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# Standing Committee on Foreign Affairs and International Development

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Chair: Mr. Ali Ehsassi





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• (1105)  
[English]

**The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)):** Welcome to meeting number 65 of the Standing Committee on Foreign Affairs and International Development.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room as well as remotely using the Zoom application.

I would like to make a few comments for the benefit of the members and our witness.

Please wait until you have been recognized by name before you speak. For those participating by video conference, click on the microphone icon to activate your mike, and please mute yourselves when you are not speaking.

Interpretation for those on Zoom is at the bottom of your screen, and you have a choice of either floor, English or French audio. For those in the room, you can use the earpiece and select the desired channel.

As a reminder, all comments should be made through the chair.

Pursuant to the order of reference of Monday, February 13, 2023, the committee resumes consideration of Bill S-8, an act to amend the Immigration and Refugee Protection Act, to make consequential amendments to other acts and to amend the immigration and refugee protection regulations.

It is now my great honour to welcome the sponsor of the bill in the Senate, the Honourable Hon. Peter Harder.

We are very grateful to have him here with us.

Senator, you will be provided five—

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Mr. Chair, could I interrupt very quickly to move a motion before the senator starts, so I don't have to interrupt his testimony afterwards?

**The Chair:** Yes, by all means, Ms. McPherson.

**Ms. Heather McPherson:** Thank you very much.

**Ms. Rachel Bendayan (Outremont, Lib.):** On a point of order, Mr. Chair, the witness is here and you gave the witness the floor. I think we only have this witness for 45 minutes.

**Ms. Heather McPherson:** I believe I have the floor, Mr. Chair.

**Ms. Rachel Bendayan:** Mr. Chair, this is highly unusual. A member of the committee does not get to move a motion....

**The Chair:** Could this wait until after the senator is done? He's here for half an hour.

**Ms. Heather McPherson:** Unfortunately, I would like to move this motion now.

I think you gave me the floor, so I would like to continue to move that if that's possible.

**The Chair:** By all means, Ms. McPherson.

**Ms. Heather McPherson:** I would like to move a motion for a committee study on what actions Canada should take to foster peace and respect for human rights and international law in the region of Israel/Palestine.

The motion was distributed to committee members on April 20.

Mr. Chair, this motion is supported by a number of faith groups, including the National Council for Canadian Muslims, many Christian churches and Jewish Canadians, and Canadian human rights and humanitarian organizations. Many of them are watching us this morning in the hopes that I will have support from all parties to pass this motion.

Today, as you know, is the first anniversary of the death of the Palestinian-American journalist, Shireen Abu Akleh.

The past days and weeks have shown that the region is as far from a peaceful solution as it has ever been and that there are enormous concerns about human rights and respect for international law, including the tax on Palestinian and Israeli civilians.

This is a very challenging topic, and it is one with heightened emotions and serious consequences for many people. It is also a topic that our committee has not studied for at least a few decades, yet it is one that is not only important to many Canadians; it's also integral to Canada's foreign policy.

Canada has a role to play in fostering peace and justice, and its new bid for a seat at the United Nations Human Rights Council makes a study like this all the more important.

I understand there may be some discomfort with such a study. This is a difficult issue. However, we are a serious committee. I think we have a duty to listen and to learn from experts, to approach the subject with respect for each other and for all people, and to help find solutions that will lead Canada on the right path.

I am asking today for the support of all members for this motion:

That, pursuant to Standing Order 108(2), and in light of recent events in Israel and Palestine, the committee conduct a study on the actions Canada should take to foster peace and respect for human rights and international law in the region; that the study consist of at least eight meetings; that the Minister of Foreign Affairs be invited to appear and that the committee invite witnesses from Canadian civil society, international humanitarian organizations, and Israeli and Palestinian human rights organizations; that the committee report its findings to the House, and that pursuant to Standing Order 109 the government table a comprehensive response to the report.

Mr. Chair, I would find it extremely troubling if members of this committee chose not to study something that is so important with regard to our foreign policy and if this committee made a decision to once again decline to study something that is so vitally important.

I would urge all of my colleagues to think very carefully about how they vote on this motion. Thank you.

• (1110)

**The Chair:** Thank you, Ms. McPherson.

Thank you also for reminding all the members that it is the anniversary of the death of Shireen Abu Akleh.

We'll next go to Mr. Genuis.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Thank you very much, Mr. Chair.

My respected colleague has made some substantive comments about substantive issues.

I want to quickly make some comments about process, though. Typically, committees set their agenda via discussion at the subcommittee on agenda and procedure. That's why we have a subcommittee on agenda and procedure.

**Ms. Heather McPherson:** On a point of order, this is very much within the Standing Orders. This is very much bringing forward a motion in public. It's very much the usual practice of this committee. As the member knows, he has done this multiple times—bringing this forward. I'm more than happy to meet at the subcommittee to discuss scheduling and the number of meetings, and to have a conversation about witnesses.

However, I think to pretend this is not usual practice in this committee is disingenuous.

**Mr. Garnett Genuis:** This is not a point of order, Mr. Chair.

**The Chair:** Thank you, Ms. McPherson.

We'll revert back to Mr. Genuis.

**Mr. Garnett Genuis:** Thank you, Mr. Chair.

Regarding the questions of order, I don't question the fact that members are entitled to move motions. I think there are circumstances in which that has happened, especially when there have been long periods of time when the subcommittee was not scheduled. My view is that the best practice for setting an agenda is still through the subcommittee.

We have Senator Harder here for half an hour. Look, I think there are important questions raised by this proposal, but I don't think the

idea that we would.... There are a lot of questions that could be worked out, but I—

**Ms. Heather McPherson:** I have a point of order.

**Mr. Garnett Genuis:** Can I finish my comment, Madam McPherson? The—

**The Chair:** On a point of order, yes, go ahead, Ms. McPherson.

**Ms. Heather McPherson:** I would be happy to move directly to a vote so we could save the senator's time. We could move to a vote immediately.

**Ms. Rachel Bendayan:** I have a point of order, Mr. Chair.

Madam McPherson does not get to make a point of order proposing to move to a vote when there are still members of the committee who would like to speak to the motion.

**The Chair:** Thank you, Ms. Bendayan.

It's back to Mr. Genuis.

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

I've been speaking for 60 seconds and there have been three points of order. I think that makes a case, in and of itself, about the value of our trying to come up with a better process for having this discussion internally.

With that in mind, I move to adjourn debate.

• (1115)

**The Chair:** Is that the will of the committee?

Yes, go ahead, Mr. Zuberi.

**Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.):** On a point of order, Mr. Chair, Canada and the world are watching what's happening overseas now, in the Middle East.

**The Chair:** Mr. Zuberi—

**Mr. Sameer Zuberi:** I think we can all agree that we are quite disturbed by the violence occurring there.

**The Chair:** Mr. Zuberi, I'm sorry, but that's not—

**Mr. Sameer Zuberi:** I'd like to have the floor.

**Mr. Garnett Genuis:** [*Inaudible—Editor*]

**Mr. Sameer Zuberi:** I'm speaking a bit slowly, which is maybe—

**Mr. Garnett Genuis:** [*Inaudible—Editor*]

**Mr. Sameer Zuberi:** You're interrupting me. You don't have the floor, either.

**The Chair:** Mr. Zuberi, I'm sorry, but he did bring a motion to adjourn.

**Mr. Sameer Zuberi:** Mr. Chair, I have a point of order.

**The Chair:** That's fine, but this is not the time for a point of order, because he's brought a motion to adjourn.

**Mr. Sameer Zuberi:** My point is that this is an important study and we should be studying this.

**The Chair:** Thank you.

Is it the will of the committee to adjourn debate?

**Some hon. members:** No.

**The Chair:** We will have to put it to a vote.

(Motion agreed to: yeas 7; nays 3)

**The Chair:** Now we will go back to Senator Harder.

Senator, thank you for being here with us today. You have five minutes for your opening remarks. When you only have 30 seconds remaining, I will hold this up. That is true not only for your opening remarks, but also when members ask you questions.

Senator Harder, the floor is yours.

**Hon. Peter Harder (Senator, Ontario, PSG):** Thank you, Chair. I hope I don't use all of my five minutes, but I appreciate your signals.

This is an "S" bill, which means it originated in the Senate. It is a government bill, and it is not unusual for government bills to be tabled first in the Senate, although it's not a practice that takes place often. This bill was first introduced on May 17 of last year in the Senate and dealt with at second reading on May 19. It went to committee for consideration on June 3 and June 9.

We heard from approximately 19 witnesses, from both officials and other interested groups, and returned the bill with one technical amendment, which coordinated this bill with another bill that was before this chamber at that time, Bill C-21. The final reading took place on June 16, and Bill S-8 was unanimously accepted in our chamber, and hence sent here.

The bill before you is viewed from our chamber as an urgent piece of legislation, a necessary piece of legislation, which allows for sanction-related inadmissibility grounds to be treated in a cohesive and coherent manner. It will strengthen inadmissibility legislation that we already have in place, rendering designated persons who are subject to Government of Canada sanctions inadmissible.

In addition to that, it has further coordinating mechanisms that are important in the view of the government. I believe you had the officials from departments concerned here. I would urge this committee to deal with this bill expeditiously so that this gap in admissibility can be addressed. This is not only urgent with respect to Russian nationals, but it is universal, so it will deal with nationals of other sanctioned regimes, including, obviously, Iran.

I'm open for questions.

Again, the sponsor's role in the Senate is to shepherd the legislation through the Senate and in committee, and to work with colleagues and, ultimately, the government to ensure that the bill's carriage is both appropriately timed and succinctly and appropriately addressed by the Senate of Canada.

Thank you for giving me the opportunity. Usually we have the benefit of the House of Commons reflection before we get a bill. Now you have the opportunity for what we call "sober second thought".

• (1120)

**The Chair:** Thank you, Senator.

We will now open it to questions from the members.

Mr. Hoback, you are first.

In this round, each member will be provided with four minutes.

**Mr. Randy Hoback (Prince Albert, CPC):** Thank you, Mr. Chair, and thank you, Senator Harder, for being here today.

Senator Harder, from what I can see of this, it's just mainly housekeeping and cleaning up to bring things in line, but there's one area that looks to be an oversight. Maybe I'm missing something, so I'll ask you about it.

It's on page 2 of Bill S-8. You are removing paragraphs 35(1)(c) to (e), and paragraph 35(1)(c.1) reads, "having engaged in conduct that would, in the opinion of the Minister, constitute an offence under section 240.1 of the Criminal Code". Then, if you go to section 240.1 of the Criminal Code, it relates to trafficking in human organs and removal without informed consent.

Why would we take that out? Is it encompassed somewhere else?

**Hon. Peter Harder:** It is my understanding—and I'm not the official responsible—that the prohibition is included in the coordinating legislation to which I referred, which would add transnational border criminality to the existing grounds for inadmissibility or detention. Therefore, it is captured in the coordinating approach this bill is designed to achieve.

**Mr. Randy Hoback:** That makes sense. That was my guess. I just wanted to confirm that.

Mr. Epp, do you want to take the rest of my time?

**Mr. Dave Epp (Chatham-Kent—Leamington, CPC):** Thank you, Mr. Chair.

Again, thank you, Senator Harder.

*[Member spoke in German]*

**Hon. Peter Harder:** *[Witness spoke in German]*

*[English]*

**Mr. Dave Epp:** Just for the benefit of others, that was a Low German dialect that the senator and I share.

You said you had 19 witnesses in front of the Senate. Obviously, you've become comfortable with some of the criticisms of the bill. Some of the criticisms that have come our way have been around the definition, or lack thereof, of "sanctions".

Does the Senate feel that the definitions are appropriately captured in other legislation?

**Hon. Peter Harder:** I'm glad you didn't repeat the whole question in Low German, because my response would have been a little more tardy.

The Senate took the view that this bill is about closing the gaps in existing measures. That was the view taken by all senators, including many who are strong advocates of refugee protection.

We, as the Senate foreign affairs committee, have just completed a review of the Sergei Magnitsky Law, as required by the five-year review process, and we will very shortly be issuing a report that deals with some of the broader issues, including ones you've raised. I hope that gives an opportunity for this committee, and the Senate itself, to reflect on the recommendations that we've come forward with.

**Mr. Dave Epp:** I assume that concern also relates, then, to the definition of "entity" or "state entity"?

**Hon. Peter Harder:** That's correct, although I should say that we want legislation that is broadly permissive of government to rapidly act under regulation to deal with emerging entities.

**Mr. Dave Epp:** Thank you.

The bill also shifts ministerial discretion from the Minister of Immigration, Refugees and Citizenship to the Minister of Public Safety. Can you comment as to why the Senate is comfortable with that shift?

**Hon. Peter Harder:** It's because border access is under the Minister of Public Safety. Therefore, we're trying to ensure that the front line is appropriately addressing the issues for which it is responsible.

**Mr. Dave Epp:** Concerns have come to our attention about the cost of redress or the availability of redress if people captured for inadmissibility are captured under sanctions. Do you have any comments?

• (1125)

**Hon. Peter Harder:** Redress is available through the Minister of Foreign Affairs, who has responsibility for the naming of individuals, and that redress mechanism is available.

**Mr. Dave Epp:** Thank you. I believe I'm out of time.

**The Chair:** Thank you very much.

We now go to Mr. Sarai.

You have four minutes.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Thank you, Mr. Chair, and thank you, Senator, for coming and appearing before us on this very important bill.

Senator, we know that the legislation was first introduced in the Senate, as you mentioned earlier, before making its way to the House. Has the Senate made any significant amendments to the original bill?

**Hon. Peter Harder:** The Senate made one technical amendment, which was a coordinating amendment with regard to Bill C-21, to ensure that whichever bill was enacted first, there was a complementarity of action allowed. However, we made no other amendments, nor were any proposed, either in committee or on the floor of the chamber.

The view of the Senate was that this was urgent, necessary and not to be done quickly, which we did a year ago.

**Mr. Randeep Sarai:** Thank you.

Senator, we're starting the study of this bill. Are there any elements of this bill, based on your experience, that we should pay attention to?

**Hon. Peter Harder:** I believe that the responsibility of... I cannot claim what the responsibility of the House of Commons is, but in the view of the Senate, the obligation we have is to close the loopholes that are identified and to secure the inadmissibility regime that we have put in place, which has been and is being tested. We would be very supportive of early implementation.

**Mr. Randeep Sarai:** Thank you.

In your speech during the second reading of Bill S-8 in the Senate, you stated that, under the Immigration and Refugee Protection Act, most individuals sanctioned pursuant to the Special Economic Measures Act may nevertheless have unfettered access to travel to, enter or remain in Canada if they are not otherwise admissible. Why is it the case that individuals sanctioned under SEMA can still travel to, enter or remain in Canada, and how does Bill S-8 specifically address this issue?

**Hon. Peter Harder:** They are not inadmissible under the law as it exists without this amendment, so what we are seeking to do—what the government is seeking to do—is to ensure that inadmissibility takes place at the front line, early in the possible admission process. As you well know, once an individual passes that initial security check and border official, there are new processes in place for removal, so we are seeking to ensure that inadmissibility is strengthened at the front line.

**Mr. Randeep Sarai:** Are you aware of anyone who has travelled to, entered or remained in Canada—

**Hon. Peter Harder:** I am not, but I did ask that question of officials at that time, and they said that a small number have, in fact. I didn't press it further for precise numbers.

**Mr. Randeep Sarai:** You also, in your speech, explained that the bill aims to remove ministerial relief for individuals inadmissible due to sanctions, as well as their ability to appeal to the immigration appeal division. Others, like the CBA, the Canadian Bar Association, have argued that it should provide a legitimate avenue of redress, given the severe consequences of inadmissibility based on sanctions.

How do you respond to that, and what are your views with respect to that?

**Hon. Peter Harder:** It is the view expressed in this bill, and hence by the Senate, that sanctioned individuals ought to go through the appeal process—which is the sanctioning process, in which the minister responsible is the foreign minister—not through existing immigration processes, which go before the Immigration and Refugee Board.

**Mr. Randeep Sarai:** Thank you.

**The Chair:** Thank you, Mr. Sarai.

We now go to Mr. Bergeron. You have four minutes, sir.

[*Translation*]

**Mr. Stéphane Bergeron (Montarville, BQ):** First of all, Mr. Chair, I'd like to tell you how completely flabbergasted I am by what just happened. There are people dying in Palestine, there are people dying in Israel, and this committee has chosen to adjourn debate on a motion that asks that we address this issue. I can't understand why this decision was made. I can explain why the Standing Committee on Foreign Affairs and International Development has decided to adjourn debate on what's happening right now in Israel and Palestine.

I'm completely overwhelmed, Mr. Chair. I know you're going to call me to order, and you'll be right to do so, but I'm outraged that the very person who moved this motion to adjourn and thought it was so important to hear from the witness today, took off immediately after the vote. I find that unconscionable. I'm totally—

• (1130)

**The Chair:** Mr. Bergeron—

**Mr. Stéphane Bergeron:** I know, Mr. Chair, you're absolutely right to call me to order, but I had no choice but to say so. I find it unacceptable, totally unacceptable.

I'm completely overcome, but I will proceed anyway, because that is what the committee has decided.

Senator, I'm sorry you had to go through that for a few seconds. I thank you for being with us.

The first thing I asked the minister when we met with him last week was why it was decided to go through the Senate. He explained to me that it was a matter of mechanics and that it made it easier to move the bill forward.

You might want to enlighten me on the process, Senator. Since there are no Liberal senators in the Senate, everything seems a little byzantine to me. I'm having a little trouble understanding the mechanics. I must admit that I'm even more confused by the mechanics because you're the one before us this morning, when according to the parliamentary website, Senator Mark Gold is sponsoring the bill.

Can you shed some light on this? How is it that today you're considered sponsor of this government bill, even though you are not a government senator? Please explain it to me.

[*English*]

**Hon. Peter Harder:** I'd be happy to.

It's good that we have an early opportunity to engage in a bicameral way on what the processes are, particularly as the Senate of Canada has evolved to a less partisan, more independent approach.

The first point I would make is it is rare that the government introduces a bill in the Senate for first consideration. That is why "S" bills are few in number. They cannot be bills that have any financial obligation attached to them. They are often used on matters that are viewed as important, urgent and not controversial. For example, free trade agreements have been introduced in the Senate first.

This bill was introduced in the Senate a year ago. The government felt that the agenda in the House of Commons was so charged

and the bill was so necessary to signal the direction the government wished to go in inadmissibility, so they used the Senate. Again, it is not often, but it is not without precedent.

In the Senate we have a government representative, of which I was once one. For the four years from 2016-20, I served as the government representative. That's the senator who is overall responsible for the management of the government's agenda in the Senate. As a privy councillor they work with cabinet directly in terms of the legislative agenda, particularly as it references the Senate. I'm not in that role. I have not been since 2020.

For each bill in the Senate, the government representative seeks a sponsor. Unusually, it could be somebody within the government representative office. Usually it's not. I was the first executive director of the Immigration and Refugee Board. I was the first deputy minister of citizenship and immigration. I was, before I left government, the deputy minister of foreign affairs. I had some familiarity with the tools and mechanisms of what we were dealing with here. Because of my interest in this area, I thought it would be appropriate and interesting to sponsor this bill.

As I indicated in my opening remarks, the sponsor's role is to advance the bill and to work with colleagues to ensure that the appropriate witnesses are heard and that the bill proceeds at a pace that wins the support of colleagues. In this case, the bill was dealt with rather expeditiously, having been introduced on May 17 and ultimately having achieved third reading, I believe, on June 16.

It is completely normal that we seek sponsors across the aisle. In my time, even a Conservative senator sponsored a government bill, which is an indication of how much less partisan our chamber is. I make no comparators, except to assert that we are comfortable with that approach.

• (1135)

**The Chair:** Thank you, Senator.

Mr. Bergeron, we're two minutes and 20 seconds over.

Madam McPherson, you have four minutes.

**Ms. Heather McPherson:** Thank you, Mr. Chair, and thank you very much for being here, Senator.

Before I ask you some questions, I need to say that like my colleague Mr. Bergeron, I am extraordinarily disappointed by the decision made by this committee. I am quite sickened, to be perfectly honest, that we have people across this country and around the world that are looking to Canada for leadership and looking to Canada to build peace, and the committee on foreign affairs refuses to look at that. The member for Sherwood Park—Fort Saskatchewan has—

**Hon. Robert Oliphant (Don Valley West, Lib.):** On a point of order, could the chair clarify what it means to adjourn debate and clarify that it does not mean the motion was defeated but that the motion can be brought back? Could the chair clarify the meaning of what we actually did today?

The understanding I'm getting is as though we defeated the motion, which was not case.

Chair, could you clarify that please?

**The Chair:** You are absolutely correct in your interpretation, Mr. Oliphant. It does not mean by any means that it was defeated. It can certainly come back.

**Ms. Heather McPherson:** That's an excellent point, Mr. Chair. I want everyone who is so interested in fighting for peace for Israelis and for Palestinians, for people around the world who have been asking for this committee to take this on to know that I will be raising this motion at every single meeting, so that the opportunity to pass it will come forward.

**The Chair:** I will ask that you keep it relevant to Bill S-8, please. We have Senator Harder here with us.

**Ms. Heather McPherson:** Thank you.

One last thing I would just very quickly say is that the member for Sherwood Park—Fort Saskatchewan left immediately following, because, I expect, he wanted to get to the pro-life rally, which is another thing that he has filibustered in this committee.

**Mr. Randy Hoback:** On a point of order, again there's a question of relevancy. Second of all, mentioning whether the member is here or not at the committee is not appropriate.

**Ms. Heather McPherson:** There's no standing order on that.

**Mr. Randy Hoback:** Third of all, we have Mr. Strahl, who's subbed in for Mr. Genuis. That's been planned all along. We knew Mr. Genuis had other commitments.

**The Chair:** You cannot name an MP. You can't say their name. You can refer to their riding, of course.

**Mr. Randy Hoback:** Anyway, I don't think it's appropriate to go after a member in this fashion when he's not here to defend himself because he had other business. That's not appropriate.

**Ms. Heather McPherson:** Then he should be here.

**Mr. Randy Hoback:** No, he has work to do and he does his own work on his own schedule.

**The Chair:** Mr. Hoback, I have to say it is a question of relevance.

Dr. Fry, could you please wait until you've been recognized?

**Hon. Hedy Fry (Vancouver Centre, Lib.):** I'm raising a point of order, Mr. Ehsassi.

**The Chair:** That's correct, but you have to wait until you are recognized, Dr. Fry.

**Hon. Hedy Fry:** I have to wait until you recognize me, I know, but I didn't know if you could hear me over everybody speaking at the same time.

**The Chair:** Dr. Fry, do you have a point of order?

**Hon. Hedy Fry:** I have a point of order, Mr. Chair.

We discussed what adjournment of debate meant. It didn't mean people voted against the actual motion. I think we have witnesses who came here to be present on the topic that we're meant to be discussing on the agenda for today, which is Bill S-8. I would like us to just continue. I think it's inappropriate in the House, as we all

know, to mention someone's absence or to suggest that they should be here when one does not know what that individual person has in store that means they cannot be here. That's a really unfair thing to do.

Thank you.

**The Chair:** Thank you, Dr. Fry.

Mr. Strahl, do you have a point of order?

**Mr. Mark Strahl (Chilliwack—Hope, CPC):** Yes, Mr. Chair. I'm a guest at this committee, but substitutions happen all the time between members of Parliament.

Mr. Genuis is at transport committee, my normal committee, doing the work of a parliamentarian. It's outrageous that a member would use her platform to attack and impugn the reputation of another member, and I hope, Mr. Chair, that you will not allow this to continue in this committee. It's simply not true that he is somewhere else—

**The Chair:** Mr. Strahl, that's not a point of order, but thank you.

**Mr. Mark Strahl:** It absolutely is a point of order, Mr. Chair. You cannot reference where a member may be, even if it's from your own imagination. I would hope you would call that member to order.

• (1140)

**The Chair:** Thank you, Mr. Strahl.

**Mr. Sameer Zuberi:** On a point of order, I just want to thank you, Mr. Chair, for managing this spicy committee and helping us to study very important legislation.

**The Chair:** Thank you, Mr. Zuberi.

We go back to Ms. McPherson.

I would once again remind you to remain relevant to the topic at hand. Thank you.

**Ms. Heather McPherson:** Absolutely, and as I mentioned, I will bring this forward in future meetings for us to discuss.

Senator, I apologize. I know this is your time, and I needed to say that so that those who are watching this committee understand just how atrocious that behaviour was. I think we have discussed this. This is a very important bill. I think it's good that you've brought it forward. I'm happy that this bill is coming forward. I think our sanctions regime has to have more teeth to it, more ability to hold those we are sanctioning to account.

I have just a few very quick questions for you.

My understanding is that there was only one minor technical amendment made to this bill at the Senate. During the Senate testimony, did you hear similar concerns to the ones that were raised in briefs to committee that we will hear shortly from the Canadian Bar Association, The Refugee Centre and others? We're just wondering a bit why you didn't choose to accept more of those amendments.

**Hon. Peter Harder:** Thank you very much.



Of course, it's not my determination as to whether amendments are brought forward or accepted, but it was the collective will of the committee—which heard those witnesses among the 19 witnesses we heard—that we were not willing to move any amendments, as they had suggested, and we felt that the legislation, aside from the one technical amendment that I referenced earlier, ought to move forward expeditiously as it was both necessary and the subject matter of the narrow bill that is before us. We as a committee felt that the Magnitsky review, which we were about to launch, would be the appropriate vehicle to look at the broader policy issues, which we have done.

**Ms. Heather McPherson:** I have one last quick question.

Because there are some questions about whether some things should be amended, would you support a review mechanism being put into this bill?

**Hon. Peter Harder:** Parliamentarians can do what they will. My advice would be that this bill has been out of the Senate now for almost a year. I would like the bill to become law as quickly as possible and, therefore, without amendment, so that the assurances we speak to Canadians about in terms of inadmissibility and the integrity of our borders can, in fact, be reflected in the law that the government has put forward.

**Ms. Heather McPherson:** Thank you very much.

**The Chair:** Thank you very much, Ms. McPherson.

That concludes the questions from the members.

Senator, thank you very much for appearing before our committee. We're very grateful for this bill and for everything else you've been doing.

We will suspend for a couple of minutes. Members online don't have to do anything. We'll just suspend to allow the next set of witnesses to assume their seats.

Thank you.

• (1140) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1150)

**The Chair:** I call the meeting back to order.

It is now my great pleasure to welcome to this committee various witnesses who are here in relation to the consideration of Bill S-8.

As individuals online, we have Mr. Mario Bellissimo, a lawyer and certified specialist with Bellissimo Law Group Professional Corporation, and Mr. Marcus Kolga, senior fellow with the Macdonald-Laurier Institute. From the Ukrainian Canadian Congress, we have Mr. Ihor Michalchyshyn, chief executive officer, and Mr. Orest Zakydalsky, senior policy adviser. From the Canadian Bar Association, we have Ms. Lisa Middlemiss, chair of the immigration law section. From The Refugee Centre, we have Mr. Abdulla Daoud, the executive director.

I will now open it up to opening remarks from the various witnesses. Each witness will be provided five minutes. When you're very close and I want to indicate that you should be wrapping up your comments, I will hold this up. That applies not only to your

opening remarks, when you get your five minutes, but also to when the members are asking you questions.

All that having been explained, I will now go to Mr. Bellissimo, who is joining us virtually.

Mr. Bellissimo, the floor is yours. You have five minutes.

**Mr. Mario Bellissimo (Lawyer, Certified Specialist, Bellissimo Law Group Professional Corporation, As an Individual):** Good morning.

Thank you, Mr. Chair and members of the committee. Thank you for the invitation.

In our brief submitted before the Senate last year, we made five recommendations, which we repeat here. We endorse the concerns highlighted by the CBA and The Refugee Centre. Why the recommendations? Context is always important.

The current law is potent. As the committee knows, the authority to render individuals inadmissible under IRPA for international and human rights sanctions has been in place for over 20 years. Of the thousands of people currently on the sanctions list, we cannot identify anyone who would currently be inadmissible under Canadian immigration law.

What's the harm in adding more sanctions? The bad actors should have no access to Canada. We agree. Yet it is much more complicated. IRPA's jurisdictional integrity, for one, is at stake. Why? Aligning all of subsection 4(1.1) of SEMA with IRPA introduces, to list just a few things, economic sanctions; where recommendations to sanction result in automatic inadmissibility; and where investigations into sanctions could be grounds for detention without legal context and without relief from third party adjudicators like the immigration division. That will now be repealed.

In short, the new law, make no mistake, is too broad. It can impact citizens, permanent residents and foreign nationals guilty of no wrongdoing. This is striking. Applicants and their spouses and children would have few options, if any, left under the IRPA. It would have a generational impact.

Recommendation one is the requirement for legislative clarity. We've heard a lot about it. The word "sanction" remains undefined, but it's also been divorced from "grounds of violating human or international rights"—it's now a stand-alone, undefined ground for inadmissibility—that currently exists in IRPA. Why? Is this not the harm we are targeting—bad actors in violation of human rights or international rights? Proposed section 35.1 must be connected to human or international rights violators. Key terms like "sanction" and "entity" must be defined in IRPA.

This is all very important, because such subject matter experts in the sanctions regime as Dr. Andrea Charron, and a prior Senate study, raised several acute issues. There are too many to recite here, but I'll mention a few about sanctions. These are the need for parliamentary oversight, better coherence and compliance, timely and independent redress avenues, accountability, transparency and other practical challenges.

For example, Canada continued to leave sanctions in place against foreign states like Liberia and Sierra Leone long after the United Nations lifted them, a legal purgatory under Bill S-8. This committee should address that regime—I understand that it's going to study it—before the passage of Bill S-8.

Put plainly, individuals' lives could be significantly altered by a law that potentially should not apply to them. Equally troubling is that it may not exclude some of the bad actors, because the law becomes immersed in legislative ambiguity and applicatory limitations, resulting in procedural and fairness concerns possibly rising to the level of constitutional issues.

Recommendation two is that legislative clarity is also required for the Citizenship Act and the Emergencies Act. That has not been discussed thus far. Canadians should not be at risk of losing their Canadian citizenship on a precarious legal foundation.

It's the same for recommendation three with respect to independence. IRPA cannot lose its jurisdictional integrity by being restricted in providing relief where justified in the confines of its own act. Ironically, in the sanctions regime there are legislated exemptions, but really, none remain for those involved in navigating IRPA.

Recommendation four underscores the need for overbreadth and excluding those with no personal wrongdoing or any connection to transgressions.

For recommendation five, we rely on David Matas's brief before the Senate. The granting of refugee status should result in immediate delisting. Access to refugee status should be uniform in and outside of Canada.

We propose calling David Matas and Dr. Charron to testify. It is critical that we maintain the jurisdictional independence of the IRPA and its harmonious intersection with other domestic and international legislation for the objects of the act and the clear intention of Parliament to be realized. To get there, Bill S-8 needs further study and amending.

Thank you.

• (1155)

**The Chair:** Thank you very much, Mr. Bellissimo.

We will go to our second witness. Mr. Kolga is here as an individual.

Mr. Kolga, thank you for being with us once again. The floor is yours for five minutes.

**Mr. Marcus Kolga (Senior Fellow, Macdonald-Laurier Institute, As an Individual):** Thank you, Mr. Chair and esteemed members of this committee, for inviting me to testify today on Bill S-8 and Canada's sanctions regime.

I had the privilege of leading the Canadian civil society campaign for Magnitsky legislation, during which time I had the honour of working with Senator Andreychuk, former justice minister Irwin Cotler, MP James Bezan and many of you here today.

That work also included co-operation with many of the leading post Cold War-era Russian human rights activists, such as Boris Nemtsov and Vladimir Kara-Murza, both of whom came to Ottawa to advocate for Magnitsky legislation. Boris Nemtsov was, of course, assassinated in February 2015 for his leadership and advocacy. Vladimir Kara-Murza was poisoned twice to within a hair of his life. Two weeks ago, he was sentenced to 25 years in prison for his criticism of the Putin regime and its barbaric invasion of Ukraine.

My activism and advocacy for Magnitsky sanctions have also attracted the attention of the Russian government and its morally corrupt enablers here in Canada. I'd like to take this moment to note the intimidation the member for Wellington—Halton Hills has endured for his leadership and advocacy against foreign authoritarians. His experience has finally forced a national spotlight onto the threat of transnational repression and the efforts of authoritarian regimes to silence Canadian advocates of human rights and democracy. For those of us who have long endured threats of violence, organized campaigns to discredit us and dehumanizing marginalization based on our ethnic backgrounds, we shudder and share the anxiety of our fellow Canadians who are victimized by foreign intimidation.

The application of sanctions is a painful consequence for the corrupt officials and oligarchs whose stolen assets are used to fund lavish lifestyles and pay for the protection of totalitarian leaders like Vladimir Putin. Their threats and intimidation against those who advocate for them are a good measure of their effectiveness. Over the past 15 months, since Russia invaded Ukraine, we've witnessed a rapid and welcome intensification of our application of sanctions on individuals and entities linked to the Putin regime. All Canadian parliamentarians deserve credit for their unanimous support of sanctions, which has made Canada a leader in holding the Putin regime to account. Sanctions have been imposed on leading Putin-aligned oligarchs who have assets in Canada, like Roman Abramovich. Mr. Abramovich's Evraz owns five major steel processing plants in western Canada, worth billions of dollars.

Kremlin-controlled propaganda outlets that pollute our information environment and provide platforms for domestic far-left and far-right extremists, such as RT, Sputnik and Channel One, have been sanctioned and removed from our public airwaves.

However, some gaps remain. Bill S-8 helps address one of them: ensuring those on our sanctions lists are also denied entry into Canada. This is a very welcome amendment to IRPA and our overall sanctioning regime.

Another significant gap is one that pertains to Russian state media and its continued availability to Canada's Russian diaspora community. Despite our sanctions on Russian state media, streaming devices and services, like those offered by Amazon and Google, are sold in Canada by Canadian companies and provide access to multiple Russian channels specifically sanctioned and banned by our government. These channels are Russia-1, Channel One, NTV, Russia-24 and the many other channels controlled by the All-Russia State Television and Radio Broadcasting Company, which is also on our sanctions list. Canadian far-left and far-right extremists continue to appear on the sanctioned Russian state media channel RT, where they legitimize Russian state narratives. If they receive any benefit, this may also represent a violation of Canadian sanctions laws.

Finally, the acquisition of services related to tourism in temporarily occupied Crimea contravenes Canadian sanctions legislation. A Canadian far-left, pro-Kremlin extremist recently boasted on social media that he met with Russian foreign ministry officials in Moscow and later travelled to Crimea on a tourist visa. While Canadians are free to travel as they wish, it does not mean they are free from the consequences of contravening our sanctions.

In conclusion, I strongly support the harmonization of IRPA with the Canadian Magnitsky law and SEMA.

Thank you so much, again, for inviting me to appear here today. I look forward to your questions.

• (1200)

**The Chair:** Thank you very much, Mr. Kolga. Your timing was perfect, I might add.

We'll next go to the Ukrainian Canadian Congress.

It's a great pleasure to have you with us here again, Mr. Michalchyshyn. It is great to see you at committee. I think you're one of the most familiar faces here. We're very grateful to have you back.

**Mr. Ihor Michalchyshyn (Chief Executive Officer, Ukrainian Canadian Congress):** I'm earning those Air Miles coming back. Thank you for the invitation.

**The Chair:** The floor is yours, and you have five minutes, sir.

**Mr. Ihor Michalchyshyn:** I wish we didn't have to be here so often, but today is day 441 of the Russian full-scale invasion of Ukraine, so it is good to speak with you today.

With regard to this bill, Bill S-8, and the amendments on individuals sanctioned by Canada and by SEMA, we strongly support this legislation as drafted by the Ukrainian Canadian Congress. We believe that with the freezing of assets held in Canada, and hopefully soon the seizure of those assets, the inadmissibility of individuals listed under SEMA will be a key part of Canada's strong sanctions regime against foreign officials whose regimes, as we know and have heard, are engaged in gross human rights violations and in significant corruption activities against individuals who financially and politically support those regimes.

We believe that the proposed amendments to IRPA are a step, as you heard, in closing the statutory gaps in our legislation to harmo-

nize SEMA with the immigration act and to assist in making Canadian sanctions more effective.

We call on the committee to adopt the bill quickly. For our community, it is part of the ongoing effort to significantly strengthen Canada's sanctions regime.

I will turn it over to my colleague to talk about two specific issues we believe can be addressed.

**The Chair:** Thank you.

Mr. Zakydalsky, you have four minutes remaining.

**Mr. Orest Zakydalsky (Senior Policy Advisor, Ukrainian Canadian Congress):** Thank you.

The first issue we see with Canada's sanctions regime is the methodology by which our government decides whether or not to sanction someone. We've never really understood or received an explanation for why, for example, someone is sanctioned in other jurisdictions but not in Canada, or how the decision is made to not sanction someone here if they've been sanctioned by our allies.

For example, on April 6, 2022, the U.K. sanctioned Viatcheslav Kantor, the largest shareholder of fertilizer company Acron, with, as the United Kingdom stated, "vital strategic significance for the Russian government". On April 8, 2022, he was sanctioned by the European Union. He has not been sanctioned by Canada, and we don't know why.

The second problem we see is enforcement of existing sanctions. According to the RCMP, in June 2022, \$123,031,000 had been frozen in Canada under Russia SEMA regulations. In December 2022, which is the most recent data I could locate, the RCMP reported \$122,245,000 in frozen assets.

In the intervening seven months, between June and December 2022, Global Affairs Canada announced sanctions against 302 Russian individuals and 83 entities. Either none of those individuals or entities hold any assets in Canada, or we were simply unable to locate any of those assets.

At any rate, \$122,000,000 is a comparative pittance compared to what are the likely actual Russian holdings in Canada. In fact, in just one known case, the Russian oligarch Igor Makarov moved out some \$121,000,000 in assets just days before being sanctioned by Canada, in April 2022. The amount a single Russian oligarch was able to move out is essentially equal to the sum total of Russian assets that Canada has been able to freeze.

Makarov had been sanctioned by the U.S. treasury in 2018. The reason our government took no action against him until after he moved his assets out is unknown to us.

We understand that this committee intends to conduct a wider study of Canadian sanctions policy, which we welcome and for which we'd be honoured to provide more recommendations. In the meantime, the UCC reiterates its strong support for Bill S-8 and our strong support for ensuring that those sanctioned by Canada are not able to travel here. Human rights abusers and corrupt officials have no place in Canada.

Thank you.

• (1205)

**The Chair:** Thank you very much, Mr. Zakydalsky.

We next go to Ms. Lisa Middlemiss from the Canadian Bar Association.

You have the floor for five minutes.

**Ms. Lisa Middlemiss (Chair, Immigration Law Section, The Canadian Bar Association):** Thank you very much, Mr. Chair.

Members of the committee, my name is Lisa Middlemiss, and I am the current chair of the immigration law section of the Canadian Bar Association. The Canadian Bar Association is a national association of 37,000 members, including lawyers, judges, notaries, academics and law students, with a 120-year-old mandate to seek improvements in the law and the administration of justice.

Thank you for inviting the CBA to comment on Bill S-8.

Our section believes that the following loopholes should be addressed to avoid innocent people being caught by the broader language of Bill S-8.

The bill states that a foreign national is inadmissible for international sanctions imposed not only on a country but also on an entity or person. Broadening the scope of inadmissibility for international sanctions poses a risk by obscuring the delisting process.

[*Translation*]

There are disturbing examples of cases where individuals say they were wrongly sanctioned. Dr. Andrea Charron, a sanctions expert and director of the Centre for Defence and Security Studies at the University of Manitoba, gave the example of a differently spelled first or last name, even if it's only one letter off, which can lead to another person being sanctioned.

The consolidated Canadian Autonomous Sanctions List contains over 3,500 names of individuals or entities sanctioned under the Special Economic Measures Act and the Justice for Victims of Corrupt Foreign Leaders Act (also known as Sergei Magnitsky's Law), in addition to those sanctioned under the United Nations Act.

[*English*]

Take the recently reported case of a businessman who is listed on the Canadian consultant sanctions list for collaborating with the Putin regime, although he left Russia over 20 years ago and claims that he has no ties to Russia. His wife was working in another country and claims no ties to Russia either.

Given that the delisting application process is complex and lengthy, those who contend they are mistakenly sanctioned have lit-

tle recourse. When Bill S-8 expands the scope of inadmissibility for sanctions, this is of particular concern.

Speaking of the lack of definitions for sanctions, it is essential to define the word “sanctions”, which the bill references in lieu of sanctions for human and international rights violations as presently referenced in subsection 35(1) of the IRPA.

Bill S-8 expands inadmissibility based on sanctions to include all orders and regulations made under section 4 of the SEMA. Section 4 references the Governor in Council making sanctions for a wide variety of circumstances, which in some cases—see subsection 4(1.1) of SEMA—may be premised merely on a decision, recommendation or resolution. Given the potential breadth for inadmissibility based on sanctions, it is really important to adopt definitions within the IRPA and the IRPR.

• (1210)

[*Translation*]

With respect to the missing definition of the term “entity”, Bill S-8 determines sanctions-based inadmissibility for an entity, person or country; and yet, the term “entity” is not defined in it. The Special Economic Measures Act, for example, defines “entity” broadly in section 2 as “a body corporate, trust, partnership, fund, an unincorporated association or organization or a foreign state”.

It's hard to imagine what this concept of entity might not include. We recommend that Bill S-8 implement a regulatory framework to ensure that the term “entity” is clearly defined in the context of the Immigration and Refugee Protection Act. In addition, the degree of ownership and participation in such an entity should be clarified to avoid unintended consequences on individuals seeking admission into Canada or wishing to stay in the country.

[*English*]

There is the gravity of consequences for inadmissible individuals. Delisting processes vary across international organizations. This complexifies and obscures the process.

We believe it's critical that individuals facing inadmissibility based on the ground of sanctions are independently and impartially assessed.

Finally, we would note that inland refugee claimants remain eligible to pursue their claims pursuant to Bill S-8. This is an exception that we endorse. However, we would recommend amending Bill S-8 to ensure that a finding inland or overseas that a person is a convention refugee or a person in need of protection results in immediate delisting. Otherwise, refugees' opportunities to apply for permanent residence and to integrate in this society will be jeopardized.

**The Chair:** Thank you very much, Ms. Middlemiss.

We now go to our last witness. From The Refugee Centre, we have Mr. Abdulla Daoud.

You have five minutes. The floor is yours.

[*Translation*]

**Mr. Abdulla Daoud (Executive Director, The Refugee Centre):** Good afternoon, everyone.

I am Abdulla Daoud, executive director of the Refugee Centre, which is based in Montreal.

[*English*]

Our organization is rooted in the newcomer community, providing a variety of services, including the only full-service refugee legal clinic in Montreal. So far this year, we have assisted over 9,000 refugees and refugee claimants. I would like to thank this committee for giving us the opportunity to address this critical issue today.

First, we applaud the government's effort to restrict bad actors, such as Russian oligarchs, from entering the country, as we have witnessed first-hand accounts at The Refugee Centre from Ukrainian refugees of the brutality of the Russian regime. It is crucial for the government to maintain a balance between protecting national security and upholding our democracy, including the fundamental rights and freedoms of individuals impacted by legislation such as Bill S-8. This bill goes beyond Russian oligarchs and introduces potential dangers and adverse consequences to unintended individuals or families. We believe changes to the bill must be made.

One of the most concerning aspects of Bill S-8 is that it currently decouples the term “sanctions” from violations of human or international rights, thus creating a high level of ambiguity in relation to how sanctions would be applied in regard to admissibility.

Bill S-8 further connects sanctions to the entire section 4 of SE-MA, such as economic measures imposed against foreign states. This effectively places the burden of economic sanctions solely on individual applicants due to the actions of a foreign government. For example, a Venezuelan foreign national who has invested their money into the state, which is typical of state enterprises such as Venezuela, could be held to account or deemed inadmissible in Canada. This is why the most important solution we are proposing is to properly define the word “sanctions”, specifically in regard to Bill S-8's amendments in proposed new subsection 35.1(1) of IR-PA.

We believe it should be worded as “a foreign national is inadmissible for sanctions on grounds of violating human or international rights”. This rejoins the terms with violating human or international rights, avoiding any misuse or ambiguity in relation to broad economic sanctions that individuals cannot be held accountable for.

Another issue is that Bill S-8's current language places a disproportionate burden on already vulnerable groups. In order to remove themselves from a sanctions list, protected persons would need to seek out and endure a convoluted and complex legal procedure through Global Affairs Canada. This list has a historical precedent of infrequent updates and is often misaligned with the actions of our international partners. Without specific provisions tailored to

address the unique circumstances of these individuals, legislation may inadvertently jeopardize their safety and well-being. Therefore, we propose to amend Bill S-8 to indicate that any refugee claimant who has been found to be a protected person within Canada be immediately delisted from the sanctions list.

Another concern arises from the potential misuse of power granted to the Ministry of Public Safety and Emergency Preparedness and the CBSA under Bill S-8. There is a substantial risk of enforcement officials exceeding their authority and making arbitrary determinations related to inadmissibility with little to no accountability. This is due to the lack of a well-defined decision-making framework and removes access to appeals through the immigration division and ministerial relief.

There is no proper history of training in relation to removals based on sanctions within the CBSA, as the existing immigration and security infrastructure already addresses such concerns effectively within the immigration division. This is further reiterated by the director general of the CBSA's own testimony. When asked about the CBSA's experiences with sanctions, he stated, “However, with respect to sanctions inadmissibility cases to date, there have been no actual removals because the system has been quite effective in terms of stopping people from arriving in the first place.”

Our solution is to amend Bill S-8 in regard to the CBSA. In cases in which an individual is deemed inadmissible on the grounds of sanctions as defined by violating human or international rights, the CBSA should not have the unilateral authority to refuse entry or initiate removal proceedings against an individual without referring the case to the immigration division of the IRB.

Last, the proposed amendments in Bill S-8 may invite challenges under the Canadian Charter of Rights and Freedoms. The denial of access to certain immigration processes and the removal of the ability to appeal or seek ministerial relief may infringe upon the rights of affected individuals, opening the door to lengthy and costly court battles for procedural fairness.

In conclusion, by carefully considering the recommendations provided in our brief, we can achieve the dual goals of protecting national security and upholding the fundamental rights and freedoms of individuals affected by our immigration laws.

Thank you.

• (1215)

**The Chair:** Thank you very much, Mr. Daoud.

We will now open it to questions from the members.

In this first round, each member will get five minutes, and we will first go to Mr. Epp.

**Mr. Dave Epp:** Thank you, Mr. Chair, and thank you to all of the witnesses for their testimony.

I'm going to begin with the Ukrainian Canadian Congress.

You've heard the testimony from all the witnesses. As heard from the previous panel, Bill S-8 went through the legislative process in the Senate almost a year ago. I'm going to ask you to comment on the speed, the urgency and the concerns that have been raised in the testimony from witnesses you've heard, and I assume also at the Senate. The Senate made its decision. That is also now what this committee is weighing.

Can you comment on the urgency of this situation? A driver here was the illegal invasion of Russia into Ukraine. The goals of this legislation are something that we all support around the table. Can you help us with our deliberations?

**Mr. Ihor Michalchyshyn:** As we've heard, similar witnesses and similar perspectives were heard during the Senate hearings, so I have to believe that those were deliberated on by the senators there and considered as they developed the legislation and brought it here to you.

I would say that in the broader scheme of things, the international sanctions regimes are quickly evolving. We see every week—every day, sometimes—between Canada and our partners that there are updates of the list and counter-sanctions by Russia. I think most of you and I and many others in this room are on sanctions lists.

On the question of enforcement, we've seen tactics such as people changing addresses and people transferring ownership of property. These things are moving very quickly. In this environment, the dynamic of time is not on our side. We should be closing loopholes as they are identified and certainly addressing them as quickly as possible.

**Mr. Dave Epp:** Thank you.

Can you talk specifically about the Russian oligarchs and their systems? I'll admit that I'm not that familiar with their business models. How much of that is family related? One of the concerns we've heard is that family members will be caught up. Can you comment specifically on that?

**Mr. Orest Zakydalsky:** One of the issues is that the models used by these businesses are complex and are designed precisely to avoid sanctions regimes. They put up a trust, etc. There are all sorts of mechanisms people can use to make sure that the asset held by someone sanctioned is not actually sanctioned.

Certainly, we've seen cases brought in the United Kingdom by Russian oligarchs to get their assets unsanctioned or returned. As our legislation evolves, so too do the methods with circumvent it. I think one of the things that we'll need to do is to keep up with those methods that the individuals and the entities we seek to sanction use to avoid the sanctions once they're placed.

• (1220)

**Mr. Dave Epp:** Thank you.

Mr. Daoud, I'm going to ask you to comment, because you've raised the concern that automatically making inadmissibility through the SEMA sanctions makes it too broad for exactly the....

Can you respond to the concerns you've just heard on the evasive tactics of the oligarchs? How would you respond to that?

**Mr. Abdulla Daoud:** Sure. Listen, I'm not a legal expert in this matter, but in terms of what they're referring to, they're talking about the assets of certain individuals, and that is a completely different discussion.

Here, we're talking about foreign nationals and their admissibility into Canada. Our concern in regard to this bill and this legislation is that we're casting too big a net. We're going to be impacting a lot of innocent individuals. We're not talking about assets here. We're talking about individuals' inadmissibility into Canada. We're talking about their relationships and how they could be misrepresented in terms of where they're from.

Given our population and the people we deal with, there are a lot of innocent individuals who are trying to come into Canada who are parts of.... There's a huge list of countries on our sanctions list. I mentioned Venezuela as an example, but there's Syria and there's Yemen. All these individuals are parts of states where they could be tied as shareholders. They could be tied by just having money in their bank. They could be tied to other individuals just by a misspelling of their name, as mentioned earlier.

This casts way too large a net. We're missing a lot of nuances, and I think that's pretty glaring, given how fast this bill was put through the Senate.

**Mr. Dave Epp:** Are you concerned, though, about speed?

**Mr. Abdulla Daoud:** I'm concerned about speed without a looking over of the actual bill. As we have seen in the previous testimony from the Honourable Peter Harder, he said that this was one of the fastest things they've passed. Typically, when you pass things this fast, it means you've overlooked a couple of things.

We're bringing our concern, and I think it's well backed by the CBA and by Mario Bellissimo's testimony—he's a leading expert in this field—that we need to tweak a couple of things. We're not asking for a major change. We're asking for simple definitions that if done, I think, could accomplish both goals very efficiently.

**Mr. Dave Epp:** Thank you.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Epp.

Next is Mr. Zuberi.

You have five minutes.

**Mr. Sameer Zuberi:** Thank you, Mr. Chair, and thank you to the witnesses for being here in person and by Zoom.

I want to start off with Ms. Middlemiss from the Canadian Bar Association, as an immigration lawyer. I want to confirm that if the legislation stays as is, an individual who is named under a sanctions list and also becomes inadmissible through immigration pathways because of this legislation still has recourse to the prerule risk assessment.

**Ms. Lisa Middlemiss:** Yes. There's a very limited measure left for the PRRA, as we would call it. It removes a mechanism for ministerial discretion as well as oversight by the immigration division that would currently exist for those who are subject to an international sanction. That provision would be removed. The person would be left with dealing with Global Affairs Canada, trying to apply for their name to be delisted or for what they call "a certificate of mistaken identity". From what I understand, it is a very complex process.

**Mr. Sameer Zuberi:** To confirm, they would still have access to the preremoval risk assessment.

**Ms. Lisa Middlemiss:** That is my understanding, yes.

**Mr. Sameer Zuberi:** Okay. Also, on top of that, they can still apply to the Minister of Foreign Affairs to be removed from the sanctions list.

**Ms. Lisa Middlemiss:** Yes, but as I said, I think there's trouble with that. I noticed that there was a study from this committee in 2017. There was talk about how that process is very obscure, I guess.

Basically, the committee called for more of an independent administrative process, because it's hard to know what reason you're being sanctioned for. There are security partners like CSIS that come up with why you're on the list. There are some questions of procedural fairness for people who may allege that they have been erroneously listed.

**Mr. Sameer Zuberi:** Do you think that those mechanisms should be made more accessible to applicants for removal from the sanctions list, let's say by the foreign affairs minister?

• (1225)

**Ms. Lisa Middlemiss:** The difficulty with this bill is that it puts inadmissibility in the hands of Global Affairs Canada instead of in the hands of the IRPA.

We have a whole regime to govern inadmissibility, which has been in place for 20 years with the IRPA. It's very adept at treating individuals and giving them procedural fairness while still keeping bad actors out.

We have subsection 35(1), paragraphs (c), (d) and (e). That covers SEMA, the Magnitsky act and international sanctions for human rights violations primarily.

Expanding this inadmissibility regime beyond those to international economic sanctions is casting the net quite wide.

**Mr. Sameer Zuberi:** I wanted to touch on what you said.

Both you and Mr. Daoud talked about the overbreadth when it comes to "entity".

What is your recommendation about narrowing that definition so that it encompasses those who we really are...? When they're sanctioned as individuals, there is a robust threshold, which can include, as you said in your testimony, "a country" or a government. There was a very broad threshold there.

How do we narrow it so that it meets the threshold that, when we study the individual, will match it for the entity when it comes to a

government in question? Are we talking about leadership, middle management or rank and file? What's your commentary on that?

**Ms. Lisa Middlemiss:** I think we'd have to consult a sanctions expert, perhaps Dr. Andrea Charron, for the definition.

The most important thing I think is to define it within the immigration law context, so that individuals are aware of what applies to them in terms of whether they can come to Canada and stay in Canada. Perhaps there's a definition that is a little less broad but still keeps out the people we're trying to keep out.

**Mr. Sameer Zuberi:** Finally, I'd like to confirm that "sanctions" is defined in other legislation. We know that in this specific bill, it's not defined there, but it is defined in other legislation in question. Is that correct?

**Ms. Lisa Middlemiss:** In other legislation it is...you're right.

**Mr. Sameer Zuberi:** When it comes to those sanctioned on a UN list, they—

**The Chair:** I'm afraid you're out of time, Mr. Zuberi.

**Mr. Sameer Zuberi:** —cannot remove themselves before [*Inaudible—Editor*]. Is that correct?

**The Chair:** You can very briefly respond.

**Ms. Lisa Middlemiss:** I'm sorry. I didn't catch it.

**Mr. Sameer Zuberi:** Regarding those who are sanctioned on a UN list, they cannot remove themselves through a domestic Canadian mechanism. They have to appeal to international instances. Is that correct?

**Ms. Lisa Middlemiss:** That's right. They have to go through an ombudsman—it's quite a complex process—or a focal point, depending on what kind of sanction it is at the international level. Again, it's a kind of complex endeavour.

**The Chair:** Thank you.

We will now go to Madame Vignola.

You have five minutes. The floor is yours.

[*Translation*]

**Mrs. Julie Vignola (Beauport—Limoilou, BQ):** Thank you, Mr. Chair.

To start with, I will address Mr. Michalchyshyn and Ms. Middlemiss.

In our view, it's important to make sure that the right people are sanctioned so that we protect the victims of certain regimes, who are also here, and not encourage those regimes.

My colleague raised a question about sections 5 and 6. These two sections redefine inadmissibility and provide for the broadening of the definition of the term "sanction", as we understand it. A number of witnesses have already suggested that there are problems with simply talking about sanctions without defining the term.

What impact would a better definition of the term "sanction" have, and what would be the consequences of not defining it? Why is it important to define the term?

**Ms. Lisa Middlemiss:** We're trying to define the word "sanction" so that we can understand exactly what we're talking about. With respect to the Special Economic Measures Act, Bill S-8 proposes to expand the notion of sanctions to four types of sanctions: economic sanctions, sanctions for international peace or human rights violations, and sanctions against corruption. Those who are already subject to sanctions for human rights violations are inadmissible to Canada.

It's important that the types of sanctions be defined. I agree with my colleagues Mr. Daoud and Mr. Bellissimo that sanctions need to be kept in the context of human rights violations. You have to understand that there are different types of sanctions. Economic sanctions are sometimes intended to force a country to change its behaviour. It could also be an innocent person in Canada who is opposed to the regime. They may have had their refugee claim accepted, but their name remains on a list of individuals subject to sanctions. In that case, their application for permanent residence can't be processed.

• (1230)

[English]

**Mr. Ihor Michalchyshyn:** Thank you.

As was mentioned, we believe that sanctions are well defined in other pieces of legislation, and we'll look at the scope of those hearings that are coming up. We agree that we want to protect the victims, but the tactics that we're seeing include evasion and transferring property between family members and between shell corporations. We think the quickly evolving situation requires this kind of broader scope at the moment.

[Translation]

**Mrs. Julie Vignola:** You said earlier that some of our allies are imposing sanctions on individuals who don't face sanctions in Canada.

Would Bill S-8 change that? Does Canada have to follow in the footsteps of allies when it comes to sanctions imposed on certain individuals, or should we retain the independent analysis process we currently have?

My question is for Mr. Daoud and Ms. Middlemiss.

[English]

**Mr. Abdulla Daoud:** As far as expediting how we put people on the sanctions list, I don't think that's really the purpose of this bill.

In terms of how it's being done now, if you refer to Mr. Bellissimo's brief, he pointed out from security experts that Canada has a pretty big lag when it comes to our sanctions regime. For example, we've kept countries longer on the sanctions list when our partners and our allies had taken them off. The examples were Liberia and Eritrea. If, for example, we were to pass this and cast this big, wide net in terms of economic sanctions, individuals from those countries, who have had some sort of financial connection to those countries because of the way they operate, would have been deemed inadmissible.

Basing our entire Bill S-8 legislation on a sanctions regime that is not quick to act and, from your own recommendations of 2017, needs a lot of improvement, is a dangerous road to go down.

I would refer back to our recommendations. They are very minor fixes that would still achieve and ensure what my colleagues here are also worried about in terms of individuals who are moving around assets, who should be labelled and targeted. We work in collaboration with our international partners, so those individuals would probably be identified more by our allies than by us first, given how we operate. We would still be able to use those lists, because we work in concert, which is in the legislation currently under IRPA with our international partners. Even if this is the case, we would still be able to target these individuals.

Lastly, I believe that, in the Senate debates we saw when this was being discussed, the CBSA said that 25 individuals they've identified have applied to come to Canada. There were 25 who have tried, and all 25 were rejected. There is a case here that our current inadmissibility process would cover them.

[Translation]

**Ms. Lisa Middlemiss:** Thank you.

I think we want to align ourselves with our allies. This committee also recommended that in 2017. In the meantime, for people who may become inadmissible under this bill, which defines inadmissibility—

• (1235)

[English]

**The Chair:** Ms. Middlemiss, I'd ask you to conclude in the next 10 seconds or so.

[Translation]

**Ms. Lisa Middlemiss:** Those individuals could face very severe and longstanding sanctions. It would be very hard for them in the meantime.

[English]

**The Chair:** Thank you.

Next, we go to Ms. McPherson. You have five minutes.

**Ms. Heather McPherson:** Thank you, Mr. Chair, and thank you very much to all of the witnesses for being here today. This is very interesting, and I believe that we are all trying to make sure that this legislation does what we want it to do. I think everybody is on the same page—making sure that the folks we don't want coming into Canada cannot come to Canada. I think what we're trying to get down to right now is making sure that innocent people are not caught up in this.

I took your point, Mr. Daoud, when you spoke a bit about ministerial...the potential for the exceeding of their authority. We saw this weaponization of audits through CRA in the past. We've seen this as something that is a considerable risk.



Ms. Middlemiss, I took your comment as well that it is a very complex process if you want to get your name removed from those lists, if you are erroneously put on that list. I think one of the things that we heard from witnesses on Tuesday was that it is also an extremely expensive process, considering the circumstances that many refugees are in.

I'll start with you, Mr. Daoud. Can you explain in more detail the experience of a refugee who may face challenges as a result of this bill? In particular, are the recourse mechanisms costly, including judicial review? How do vulnerable refugees approach that kind of challenge?

**Mr. Abdulla Daoud:** I think the population that we're dealing with is not very aware of these mechanisms. You need to have a certain level of knowledge to know what's available to you.

Let's take the example of a Venezuelan or Iranian person who, as a foreign national, has come to Canada, claimed asylum and gone through the entire process. They've been found to be a protected person. However, in the process of applying for permanent residency, due to some sort of economic connection to the state.... For example, in the case of an Iranian individual, they may have been forced into a religious school. A lot of those religious schools are considered entities that we would sometimes include under these lists, so, through no fault of their own, that individual could be identified, banned and denied permanent residency.

The legal avenue for them to do anything about it, such as a judicial review, which is.... We have a legal clinic. We have a couple of lawyers, and we try to take on as many cases as we can. A lot of the time we work pro bono, if not almost exclusively pro bono. A \$500 or \$600 stipend for a lawyer to do 120 hours' worth of work is not reasonable. I don't think it's a reality they can afford. I'll leave those legal questions to my colleagues.

Getting their name off the sanctions list is also a very complicated process. Add to that the fact that our sanctions regime isn't always up to date and always lags behind. I believe we left Eritrea on that list, for example. If they were to try to take their name off the sanctions list, although all of our allies have agreed to take them off the sanctions list.... If we kept them on, they wouldn't be able to do so.

We have a lot of working mechanisms here that aren't up to date. While we include these challenges, relying upon mechanisms that aren't up to date could cause a lot of problems.

**Ms. Heather McPherson:** Thank you.

I don't want to forget our colleagues who are online.

Mr. Kolga, I will ask the next question of you. I just wanted to express once again my sympathies for your friend, Mr. Kara-Murza, and his family, on the horrendous decision to sentence him to 25 years for a crime he did not commit.

Mr. Kolga, can you tell us more about the need for greater engagement and communication with Canadian civil society groups that are involved with human rights and democracy advocacy, including those who can best identify the foreign entities that should be placed on Canada's lists? Are there any amendments you would want to see in this bill that would facilitate that?

**Mr. Marcus Kolga:** Yes, I believe the government could engage more closely with human rights organizations and civil society groups that are tracking human rights violations around the world, and work internationally to harmonize our sanctions with our allies, some of whom have close relationships with those civil society organizations. These people know best who should be targeted by those sanctions, so, again, closer coordination would be greatly welcomed.

I think that specific amendments.... This point doesn't speak necessarily to Bills-8 but to our broader sanctions regime...but ensuring some form of transparency and accountability....

In the United States, for example, the U.S. sanctions legislation, their Global Magnitsky Act, requires the U.S. government, the executive, to produce an annual report to demonstrate how U.S. sanctions have been used, who they've been targeting and why they've been targeting specific individuals and entities.

I think this is something that would be extremely useful in Canada as well, to help guide our sanctions and to make them more efficient in the long run.

• (1240)

**Ms. Heather McPherson:** We will look at that during the sanctions study.

Thank you very much.

**The Chair:** Thank you.

We now move to the second round. During the second round, each member will be provided four minutes.

We start with Madam Kramp-Neuman.

**Mrs. Shelby Kramp-Neuman (Hastings—Lennox and Addington, CPC):** That's perfect. Thank you, and thank you to the witnesses.

I'd like to begin with my questions for Mr. Kolga. I sit on national defence, as well, and you're a familiar face at that committee.

Over the last couple of days, as a member of national defence, I've also met with delegates from numerous eastern European nations, including Poland, Latvia, Lithuania and Moldova. All of them have reiterated the importance of a strong military in the face of Russian aggression.

In your opinion, how important is it for a country to also have a strongly defined sanctions regime to help hold the aggressor nations accountable and our country safe?

**Mr. Marcus Kolga:** It's extremely important that we have a strong sanctions regime. I think, quite frankly, over the past 15 months, during Russia's barbaric invasion of Ukraine, that Canada has demonstrated international leadership in terms of sanctions and applying those sanctions on members of the Putin regime and, more broadly, on the Russian government.

I believe—and I think a lot of other experts believe—the sanctions have been effective. They've certainly deterred, as far as sanctions on the export of dual-use technologies and such are concerned. They have hampered Vladimir Putin's ability to repair the weapons that have been damaged over the course of this war and to upgrade and build new weapons. This has certainly given Ukraine an upper hand over the past 15 months.

As far as deterrence is concerned, I think we're seeing the effects of the sanctions. We're seeing cracks appearing inside the Kremlin. There have been numerous reports of oligarchs who are close to Vladimir Putin questioning the logic and his decision to go to war and invade Ukraine.

I think sanctions were seen at the beginning of the conflict as some sort of a silver bullet that might stop the conflict, but they're not. They're a form a medicine. We need to sustain these sanctions. We need to continue applying them, because it's a strong form of pressure and, like I said, the pressure is showing in certain areas and certain parts of the Kremlin.

Like I said, we see some of these cracks appearing, so we need to keep the pressure up, work with our allies, further coordinate those sanctions and make sure that the loopholes that exist within our sanctions regime are closed. With the ones I mentioned in my opening remarks, specifically with regard to Russian state media, for example, we need to make sure those loopholes are closed.

**Mrs. Shelby Kramp-Neuman:** That's excellent. Thank you.

My next question is for the gentlemen from the Ukrainian Canadian Congress.

It's obvious that the legislation is extremely topical, given Russia's illegal invasion of Ukraine, and I assume that this has played a role in the development of the bill. However, here we are a year later, after the bill has passed in the Senate.

Do you feel the developments in the conflict have warranted, perhaps, the strengthening of the legislation? Is there a way we could strengthen it?

• (1245)

**Mr. Orest Zakydalsky:** I don't have any specific recommendations on strengthening this particular legislation.

We have several recommendations on how we could strengthen our sanctions regime, which we look forward to giving to the committee. I can talk about it now, but I think we're—

**Mrs. Shelby Kramp-Neuman:** No, perhaps you could just provide that to the committee, and then, if I have a moment for a brief question, I'll move on to Ms. Middlemiss.

**The Chair:** You're out of time, but yes, make sure the question and the answer are very brief.

**Mrs. Shelby Kramp-Neuman:** It's not very brief, so I'll leave it to the next round.

Thank you.

**The Chair:** Thank you.

We'll next go to Mr. Oliphant.

You have four minutes.

**Hon. Robert Oliphant:** Thank you, Mr. Chair.

I particularly want to ask Ms. Middlemiss and Mr. Bellissimo about their experience as legal advisers in removing people from our sanctions list.

You both spoke extensively about the problems in the system. I'm just wondering about your expertise in that area and your experience in the number of cases you've had of people you've removed or have been unsuccessful in removing from those lists.

**Ms. Lisa Middlemiss:** I think I'll allow my colleague, Mr. Bellissimo, to take this one.

**The Chair:** Mr. Bellissimo, please proceed.

**Mr. Mario Bellissimo:** The reality is that immigration lawyers are not dealing with individuals who have been sanctioned, because, as you can see from the testimony, it's just not come up in 20 years.

The system is quite robust now. The dangers of what I'm discussing are.... In the 26 years of seeing what legislation falls for constitutional challenges or for other reasons and ends up getting struck down, what happens is there's almost an echo chamber. There's a lot of emotion and a lot of energy. There's an issue where you can almost get into a situation in which, by targeting the bad actors—whom we all agree we want to eliminate—and by going so far, those bad actors suddenly have legal options available to them because the law is so broad and so vague. Suddenly the law—

**Hon. Robert Oliphant:** Thank you. My time is limited.

Ms. Middlemiss, do you have a comment on that?

**Ms. Lisa Middlemiss:** I think it's very rare, as Mr. Bellissimo said.

We heard it in testimony yesterday as well. I believe in the Senate, one of the government officials said that only 25 individuals had applied for a visa and then been found to be inadmissible for sanctions.

It hasn't come up a lot yet, but if it does come up—because we're talking about an expanded inadmissibility regime—I believe it would probably look like a very cryptic process in which you don't know the evidence in front of you, which is sort of similar to cases of security.

**Hon. Robert Oliphant:** Thank you.

I'd just like to use my remaining minute to give a shout-out to our officials at Global Affairs Canada. I fear they may have sensed they were maligned today. The sanctions regime in Canada, as I think Mr. Kolga said, is one of the most profound in the world. It is different. Every jurisdiction has a different legislation. We have three pieces of legislation and we have a committed group of officials who diligently investigate.

They do it in partnership with allies, Mr. Chair. They also do it on recommendations from civil society, but it's not a majority vote. It's not as though people come as neutral players and suddenly say that someone should be on the list and they get on the list. That's not the way the public service works. They take very seriously the responsibilities and, equally, they need to do it when someone is removed from the list.

I think we will have a sanctions study that can look at that process, but I just wanted to make sure that they didn't feel that this committee was saying that they were somehow failing in those duties. I think our activities—particularly since Russia's illegal invasion of Ukraine—on Belarusian and Russian autocrats have been fantastic.

I just wanted to get that on the record.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Oliphant.

We next go to Madame Vignola.

You have two minutes.

[*Translation*]

**Mrs. Julie Vignola:** Thank you very much.

We talked about inadmissibility for sanctions related to a person, an entity or a country. The word “country” seems to be very broad.

Would limiting sanctions to persons and entities be a way to prevent an overly broad scope, Mr. Daoud?

• (1250)

[*English*]

**Mr. Abdulla Daoud:** I think we just have to follow the recommendations put forward by Mario and the CBA and me, just to define the terminology so that we're targeting individuals. Once we go to the proposed 35.1(1), I've stated that it should be defined, as far as we believe it should be worded, as foreign nationals inadmissible for sanctions on grounds of “violating human or international rights”. This rejoins the term back to what it currently is and takes away the broadness, ensuring that we're not casting a big net. Hopefully that will push it forward.

Also, I would probably push the question toward my colleagues as well.

[*Translation*]

**Mrs. Julie Vignola:** Thank you.

My next question is for Ms. Middlemiss.

The Sergei Magnitsky Law and the Special Economic Measures Act have similar definitions of “foreign state”. The Sergei Magnitsky Law defines it as follows:

means a country other than Canada, and includes

- (a) any of its political subdivisions;
- (b) its government and any of its departments, or the government or any department of any of its political subdivisions;
- (c) any of its agencies or any agency of any of its political subdivisions.

Does that need to be changed? Could merely being from another country, as currently defined, be grounds for inadmissibility?

If you don't have enough time to answer, I'd ask that you please submit your answer in writing to the committee.

[*English*]

**The Chair:** Answer very briefly, please. Again, I'm sorry. It's already been two minutes, so could you condense your response to no more than 20 seconds, please?

[*Translation*]

**Ms. Lisa Middlemiss:** The sanctions could be included. Bill S-8 covers all types of sanctions against a country, even economic sanctions.

[*English*]

**The Chair:** Thank you.

We will next go to Madam McPherson. You have two minutes, please.

**Ms. Heather McPherson:** Thanks very much, Mr. Chair, and again, thank you to the witnesses for being here.

I have a question for UCC. One of the things we know is that we have a problem with not just making sure people who are sanctioned don't come here, but also dealing with folks who are already here. It has been brought to our attention that there are 81, I believe, Russian diplomats and diplomatic staff who are still in Canada, yet there are only 25 from Ukraine.

Mr. Oliphant has said that our sanctions regime is among the best in the world, but I would argue that perhaps the enforcement, perhaps the transparency.... The clarity is not top of the line. Could you comment on that?

**Mr. Ihor Michalchyshyn:** Thank you.

On the issue of the expulsion of Russian diplomats, our position is that we should be closing all of the Russian missions—the 81 people—and it's up to Canada to decide how many Russian spies we want to have in Canada. We've been making the point that they are not here on benevolent work. Our NATO and EU allies have expelled hundreds of these “diplomats”. We know they are here fomenting online and real hate against parliamentarians and against our democratic institutions and our community.

**Ms. Heather McPherson:** That's against members of different community groups as well.

Mr. Zakydalsky.

**Mr. Orest Zakydalsky:** On the point of sanctions methodology and enforcement, the short answer is we don't know why some people are left off our lists. That, I think, would be a question to put to officials and to the minister. We certainly don't understand why some people have been left off who have been sanctioned by our allies.

In terms of enforcement, part of what we hope your upcoming study looks at is the kinds of resources that are needed by the RCMP and other enforcement bodies to indeed find any assets that are here, freeze them, and hopefully seize them soon and turn them over to Ukraine for reconstruction.

**Ms. Heather McPherson:** Thank you. That is why I brought that study forward, so that we could actually get to the bottom of some of that.

Thank you.

**The Chair:** Thank you.

We next go to Mr. Epp.

Mr. Epp, you have four minutes.

**Mr. Dave Epp:** Thank you, Mr. Chair.

I will begin online, with Mr. Bellissimo, specifically to the fifth recommendation that you brought forward. I believe that was put forward by the CBA. It specifically states that “a Canadian refugee determination, whether inland or abroad, should lead automatically to the deletion of the name of the person from...all sanctions lists.”

I'm going to ask you to comment on what you might feel the impact would be on irregular immigration into this country. Would that slow it? Immigration is something that we all support around the table, but ordered immigration.

Can you comment, please?

• (1255)

**Mr. Mario Bellissimo:** It's a recommendation made by Mr. David Matas.

The impact on regular arrivals, given the amendments to the safe third country agreement, would now be minimal at best. The issue with the delisting is that even though there's access to refugee status, there is no access to any sort of status, be it temporary or permanent, until you're delisted, so those individuals remain in a state of legislative limbo. That, practically speaking, would be very difficult moving forward. I think it's a part of the bill that hasn't embraced the next step of what happens when someone is able to make a claim but not to seek any sort of status while remaining in Canada.

Thank you.

**Mr. Dave Epp:** Thank you.

I'm going to cede the rest of my time to my colleague, Mr. Hoback.

Before I do, I'm going to make a statement that I'm wrestling in terms of the balancing of security and safety concerns with some of the legitimate concerns that we've heard today.

We heard in the testimony from the senator this morning that speed and urgency were behind pushing forward Bill S-8, and that's why it was introduced in the Senate. However, I have to ask myself why, given it's been a year since that process started, we are now faced with it. I feel a sense of urgency for the situation in Ukraine, but I will acknowledge some of the concerns that I've heard from other parties.

Go ahead, Mr. Hoback.

**The Chair:** You have two minutes remaining, Mr. Hoback.

**Mr. Randy Hoback:** I'm curious about something. I asked the senator in regard to the removal of certain sections that related to human organ trafficking, and he said that it was encompassed in another part of the bill.

I'm not sure if it would be you, Ms. Middlemiss, to best answer this.

When it comes to human trafficking, has the terminology changed in such a way? Is there a justification for removal of that from this piece of legislation?

**Ms. Lisa Middlemiss:** From my reading of this bill, I don't believe that this would have any impact on human trafficking, inadmissibility for human trafficking.

**Mr. Randy Hoback:** Are you comfortable with the removal of that paragraph?

**Ms. Lisa Middlemiss:** Yes.

**Mr. Randy Hoback:** Mr. Daoud, you talked about there being some amendments you'd like to see, slight amendments that you think would be good.

Could you table those amendments with this committee, so we could have a copy of those?

**Mr. Abdulla Daoud:** Yes, absolutely. I will give them to you right after.

**Mr. Randy Hoback:** It's so we have a chance to see if it's something we can consider or not.

One thing I noticed is that there's nothing in the act that talks about people with PR, permanent residency, in that they're not Canadian citizens, but they're not tourists.

How do we address that issue properly within this legislation, in regard to people with PR status?

**Ms. Lisa Middlemiss:** I don't think we have addressed that fully in the bill. We don't really understand the full implications for citizens either under the revocation provisions that are proposed.

Permanent residents obviously have very important rights in this country, so it is important to know how they would be impacted. It would be nice to see it a bit more fleshed out in the regulation or the proposed regulations, so that we could understand the mechanism.

**Mr. Randy Hoback:** The problem with regulations is that we don't get to go back and look at them or change them here in the committee. It's the government and the bureaucracy that have put forward the regulations, so we can critique them and study them afterwards, but it doesn't mean it allows us to change the legislation to reflect a bad reg or a good reg.

Is there anything else in the implementation of the act that concerns you?

**The Chair:** Mr. Hoback, your time is up. Thank you.

For the final question, we now go to Dr. Fry.

Dr. Fry, you have four minutes.

**Hon. Hedy Fry:** Thank you very much, Chair.

I want to thank everyone for coming in and for flagging a whole lot of things. As my colleague said, we really need to look at the balance between security, human rights and individual rights.

Thank you. This is a very interesting conversation.

I want to welcome Mr. Kolga, because we worked on Magnitsky together, a long time ago.

I want to go to the Canadian Bar Association. The Canadian Bar Association flagged that the referenced country really does become too broad a net. In other words, we are struggling with it here when we look at what's happening with China, disinformation and the foreign interference question. We don't want to say that the Chinese are not admissible to Canada. How do we balance and define that? I know that you have to name people on the sanctions list, but how do ordinary citizens inadvertently not fall into that particular trap because they come from a bigger country, say, like Belarus, China or Russia? They may have similar names or may have a relationship to somebody who has nothing at all to do with government distinction and government deliberations. How do you do that?

I've heard a lot of people suggest things. Is there somebody with a nice, clean recommendation?

Mr. Bellissimo, it looks like you're ready to put your hand up.

Go ahead.

• (1300)

**Mr. Mario Bellissimo:** Thank you. It's an excellent question.

It has to be tied, again, to grounds of violating human or international rights. For any individual who is sanctioned, there has to be a direct link. It cannot be separated out as a stand-alone sanction ground because of geographic location or country. I think that is a step backwards in the legislation we currently have in place. I would caution everyone to be careful moving forward on that basis, because it might be three steps backwards rather than a few steps forward.

**Hon. Hedy Fry:** Are you recommending that we define that a little bit better in the legislation?

**Mr. Mario Bellissimo:** Yes. We are recommending that it remain a sanction tied to grounds of violating human or international rights. For some reason, in this bill, those things have been divorced. They've been decoupled, as my friend from The Refugee Centre said, and I think that's risky in law in terms of enforcement.

**Hon. Hedy Fry:** Thank you very much.

Now, people have talked a lot about redress, if your name is inadvertently on a list and you want to have it taken off because you

are John Smith and there are hundreds of John Smiths around the world. The minister told us at a meeting that there were ways to address that problem. You could go to GAC. You could get relief at the Federal Court. As well, for people who do not have money or the means by which to address those things, there is money being put into legal aid to help them get access to that kind of justice.

Do you think that's sufficient? Do you think there is something else that can be put into place? That's for Mr. Bellissimo, but I'd like to hear from Mr. Kolga as well.

**Mr. Mario Bellissimo:** Just very quickly, I'll add that I think you need to leave safety valves in place where there are innocent individuals. There should be more immediate redress within the IRPA, such as ministerial relief and access to the immigration division. I think those safety valves are important, both for the constitutionality of the provisions and for ease of reference. Again, we want to get the bad actors.

Thank you.

**Hon. Hedy Fry:** Thank you, Mr. Bellissimo.

I'll give Mr. Kolga the last bit of time I have. I don't think I have a lot.

**The Chair:** I'm sorry, but you have just eight seconds remaining, Dr. Fry.

**Hon. Hedy Fry:** Mr. Kolga.

**Mr. Marcus Kolga:** We need to be very sure we're not inadvertently creating loopholes that will be exploited by these Russian oligarchs and others who are targeted by those sanctions.

**Hon. Hedy Fry:** Thank you very much.

**The Chair:** Thank you very much.

I would like to take this opportunity to thank all of our witnesses for having been here, for their testimony, and for answering all the questions posed by the members.

Thank you, Mr. Bellissimo, Mr. Kolga, Ms. Middlemiss, Mr. Michalchyshyn, Mr. Zakydalsky and Mr. Daoud.

We're very grateful indeed.

Is it the will of the committee to adjourn?

(Motion agreed to)

**The Chair:** I will just remind everyone that Tuesday is clause-by-clause for Bill S-8.

Thank you.





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