should be revisited. I also think the discretionary power that border services officers have to turn certain people back has to be revised somewhat.

[*English*]

Hon. Michelle Rempel Garner: Just on that, with the time remaining, I just want to clarify, because I think I've heard contradictory testimony. You just recently said that you believe the United States is a safe country, but that the safe third country agreement shouldn't apply. How do you reconcile that? Perhaps it's translation.

[*Translation*]

Mr. Frantz André: At no time did I say or suggest that the United States was a safe country. On the contrary, it is not, and that is why people come here. It is the Canada-U.S. safe third country agreement that is discriminatory.

[*English*]

Hon. Michelle Rempel Garner: Thank you.

Do you believe that in order to quantify discrimination...? Frankly, I've been on this committee for over seven years here and there. Do you think that we need to have better ways of quantifying discrimination so that it's not a subjective argument that's made based on whoever might be in office in Canada or in the U.S.?

[*Translation*]

Mr. Frantz André: I think that one of the problems at present is that people are poorly prepared. Applications are so badly put together, when people get to the hearing, there are more members of certain communities who are denied and deported. So, I think discrimination is not something that Canada supports.

However, in terms of what is being said, particularly at the provincial level, we have to say there are abuses. There is one

province in particular that discriminates and, in my opinion, is completely condescending.

● (1620)

[*English*]

The Chair: I'm sorry for interrupting. Your time is up, Ms. Rempel Garner.

We will now proceed to Ms. Kayabaga.

Ms. Kayabaga, you will have six minutes. You can please begin.

[*Translation*]

Ms. Arielle Kayabaga (London West, Lib.): Thank you, Madam Chair.

I would first like to thank our guests for being here today and having this discussion about this very important subject.

Mr. André, I want to tell you that we do understand that discrimination is not something that can be quantified in studies. You really have to experience discrimination to understand what it is and what it does to people.

Ms. Rududura, I want to thank you for your excellent testimony. You did a good job of talking about the Canadian Burundian community, of which I am a member myself, and you said a lot about how Burundians are contributing to this country.

Why do you think people in the Burundian community, or any other people, choose to enter via Roxham Road instead of the existing borders? Do you think the danger they face is what causes them to enter via Roxham Road, and thus risk so much to be able to be in Canada?

What do you think about the fact that Roxham Road is a direct link to the United States? Do Burundians think the United States is not a safe country for them? Why do they not stay in the United States?

Ms. Eva-Gazelle Rududura: Thank you for your questions, Ms. Kayabaga.

From the discussions we have had with people in the community, I have understood that people who enter via Roxham Road are sometimes afraid they will not be able to be accepted because they have no connection to Canada or immediate family here. At the same time, there is also the need to be in a place that feels a little bit familiar.

In Burundi, most of us are francophones. I know that when I came to Canada, hearing French being spoken made me feel better. It was difficult enough being far from home, so being able to come to a place that felt familiar to me was also important. After that, everyone has a unique story. There are people who are pursuing the dream of coming to Canada.

When you leave home, it is as much to be in a place where you are at last able to rest easy. There is also the feeling that the same welcoming atmosphere will not exist in the United States. As a result, when you see a place not very far away that looks familiar, you go there.

Ms. Arielle Kayabaga: So you think that Burundians try to come to Canada because it's a country where they can speak their language.

Do you think that closing Roxham Road would be worthwhile? Do you have other suggestions for the government for managing that road?

Ms. Eva-Gazelle Rududura: People don't leave because there is a road, necessarily; they leave because they are fleeing something. Whether or not the road is closed, people will still find a way to leave. People don't go there because they are attracted by a light in the distance. That would be too simple.

Among all the reports I heard, there were no complaints from people who suffered from using that road. That surprised me. Everyone was grateful for the Canadian reception. I have nothing painful to report from the people I talked to.

All I could suggest would be to strengthen the intake capacities in places where people are going to cross anyway, to avoid humanitarian problems.

Ms. Arielle Kayabaga: So you think that people are going to use that road anyway if they are fleeing from something. It is therefore important to have measures in place to give the people who are fleeing something a feeling of safety. They don't use that very risky road for no reason; they do it because they are in a very difficult situation.

Ms. Eva-Gazelle Rududura: That is my opinion. According to the reports I heard, that is what the people experienced that brought them to go on that trek and take that road, not the fact that a road like that exists. When you are fleeing from something, you find a way. We have the proof, when we see all the people who drown in the Mediterranean: they didn't want to drown, they simply wanted to survive.

• (1625)

Ms. Arielle Kayabaga: Thank you, Ms. Rududura.

Mr. André, you said that many Haitians also come via the Roxham Road. We were talking just now about the Canada-U.S. agreements, to make life easier for people fleeing something.

What could Canada do to provide safety for these people?

Mr. Frantz André: Refugee protection claimants are very grateful. At the border, I have not really heard any negative reports, or if so, just a few.

As one of our colleagues suggested here, we could give migrants their "brown paper" or work permit when they cross the border, including a social insurance number. That would be enough to make them feel better about the possibility that they will be able to make their contribution.

They are full citizens as soon as they cross the border and we have to give them the opportunity to work from that moment on. After all, there is a labour shortage in Canada. That would put their minds at ease, rather than reading comments on WhatsApp, the app they use, where people say they have been waiting seven or eight months for their papers and are still receiving social assistance.

Ms. Arielle Kayabaga: Thank you.

[English]

The Chair: Your time is up.

We will now proceed to Mr. Brunelle-Duceppe.

You will have six minutes. You can begin, please.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I would like to thank all our witnesses for appearing today for this important study, which was proposed by the Bloc Québécois, in fact. We are very proud of it, because this study focuses specifically on the humanitarian aspect of entry via Roxham Road. That is the aspect we want to stress in our report and it was also in the language of the motion.

Mr. André, we have heard about networks of criminal people smugglers in the United States who extort money from migrants. Have you heard any stories like that? If so, can you give us more details?

Mr. Frantz André: I had the opportunity to go on location in Florida with the team from the program *Enquête*. We did learn that some people are taking advantage of the situation and there are actually significant amounts of money involved. Well before arriving in the United States, people will already have spent unbelievable amounts —\$8,000, \$10,000, even \$12,000. One woman who was refouled to Chile three times had even spent \$37,000.

Their dream of getting to a welcoming country like Canada is so big that these people are prepared to give everything, even their lives; you can feel it. Smugglers take advantage of these people's vulnerability, but their dream is so big that they are prepared to do anything. If not the people we met, there will be other people who spend even more money.

I'm not saying not to criminalize the smugglers' activities. Nonetheless, the choice is simple: admit people here with respect and dignity. That is how we will show that Canada is much bigger than that country to the south that removes people in such a discriminatory way.

Mr. Alexis Brunelle-Duceppe: You talk about admitting people in a dignified way. In answering questions, and in your presentation, you said that Canada could suspend the safe third country agreement unilaterally and without asking anyone's permission. That tool is available to it. So Canada could admit migrants at all regular Canadian border crossings rather than see them enter the country irregularly via a road in the woods.

Can you tell us a bit more about suspending that agreement? You are not the only one calling for that. I know that some migrants' rights associations and associations of immigration lawyers are also calling for it.

Mr. Frantz André: Thank you for that question.

The United States uses precisely that safe third party agreement to send people to us whom they should be respectfully admitting. It is easier for them to take a very harsh approach, and that results in people not necessarily entering by regular border crossings.

For example, a woman arrived in Canada with her husband and their children last week. Rather than having to wait months for a work permit, they decided to cross through the woods. [*Technical difficulties*] to get caught by the American authorities.

When I talk about dignity, I am thinking about situations like those. Canada has to show that it acts much more appropriately than that and open its regular borders, by eliminating the safe third country agreement.

• (1630)

Mr. Alexis Brunelle-Duceppe: This is a very interesting discussion, Mr. André.

My question may catch you off guard. I don't know whether you have read the articles published this weekend, in *La Presse*, for example, talking about community organizations that are not able to provide essential services to migrants who come from more or less everywhere on earth and are looking for assistance.

These are mainly community organizations located in Montreal. Is that not because all the migrants are arriving by the same route? The community organizations that have to help them are in the same location and can't manage to provide assistance to so many people. Is that right?

Mr. Frantz André: Yes, totally. We must not talk only about the organizations. Even the admission system at the border, both the Programme régional d'accueil et d'intégration des demandeurs d'asile and the Department of Immigration, Refugees and Citizenship, has reached the breaking point. In my opinion, even if there were 36 hours in a day, it would not be enough to admit people and give them adequate information.

At present, the systems really are dysfunctional. Everyone is not getting the same information. Personally, when I meet with these people, I have to start the explanations over at zero, about the documents to fill out and how it has to be done. That puts an enormous amount of pressure on the agencies. At present, there is even begging happening: people come looking for food every day.

Mr. Alexis Brunelle-Duceppe: Thank you, Mr. André.

I have only 30 seconds left.

Mr. Bouchard, do your recommendations include suspending the safe third country agreement?

Mr. Pierre-Luc Bouchard: We haven't recommended that, but we would support that idea with no problem. As Mr. André said, people are afraid of the American authorities.

Personally, I met someone just this morning from the LGBTQ+ community who came from Sierra Leone. As probably a number of migrants do, this person went south to Ecuador, because it was the only place they were able to go, and then came back up to Canada.

When the person arrived in the United States, they were detained for months. In order for them to be released, a community organization in Florida, the LGBTQ Freedom Fund, had to provide \$5,000 to pay for their bond. Once the person was released, they were fitted with an electronic ankle bracelet. When their chains had been removed, the person came to Canada via Roxham Road, and the refugee claim process then started.

There are a number of cases like this, and I will spare you the details about how the families are living...

[*English*]

The Chair: I'm sorry for interrupting. The time is up.

[*Translation*]

Mr. Alexis Brunelle-Duceppe: For the analysts, I confirm that Mr. Bouchard said yes, he supports the idea of suspending the safe third country agreement.

[*English*]

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

Ms. Kwan, you will have six minutes. You can begin, please.

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

Thank you to all the witnesses.

I'd like to ask the representatives from The Refugee Centre to put on the record their recommendations for the committee, after which I have one very specific question.

[*Translation*]

Mr. Pierre-Luc Bouchard: The last recommendation, that we didn't have time to finish explaining, concerns extending the validity period of the refugee claimant document.

We witnesses are trying to convince you that there are a lot of administrative formalities. As Mr. André said, these are people who have a lot of trouble with computers and all that.

We therefore recommend that the validity period of the refugee protection claimant document be extended to four years from its current length, two years.

[*English*]

Ms. Jenny Kwan: Thank you.

I'd like to ask all the witnesses this one very specific question. Given the situation that we know and the dangers that asylum seekers are in, should the Canadian government, at the very minimum, suspend the safe third country agreement?

Could I get a full round of responses from everyone, a clear answer and maybe a short bit on why that should be done?

I will start with Mr. Daoud.

Mr. Abdulla Daoud: Yes, they should suspend the safe third country agreement.

Basically, we're forcing asylum seekers to go onto terrain that's very dangerous. We've already established that these are legitimate claims and that what they're going through is very unfortunate. In order to regulate the matter and ensure that the government and community organizations can service them correctly, we need to suspend it.

• (1635)

Ms. Jenny Kwan: Do you have anything to add to that answer, Mr. Bouchard?

Mr. Pierre-Luc Bouchard: No, I think he summarized it well.

[Translation]

Excuse me.

[English]

Ms. Jenny Kwan: Okay. Thank you.

I will move on to Ms. Rududura.

[Translation]

Ms. Eva-Gazelle Rududura: In view of what our community reports to us, we have to make sure that the people experiencing these odysseys are received with dignity. That is what we suggest. I don't think that agreement has anything to do with what these people endure. I think Canada can only control the way it allows people to get back to a normal life and contribute to society. Otherwise, for the rest, I think people go through all sorts of situations even before taking that route. We therefore have no recommendations on that point.

[English]

Ms. Jenny Kwan: If the Canadian government suspended the safe third country agreement, for example, people would not have to go through irregular entries. In fact, they could go through the official ports of entry without any fear. Right now, because of the safe third country agreement, they are not allowed to do that. When they do, they will be rejected automatically.

This is why I ask the question of whether the government should suspend the safe third country agreement.

I'm going to turn to Mr. André regarding the same question.

[Translation]

Mr. Frantz André: I would reiterate that in my opinion, we have to eliminate the safe third country agreement. I think people would be much less afraid of migrating, knowing they are able to enter at a port of entry whose role it is to admit people with dignity. Taking a route where you are told that if you continue, you will be arrested, means enduring more stress and a form of aggression after being refoiled by so many countries. That is why I strongly suggest that the safe third country agreement be eliminated.

[English]

Ms. Jenny Kwan: Thank you for that.

The Canadian government says it's "modernizing" the safe third country agreement. That's the term it uses. It won't actually tell us what that means and what its plans are in the negotiations with the United States.

What we've seen, of course, is that the government, in a hidden kind of way, expanded the use of the safe third country agreement. In the omnibus budget bill, Bill C-97, a 379-page document, the government snuck in there the safe third country agreement application to the Five Eyes countries. That automatically turns people away if they try to seek asylum here in Canada.

Do you think that's right?

This question is directed to The Refugee Centre. I don't know who wants to respond to that.

Mr. Abdulla Daoud: Going along with what we said, that's not right.

Given what these refugees are going through and given the legitimacy of these claims, we should not be rejecting them. We've already established that the alternative is not good and they would be facing danger otherwise.

Ms. Jenny Kwan: Mr. André, I have the same question for you, please.

[Translation]

Mr. Frantz André: Thank you for your question.

Expanding that agreement with the United States to include the other member countries of the Five Eyes, instead of suspending it, would be an indication that Canada is increasingly closed to immigration and is ending up creating many more restrictions in the world for people who would like to come and experience our Quebec and Canadian values. Yes, I think the Canadian government is plainly not showing that it intends to cancel the safe third country agreement.

[English]

Ms. Jenny Kwan: Thank you.

With the process around the brown paper and the delay, the government added this "entry for further examination" document. Is that new?

Mr. Abdulla Daoud: Yes. We started seeing this in January 2022. They've always had the right to do it, but we've only seen that being established in January 2022.

Ms. Jenny Kwan: As a result of that, how much time has been added to the processing period?

Mr. Abdulla Daoud: It's an additional 12 to 24 months, depending on the CBSA officer or IRCC agent who wants to issue the document.

The Chair: I'm sorry for interrupting. Your time is up.

We will now proceed to our second round.

Mr. Redekopp, you will have two minutes for your round of questioning. Please begin.

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

I'm going to give my time to Mr. Brunelle-Duceppe.

[Translation]

Mr. Alexis Brunelle-Duceppe: I am grateful to my Conservative friends for giving me a bit of time.

Ms. Rududura, I understand that you may have been invited by one party in particular, and that is fine. I greatly appreciated your testimony.

Would you be in favour of giving migrants the opportunity to arrive in Canada by the regular route via different ports of entry and, for example, giving them access to community resources faster?

• (1640)

Ms. Eva-Gazelle Rududura: I would be in favour of everything that would give migrants, and people who need to find a safe place to have a normal life, an opportunity to obtain the services they need and to be supported.

Mr. Alexis Brunelle-Duceppe: Thank you, Ms. Rududura.

Mr. André, there is a larger influx of migrants, especially in recent months. Have you felt that services to migrants, particularly in Montreal, are deteriorating because of the influx of migrants, which is concentrated in a single location?

Mr. Frantz André: Yes, I have.

Right now, I am in an office where we provide a service to refugees. We see more and more people who have no resources. Let's not forget that we are in a country where it is getting cold very fast. People are arriving with no coats and no boots. People have no food.

I am not here to pat myself on the back, but I have had to take money out of my pocket so a family could buy milk. A man was in my office when his wife called me to tell me they needed help. They didn't have money to buy food, because they had been waiting for months to get their "brown papers" and work permits.

Mr. Alexis Brunelle-Duceppe: Logically, if the safe third country agreement is suspended, people would arrive at various ports of entry and would have access to more services. Is that right?

Mr. Frantz André: Yes. I do think that they would end up in other provinces instead of ending up primarily in Quebec, where they have had to endure the insults we heard during the election campaign. They were said to be carriers of COVID-19, when they are future healthcare guardian angels and they helped save lives during the pandemic.

Mr. Alexis Brunelle-Duceppe: Mr. André, I want you to know that I completely agree with you.

[English]

The Chair: I'm sorry. Time is up.

We will now proceed to Mr. Dhaliwal.

Mr. Dhaliwal, you have two minutes for your round of questions. Please begin.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Thank you.

My questions will go to Mr. André as well.

Mr. André, you mentioned that people prefer to come to Canada over the U.S. That is a fact. People from anywhere from around the world want to live in Canada—I'm one of those examples as well—but that should not be the only reason for us to have these asylum seekers. My belief is that if we cancel the safe third country agreement... We have seen 2.5 million individuals who have crossed the Mexico-U.S. border, and if we do not have this in place we will have a difficult time.

What would you say about that in terms of people freely moving into Canada?

[Translation]

Mr. Frantz André: Mr. Dhaliwal, like you, I am an immigrant. My parents fled Haiti under the Duvalier regime.

We have to ask ourselves whether Canada has the will to save lives and admit people with dignity, when they have every reason for wanting to leave their countries. We must not forget that Canada is involved in a lot of domestic policies in some countries. An example is the Haitian community, who leave their country because for decades now, Canada, with its tax dollars, has been supporting the governments in power that compel people to flee their country.

Why not support them here, if we can't support them in their country?

[English]

Mr. Sukh Dhaliwal: When it comes to relative numbers, not only relative to the other nations but in absolute numbers, we accepted more refugees than any other country. In fact, Canada is very generous when it comes to doing that.

You also mentioned that the U.S. is not a safe country to live in. In fact, my brother, who's a Canadian citizen, is working for a Canadian company...and I haven't heard that the U.S. is not a safe place compared with Canada.

Would you comment on that?

[Translation]

Mr. Frantz André: I have family living in the United States. I have nephews who are academics. They can experience the reality of being among the privileged. The people arriving via Roxham Road do not have that education and risk being used as modern-day slaves and possibly...

[English]

The Chair: I'm sorry for interrupting. The time is up for Mr. Dhaliwal.

We will now proceed to Mr. Brunelle-Duceppe.

Mr. Brunelle-Duceppe, you have 90 seconds for your round of questioning. Please begin.

[Translation]

Mr. Alexis Brunelle-Duceppe: Mr. André, I'm going to give you an opportunity to finish what you were saying. You have a free hand, and you have a minute and a half.

• (1645)

Mr. Frantz André: I want to thank Canada for admitting my parents. I am a proud Canadian of Haitian origin, but I am first and foremost of Haitian origin. So I understand the problems and suffering people experience.

In my office, I met with a woman who had been raped by 15 people and saw her husband kill himself. She came to Canada when she was pregnant and she is left on her own. I think we have a duty to show that we really are a society and a country that has values.

I definitely suggest that a work permit be granted as quickly as possible and a social insurance number be assigned automatically at the same time. That would enable people to start working right away.

I suggest that a way be found to bring people to the regions by giving them incentives to encourage them not to all stay in the same place, and so avoid a possible housing shortage, for one thing. I am very much in favour of that idea.

I also believe that changes have to be made to the immigration process. I thank the lawyers for all the work they do for refugee claimants. I know the COVID-19 pandemic meant they had to use a new portal. I think the virtual interviews or hearings are completely devoid of humanity, particularly when a refugee claimant is not sitting beside their lawyer or has a wi-fi connection that doesn't work.

So we have a lot of work to do, to find a way that will reassure people so they are able to make their voice heard and feel accepted here.

Mr. Alexis Brunelle-Duceppe: Thank you very much, and all the witnesses as well.

[English]

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

Ms. Kwan, you will have 90 seconds. You can please begin.

Ms. Jenny Kwan: On the question about the brown paper, which is so vital, would you recommend that the government issue that to the asylum seekers on arrival, Mr. Daoud?

Mr. Abdulla Daoud: Yes, they should, as they have before.

Ms. Jenny Kwan: Mr. André, what do you think about that?

[Translation]

Mr. Frantz André: I think it is essential, certainly.

[English]

Ms. Jenny Kwan: Ms. Rududura, go ahead.

Ms. Eva-Gazelle Rududura: I would agree with that.

Ms. Jenny Kwan: Canada used to have an exemption for the safe third country agreement, a second one, which would exempt individuals who are faced with a return back to their country of origin when it was not safe to do so. There was a moratorium for that to be in place. In 2009, the Harper government took that away.

To all the witnesses, should Canada be reinstating that in the face of the fact that they are not going to suspend the safe third country agreement, at least for those who are faced with gender-based violence, for example, or those who face gang violence?

Mr. Abdulla Daoud: Yes, I think it's pretty clear.

Ms. Jenny Kwan: Mr. André, go ahead.

[Translation]

Mr. Frantz André: Certainly, yes.

[English]

Ms. Jenny Kwan: Ms. Rududura, go ahead.

Ms. Eva-Gazelle Rududura: I would agree with that as well.

Ms. Jenny Kwan: Thank you.

On the question around the United States.... Right now, given the change in administration, some people would say that the U.S. is a safe country for these asylum seekers. Is it?

Mr. André, go ahead.

[Translation]

Mr. Frantz André: No, the United States is not a safe country. Every day, I hear about people who, like in Canada, are afraid of getting caught, of getting lost in the black hole, or being victims of abuse. So I think we have to put an end to the safe third country agreement.

[English]

The Chair: I'm sorry for interrupting, but time is up.

With that, on behalf of all the members, I really want to thank all the witnesses for appearing before the committee. Thank you for your time and important testimony. Some of you are coming for the second time. Last time, we were not able to accommodate you because of the votes. I really want to thank you for taking the time once again and appearing before the committee.

With that, this panel comes to an end. We will suspend the meeting for a few meetings so that sound checks can be done for the second panel.

The meeting is suspended.

Thank you.

• (1645)

(Pause)

• (1655)

The Chair: I call the meeting to order.

On behalf of all the members of this committee, I would like to welcome our witnesses for this panel.

Today in this panel we are joined by Ms. Maureen Silcoff, lawyer and past president of the Canadian Association of Refugee Lawyers. We are also joined by Ms. Perla Abou-Jaoudé, lawyer, and Mr. Vincent Desbiens, lawyer, from the Quebec Immigration Lawyers Association. Finally, we have Stephan Reichhold, director general, Table de concertation des organismes au service des personnes réfugiées et immigrantes.

You will have five minutes for your opening remarks.

Ms. Silcoff, please begin.

Ms. Maureen Silcoff (Lawyer and Past President, Canadian Association of Refugee Lawyers): Thank you for the invitation to appear.

The Canadian Association of Refugee Lawyers is a national organization engaged in advocacy, litigation and education regarding the rights of refugees and migrants.

As Minister Fraser noted last week, no one chooses to be a refugee, and people who cross into Canada between ports of entry are desperate to find safety. One crossing haunts me. A woman traumatized by gender-based violence in her home country, barred from seeking refugee protection in the U.S. and desperate not to be deported to further harm crossed into Canada with her two minor children by hanging on to the back of a freight train. She was later accepted as a refugee.

When this committee looked at the agreement back in 2002, it anticipated that if irregular entry became an issue and if the numbers did not decrease, the agreement should be suspended or ended.

I'll explain why it's time to revisit the STCA based on five lessons learned, and then I'll offer a recommendation.

Lesson one is that the mode of entry to Canada says nothing about the merits of a refugee claim. Acceptance rates are very similar regardless of how you arrive. The acceptance rates for refugee cases decided on their merits generally is 66%, and the acceptance rate for irregular crossers is 61%.

Lesson two is that the STCA is the cause of Roxham Road, and ending the agreement or creating more exceptions to it will disperse people from coast to coast and eliminate the funnel to Quebec. Cities and provinces throughout Canada can then provide settlement services.

Lesson three is that the number of border entries may not increase, as people may simply be rerouted. In fact, Althia Raj recently reported a senior IRCC official noting that an end to the STCA means that the situation "might not change that much, because what would happen is you wouldn't have a Roxham Road, the people could cross at the ports of entry and they might therefore go to different ports of entry".

The federal court thought the same thing. In its 2020 decision, it indicated that there was actually no evidence that numbers would increase if the STCA ended and, further, that the departments have always managed ebbs and flows. Recall of course that our geographic location means that Canada will always welcome only a very small drop in the global bucket of refugees.

Lesson four is that although there's talk of modernization, expansion will drive more people to enter irregularly, undetected and without any kind of screening, and of course it will put more lives at risk.

Lesson five is that people who enter through Roxham Road contribute to Canada in meaningful ways. This includes a significant number of guardian angels, those who risked their lives during the height of the pandemic working in long-term care homes and elsewhere.

The conclusion we can draw is that the deleterious effects of the STCA at this point clearly outweigh its benefits.

One option, of course, is to end or suspend the STCA, but there's an alternative. Article 6 of the STCA allows Canada to exempt classes of people or individuals on public policy grounds. It states the following: "either Party may at its own discretion examine any refugee status claim made to that Party where it determines that it is

in its public interest to do so." This provides the much-needed flexibility to address current issues.

Canada now uses only one public policy exemption. That's for individuals facing the death penalty. There used to be a second one, as mentioned earlier, for people who are on Canada's list of countries to which we don't deport. That was ended in 2009.

Options at this point could include expanding exemptions and allowing for gender-based claims, which, despite the repeal of the matter of A-B-, remain subject to highly problematic restrictions. In fact, the UNHCR recommended using public policy exemptions when it commented on Canada's draft regulations back in 2002, and this included for gender-based claims.

As well, exemptions could be created for vulnerable people who are turned around at the border and put into U.S. jails. Of course, the images of kids in cages offer a horrific window into the system that jails vulnerable people when they're simply seeking safety.

Public policy exemptions have been a mainstay of our immigration system. It makes sense to put them to use at this point.

• (1700)

The Chair: Thank you.

We will now proceed to Ms. Abou-Jaoudé or Mr. Desbiens, whoever will take the lead.

You will have five minutes for your opening remarks. You can begin, please.

[*Translation*]

Mr. Vincent Desbiens (Lawyer, Quebec Immigration Lawyers Association): Good afternoon, everyone, and thank you for your invitation.

The Quebec Immigration Lawyers Association, the QILA, was founded over 30 years ago and has more than 460 member lawyers who work in the specific field of immigration and refugee protection.

The QILA submits that the only solution for protecting the health, safety and security of refugee claimants is to abolish the safe third country agreement. Without that agreement, there would be a better distribution of the number of refugee claimants in Canada. As well, it would offer them better access to the social and legal services they need, all without resulting in any increase in refugee claims.

However, because of that agreement, a majority of refugee claimants enter in Quebec and make a claim at the time of entry, and this has significant repercussions for people who have already suffered too much. Refugee claimants are arriving in Quebec, but the system is already overloaded. We have to keep in mind that these human beings who arrive at our border do so in the hope of obtaining Canada's protection, since their lives are in danger. Their quest can be successful only if we offer them the tools they need for making their claims in the proper way, and obviously that calls for access to justice.

Some people are not able to find a lawyer, and that interferes with making their claims, and so prevents them from obtaining the security they are seeking, in the long term. Obviously, the inability to gain access to justice causes great psychological and emotional distress for these newcomers, in the short and medium terms. As lawyers on the ground, we see this every day. Not only do refugee claimants have trouble finding a lawyer, but they also have trouble finding help from organizations that provide housing assistance, for example.

Some people will say that while refugee claimants arrive in Quebec, they can quickly move elsewhere in Canada. In reality, the situation are quite different.

First, their mobility is limited, because they have to wait for their work permit in the mail, to be able to support themselves as soon as possible. They are living in a financially precarious state, when it is already difficult to access housing and the price of food is constantly going up. During this time, all of the social services available to help them integrate start in Quebec, in both legal and social terms. Once claimants have found a lawyer, rented a place to live and enrolled their children in school, it becomes a lot more difficult for them to go and live somewhere else. Obviously, we need to come up with a faster system for issuing work permits.

At the same time, we can't ignore the fact that when they arrive in Canada, these migrants can't be the given humane, calm guidance they deserve by border personnel. Because of the huge volume of claims, border personnel do not have the time needed to make sure the claimants properly understand the information that is essential to their case, and this causes major anxiety. Their psychological and emotional security suffers enormously, particularly in a system where the process is increasingly complex and calls for access to technology, something these newcomers only very rarely have. Everything happens within very short regulatory time frames.

In some cases, families are separated and it is hard for family members to access information about the others, for example if one of the family members is detained or hospitalized. That causes stress and panic for every family member who doesn't know the fate of the other one. Too often, they arrive at our offices in a state of disorientation and in extremely insecure circumstances. The lawyer then has to make up for the government officials by informing these people properly about their claim process.

To conclude, some resources have been put in place to try to spread claimants more evenly across Canada, which the safe third country agreement prevents. On that point, some people have been transferred from Quebec to Ontario. Unfortunately, some of them did not understand what was happening or did not want to change

provinces. They really had no desire to go and live in Ontario and go through another migratory journey, having already suffered enough to get to Canada.

Some people detained in Quebec have been transferred to a detention centre in Ontario, while their entire family was living in Quebec, not in detention. Once a person was released, they had to make their own way back to Quebec. We can't imagine the anxiety experienced by the families at the thought of that kind of separation. We respectfully submit that these attempts to mitigate the situations that result from this agreement simply exacerbate the situation, in addition to being unsuccessful and counterproductive.

As well, simply closing Roxham Road would be even more devastating than the status quo if we kept the safe third country agreement. Keep in mind the many migrants who put their lives and security in danger by trying to cross our border in the middle of winter or by going through dangerous areas. Closing Roxham Road would not stop refugee claimants from coming to Canada, but if they crossed the border just anywhere, that would reduce the government's capacity to identify them quickly, as it can now do using their fingerprints and identity papers.

Ultimately, we respectfully submit that because of the safe third country agreement, the safety, security and health of migrant individuals and families are endangered not just in the short term, but also in the long term.

• (1705)

The repercussions extend over several years and can even ultimately strip our refugee claim system of its meaning: that people who deserve safety will be given Canada's protection.

Thank you.

[English]

The Chair: Thank you.

We will now proceed to Mr. Reichhold.

You will have five minutes for your opening remarks. You can begin, please.

[Translation]

Mr. Stephan Reichhold (Director General, Table de concertation des organismes au service des personnes réfugiées et immigrantes): Thank you, Madam Chair.

Good evening, everyone.

I am the director of the Table de concertation des organismes au service des personnes réfugiées et immigrantes, whose members are 160 intake and settlement support organizations dedicated to assisting newcomers, whether they be refugees, immigrants, or persons without status.

My considerations will be focused more on the social and health aspects, given that the legal aspects have been dealt with well by all the lawyers who are here today. I am going to talk more about the current views of these organizations. As was said just now, there is a humanitarian health emergency in Quebec at the moment. Everyone is aware of it, but action still needs to be taken.

I don't know whether the support system in Quebec that has existed for several decades and is unique in Canada is familiar to you. If a refugee claimant, whether regular or irregular, arrives in Canada and needs help with housing, it will be provided by Quebec's social services, more specifically by PRAIDA, the Programme régional d'accueil et d'intégration des demandeurs d'asile. That organization will provide temporary accommodation for three or four weeks, on average, until they receive their first social assistance cheque. After that, they are politely asked to leave the temporary accommodation facility and make their own arrangements.

That worked well over recent years, but because of the current volume of refugee claims, the system is no longer functioning. In fact, the Quebec government has informed the federal government that it was capping its housing capacity. I think it is 1,200 beds, more or less. The federal government also places people in hotels, 14 at the moment, in the Montreal region. That accommodation is temporary, but it does not include any services; medical and social services are provided by Quebec's social services.

That puts enormous pressure on the organizations that ordinarily try to help refugee claimants, as my colleague Frantz André explained when he talked about his work. As is the case in the rest of Canada, those organizations, which are mostly charitable groups, do not receive money and so have to self-finance with support from foundations or by fund-raising.

It also has to be said that the services are very limited. In Quebec as elsewhere in Canada, refugee claimants are entitled to very little, which really can be summarized as essential services, such as basic medical coverage. It is estimated that since January, Quebec has taken in nearly 45,000 people out of the 72,000 refugee claimants who have arrived in Canada, whether regular or irregular, a distinction that no one makes when it comes to services or housing, in fact.

Settlement aid organizations are saturated and have no more capacity. As well, as was said earlier, the caseload is increasingly disturbing, and this causes overflow into the community networks that are responsible for non-immigrants, such as organizations working for families, youth, homeless people and women. Those organizations do their best to lend these individuals a hand and help them survive.

With winter now on its way, we are very worried. We really are at a breaking point in the Montreal region because of the volume of refugee claims. While that volume does not compare with what is happening in Europe or at the Mexican border, it still puts a lot of pressure on volunteer organizations.

We are proposing, and we are asking the federal government to establish, a system of longer-term accommodation, perhaps with Quebec's ministère de la Sécurité publique and the Red Cross, at least during the winter and especially for the most vulnerable fami-

lies. Given the housing crisis, it is virtually impossible to find a place to live. The occupancy rate at shelters for homeless people is therefore rising, something we absolutely want to avoid. That is one of our recommendations for the federal government.

• (1710)

The situation that prevails between Canada and Quebec brings to mind a divorced couple who can't agree on custody of the kids. Each one volleys the ball back to the other and they both argue all the time, so the children are left on their own. That is kind of what the current situation for refugee claimants looks like.

It is important for the federal government and Quebec to agree on implementing emergency measures...

[English]

The Chair: I'm sorry for interrupting. Your time is up. You can talk further when we go into the rounds of questioning.

With that, we will begin our first round of questioning with Mr. Redekopp.

You will have six minutes. You can please begin.

Mr. Brad Redekopp: Thank you, Madam Chair.

Thank you to all the witnesses for appearing today. Your testimony is helpful.

Ms. Silcoff, I wanted to ask you this. We've heard different testimony that if we were to scrap the safe third country agreement, there would likely be an increase in migrants coming to Canada. You said in your third point, I think, that that number may not increase, and then you quoted a reporter who wrote a story.

Do you have actual evidence beyond that to suggest why that would be true?

Ms. Maureen Silcoff: I think it's interesting, because there's concern about the increase in numbers, but I think we have to separate what we know from what we're just fearing. What we know is that there has been no evidence to show there will in fact be an increase.

There was evidence provided through CBSA to the Federal Court in the safe third country agreement challenge, but there was no evidence. The court found that there was actually no evidence that there would be an increase, that there had not been statistics provided about that. I know that case is on appeal, but actually that point itself has not been appealed.

• (1715)

Mr. Brad Redekopp: I have a very limited time. We just heard in the previous panel that there are great numbers of Haitians coming into the United States. You haven't given me any evidence to suggest that the number won't increase.

With all of the Haitians, for example, coming to the United States, there's going to be an increase of migrants in the U.S. To me, common sense would say that this will put increased pressure, especially if we were to eliminate the agreement. Do you not agree with that?

Ms. Maureen Silcoff: I don't necessarily, because if there are adequate programs in the United States that would give people protection, and we just talked about temporary protected status.... I think we have to look at the situation. We know there are times when there are fewer people, and there are times when there are more people. We know there are always going to be limitations, because of our geographic location.

Mr. Brad Redekopp: I have another question. You mentioned that you think the negatives outweigh the benefits. I'm curious. From your perspective, what are the benefits of the safe third country agreement?

Ms. Maureen Silcoff: I think it was put in place because it was seen that the United States was a reliable partner for sharing responsibilities regarding refugees. That was the objective and *raison d'être* for the agreement itself. But we know now that the problems associated with it outweigh any benefits.

In fact, this committee itself, in 2002, was concerned. It said that if there were problems, it would have to be revisited and we might even suspend it unilaterally, or perhaps it should end. I think it was anticipated that there could be problems, and now we see how they've come to fruition, really. We've seen them—

Mr. Brad Redekopp: Thank you.

Mr. Desbiens, I'm just curious to know approximately how many clients you have dealt with through Roxham Road.

Ms. Perla Abou-Jaoudé (Lawyer, Quebec Immigration Lawyers Association): I'm sorry, but I'm going to take over the questions for AQAADI.

I've been practising for 10 years. We deal with them every day.

Mr. Brad Redekopp: Can you give an approximate...? Are we talking about 10, 100, 1,000?

Ms. Perla Abou-Jaoudé: It's in the hundreds, I would say.

I can't give a number, because we don't make a distinction between someone coming from Roxham Road and someone coming regularly.

Mr. Brad Redekopp: Do the clients from Roxham Road typically stay in government-sponsored hotels?

Ms. Perla Abou-Jaoudé: Yes, they do, but not all of them.

Mr. Brad Redekopp: Typically, how long do they stay in the hotels?

Ms. Perla Abou-Jaoudé: I'm not in a position to be able to tell you that. I don't have the numbers.

Mr. Brad Redekopp: In terms of timing, we heard testimony that the wait times have been increasing. What are you seeing on the ground for wait times, specifically on the IRB?

Ms. Perla Abou-Jaoudé: Are you talking about when they're transferred to the IRB, or before that?

Mr. Brad Redekopp: I guess really there are two things—the time it takes to get their so-called brown papers, and then the time it takes for the IRB to process them.

Ms. Perla Abou-Jaoudé: Recently, we've had approximately a year to get the brown paper, and then, from that, when they are transferred to the IRB, we've had a waiting time of approximately

two years, sometimes more. I think the IRB will be able to answer the delays exactly; however, we've seen an acceleration in going in front of the IRB and having their hearing.

Mr. Brad Redekopp: One thing we can do as a committee is make recommendations to the government. One thing that's coming to my mind as we go through this testimony is that we should recommend that the government reduce the wait time in the IRB significantly.

What do you think of that, and what do you think would be a reasonable time frame to shoot for for a waiting time for the IRB?

Ms. Perla Abou-Jaoudé: The problem is not the waiting time. I think the problem is access to justice and access to a lawyer. Right now, the problem in the field is claimants' having access to a lawyer, being able to be well represented and being able to present their case in the proper way. This is one of the problems we're seeing in the field.

Mr. Brad Redekopp: Let's say that a claimant does have access to a lawyer. What's a reasonable time for the IRB? What would you suggest?

• (1720)

Ms. Perla Abou-Jaoudé: Fastest is best. It depends on whether the file is ready, but right now, it's not what we're seeing in the field. I cannot give a time frame, because it really depends.

If you're talking about giving the story, to be able to fill out the forms and give their story, right now they have 45 days; however, we think it's a short period of time. To be able to get the story from a client, create that *lien de confiance*—

The Chair: I'm sorry for interrupting, but time is up for Mr. Redekopp.

We will now proceed to Ms. Kayabaga.

Ms. Kayabaga, you will have six minutes. You can begin, please.

[*Translation*]

Ms. Arielle Kayabaga: Thank you, Madam Chair.

I would like to thank the witnesses again who are with us today.

Mr. Reichhold, I would like you to tell us about Quebec's views on the safe third country agreement between Canada and the United States. In your opinion, in connection with the bilateral negotiations underway between the two countries, would Quebec prefer a stricter approach to border control that would involve tightening the Roxham Road entry, or an open and soft approach to the border that would allow refugee claimants to enter openly via the Saint-Bernard-de-Lacolle port of entry?

Mr. Stephan Reichhold: To my knowledge, because those two aspects are not under its jurisdiction, the present Quebec government has never stated an opinion on the safe third country agreement or how the arrival of refugee claimants at the border should be dealt with. Certainly Quebec has something to say when it comes to taking in and looking after refugee claimants.

However, like some of my colleagues around the table, I am convinced that if we suspended the safe third country agreement, immigrants arriving and being taken in would be handled in a much more orderly and controlled way. It would be spread across Canada as a whole, and that would relieve a lot of the current pressure on Quebec, particularly when it comes to newcomer assistance and legal services. We are completely in favour of suspending that agreement, like the settlement organizations.

I suspect that Quebec and the federal government prefer to have people enter via all Canadian border crossings.

Ms. Arielle Kayabaga: If Roxham Road were closed, would that prevent refugees from crossing the border into Quebec?

Mr. Stephan Reichhold: Absolutely not. In fact, I don't know how the road could be closed. Suppose we put a kilometre-long wire fence around Roxham Road. We can see what people do at the Mexican border or the Greek border or elsewhere, where they go around the fence and enter anyway, but in a much riskier way and with a problem of...

Ms. Arielle Kayabaga: What pressure do you think there might be on the refugees who take this route to Quebec, if it were to be closed?

Mr. Stephan Reichhold: I can't imagine how you can close the border. How do you want to do that, maybe by erecting a fence? People are going to get around the fence; that is to be expected, it's human. Everybody will do that and will still get in, but there will be no oversight. They will enter Canada without oversight. I don't think anyone wants that.

Ms. Arielle Kayabaga: Do you think the number of claimants would increase if Roxham Road were to be closed? Do you think we would see the same numbers as the United States is currently seeing?

Mr. Stephan Reichhold: If we closed Roxham Road, which we can't close, the only solution, in my opinion, would be to suspend the safe third country agreement. No one would need Roxham Road anymore.

Ms. Arielle Kayabaga: Do you think that if that road were to be closed, that would be a step backward or forward?

• (1725)

Mr. Stephan Reichhold: It would lead to indescribable chaos. People would try to find other roads, roads much less safe than Roxham Road. That would not benefit anyone—not refugees, not Canada's security, not the provinces'. It's an idea that looks good but isn't.

Ms. Arielle Kayabaga: Thank you, Mr. Reichhold.

Ms. Silcoff, I'm going to move on to you.

[English]

I just wanted to ask you a question about some of the people who make the decision to cross over and do not see the United States as a safe country. For example, Mr. André earlier mentioned the Haitian community. We also heard that other people, such as Burundians, land in the United States but still make it to Roxham Road.

Why do think that is? Why are they not seeing the United States as a safe country for them to stay?

Ms. Maureen Silcoff: I think we have to look at very specific aspects of the U.S. asylum system to understand it. When people say "It's not safe", they don't have a clear conception.

What we do know is this. Someone can have a gender-based claim because they fear domestic violence, they fear sexual assault from strangers, or they've been subject to female genital mutilation. The law in the United States is so restrictive that the UNHCR has criticized how restrictive it is. In comparison to the Canadian law, it's much more narrow. That's a specific example of a class or group of people who don't have a fair shot of getting protection in the United States. That's why people would want to come to Canada to make a claim. That's one specific example, to bring it to practical grounds.

Another example is that there's a one-year bar in the United States. If you don't make your claim within that one year, you can't enter the asylum system. That's another huge problem. In fact, this is linked to gender-based claims. Often when you're in that situation—

The Chair: I'm sorry for interrupting. Time is up for Ms. Kayabaga.

We will now proceed to Mr. Brunelle-Duceppe, for six minutes.

You can please begin.

[Translation]

Mr. Alexis Brunelle-Duceppe: Thank you, Madam Chair.

I would like to thank all of the witnesses who are here as we do this important study.

Mr. Reichhold, I think it is relatively obvious that we have to distinguish between closing Roxham Road and suspending the safe third country agreement. They are two completely different things. I sincerely agree with you that if we try to put up a fence, there is a good chance that people will try to get around it.

I want to address the AQAADI representatives and I think it was you, Mr. Abou-Jaoudé, who is going to be answering questions.

I heard Mr. Desbiens say in his presentation that there were gaps in terms of access, not just access to certain necessary tools, including the services of a lawyer, for example, but also access to certain other basic services. Can you tell us about that in more depth?

Ms. Perla Abou-Jaoudé: The number of claimants puts pressure on Quebec's system because there are insufficient lawyers to handle them all, and this limits those refugee claimants' access to justice.

We think that suspending the safe third country agreement would result in a better distribution of claims throughout the country, and one result would be to enable claimants to have access to an Association lawyer. That factor is very important for them to be well represented and for them to be recognized as credible by the judge.

In addition, that would give claimants better access to housing, food, and various services, including interpretation. By relieving the pressure on Quebec's system, it would facilitate better access to all these services.

Mr. Alexis Brunelle-Duceppe: There are those who sometimes say malicious things about lawyers. You have just shown us that you actually want fewer clients, so there is no financial motivation in your case. You want people to be able to use the services of a lawyer everywhere in Canada.

Am I right in believing that this will therefore mean there will be fewer clients for immigration lawyers in Quebec?

Ms. Perla Abou-Jaoudé: I don't think it's going to reduce the number of clients who will have lawyers in Quebec in that situation, because for now, we are not able to provide...

Mr. Alexis Brunelle-Duceppe: I'm sorry, I expressed myself badly.

If we suspend the safe third country agreement, the pressure on Quebec will be spread all across Canada. That also means there will be less pressure on the system of legal representation in Quebec for those people.

• (1730)

Ms. Perla Abou-Jaoudé: Yes. There will be less pressure on the Canada Border Services Agency and on the Immigration and Refugee Board of Canada. We also think there will be a better distribution of the workload, and, most importantly, better capacity to support the people arriving.

Mr. Alexis Brunelle-Duceppe: Perfect. Thank you.

Mr. Reichhold, I listened to you carefully. You said there was a humanitarian problem. I would like you to tell me a bit more, because what we are focusing on in this study is the humanitarian crisis that migrants are currently experiencing.

Mr. Stephan Reichhold: I think my colleague Frantz André gave a good description of the situation he is experiencing as a helper.

As we speak, there are people outside with no coat, no clothing, who haven't eaten in three days. This phenomenon is very concentrated around the hotels leased by the federal government in Saint-Laurent, Ahuntsic or Bordeaux-Cartierville, and is now spilling over into La Petite-Patrie and Villeray. We are talking about thousands of people.

Last week, there were nearly 5,000 people in temporary accommodation, both federal and Quebec. They stay there for about three to four weeks. Then, once they leave the temporary accommoda-

tion, they are left on their own. So they go out and knock on every door. There are fewer and fewer doors to knock on.

With a cheque of \$750 per adult, they can't find housing or feed a family. There are a lot of children among that number. We are also seeing a significant rise in the number of pregnant women, who are unable to see a doctor.

I call that a humanitarian emergency. Governments have to take responsibility and put resources in place, as they do in the case of natural disasters.

Mr. Alexis Brunelle-Duceppe: Thank you very much.

Ms. Silcoff, I am going to ask you a question that may seem like it comes out of the blue. At the committee's last meeting, a senior official from Immigration, Refugees and Citizenship Canada appeared. She is involved in the negotiations for modernizing the agreement, which have apparently been going on for four years. She told us she did not know what the process was for applying for refugee status from the United States before the safe third country agreement was put in place.

Do you think it is reasonable for a person involved in those negotiations not to know how things were done before the agreement was put in place?

[English]

Ms. Maureen Silcoff: I think what's important to note in this context is what has led up to the agreement. We know that there were concerns right from the beginning, because the agreement went into effect in 2004, but it was in 2002 that there were discussions—

The Chair: I'm sorry for interrupting. The time is up for Mr. Brunelle-Duceppe.

We will now proceed to Ms. Kwan.

You have six minutes. Please begin.

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

I thank all the witnesses for their presentations.

My question is for Ms. Silcoff. On the issue around the United States, whether or not it's a safe country for asylum seekers, many people will advance that it is a safe country. I'm very interested to know what has been presented in the legal case to indicate otherwise in the current situation as it stands. Why is it not safe for asylum seekers?

Ms. Maureen Silcoff: Here again, I think it's really useful to look at the very specific categories or classes of people who are experiencing lack of safety and serious deficiencies in the system. If the system doesn't function properly, people are at risk of refoulement, which means that they would be sent back to their country of origin to experience further persecution.

I was trying to speak before about the one-year bar. People who don't make an asylum claim right away can't enter into the asylum system. There are lots of reasons why people may not come forward—because they're traumatized, because they're ashamed, because of cultural reasons—so this particularly impacts gender-based claims.

We know that people may not come forward with their claim, and then if they turn up at the border and they're rejected because of the STCA, then they really have a problem in the U.S. because then they're in a system where they can't access the U.S. asylum system. So that's another category.

Also, there are people facing detention. We know that Canada treats detention very differently from the U.S. In Canada, detention is seen, both according to the case law and the policies, as a last resort. The UNHCR specifies that people seeking protection should only be detained as a last resort. The United States sees detention very differently. They see it as an immigration management tool. This was exacerbated during the Trump administration, but it pre-existed the Trump administration and it exists today. When somebody is in jail in the U.S., they're experiencing very serious difficulties, and that's very different from Canada, so that's another category of people who are vulnerable.

● (1735)

Ms. Jenny Kwan: Thank you.

I want to get to gender violence asylum seekers, who are being rejected in the United States. In those instances, if people were to try to make a claim in Canada and Canada turns them away, they will be deported back to their country of origin to face the violence from which they are trying to flee. Is that not correct?

Ms. Maureen Silcoff: That's exactly correct. In the example I gave of the woman who hung on to the back of a freight train, that was her dilemma, because she knew that if she stayed in the United States, there was a strong likelihood that she would be deported to face renewed gender-based harm.

Ms. Jenny Kwan: On that basis, the safe third country agreement is actually putting people at further risk in terms of refoulement. For Canada to apply deportation to such individuals, Canada would be actually in violation of international law on refoulement. Is that not the case?

Ms. Maureen Silcoff: Right. Canada is responsible for turning people back at the border, so Canada is not an innocent party in this, but there are fixes that—

The Chair: I'm sorry for interrupting. I've stopped the clock.

So many side conversations are going on. The witnesses are here, so please provide them the opportunity to answer the questions, and please avoid side conversations. Thank you.

Please continue.

Ms. Maureen Silcoff: I think when people are turned back from Canada, Canada does bear a responsibility, but we can do something about it. We can end the agreement or we can suspend it, but we can also look at the public policy discretionary exemptions, which this committee was concerned about in 2002 and UNHCR was concerned about in 2002. Now is the time to take these seriously and have a really serious look at what we can do with them.

Ms. Jenny Kwan: Your first recommendation for this committee is for the Canadian government to suspend the safe third country agreement, at the very minimum, or to get rid of it altogether. Short of that, it's to bring back those exemptions, the public policy exemptions under article 6, to include gender-based claims, for example, and other vulnerable classes of people.

Is that your recommendation?

Ms. Maureen Silcoff: Exactly. We have only one exemption in place now, for people facing the death penalty. It's rarely used. There was one for people from countries that Canada doesn't deport to—that's gone. Gender-based claims are a perfect example. People who would return to face jail in the United States simply because they want protection, that's another great example. People who are barred from the asylum system because they've passed the one-year mark, that's another great example.

These are all discretionary public policy classes that Canada can put in place.

Ms. Jenny Kwan: On the issue around people arriving and the delay in the processing, we just heard from the previous panel that people were not able to access what they call the brown paper document in a timely fashion, and as a result they're living in poverty and they have to apply for income assistance.

What do you think the Canadian government should do in the processing? Should they be issuing the brown paper document on arrival for individuals so that they can access all the services that come with that very important document?

Ms. Maureen Silcoff: I think we have to look at the reality of the situation. We know that budget 2022 put in place \$1.3 billion for the CBSA, the IRCC and the IRB. There are finances there, available for resources, and I think people shouldn't be suffering. People should be getting access to settlement resources as soon as possible.

Ms. Jenny Kwan: I want to ask Mr. Desbiens the same question about the brown paper document. Should the government be issuing that on arrival so that people can actually seek the kind of support that they need to survive and to then look for employment?

● (1740)

Ms. Perla Abou-Jaoudé: Sorry, I'm going to take over.

Yes, we think it should be delivered as soon as possible. Another way of doing it is by having a point at IRCC where a claimant could go right away because—

The Chair: I'm sorry for interrupting. Time is up for Ms. Kwan.

With that, our panel comes to an end.

I want to thank all the witnesses for appearing before the committee today. Thanks a lot for your important testimonies. If there is something you would like to bring to the committee's attention, you can always send written submissions to the clerk of the committee. They will be circulated to all the members, and we will consider them when we come to the drafting stage.

With that, we will suspend this meeting. All those members of Parliament who are participating virtually will have to log off and then log in to the in camera meeting for our committee business.

All the witnesses can leave the meeting.

Members, please log off and then log in for the in camera portion of the meeting. We will have a few minutes for committee business.

[Proceedings continue in camera]

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