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OFFICIAL REPORT  
(HANSARD)

**Monday, April 26, 2010**

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**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Monday, April 26, 2010

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

•(1105)

[English]

### BANKRUPTCY AND INSOLVENCY ACT

**Mr. John Rafferty (Thunder Bay—Rainy River, NDP)** moved that Bill C-501, An Act to amend the Bankruptcy and Insolvency Act and other Acts (pension protection), be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased today to introduce my private member's bill, Bill C-501, for debate.

Canadians know that New Democrats have always, in good times and bad, looked out for the interests of hard-working men and women in Canada, and that we have done so from day one. We are also the only group of parliamentarians that has always made pension security a top concern. Like our member for Hamilton East—Stoney Creek, I am proud to continue this strong and principled tradition today.

Bill C-501 will do, suprisingly, what has never been done before. It will secure the pensions of all Canadians whose employers have fallen on hard times, that have undertaken restructuring, entered bankruptcy protection, or have collapsed entirely and had their assets sold off.

If passed, Bill C-501 should mean that every working Canadian can take comfort in knowing that their pension, their retirement, is secure in its entirety.

I am sure that all members in this place, no matter what region they represent, have constituents in their ridings whose pensions have been lost due to bankruptcy or the restructuring of their employer, and have many others whose pensions are at risk today. This is, sadly, something that we all have in common, but it is also something that should unite us in a common cause.

Record job losses, the decline of entire industries, like forestry and manufacturing, the collapse of large employers, like Nortel Networks and AbitibiBowater, are throwing tens of thousands of hard-working Canadians out of work. These hard-working Canadians,

through no fault of their own, are finding out, after years and years of work, that their pensions and retirement income are threatened.

With thousands of pensions lost in recent years and many thousands more under threat, I would not hesitate to call what we are experiencing a full-blown pension crisis. The forestry sector has been in a near-decade long decline and has taken many large corporations and mills down with it.

AbitibiBowater, one of the largest employers in my riding, is undergoing restructuring after filing for creditor protection. When their books were finally opened, it was found that the pension fund, which holds the retirement income of nearly 20,000 hard-working Canadians, was underfunded by about \$1.3 billion.

Literally thousands of people in my riding of Thunder Bay—Rainy River, who counted on their pensions being there when they retired, were faced with losing up to 40% of their retirement income. That was not just money that they were given or promised, that was money that they have earned.

At town halls meetings, in correspondence and in phone calls, my constituents have asked me to help them, to fix this problem, to bring them justice, and to secure their pensions. Bill C-501 is my response.

Bill C-501 is a simple, effective bill that should secure every pension in Canada without costing the Canadian government or Canadian taxpayers a cent. It will secure termination and severance pay in the event of bankruptcy. It will mean that unfunded pension liabilities and the shortfalls in pension plans are moved from unsecured status to secured status. It would close loopholes that have allowed companies that go into restructuring proceedings to leave their retirees high and dry.

The changes to existing legislation that are contained in Bill C-501 are simple, effective, and could secure more than four million pensions in Canada at no cost to the government.

As this bill moves forward and we examine the contents and the possible effects of this bill, we must do so knowing that there is no social or economic problem that exists in a vacuum. A pension problem of one employer affects not just the retirement income of one employee but more often than not that of their spouse as well.

A loss of retirement income means a loss of security, a loss of wealth, a loss of independence, and a loss of dignity for workers, their spouses and their families as they try to enjoy the peace and rewards of their retirement.

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A loss of retirement income will also affect their children who, though most of them will be adults, worry as all children do about their parents as they enter what should become their golden years. It may mean that those children spend more of their time, energy, and financial resources to secure their parents' retirement, to help them live in the dignified peace that they are entitled to.

A loss of pension income for one worker will likely be accompanied by the loss of pension income for hundreds, if not thousands of other workers. Such a large scale loss in one local economy is sure to take its toll on small and local businesses.

Take 40% of the household income of 1,000 families out of a local economy and see if commerce does not suffer. Local commerce will suffer, small businesses will go under, and more jobs and pensions will be lost.

For many small northern and rural communities where a single mill, mine or manufacturer employs a huge percentage of the local population, a loss of pension income, just like the loss of jobs, is devastating to the local economy.

Living in northwestern Ontario, I have seen such loss with my own eyes, but I have made a commitment to the people who have elected me. I have promised them to do my utmost to ensure that I support policies that save our local jobs and protect our local pensions.

Earlier, I mentioned the many constituents who have raised their concerns about pension security with me in various ways, so I would like to take a moment to acknowledge them on the record for raising their concerns. They are: Marvin Puzenza of the Ontario CEP; George Chabot and Bill Shine of the CEP in Fort Frances; Gary Bragnolo and John Jaciuk of the CEP in Thunder Bay; and many hundreds of citizens in Thunder Bay—Rainy River including: Robert Elvish, Dr. Bob Lidkea, Barry Bailey, John McGrath, Joe Hanlon, and all our friends at USW. They have all indicated to me that something needs to be done.

There are many others, too many to name today, but I would also like to thank them all for taking the time to raise my awareness about their situations.

I would like to conclude my remarks by saying that this legislation is long overdue. Hard-working Canadians are entitled to their compensation, to retire in dignity, and to know that their pensions are secure under any circumstances.

They earn their pensions and those pensions must be there when they retire. We must close the loopholes that allow underfunded pension plans to be put at the back of the line of claimants and creditors, when a company enters restructuring or declares bankruptcy or has its remaining assets sold off.

They should know that I, like all the members in this place, would like to see all creditors receive all that is owed to them in these unfortunate circumstances. There can be no question of that.

I believe that, while banks and investors should be paid, it is the people who must come first. With so many companies undergoing restructuring, in bankruptcy, or even worse, we must remember that there are many more who are on the verge. With so much economic

uncertainty still we must pass Bill C-501 and we must pass the bill quickly.

Those millions of Canadians who are facing an uncertain future deserve to know now that their pensions and their retirement income are secure.

I have talked to many members in the House about this bill, hoping to get their support. I have talked to a number of Conservative members. The one question they always have is, what about the investors, if we move workers' pensions from unsecured to secured, people will not want to invest any more?

This is my response. My response to that has been and will always be this. Are they telling me that people do not invest in companies because they have great management? Do they not invest in companies because they have a fabulous product, they have great workers, they have a wonderful plant, they have a terrific future and wonderful marketing, and they are likely going to make a whole lot of money? Do people not invest in companies like that or do they invest in companies, so they can use someone else's money for their cashflow or investments?

• (1110)

I would suggest that people invest in companies because they are good companies. Moving pensions from unsecured to secured would ensure that these companies have excellent workers and they will continue to be because they will go to work every day knowing that some day, after 30 or 40 years of work for a company, they are going to have a retirement that they can count on. That is what we are doing today.

I urge all members of the House from all parties, from all regions of Canada, to help pass the bill quickly on behalf of my constituents and on behalf of their constituents. Let us prove the skeptics and the naysayers wrong and show that we can all work together in this place, that we all can get things done for people who have placed their trust in us.

• (1115)

**Mr. Mike Wallace (Burlington, CPC):** Madam Speaker, I want to thank my hon. colleague for his speech and for presenting this bill to the House. As a member of the finance committee, we are now in the midst of a study on pensions. We have had a tremendous number of individuals and organizations come to see us.

I want a small clarification on the bill. The people who have come to see us have been asking for legislation to move from unsecured individuals or creditors as pensioners to preferred secured, not oversecured and not super ahead of creditors. There is a request for preferred status whereby a group of employees would receive their wages owed first, then the secured creditors, then the other creditors. Is this bill moving them ahead of the secured status to the super secured status, or is it doing what people have been asking for, which is preferred status, below secured?

**Mr. John Rafferty:** Madam Speaker, it sounds, certainly, as if the folks on this side of the House are going to be supporting this and I am glad to hear that. It is a very good question. I am not sure exactly what the member means by super creditor status.

The way the bill is designed is that the secured status that I am asking for in the bill falls actually in the fourth category from the top, so that would not be called a super creditor. I think the super creditor, in fact, is the Crown and it is the one who always get the money first. Anyway, we are in the fourth category. As I said earlier, everyone in this House wants to see this succeed. Everyone in the House has indicated that we need pension reform and we need lots of other pension reform. Of course our party has a wonderful platform already on all sorts of pension issues. This is a small part of the puzzle, but a small part that we can all pass quickly.

**Mr. Alan Tonks (York South—Weston, Lib.):** Madam Speaker, I wonder if the member could give the House a little bit more information. How would the approach of his bill compare to, for example, the government following the lead of some of the provincial premiers who are talking about establishing a supplementary Canada pension plan that would allow Canadians to put their extra savings toward future retirement income?

The second initiative that has been talked about is to roll underfunded pension plans into the Canada pension plan. These are two approaches. I know the member is dealing with the residual in terms of insolvency and who should be protected in that case, but I wonder if there is a macro plan that could deal on a larger scale with the whole issue of pensions in addition to the initiative that he has entrenched in his private member's bill. How does that approach compare with the approaches that have been talked about from time to time?

**Mr. John Rafferty:** Madam Speaker, those are really two separate issues. The things we are calling for, and which I believe the Liberal Party supports, involve the Canada pension plan and more people having more access. It is the most successful retirement plan in Canada. It is not for profit and a wonderful plan that can be enhanced for everybody.

This bill deals with one particular element of pensions that has only been brought forward in the last year and a half after a number of closings and bankruptcies. The urgency is that we do what, quite frankly, most of the other western industrialized countries have done, which is play catch-up and move our pension systems out of the dark ages and into the rest of the western world.

This bill is the very first step. It deals with one particular item but I am sure that over the next couple of years there will be a lot of pension discussion on the wide-ranging issue of pensions and, in particular, CPP.

• (1120)

**Mr. Mike Wallace (Burlington, CPC):** Madam Speaker, I am pleased to speak to the important issue raised in Bill C-501 put forward by my colleague, the hon. member for Thunder Bay—Rainy River, dealing with unfunded pension liabilities.

The bill is a sign of his and his party's concern about pensions and the income security of Canadians in or approaching retirement. This is a concern shared by the government as evidenced by the number of initiatives that we have undertaken in response to the concerns of many Canadians across the country.

We appear to be coming out of the recent economic downturn experienced by countries all around the world. In that regard, I am pleased to point to the April 7 OECD interim economic assessment

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report that noted that the Canadian economy grew 6.2% in the first quarter of this year compared to 1.9% overall growth estimated for the other G7 countries. Our economy will continue to expand in the second quarter at 4.5%, twice the G7 average.

I mention this because a healthy economy can only be good for the stability of companies, the pension funds they support and the employees who will benefit from them. However, I do not suggest that this is not a reason for concern for individuals and for their companies that have not weathered the economic storm well.

During the downturn, which has led to a number of employers filing under insolvency legislation, many people, especially senior citizens, were understandably concerned that their pensions would be affected. While Canada is showing signs of emerging from this downturn, the financial well-being of these older Canadians must not be taken for granted.

Although the government has undertaken a number of specific initiatives to deal with those heartfelt concerns, debate on this bill allows us an opportunity to stand back and see where we are when it comes to our pension and bankruptcy legislation. The best place to start is in understanding exactly what the current legislation covers.

Canada's insolvency regime relies mainly on two statutes: the Bankruptcy and Insolvency Act, often called the BIA, and the Companies Creditors Arrangement Act, or the CCAA. These two statutes set the rules for the process of bankruptcy or, in the alternative, companies restructuring. Both are important pieces of marketplace framework legislation. They influence Canada's economic health, so much so that we must take great care not to tinker with their provisions on a piecemeal basis.

In broad strokes, the following is how the legislation works.

In bankruptcy, a trustee in bankruptcy seizes the non-exempt assets of the bankrupt company and sells, liquidates and distributes the proceeds of the sale among the creditors according to the distribution scheme set out in the BIA.

In the alternative, a company may choose to restructure. In restructuring, the company becomes a debtor rather than bankrupt. Rather, it works with an insolvency professional to try to find a repayment scheme for its debts that will satisfy the debtor's creditors and allow the firm to continue perhaps in a different and restructured form.

Historically, creditors receive better recovery under restructuring than they would if the debtor simply became bankrupt. Furthermore, it is better for jobs, growth and opportunity as it allows for the quick redeployment of assets from insolvent businesses to new and profitable ventures in a controlled and orderly manner, which is essential in today's economy.

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That brings me to today's debate. One of the objectives of the insolvency legislation is to balance the competing interests of creditors, including employees and pensioners, for the scarce resources available in insolvency files as there is not usually enough money to satisfy the full claims of all creditors.

Great care must be taken when amending insolvency legislation because if the proper balance is not achieved, it is possible that the cost and availability of credit for companies with defined benefit pension plans could be negatively affected. This could, in turn, reduce the ability of companies to create or continue to fund benefit pension plans for their employees.

• (1125)

We also should be mindful that while exploring the various ways to help pensioners of insolvent companies, we do not impose additional constraints on reorganizing firms that could interfere in the reorganization process and eventually push still viable businesses into bankruptcy. Evidence has shown that restructuring and reorganization, as opposed to bankruptcy, provide better recovery for creditors and help to save jobs, which ultimately protects employees' wages and pensions.

I leave it to my colleagues to go over in greater detail the factors of which we must be mindful in considering the implications of pension protection in insolvency for the interests of stakeholders and the economy as a whole.

In the Speech from the Throne, the government committed to explore ways to better protect workers when their employers go bankrupt, and it certainly understands the value of secure and sustainable pension plans.

In order to promote more secure private sector pensions in the federal sphere, in October 2009, the government announced a comprehensive reform plan for the federal private pension plan legislation and regulatory framework. Many of these significant pension reforms announced by the finance minister are to be implemented through Bill C-9, the jobs and economic growth bill.

The Minister of Finance has also announced consultations with Canadians to obtain their input on this important matter, as well as consultations with his provincial and territorial counterparts that are currently ongoing concerning retirement security. A review of policy options is scheduled for the finance ministers' meeting to be held in May 2010.

In considering this bill, we must be mindful of the larger issue of pension and retirement income security. We must consider as well the interaction of this bill with the initiatives that are currently ongoing to promote the security of pensions as an important component of the retirement income security system. The government is considering all of these factors in fulfilling its commitment to explore ways to better protect workers whose employers go bankrupt.

I have a final note on this issue. Based on our experience at committee, I want to be clear on the present structure of the BIA. In fact, there is a super-priority group of current employees of a company that is looking at bankruptcy. That money that is available goes to those wages that are earned but not paid and they are a super-priority.

The next level is the secure level of debtor, which, to be frank, is the banks, those that have security against the bankrupt company in terms of hard assets and so on. It is really the banking level that most people consider.

The third level at present is everybody else, which includes the pensioners but also includes the suppliers, bondholders and a number of other debt instruments that companies use to operate.

This bill, from my understanding, and I will need some clarification as we debate this bill further, would move the pensioners above the secure level into the super-priority area. That was what was indicated in the speech by the mover of the motion. I will check into that further. However, what the Nortel employees who came to see us at the finance committee said is that they do not want to be a super-priority. They do not believe they could qualify for the secure level but they would be interested in a preferred position, ahead of suppliers and ahead of bondholders.

Through the debate over the next number of weeks on this and if it makes it through to committee, those are the questions that, as a member of the finance committee, I will be asking the mover to ensure we have clarification on what this bill would do. We need to be very careful when making these changes to the Bankruptcy and Insolvency Act to ensure everyone is treated fairly through this process.

• (1130)

**Hon. Judy Sgro (York West, Lib.):** Madam Speaker, I am pleased to have an opportunity to address Bill C-501, An Act to amend the Bankruptcy and Insolvency Act and other Acts. I say I am pleased because, as the opposition critic for seniors and pensions, I have been following this issue for quite some time. More importantly, I am glad to see Bill C-501 come to the floor because of the impact it could have for all Canadians.

In recent weeks, people such as the former and current employees of Nortel have come to understand that their pension benefits are in real jeopardy due to the financial insolvency of their employer. Many Canadians have followed that discussion and have seen the rallies that have happened all across Canada. In many cases, after working for a lifetime, these workers and many like them will be placed at the end of the line when it comes to benefiting from a Nortel settlement agreement.

Our current laws have done nothing to right this long-standing wrong. I for one will be voting to send Bill C-501 to committee where it can be explored and finally set into motion various actions that could help thousands of people across Canada. This measure has been a long time coming to the floor of the House, mostly because the government has been so desperate to stonewall on the entire issue of pension reform.

When I first raised the issue of pension reform with the Minister of Finance, I was met with a flat refusal to tackle the issue. The minister emphatically stated that this issue has no place in the federal realm and that it is a provincial responsibility. I pressed for federal leadership on this issue, citing the toll that was being taken on Canadian families and seniors. Again, the minister and his representatives told the House that this matter was best left to the provinces.

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In October of last year, I called a group of experts and stakeholders together on Parliament Hill, over and above the round tables that I have held for well over a year across Canada. We set aside politics and explored some of the problems and potential solutions for Canada's retirement income security, coverage and adequacy systems. Once that convention was over, I shared the unedited finding of the group with the minister and offered my help in crafting a thoughtful response to the growing pension crisis. Again, the minister chose to keep his head in the sand.

The minister's parliamentary secretary went even further than that, openly mocking the entire event as recently as Friday's question period. Sadly, those taunts showed the existence of an even greater problem facing all of us and facing Canadians. Simply put, the government does not believe that there is a role for government to play in preserving the fiscal security of Canadian seniors.

To their credit, this is not a new position for the Conservatives. For example, I recently came across a November 8, 1963 edition of the *Montreal Gazette*. If one were to read that, one would see how the Conservatives of the day back in 1963 were hoping to derail the creation of the Canada pension plan. They said that the Liberal-sponsored plan would upset credit markets and undermine the private sector in Canada. It is now more than 40 years later and the sky has not fallen.

This trend of Conservative opposition to pension reform continues in more recent times. The same arguments the Conservatives used then are the same arguments they use today. When the current Prime Minister was the leader of the Canadian Alliance, he advocated for the elimination of the Canada pension plan in favour of super savings accounts. The premise of his plan was simple. Seniors would not get a Canada pension plan cheque each month, but they would be given the opportunity to put all of their extra money into a bank account for a really great interest rate.

The problem is that by eliminating the Canada pension plan, the Conservatives would have eliminated the source of income for tens of thousands of Canadian seniors. Imagine where we would be today if the Conservatives had been successful in thwarting the creation of the Canada pension plan, or if they had been successful in collapsing the Canada pension plan in favour of bank accounts for extra money. Let us just say that Canadian seniors have every right to be happy that the Conservatives' short-sightedness did not prevail. This brings me back to Bill C-501.

• (1135)

The bill clearly will have its flaws and we will all need to work on it to make sure it accomplishes the intent, and that is to protect pensions across Canada when companies are going bankrupt, but what it represents is a step in the right direction. It also can represent another step forward for Canadian seniors and pensioners.

The Liberal Party has a very long history of protecting and preserving Canada's retirement income, security and adequacy systems. While the caucus does not have a party position on Bill C-501, I would suspect Liberal members would work to ensure that Bill C-501 makes its way to committee without any further stalling by the government.

Even the NDP obviously acknowledges that the issue of pension reform is not cut and dried. After all, Bill C-501 is a re-write of Bill C-476, which had its first reading in the House of Commons on November 3, 2009.

**An hon. member:** Aren't they the people who stole \$50 million from the public service pension?

**An hon. member:** And they still haven't put it back.

**The Acting Speaker (Ms. Denise Savoie):** Order, please. I am sure the hon. member looks forward to answering questions, but I would ask that we allow her to finish her comments. The hon. member, please.

**Hon. Judy Sgro:** Madam Speaker, both legislative packages sought to place people further up the list of priority in cases where an employer becomes insolvent. I believe this would help to enhance fairness during bankruptcy proceedings. It would also serve to help protect people from having the rug pulled out from under their feet when their employer becomes insolvent after a lifetime of work and investment.

I also believe that Bill C-501 would complement some of the other reforms that the Liberal Party has proposed, things like creating a supplemental Canada pension plan, establishing a stranded pension agency and measures such as those contained in Bill S-216. I should mention that Bill S-216, which was introduced by a Liberal senator, would seek to do some similar things with disability benefits as Bill C-501 seeks to do with pensions.

Despite the past denials and the stall tactics put forward by the government, I know that pension reform is a subject members of all political persuasions can support. With that in mind, I want to pay tribute to my colleagues, such as the member for Thunder Bay—Rainy River, the mover of the motion, the member for Ottawa—Vanier, the member for Madawaska—Restigouche, and the member for Random—Burin—St. George's. These four members and many others have made pension reform a top priority, and I thank them for their efforts.

I am pleased to offer my support for Bill C-501 and I eagerly look forward to collaboratively dealing with it further in committee.

I certainly renew my calls for the Minister of Finance, his parliamentary secretary and the government as a whole to get on board with the need that exists out there. Current seniors, former and current employees of companies like Nortel and AbitibiBowater, and future pensioners all have a right to expect that we will take this matter seriously.

Canada is sitting on the cusp of an unprecedented population shift. The baby boomers are getting ready to retire and that will present a range of challenges for the social structures of this country. The upside is that we can see it coming, so if we adopt a proactive approach, many of those challenges can be mitigated or resolved in advance. If we sit idle, I fear those challenges may overwhelm our ability to deal with them, a scenario that would threaten the future income security of an entire generation of Canadians.

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I am pleased to lend my support to current seniors, former and current employees of companies like Nortel and AbitibiBowater and future pensioners alike. I certainly hope that all members of the House will support sending the bill to committee.

[*Translation*]

**The Acting Speaker (Ms. Denise Savoie):** I am sorry, there are no questions and comments.

The hon. member for Rivière-des-Mille-Îles.

**Mr. Luc Desnoyers (Rivière-des-Mille-Îles, BQ):** Madam Speaker, I am pleased to take part in this important debate, in light of the situation facing Canadians and Quebeckers.

We have weathered all sorts of financial and economic crises, but now, because of a major pension plan crisis, pensioners are faced with major reductions in their pensions. I am talking about people like the employees of Nortel, Atlas Stainless Steels and the Jeffrey mine. We have to look at all the possible solutions to these problems.

Bill C-501 amends the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act to ensure that unfunded pension plan liabilities are accorded the status of secure debts in the event of bankruptcy proceedings. It also amends the Canada Business Corporations Act to provide a new procedure by which former employees of a bankrupt corporation who are owed amounts by the corporation can proceed with claims against its directors.

In times of economic crisis, pension funds lose value when security prices drop. If a company goes bankrupt at that point, its pension fund will not be able to cover retirees' pensions.

I would now like to talk about the protections that pension plans currently provide. Under the new provisions in the legislation, regular contributions that have not been paid when a company goes bankrupt or into receivership take priority over all the debtor's assets. But the same does not hold true for unfunded pension plan liabilities.

Regular contributions that have not been paid at the time of bankruptcy include the amounts deducted from employees' paycheques to be paid into the pension plan and all unpaid employer's contributions. This priority does not apply to special payments ordered by the pension regulator to liquidate an unfunded liability or claims related to such unfunded liability.

The limited super-priority ranks below the rights of unpaid suppliers to repossess goods under section 81.1 of the BIA; the claims of farmers, fishermen and aquaculturalists in respect of unpaid products supplied to the bankrupt or insolvent employer, under section 81.2 of the BIA; unremitted income tax deductions, which are deemed to be held in trust; and priority wage claims.

Bill C-501 contains three measures. First, it would give priority status to pensions plans with unfunded liabilities. This way, in case of bankruptcy, retirees will be among the first to be paid and will have precedence over the banks.

Second, the bill ensures that the assets guarantee the termination or severance pay of any clerk, servant, travelling salesperson, labourer or worker.

Third, it offers retirees who were wronged by their employer a procedure that is supposedly more effective for making claims

against directors—members of the board of directors. In fact, subsection 119(1) of the Canada Business Corporations Act states:

Directors of a corporation are jointly and severally, or solidarily, liable to employees of the corporation for all debts not exceeding six months wages payable to each such employee for services performed for the corporation while they are such directors respectively.

The Bloc Québécois supports workers and retired workers. We have always promoted social justice.

We can understand the frustrations and the concerns of people who have lost their retirement income because their retirement fund was inadequate at the time the company they worked for ceased operations. They are unfairly deprived of a source of income they were counting on.

For a long time, we have been wanting to look at giving pensions plans with unfunded liabilities preferred creditor status, as well as making directors accountable.

● (1140)

We feel these measures are fair as long as they do not compromise business development or competitiveness or unduly affect the labour market.

The Bloc Québécois would like to hear from witnesses in committee in order to understand these effects. For example, an increase in unemployment and social assistance recipients would be too high a price to pay to protect pension funds against stock exchange fluctuations. Other measures could then be considered.

We must remember that despite the urgent need to help pensioners who were hard hit by the economic crisis, the Conservatives prorogued Parliament, thus slowing down the process of studying bills.

The Bloc Québécois' interest in protecting pensioners and workers is not a recent phenomenon. Not only have we waged a lengthy battle to stop the looting of the employment insurance fund and increase benefits for recipients, but we have spoken in favour of many other initiatives, including wage protection in the event of bankruptcy and the creation of a tax credit to protect pensions, which are measures that we ourselves proposed.

During the summer of 2009, we defended Nortel pensioners and we continue to do so. At that time, we should have given them the opportunity to appear before the committee that was studying the impact of the sale of, among other things, Nortel's wireless division to Ericsson in order to allow them to share their fears and questions with elected members. Unfortunately, the Conservatives and Liberals preferred to shut down the debate.

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This fall, to deal with the pension situation, the Bloc Québécois proposed a series of measures, one of which was that the federal government follow Quebec's lead and take trusteeship over the pension plans of federally regulated bankrupt businesses. This would prevent these pension funds from being liquidated while the markets are at their lowest.

Another proposal was to get rid of the six-month delay for the wage earner protection program. Victims of massive layoffs followed by delayed bankruptcy, which is something we have seen, would then be eligible for the severance they are due.

We also proposed raising the contribution limits for pension funds to 125% of the break-even point, which would encourage a pension reserve. The government went back to this after trying to pass the buck to the provinces.

Another measure is Bill C-290, which would provide a refundable tax credit equal to 22% of the loss sustained by beneficiaries of a pension running a deficit. Despite Conservative opposition to the bill, it will soon be studied in committee.

We are also talking about changing the threshold for automatic review of foreign acquisitions from \$1 billion to \$300 million. Such a measure would ensure that companies like Nortel would not be sold off at a discount or piece by piece.

We are also discussing bringing in preferred creditor status for disabled employees who lose their benefits following an employer's bankruptcy. These people are desperate and destitute because, in Nortel's case, they will lose over 70% of their benefits even though they still have to cover significant medical costs. None of these people were negligent. They had every reason to believe that they were properly insured by an insurance company.

The Bloc Québécois supports pension supervision to help avoid high-risk investments, such as numerous investments in a single company. We have to consider all of our options.

Lastly, workers expect to benefit from the pensions funds that they spend their lives contributing to. Parliament cannot ignore the needs of these workers and those who have already retired.

That is why the Bloc Québécois supports Bill C-501 in principle.

• (1145)

[*English*]

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Madam Speaker, I am very pleased to finally have the opportunity to rise and speak to this most important issue. I thank the member for Thunder Bay—Rainy River who has taken up this bill. In 2008 the NDP started looking at the problems with pensions. Over the period of late 2008, early 2009, we had two consultative meetings and one of the things that began to surface were the stories around the serious situation of Nortel.

In 2009 I introduced a bill very similar to the member's, Bill C-476. It was the hope of the NDP, me and the people at Nortel that the bill would have been dealt with. We hoped that by February of this year we could have had it through all stages in the House, to committee and back to the House. It would have allowed for action that would have helped the situation of the Nortel workers in

particular. Unfortunately, the government took the decision to prorogue and as a result there was a delay.

My Bill C-476 would not make it here except with the unanimous consent of the House. I raised it in this place and both sides of the House said no. Therefore, it put us in the position of having the good member for Thunder Bay—Rainy River using his order of precedence to put this bill forward, and that is important. A private member only has so many opportunities to move a bill and he set aside his own critic area in order to do the right thing for the workers of AbitibiBowater, Fraser Papers and others.

As we went forward in the debate, the Liberal Party spoke about 1963 and *The Gazette*, referring to the opposition. I will remind this place that it was Stanley Knowles who first proposed CPP and under a minority government of the Liberals, it was put forward.

Last fall, on the steps of our Parliament, speaker after speaker addressed the 4,000 Nortel workers about what we would try to do for them. In a subsequent throne speech, the government of the day said very clearly that it would look at the situation of bankruptcy, insolvency and pensions.

However, we have to change the debate. When we listen to the business community and certain people in the House, they talk about payroll taxes. When we think of pensions and the assets of them, those are deferred wages. Had the employees of those companies decided they wanted to invest on their own, they would not have negotiated with their companies to have a pension plan in the first place.

Imagine the horror when they wake up to a newspaper headline like the workers at Nortel did. Nortel had \$2.4 billion in cash assets and \$4 billion in other assets. It said that it would not cover the shortfall in the Nortel pension. Today, because of the delay of prorogation, because this matter did not get to the House, Nortel workers face a pension of 69%.

About two weeks ago, a couple that had retired from Nortel just before the 1990s visited my office in Hamilton East—Stoney Creek. Their pension to begin with was small because it had not had the growth period of the big money. They were going to lose 30% of their pension and their benefits. Along the line before of Bill C-476, I also put in Bill C-487 to address the long-term disability problems faced by workers at Nortel. In December some 400 of these good folks will lose all their LTD benefits. These workers are not re-employable and to be quite frank it is a tragedy because they will wind up on welfare.

*Private Members' Business*

Last week I stood with a Bloc member as the Bloc put forward a bill to address the guaranteed income supplement. In the House last June, we had an opposition day motion from the NDP. The first part of that motion was to address an immediate increase to the GIS. We also talked about doubling CPP, a national pension insurance plan. I was proud of members of the House because the motion passed unanimously.

● (1150)

Over the summer, I went to 19 different communities across the country. I listened to seniors talk about their fears on their pensions. One of the things that surfaced repeatedly was how low the GIS was and how it did not rise with the rate of inflation. This varied across the country. People who had retired from major corporations and thought their company had no chance of failure now faced problems.

We have heard about AbitibiBowater in the House many times from me, from the member for Thunder Bay—Rainy River and other members, particularly from Quebec and Northern Ontario. I ran into workers in B.C. who lost their pensions because the forestry industry had been wiped out. They clearly did not know what they were going to do.

In the House today is my good friend from Outremont, who at my request moved a motion at finance committee to have it look at pensions. Eighty-eight witnesses came before that committee and gave testimony about the situation faced by Canadians and Canadian pensions.

I have noticed, with concern, that the speaking notes of government members have changed. In committee, they were saying that they would look at this, that they were consulting. They were referring to the parliamentary secretary who was traveling the country, as was I. They made reference to those consultations. Now they are starting to talk about the opposition coming up with answers too quickly. I am afraid I have to disagree with that.

The NDP started on this file in 2008. We consulted with people during 2009. I went to 19 communities, now up to 26. We have listened to people.

We have listened to such people as Joel Harding, the CLC pension expert, Monica Townson, from the Canadian Centre for Policy Alternatives, Bob Baldwin, a pension expert, Don Drummond, an economist with TD Canada Trust and a gentleman whose name is used in the House quite frequently, Mike McCracken from Infometrica, Glen Hodgson, the senior vice-president and chief economist from the Conference Board of Canada, and others.

Members on all sides of the House have to really pause for a second when we look at Bill C-501. We need to understand the change in language of deferred wages.

Deferred wages means, very simply, it should be considered the property of the pensioners who will use that money for their retirement. Deferred wages are not a gift that the company has decided to set aside for them on their retirement. This is a sharing in a process that put aside moneys to give them dignity in their retirement.

Members of the government have talked to me about seeing their constituents leave their office and then going into food banks. We

have heard the stories of Canadian veterans moving to food banks. Our seniors deserve much more than that.

In the opposition day motion about which I talked, the NDP proposed an immediate increase to the GIS, similar to what the Bloc and others have spoke about. We also talked about doubling the Canada pension plan.

Some people in the provinces and in the Liberal Party have talked about a supplementary voluntary CPP. In Canada 63% of working Canadians have no savings and no pension. It is very clear that the only way they will have a pension in 40 years is if we invest. If we grow the core assets in the CPP, and we do not have to add administration, then we can go forward. However, it must be mandatory to ensure that in 35 to 40 years Canadians will have a pension to rely on, a foundation for a pension plan.

Again, I thank the member for Thunder Bay—Rainy River for moving Bill C-501. I look forward to the support of the entire House when the bill comes to committee.

● (1155)

**Mr. Merv Tweed (Brandon—Souris, CPC):** Madam Speaker, I too welcome the opportunity to speak on the issue of pensions, the proposed amendments to the Bankruptcy and Insolvency Act, and the Companies' Creditors Arrangement Act as envisaged by Bill C-501.

I think it is certainly appropriate that we have these conversations and discussions in regard to dealing with the issues that impact Canadians in such a way. My comments today will be on the necessity that we must always keep in mind the potential economic effects of a higher priority in insolvency for unfunded pension liabilities, and in particular the importance of considering the impact such a priority may have on capital markets and the access to credit for Canadian companies.

I would like to begin by acknowledging the challenges that are being faced by today's Canadian pensioners and their families in this uncertain economic environment, and it is for that reason that our government has taken and will continue to take measures that will better protect the pensions and pensioners.

Indeed, the government committed, through the throne speech of last March, to explore ways to better protect workers when their employers go bankrupt. Canada's insolvency and restructuring laws are an important part of our economic framework legislation and play a key role in making our economy strong and stable. They strive to find the proper balance between the competing interests of debtors and creditors as well as those between the various categories of creditors. I say competing because, of course, there are usually insufficient assets in the debtor's estate to satisfy the entire amount of debt owed to creditors.

To meet that test of balance, the law has to be fair and be seen to be fair by all those who might be affected by its provisions. To do otherwise could lead to unintended consequences.

It is of fundamental importance that insolvency legislation be structured in such a way that it does not impede our ability to promote a competitive marketplace nor impinge on our ability to increase the availability of credit to businesses and maintain efficient capital markets.

Rational and reasoned legislation contributes to building confidence in the economy, to improve the competitiveness of Canadian businesses, and serves to make Canada a more innovative and productive country. Without such a principled approach, our efforts could result in little long-term relief for potential aggrieved parties.

While assessing the various ways to protect workers and their pensions, the government must be mindful of the effects such changes may have, including the effect they could have on credit markets, which are integral to the smooth operation of businesses in Canada.

Here is what is critical. Amounts related to unfunded pension liabilities can represent significant claims in bankruptcy and can arise without any wrongdoing on the part of the employer. Let me emphasize this point, if I may. Several external factors, such as investment performance, can affect the funding level of a defined benefit pension plan. Therefore, a plan can be underfunded even if the employer provides for all regular contributions, which are already protected by a super priority in insolvency and other required payments in a timely manner.

We should remember that, when a company is insolvent, its assets are usually insufficient to cover all the claims. This means that everyone will not be fully paid. I will continue.

• (1200)

**The Acting Speaker (Ms. Denise Savoie):** The hon. member will have almost six minutes left when this debate resumes.

[Translation]

The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

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## GOVERNMENT ORDERS

[Translation]

### BALANCED REFUGEE REFORM ACT

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC)** moved that Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, be read the second time and referred to a committee.

He said: Madam Speaker, I am pleased to rise here today to speak to Bill C-11, the balanced refugee reform act.

[English]

This bill and related reforms would reinforce Canada's humanitarian tradition as a place of refuge for victims of persecution and torture, while improving our asylum system to ensure that it is balanced, fast and fair. The bill would ensure faster protection of bona fide refugees, reinforce procedural fairness by implementing a robust refugee appeals division at the IRB and ensure faster removal

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of those who seek to abuse Canada's generosity by making asylum claims.

Canada has always been a place of refuge for victims of persecution, warfare and oppression. English Canada was founded by refugees fleeing the American revolution, the United Empire Loyalists. Canada was the north star of the underground railroad for escaped slaves from the southern United States.

In 1956, Canada welcomed some 40,000 refugees of Soviet communism fleeing the invasion of Budapest. In 1979 and 1980, Canadian churches and families welcomed some 50,000 Vietnamese or Indochinese boat people, creating the magnificent foundations of our privately sponsored refugee program.

Having said that, there have been moments when we turned our backs on those most urgently in need of our help. We think, of course, of the example of the European Jewish refugees during the second world war who Canada refused to accept, detailed in the great historical work *None is Too Many* written by Harold Troper and Irving Abella.

We must learn from the mistakes of that period so that we never repeat them. I believe we have learned from those mistakes, because Canada has welcomed some one million refugees to make a new start here in Canada in security and with our protection since the second world war.

There remain an estimated 10.5 million refugees, according to the UN High Commissioner for Refugees, around the world. Every year, some 20 developed democracies resettle about 100,000 refugees, and from that number Canada annually resettles between 10,000 and 12,000 or 1 out of every 10 refugees resettled globally, second only to the United States with 10 times our population.

The government is also active with our international partners to help those in need. Take, for example, the government's commitment to resettle up to 5,000 Bhutanese refugees from Nepal over several years. We have already welcomed more than 850 Bhutanese refugees in several communities across Canada. In addition, we have also completed the resettlement of more than 3,900 Karens from Thailand.

I was very proud last year to announce a special program to welcome to Canada over the course of three years some 12,000 refugees from the conflict in Iraq. I visited some of these families in Damascus, Syria, last May and I must say I still remain touched and deeply moved after hearing their stories of violence and persecution, often on religious grounds.

Everywhere I go across the country, I encourage community groups, church groups, faith groups and others to participate in our privately-sponsored refugee program to help rescue those Iraqi refugees and other people in need of our support around the world.

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In addition to all those things, we have increased our support for the UNHCR in its important work to help displaced populations on the ground. In fact, to quote Abraham Abraham, the UNHCR representative to Canada, “Canada, a major settlement country and a major donor to UNHCR activities worldwide, has for the time in its funding of UNHCR's global operations worldwide reached a new level of over \$51 million, making this the highest ever annual Canadian grant to the UN refugee agency”.

I am proud that happened under this government.

In spite of our many achievements, I believe that in the context of balanced reform to our refugee system, Canada can and should do more to help those in need of our protection. That is why, as part of this broader package of reform to our refugee systems, including our asylum system, I have announced our intention to increase the number of resettled refugees welcomed to Canada by 2,500 individuals, to 14,000. We would continue to lead the world and set an example for other countries.

I propose, in the context of refugee reform, that we increase by some 20% or \$9 million the refugee assistance program to provide initial assistance for the successful integration of government-assisted refugees typically coming from UN camps. I have also announced, as part of these increases and targets, an increase of some 2,000 positions for people to come through the very effective, privately sponsored refugee program.

• (1205)

Bizarrely, these huge increases in Canada's generosity that I announced were criticized by one individual claiming to speak on behalf of refugee organizations, demonstrating that there are some in this debate who are neither objective nor balanced in their approach. However, I must say that I was gratified to see the overwhelmingly positive response from those who actually work with refugees, not just issue press releases but actually do the practical work with people who need a new start.

For example, Mr. Abraham of the UNHCR said, “This is an encouraging move in the right direction that yet again demonstrates the humanitarian commitment of Canada to provide protection to needy refugees for whom resettlement is the only solution enabling them to rebuild their shattered lives with respect and dignity”.

Mr. Tsehai of Canadian Lutheran World Relief expressed his “sincere appreciation and deep gratitude for your announcement to increase the PSR target to a 6,500 annual level”.

A coalition of sponsorship agreement holders, groups that bring the refugees to Canada, said they were “thrilled with the news”.

There can be no doubt that this government is committed to continuing Canada's proud humanitarian tradition of protecting those in need, but let me turn my attention to the asylum system.

We also have, as all members will know, a very robust, highly regarded and extraordinarily fair charter-compliant legal system for the consideration of asylum claims made by refugee claimants arriving in Canada. Unfortunately the system has many serious, longstanding problems and everyone knows it.

I would like to credit the member for Vaughan, the official opposition immigration critic, for having raised this issue as early as 18 months ago and doing so in a non-partisan fashion. I would also like to commend the Leader of the Opposition for having pointed to the problems in our asylum system, which must be addressed.

One of the problems is that we have had long, very large backlogs in asylum claims as a permanent feature of the system. The average size of the asylum backlog in our system over the past 10 or 15 years has been 40,000 people waiting for a hearing on their applications for asylum protection in Canada. That means that, typically, people have been waiting about a year to get even a hearing. Right now the backlog is as high as 60,000 people waiting for a decision or a hearing on their applications, meaning that people have to wait 19 months for a hearing. This is not acceptable. We must do better.

If someone manages to escape one of Ahmadinejad's prisons in Iran and he arrives at one of our airports with the scars of torture fresh on his back, we do not offer him a quick pathway to security and protection in Canada. We give him a form and say we will check back with him in 19 months.

That is not good enough. Frankly, those who defend the status quo, who say that these permanent, huge backlogs and the large number of false claims, which contribute enormously to those backlogs, are acceptable, have taken the wrong position with respect to our moral obligation to provide speedy protection to those in need of it.

The truth is this. Too many people try to use our asylum system as a back door to gain entry into Canada, rather than wait patiently to come here through the immigration process. The result is that too many people abuse our system in an effort to jump the immigration queue. There are a number of problems with the current system, which encourage unfounded claims.

How do I make this assessment that there are many unfounded claims? In the last two years, we have seen that some 58% of the claims for asylum made in Canada were subsequently deemed to be unfounded or not in need of our protection. Many of those claims are actually withdrawn by the claimants. I will give one example.

I suspect if we went to any of our constituencies and asked people what they think is the most likely source of refugee claims in Canada, they might say Iran, North Korea, Somalia or Iraq. In point of fact, it is an EU democracy, Hungary. Last year, there were 2,500 claims. Subsequently, 97% of claimants from that European democracy went on to withdraw or abandon their own claims, indicating to us that they do not need our protection. Why they came and went through the asylum system is a good question. A clue may be found in a criminal investigation into allegations of human trafficking involving many of these claimants who are being victimized, allegedly, by a human trafficking ring.

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•(1210)

However, of the 2,500 claims made from that EU democracy, only 3 claims were found to be in need of our protection. Therefore, with six out of ten claims being made, which were subsequently found not to be in need of Canada's protection, and with Canada receiving one of the highest levels of asylum claims in the world with a 60% increase in the number of claims filed between 2006 and 2008, all of this to me indicates that Canada has become, regrettably, a country of choice for those who seek to migrate, not through the normal legal system, but by inventing claims often facilitated by unscrupulous agents and third parties in the immigration industry.

These problems are serious. Even the Auditor General has pointed to the backlogs creating this pull factor for false claims. What we seek to do in these reforms is to create and reinforce balance that respects our obligation to provide due process that is compliant with the charter and with the United Nations conventions on torture and refugees to asylum claimants, balance that does not restrict access to the asylum system for those who believe they have a need for our protection but balance that will provide faster protection decisions for legitimate refugees while providing faster removals for the many who actually come here seeking to abuse Canada's generosity.

How do we propose to do that? First, there would be an initial information gathering interview that would provide earlier contact with an officer from the IRB than claimants now have. Although these officers would not decide on claims, they would be able to identify claims that appear well founded and could recommend expedited processing for them. What this means for people who have managed to escape persecution is that they would not have to wait a year and a half for protection but could receive it in a matter of weeks.

I understand that some claimants may be too traumatized to explain what prompted their claim. That is why during an interview if the officer determines that a claimant is in this situation, he or she could have the discretion to postpone the interview until the claimant could receive the appropriate guidance and support.

The information that officers would gather, coupled with solid facts about the nature of their claim, would lead to hearings at the refugee protection division, staffed by a highly trained, independent public servant, within 60 days. In cases where there is a good reason for delay, there would be that flexibility, but an information gathering interview within eight days and a hearing at the IRB within sixty days would be the norm.

The proposed new system would also include, and this is very important, a full appeal for most claimants. Unlike the appeal process proposed in the past and the one dormant in our current legislation, this refugee appeal division, or RAD, would allow for the introduction of new evidence and, in certain circumstances, provide for an oral hearing.

By the way, that is responding to a demand from some of the opposition parties for a very long time. I should point out that when the Liberal government was in office, three subsequent immigration ministers and the government took the position that they could not implement the RAD until there was a streamlining of the overall asylum system. We are now providing that streamlining. It is time to

say yes to the appeal division in the context of a more efficient but still fair system.

I will now turn my attention to one of the more contentious aspects of the legislation, which would be to allow for the designation of certain countries as being safe. The nationals from those countries, under these reforms, would still, and I emphasize still, have the same access they currently do to our asylum system. They would still have access to an appeal by our independent judiciary at the Federal Court. They would still have access to a fully charter compliant process that actually exceeds our international obligations but the consideration of those unfounded claims from designated safe countries would move somewhat more expeditiously, reducing the process by about four months by not allowing them to make two appeals, the first one being to the refugee appeal division.

Someone said that this is unfair or inappropriate. No less authority than the UN High Commissioner for Refugees, Antonio Guterres, said here in Ottawa on March 24, "there are indeed safe countries of origin. There are indeed countries in which there is a presumption that refugee claims will probably be not as strong as in other countries".

•(1215)

He went on to say that we could not deny access to the initial hearing, which we do not in our proposed reforms, and that it was important to have a fair and transparent process for designating these countries, as do most western European asylum systems whose example we are emulating in these reforms.

I want to be absolutely clear that the proposition is not to create a comprehensive list of all countries designated as safe or unsafe. To the contrary. The criteria would be the following. A country would need to be designated as safe. We propose that this designation process would be in the hands of a panel of senior public servants who would make consultations with UNHCR and would refer to independent human rights supports by NGOs. The criteria would be: if a country is a principal source of asylum claims to Canada, the overwhelming majority of which are unfounded; and if such a country is a signatory to and in compliance with international human rights instruments, which has a strong human rights record and which offers state protection to its citizens, including vulnerable individuals.

Why do we need this? The reason is that periodically we see huge spikes in unfounded claims from democratic countries. Twenty-five years ago it was Portugal, not under a dictatorship, but a social democratic government. Thousands of claims were received and almost all of them were found to be false. What did Canada do? It imposed a visa.

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In 2000, it was Chile, not under Pinochet, but a social democratic government, the most stable and prosperous democracy in South America. We received thousands of claims and almost all of them were found not to be in need of Canada's protection. How did we respond? We imposed a visa on Chile. In 2003 and 2004, it was Costa Rica, the most stable and prosperous democracy in Central America. We received thousands of claims and almost all of them were found to be not in need of our protection. Canada imposed a visa. In 1997, it was Hungary and Czechoslovakia. Thousands of claims were received and almost all were unfounded. We imposed a visa. Now I mention the situation with respect to Hungary.

When we see these spikes, it is important to understand that these are not just happening spontaneously. We have solid reason to believe that behind these waves of unfounded claims from democratic countries, there are often networks encouraging, facilitating, advising people, commercial networks, the bottom feeders in the immigration industry or sometimes there is evidence of even criminal networks.

All we are saying is that we need a tool other than the imposition of visas to address those spikes in unfounded claims. I appreciate the support and agreement of the Leader of the Opposition in this respect. Last August, in Saint John, New Brunswick, he said, "I want a legitimate, lawful refugee system that to get to the openness point welcomes genuine refugees". He then said, Look, there are a number of countries in the world in which we cannot accept a bona fide refugee claim because you do not have cause, you do not have just cause coming from those countries. It is rough and ready but otherwise we will have refugee fraud and nobody wants that, including bona fide refugees".

The Leader of the Opposition may have gone a little bit too far in suggesting that we deny access to the asylum system to claimants from safe countries, but his general concept is entirely sensible and has been endorsed by virtually every newspaper in the country, for example, that has editorialized on this matter.

As I said, these reforms have been broadly endorsed. Eighty-four percent of Canadians say that the government should take steps to reform the refugee determination system. Eighty-one percent of Canadians agree that refugee claims should be dealt with more quickly so that genuine refugees can settle in Canada faster and bogus claimants can be sent home more quick. By a margin of four to one, Canadians agree that more needs to be done to quickly remove from Canada people whose refugee claims are unfounded and rejected.

The *Toronto Star* has said, "the government deserves credit for showing the political will to act on an issue ducked by many of our predecessors". The *Globe and Mail* says, "Canada has a crying need for a revamped refugee determination system". The *Montreal Gazette* says, "these reforms are a solid and a sensible attempt to reform the system". Peter Schowler, former IRB chairman and head of the refugee think-tank at the University of Ottawa says, "the Conservative government has managed to propose a system that is both fast and fair, striking a reasonable balance between the two". The *Canadian Lawyer Magazine* says, "the lawyers in the immigration field probably support these reforms".

• (1220)

These are balanced, reasonable reforms that I believe all members in all parties can support. I will be open to reasonable amendments that achieve the objective of a fast and fair system when this bill gets to committee. I hope that on this urgent issue we will all put aside partisan politics to some degree to allow our humanitarian tradition to prevail so that we can improve and protect the important humanitarian tradition of providing protection to those in need of it.

• (1225)

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Mr. Speaker, as the minister knows, I have been consulting with my colleagues on the Liberal side extensively on this particular bill and, as with any public policy debate, there are those who are against and those who are for. Even when there are criticisms, they vary.

I have some very specific questions. Is the minister willing to be flexible in the following key areas? To ensure the initial process is procedurally sound and fair and does not cause unnecessary delays at later stages, is the minister willing to look at the feasibility of the timelines in the refugee package, as well as possible provisions to ensure claimants have appropriate legal requirements? On that same point, is the minister willing to provide further clarity around the independence and qualifications of the proposed bureaucratic first line decision makers?

On the issue that he raised, the designated country of origin provision is possibly the most controversial provision of the bill. My colleagues, in their consultations, have brought forth concerns relating to the actual establishment of the designated country of origin list, its criteria, purpose and potential to compromise the protection of legitimate refugees. They have also taken note of the concern cited by the UNHCR, which I am sure the minister is well aware of.

I would also like to know if the minister is open to further measures to increase the transparency and accountability of the designated country of origin process, as well as the currently proposed degree of ministerial discretion.

Finally, is the government willing to look at introducing more flexibility into its proposal on the accessibility of applications on humanitarian and compassionate grounds to ensure that nobody will fall through the cracks?

**Hon. Jason Kenney:** Madam Speaker, I want to thank my colleague from Vaughan, the official opposition immigration critic and a distinguished member of the House, for addressing this issue with a great degree of responsibility and openness to the need for reform and for having been the first member of this place to raise the need for reform 18 months ago.

He has asked a lot of very substantive questions. I am not sure that I can give him an adequate detailed answer in the moments available, but my general answer to all four questions is, yes. The government is disposed to having a serious dialogue on this at committee to consider and to accept reasonable amendments as long as they meet the objective of a system that is both fast and fair. I think the broad consensus is that we need to get to that.

*Government Orders*

With respect to the timelines, we propose in the bill an eight day triage interview so that claimants can directly give to a highly trained public servant at the IRB the nature of their claim and the basic facts about their claim without prejudice to the initial hearing that they will have, on average, some 60 days subsequent.

These timelines are actually longer than in many other western countries and their asylum systems. I should also mention that many other countries, like the United Kingdom and the United States, detain nearly 100% of asylum claimants upon arrival. We are not proposing to do that or to increase the use of detention in our system.

However, with respect to timelines, I am open to arguments on this point but I believe that it is essential. If we want to remove the incentive from the tens of thousands of false claims made in the country, the system must be fast. People know they cannot stay in Canada for years and use our public resources if they are not bona fide claimants, which is why I will make an argument at committee that we need to maintain the ambitious timelines.

I look forward to giving the member a very detailed explanation at committee of the independence and the nature of the hiring, training and pay levels that we anticipate for the independent public service decision makers at the refugee protection division of the IRB. I would also invite the member to call before the committee the chairman of the IRB who could give him details on this issue.

With respect to the transparency for the designation of safe countries and the criteria, I would like to signal our openness to reasonable amendments on that point in particular. I would be quite prepared to share with the committee our draft regulations that will frame the process for designating safe countries. I would also be prepared to accept an amendment at committee that clearly states in the legislation what the criteria is for the designation of safe countries.

• (1230)

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, the minister's speech this morning is very helpful in this discussion.

He was right to point out that citizens of Canada are very active participants in our refugee system. The private sponsorship program is one example of that. However, he knows there are many individuals and organizations in every community in Canada that are actively engaged in refugee resettlement and sponsorship. I am glad the minister said he is open to reasonable amendments to the legislation, because there have been many suggestions around that.

Unfortunately, this is a refugee bill that was presented without significant prior consultation. In the past, the pattern has been that there has been specific consultation on proposed legislation. That did not happen this time.

It has generated many requests to the minister that before we begin this second reading debate, the legislation be referred to committee so that the broadest possible discussion could happen, the broadest number of revisions and suggestions could be considered at committee. Unfortunately, by beginning the second reading debate this morning, the minister has clearly denied that request and said that there will not be that very open and broad discussion at committee.

I am just wondering why the minister has apparently shut the door on that kind of consultation and vigorous discussion of the legislation at committee.

**Hon. Jason Kenney:** Madam Speaker, regrettably, I have to correct the member.

Many people, including many stakeholders in the field of immigration and media observers have commented on the fact that the government's approach to consultation on this bill prior to its introduction was a model of reaching out and trying to build consensus based on consultation.

Lorne Waldman, no friend of this government, one of the most prominent immigration lawyers in the country, wrote in his op-ed last month, "I have to praise the government for the consultation".

The *Toronto Star*, no friend of this government, said that I have "drawn on years of analysis and research by his departmental officials" and I have "also consulted widely and pledged to cooperate with opposition MPs on constructive amendments".

The *Lawyers Weekly* said "Bill C-11, tabled in the Commons March 30...won instant praise from the bar for its goal of accelerating the delay-plagued refugee determination process", et cetera.

I have pages and pages of quotes from stakeholders. There is one stakeholder in this field who, as I mentioned, was even critical of the government's increase in support for refugees and our increased resettlement targets. I cannot account for those who are neither balanced nor objective in this debate.

I am pleased to say that the consultation is probably unprecedented. The member could speak to his party's immigration critic, a very competent critic, who was given a briefing on this bill before it was introduced. I do not know how often that happens. Not very often is the answer.

The bottom line is we are open to reasonable debate and amendments at committee. We are proceeding with this in the normal parliamentary fashion, which is that we have a debate on the principles of the bill at second reading, it then goes to committee where amendments can be considered, and I have already signalled our willingness to accept some, and then it comes back to the House for further consideration at report stage.

There is no curtailing of consultation. To the contrary, I think this is a model of how a minority Parliament can and should work. We hope the NDP will play a constructive role in that.

**Hon. Gary Lunn (Minister of State (Sport), CPC):** Madam Speaker, first of all, let me commend the minister. This issue is something I have felt passionate about.

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Madam Speaker, you and I would both remember people coming to the west coast years back. We did those people no service or justice as it took years to process them and they all ended up going back after admitting being economic refugees.

I would like the minister to boil down, for the people watching, in real terms, how long it takes under the current system, for people to go through all appeals, and what will happen after the legislation?

• (1235)

**Hon. Jason Kenney:** Madam Speaker, it takes at least four to five years for a false claimant to have run through all of the procedures in the current system. Under the new system the claimant would be removed within a year of a failed appeal decision.

We reduce by several years the period during which a false claimant stays in Canada. On the flip side, a bona fide claimant would go from having to wait for 19 months for a protection decision to a few weeks or two to three months maximum under the proposed reforms.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** Madam Speaker, it is critical that we examine the legislation before us and ensure that the refugee system reform measures will fix the refugee system challenges our country faces. Let us put the system into its proper context.

Today we have a backlog of 63,000 refugee claims. People in genuine need of protection wait about 19 months for processing claims. We have witnessed the drastic 50% decrease in the number of finalized claims and an almost 50% increase in the cost to finalize a single claim. The estimated cost to taxpayers is approximately \$29,000 for processing each claimant.

There was a delay by the Conservative government in filling vacancies at the Immigration and Refugee Board which negatively affected the performance of the board. The minister's 2009-10 report on planning and priorities states that the shortfall in decision makers has contributed to the growth of the pending case inventory and to increased average of processing times. In addition, the Auditor General, in the March 2009 report of the Auditor General of Canada, chapter two, asserts her concern for the need to timely and efficiently appoint and reappoint decision makers to the IRB.

These facts and others made the case for comprehensive refugee reform very obvious and an absolute priority. Although reform of the refugee system is needed, we must ensure that it is fair, efficient and just. While the reform package incorporates some Liberal recommendations such as the refugee appeal division, we have to do due diligence on the bill. After all, there are concerns about what has occurred in the past four years, such as slow processing times and longer wait periods for persons claiming refugee status so, caution is in fact warranted.

Therefore, before any refugee reform legislation is implemented, we will ensure that it meets our standards of procedural fairness, that it is just, fast and efficient and that it does not undermine the trust many people place in our system. Obviously, as the minister alluded to, Canadians cannot afford further poorly implemented band-aid solutions like the imposition of visas on individuals from countries such as Mexico and the Czech Republic as happened last summer.

This is the reason we will seek assurances that this reform package is going to meet the highest standard of public policy-making.

In 2004, the former Liberal government implemented changes to the appointment process for the Immigration and Refugee Board. Changes included an advisory panel made up of lawyers, academics and others involved in the refugee process which screened all applicants for the IRB. When the present government came to power, unfortunately it delayed appointments. Everyone knows the result of that has been a ballooning refugee backlog. This is what the bill is also trying to address.

In addition to the growing backlog of applications, there has been concern expressed about the integrity of our system. As I said earlier, recent spikes in claims from certain countries have resulted in an ad hoc use of visa restriction to constrict application volumes. As mentioned earlier, significant examples of this occurred last summer when in response to a spike in claims from Mexico and the Czech Republic, the Minister of Citizenship and Immigration imposed visa restrictions on both countries. When we impose visa restrictions, we can jeopardize or strain relationships with countries, in the case of Mexico with one of our North American economic partners. In the case of the Czech Republic, there were also bad feelings created in the European Union as a result.

The government's justification for the bill is focused on streamlining the system to deal with the growing application backlog, providing further flexibility to the minister to deal with the unusual spikes in refugee claims from democratic source countries and streamlining the removal process for unsuccessful applicants.

• (1240)

The bill proposes changes to almost every stage of the in-Canada process. Currently, people with successful claims are waiting an average of 19 months for a decision and it takes an average of four or five years to process and remove an unsuccessful claimant.

Information is currently gathered within 28 days through a personal information form. Under this bill, personal information would be gathered within eight days of a claim through an interview process. It is hoped that this will avoid delays related to incomplete forms and late paperwork. However, there have been significant concerns that this timeline is unrealistic and will result in claimants being unable to get appropriate counsel.

Possible changes around timelines and appropriate legal aid protection should be considered. We cannot afford to have a system where legal counsel is effectively denied and where a poor decision will lead perhaps to a number of time-consuming adjournments.

*Government Orders*

In the current system, a first-level decision is made by a governor in council appointee within about 18 months. Under the new process, the first-level decision would be made by an IRB public servant within about 60 days. Other countries that have public servant first-level decision makers tend to have higher rates of successful appeals. This can make the process less efficient overall and undermine trust in the refugee determination system.

For instance, the UNHCR has expressed concerns that administrative decision makers in the United Kingdom are inadequately trained and are not producing quality credibility assessments at hearings. Although CIC officials claim that the decision makers in the new system would be senior level and would be highly trained, there is no guarantee of that in this package. The fact that decision makers are housed in the independent IRB may alleviate some concerns regarding their independence, but close assessment of their qualifications, training and hiring processes will be required.

Concerns have also been raised about the 60 day timeline, whether it is realistic and whether it will limit a claimant's ability to obtain representation and compile a proper case within this timeline. Review of these timelines and possible further legal aid support will be required.

There is currently no appeal within the IRB and review is left to the Federal Court. It should be noted that the concept of a refugee appeals division was part of the initial Liberal plan for the Immigration and Refugee Protection Act.

The bill would create a new refugee appeals division, RAD, staffed by governor in council appointees to review negative first-level decisions. The target for the appeal process in this case would be within four months. Most of the appeals would be paper based, but there would be an opportunity for an oral hearing and the introduction of new evidence that was not available at the time of the first hearing.

In the United Kingdom, 89% of the initial 2007 decisions were appealed and 23% of those initial refusals were overturned. This has led to a huge court backlog of 450,000 cases as of 2008 in the United Kingdom, which may take between 10 to 18 years to resolve. By comparison, in Canada only 1% of asylum appeals are currently successful.

Guidelines are expected to clearly set out when an oral hearing is necessary and when an appeal should proceed in writing. The adjudicator's decision to proceed in writing or not would create an additional administrative decision that could be appealed to the Federal Court.

The primary concern about the introduction of the RAD would be to ensure that the first-level decision is conducted in a way that protects procedural fairness and fundamental justice sufficiently to avoid the RAD becoming another bottleneck in the process.

The system does not currently include a designated country of origin list. The bill would provide the minister with discretion to create designated countries of origin. This is one of the most contentious proposed changes.

The UNHCR has already expressed concern that any such process must take into account the gender and sexual orientation persecution

issues in many democratic countries. This may also create diplomatic problems as countries lobby to be put on the list or may be insulted that they have been left off.

● (1245)

UNHCR has previously indicated that safe country of origin practices are acceptable as a procedural tool provided we have safeguards in place. The bill would remove access to the RAD for individuals from designated countries of origin. However, claimants can still have a negative decision reviewed by the Federal Court.

There are still unanswered questions about the process for adding countries to the designated country of origin list. Although we have been assured that this will be used as a last resort to avoid the imposition of visas in countries in good human rights records, issues of fairness and fundamental justice will have to be addressed.

Legal experts are pointing to a major difference between Canada's proposed legislation and that of European countries. The word "safe" does not appear anywhere in the relevant section of Bill C-11. This omission, they say, places too much legal discretion in the hands of the minister and raises serious questions about the law's potential use. It may be appropriate to look at the process by which countries are designated and incorporates some level of independence for selection or parliamentary oversight through amendments.

Currently a claimant has access to multiple appeal processes, including the Federal Court, after each additional rejection. The bill would restrict access to other avenues of appeal for one year following the last negative decision. That means that once the IRB, or RAD, if triggered, has rendered its decision, post decision processes will be barred for one year to allow for removal within that year. Applicants would retain the ability to appeal to the Federal Court. For the information of members, barred avenues include pre-removal risk assessment, section 25, a humanitarian and compassionate grounds application, applications for temporary residence and administrative deferrals of removal.

There would also be a ban on concurrent applications under the refugee protection system and under section 25 of the Immigration and Refugee Protection Act on humanitarian and compassionate grounds. Prior to the first level decision, applicants in the refugee system would be required to select which stream they would like to pursue. Unsuccessful refugee applicants would be banned from section 25 applications for one year from their final IRB determination. After one year from the final IRB decision, the section 25 avenue would again be reopened or open to the applicant. Any time bars to accessing pre-removal assessment or humanitarian and compassionate applications would still need to be reasonable and procedurally fair, as the life, freedom and security of the applicant could be at stake pending the outcome of these decisions.

*Government Orders*

The humanitarian and compassionate review process operates as an avenue of last resort for persons who do not fit into any of the categories in IRPA to appeal directly to the minister. Limiting access to humanitarian and compassionate grounds could lead to people being deported in the face of humanitarian injustices and safeguards. This will require close review. This issue will require further study to assess the practicality of closing all these avenues of recourse.

The reform package proposes \$540.7 million over five years and \$85.4 million in ongoing funding. The \$540 million is broken down into \$324 million over five years for the development of the new refugee system, \$126 million to address the backlog and \$90 over five years to increase the number of refugees resettled from abroad.

The concern we have, and I have stated this to the minister, is that these funds were not set out in budget 2010 and the Conservatives told us program spending was frozen for the next several years. The minister has stated that these funds are in the fiscal framework, so it will have to be determined what will be cut to take into account these new expenditures. For instance, according to budget 2010, CBSA was actually identified as a source of savings of \$54 million in 2011 and \$58.4 million in 2012-13 through streamlining and cuts, but had been allocated \$142 million in new money under this plan. Questions about transparency and accountability of funding are of concern. We want to ensure that the investment Canadian taxpayers make actually goes where it is supposed to go.

• (1250)

There has been a wide variety of reaction to the tabling of Bill C-11 and even prior to the introduction of the bill. For example, the UN High Commissioner was concerned prior to the introduction of the bill about the countries of origin idea. He stated that the new measures must recognize such things as “sexual preference”, are “grounds for persecution even in democracies”. He also noted other potential issues about gender.

Another individual, Professor Peter Showler, notes that the requirement that the first hearing take place within 60 days after a very quick interview is too quick and impractical. It is impractical in the sense that the refugee will not be able to find a lawyer, inform the lawyer, let the lawyer gather the evidence and present that evidence at the hearing. If that first hearing is not a good hearing, the entire system will unravel fairly quickly. He suggests that 120 days would be a more realistic time frame.

Lastly, the Canadian Council of Refugees does not agree with any of the major changes in the bill, stating that the introduction of a list of “safe countries of origin” is a mistake and has basically criticized the entire approach.

The Liberal Party and the Auditor General of Canada have noted the need to reform the refugee system for a while now. We must address some of the flaws that I have stated, however, there are some positive steps in this bill regarding needed refugee reform.

We must examine the effectiveness and fairness of the timelines for the first decisions so that they are realistic and ensure that the refugees are adequately represented. Refugees may face logistical challenges in acquiring the necessary materials to support their cases due to poor infrastructure in source countries or translation requirements. We must ensure the fundamental justice of vulnerable

people involved in the system and ensure a flawed first-level process does not result in a backed up system at the appeal level, like they are struggling with in other jurisdictions such as the United Kingdom. It is important that we ensure that all claimants have equal and fair access to the appropriate legal representation.

In the case of the quality of first level decision-makers, it is important that the government provide more specific details about the independence and qualification of the proposed first line decision-makers.

Clause 12 of Bill C-11 would give the minister the authority to designate a country, or part of a country, or class of nationals of a country, according to criteria to be established by regulation. Persons from designated areas of classes may not appeal negative refugee protection decisions to the Refugee Appeal Division. Nor may the minister appeal cases involving these people. Instead applicants and the minister would need to seek leave to appeal the first level decision from the federal court. The designated authority of origin clause may be problematic in its design, as it may present concerns of transparency and accountability.

Several lawyers and academics have raised concerns about the specific wording of the provision in Bill C-11, which refers to “designated countries of origin” rather than “safe countries of origin”. They argue that the current wording provides the minister with too much discretion in designating countries and that it is susceptible to politicization.

Bill C-11 would make several changes to the humanitarian and compassionate grounds for foreign nationals in Canada. For instance, according to subclause 4(1), the minister may not examine requests to remaining Canada's permanent residents on humanitarian and compassionate grounds if less than 12 months have passed since the final negative IRB decision.

It is obvious that we have presented a credible case for changes to a number of elements of Bill C-11. As Canadians, we take pride in the fact that our country offers a safe haven to so many who are victims of fear, discrimination or persecution in their home countries. Throughout this parliamentary debate, our focus must be on creating the best possible refugee system.

• (1255)

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I commend my colleague, the hon. member for Vaughan, for his thoughtful and constructive remarks. I have a couple of comments more than questions.

*Government Orders*

First, his suggestion that the current problems in the system are the result of a lack of appointments to the IRB by this government, I would like to respond to that. In point of fact there has been a permanent backlog in the system. On average, the backlog has been 40,000 cases.

When our government took office, we inherited, from our predecessors, a backlog of some 20,000 asylum cases pending decisions at the RPD. In the subsequent three years, there was a huge growth in the number of claims. In fact, the IRB, when fully staffed and fully funded as it is, can finalize about 25,000 protection decisions a year. Between 2006 and 2009, the number of claims exceeded the maximum processing capability of the IRB by about 20,000 cases.

Therefore, we inherited a backlog of 20,000. About 20,000 cases in the current backlog are as a result of an excess of claims over the fully funded capacity of the IRB to render decisions.

It is true, however, that a percentage, about one-third of the current backlog, could be attributed to a temporary shortfall in appointments, which was not arbitrary. It was the result of our government accepting a more rigorous pre-screening process.

I would like to commend the member for York West, former minister of citizenship and immigration, for her positive improvements to the pre-screening process for IRB members. I think we enhanced those.

In fact now, only 10% of the people who apply for membership to the IRB are actually referred to the minister for consideration. Since I became minister, some 16 months ago, I have recommended, and cabinet has accepted, the appointment of 65 new members, 34 reappointments, for 99 appointments to the IRB, and the refugee protection division is now at 99%, 126 of 127 members. Therefore, we did everything we could. The basic architecture of the system needs to change.

I have one other comment. On the issue of public service decision-makers at the refugee protection division, what we have proposed is exactly the same thing that exists on the other side of the IRB, the immigration division, which is what the Liberal government adopted as a structure for decision-making when it brought in the Immigration and Refugee Protection Act in 2002. Essentially we are following the template of our predecessors in that respect.

**Hon. Maurizio Bevilacqua:** Madam Speaker, I thank the minister for his continuous consultation throughout the process. We may disagree on who is responsible for the backlog, but one thing we do agree on, which is extremely important, is the fact that the status quo is not an option and that improvements need to be made to regain confidence of the refugee system that simply does not work. It does not work for the refugees. It does not work for our reputation as a country. It is simply a system that we really need to roll up our sleeves and make improvements on.

Toward that end, I want to take this opportunity to thank so many members of the Liberal caucus who throughout the process have given me input on this area. I was very glad that earlier on, after the minister delivered his remarks, I brought to his attention four major points with which my caucus was concerned. They related to a number of issues from the safe country of origin to the quality and

independence of the decision makers to their concern about the decisions being hasty decisions, which would result in bad decisions that perhaps would create even further backlog within the system as well as some of the concerns raised in reference to the one year ban on humanitarian and compassionate grounds.

The openness of the minister on those four issues augers well for further parliamentary debate. Ultimately our goal is to build the best refugee system possible.

• (1300)

**Mr. Alan Tonks (York South—Weston, Lib.):** Madam Speaker, I was particularly interested, and I think the House would be interested, with respect to the safe country of origin classification as it applies to refugees. The member mentioned issues such as sexual orientation and the issues related to gender, but one thing that has come up, and I am sure the minister would be aware of this, is that those who have been involved in persecution as a result of their role in fighting drug cartels in Latin America and the Caribbean are coming under that similar umbrella. It seems they are being caught up. I wonder if the member would like to comment with respect to the implications of that.

Here we have people who are standing up in their own countries, in law enforcement fashion, and are being persecuted and in fact victimized. They have applied for refugee status. My worry, and I am sure the House's worry, would be that they would be precluded. I hope I am wrong in that respect. I hope I am wrong that the minister does not intend that. I would just like to hear either a confirmation or affirmation with respect to the principles that we are going to apply.

**Hon. Maurizio Bevilacqua:** Madam Speaker, I am quite certain that any present or future minister would view this particular issue in light of the definition of refugee. If in fact it falls within those parameters, then of course they certainly deserve to be looked at.

I think the hon. member is quite sensitive to this particular issue because he clearly understands that there are people in many countries who stand up for justice. Sometimes when they do stand up for justice against very powerful organizations, they risk their lives and feel persecuted in their own country.

The hon. member has raised this issue in this past. It is an issue that I am sure this minister and other ministers will look at as they look what defines a refugee and the changing dynamics that are occurring in countries. The world is forever changing.

I will just end by saying that the system needs to adapt to the new realities.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, I wanted to ask the member about the refugee appeal division.

We have heard about a refugee appeal division for quite some time. It was part of the Immigration and Refugee Protection Act that was passed in this House in 2001, but a Liberal government and the Conservative government have refused to implement it. There were all kinds of excuses. At one point it was said to be too expensive to implement that particular appeal, even though information that was provided said that it was not a particularly expensive level of appeal to establish in the existing refugee legislation.

*Government Orders*

I would just like to ask the member why he thinks we should have any confidence that the new proposal for a refugee appeal division would be implemented, when it has been the law since 2001, and no government has actually put it in place?

**Hon. Maurizio Bevilacqua:** Madam Speaker, as a member who has been around this House for 21 years, there has to be a sense of operating in good faith and there has to be an element of trust. If that leaves parliamentary debate, if that leaves the essence of what public office is truly about, then we have a bigger issue to deal with.

What I will say is that in conversations with the present minister of immigration and past ministers of immigration, including the members for York West and Eglinton—Lawrence, I have always been a strong advocate of the refugee appeal division because I think that refugees should have a right to have access to appeal the decision rendered at the first level. I think it is a step in the right direction. It is something that we discussed a great deal. I am glad that it has been included in this bill.

• (1305)

[*Translation*]

**Ms. Nicole Demers (Laval, BQ):** Madam Speaker, I am pleased to rise here today to speak to Bill C-11.

I would like to begin by saying that the Bloc Québécois will support sending this bill to committee so it may be studied more thoroughly, along with all issues pertaining to immigration and refugees.

This bill raises a number of concerns. We have already pointed out several inconsistencies relating to refugee status.

I would like to talk about two people I know personally from my riding. A man and woman, now married, are refugees from Tanzania and they are still waiting for their children. They have been fighting to bring their children to Canada for five years. They were asked to submit to DNA testing. The UN even had to intervene to do a comparative study and ensure that these children really are the children of this refugee couple in Canada. Now that we have received the results, we hope things will speed up, but there are still some obstacles.

When the children of legitimate refugees in Canada spend five years in refugee camps, we have every right to wonder if the measures proposed by the minister are rigorous enough to ensure that refugee claims under the family reunification program are being assessed correctly.

A number of countries are considered safe. We have a major problem with this provision in the bill. Who can determine with certainty whether or not a country is safe? Apparently Mexico is considered a safe country. However, on the Foreign Affairs and International Trade Canada website, Canadians travelling to Mexico are discouraged from visiting certain regions of the country because doing so would put their lives at risk.

If it is too dangerous for the lives of Canadians and Quebeckers, is it not too dangerous for the Mexicans living there? Why are Mexicans who want to be free from the shackles of the drug wars and power struggles throughout their country not allowed to claim

refugee status? Are we perhaps underestimating the safe nature of that country?

Yesterday, a new government was elected in Hungary. At first glance, that country seems safe. The right wing government has two thirds of the seats. With that many seats, it can implement measures to advance its program without having to consult other political parties. Hungary may have been considered safe yesterday or today, but tomorrow human rights there might not be respected the same way and the situation might change.

The House has passed a bill on free trade with Colombia. And yet there is a call for greater respect for human rights in that country. If a Colombian citizen applied, could he be considered a refugee in Canada if we have a free trade agreement with his country? We have to wonder.

In Colombia, abortion is illegal and punishable by a prison sentence. In more than 70 countries around the world, homosexuality is illegal and even punishable by death in some countries. What would happen if people from those countries came here? We know what our Conservative colleagues think about homosexuality. In a country where homosexuality is legal and part of our daily lives, a minister who offered a subsidy for Toronto's gay pride parade was rebuked and put in her place.

• (1310)

Therefore, we have good reason to ask whether giving the minister the latitude to designate safe countries without consulting this House is an acceptable measure.

On the other hand, we are pleased that the minister wants to speed up the refugee claim process. However, we must not move too quickly and we must be careful. We all know that a refugee is often someone who has left their country in a hurry with nothing, without documents or money, and is truly destitute. When a person leaves their country with absolutely nothing, it takes a little more than eight days to obtain the necessary documents.

We might be able to do something, to make some changes to the bill so that the person's first appearance is scheduled more than eight days later. This would allow the person to obtain documents, think about what he wants to do, how to do it and better understand what is happening. The person would have the opportunity to consult the various organizations in the community that could help him.

It has also been noted that there are some changes in the bill with respect to the refugee appeal division and we are pleased that it is finally being implemented. In fact, the Bloc Québécois has introduced two bills to create and implement the refugee appeal division, even though it was contained in the Immigration and Refugee Protection Act that this House voted on. Neither bill was successful. One version even died after being adopted by the Senate. When it returned to the House, the bill died because, if I recall correctly, the House was closed for an election.

It is unfortunate because, since 2005, the number of people applying for refugee status has more than doubled, from 20,000 then to 60,000 today. That is truly a lot of people claiming refugee status.

*Government Orders*

On the weekend, I got a call from a psychologist who works with victims of rape, incest and sexual abuse. She told me about a woman who had been imprisoned last week because she claimed refugee status and was not believed. This woman is from Guinea, where customary marriages are still common. She was married at a very young age to a much older man, who abused her sexually and physically. She had very obvious signs of torture on her body, and even a scar from an iron on her breast. The hospital here in Canada was able to determine that this woman really had been abused.

This woman claimed refugee status, and after having lived in Canada for some time, she met a man from her country of origin, fell in love with him and married him. After getting married, she pursued her claim for refugee status, but she was told that her marriage with this man was not genuine and she was accused of fraud. She was told that she had only married this man to obtain refugee status and sponsorship, although they had been legally married in front of the entire community. They are together, they are married, and they are now expecting a child.

Last year, at the beginning of the economic crisis, the Minister of Labour said that if there was no work in Quebec and the Atlantic provinces, workers should go out west, where there is work. This woman's husband listened to the minister and went out west to support his family. The couple was then told that their marriage was not genuine because he went to work out west to support his family. That is unbelievable.

• (1315)

Last week, this 42-year-old woman, who has type 2 diabetes, was put in jail. She is now at the immigration detention centre in Laval. On April 28, she is going to be sent back to her country, where nobody will take care of her or her soon-to-be-born baby. Yet this very day, G8 ministers are in Halifax talking about maternal and child health, and the Prime Minister wants to introduce a maternal and child health initiative.

We cannot even take care of people here who are suffering and who could die if they return to their home countries because they will not receive adequate care. They could die. In Guinea, there are no doctors to provide the care that this woman will need until she gives birth because she has type 2 diabetes and is obese.

In reviewing the immigration system, we have to begin by making sure that public officials and judges have solid reasons for turning down applications from all individuals who have legitimate claims.

People have all kinds of reasons for wanting to stay here. A claimant might be a man who just wants to support his family. In contrast, a claimant might be a woman who says that she was forced to marry and will be found guilty by her ex-husband's family if she goes back to her home country. In these countries, women are held responsible if their husbands die. They can be charged and may suffer greatly.

How can we justify sending people back to countries like those whose values differ so dramatically from our own? Why would we support women in developing countries and save their lives when we do not support women and save their lives when they come here to ask for our help? I would really like to know. I am really confused about this, and I would like an answer to that question very soon.

I hope that this woman will be allowed to stay here. I hope she will not be sent away before her baby is born. It would be inhumane to send a woman in such a high-risk situation back to her country.

The refugee appeal division should have been implemented earlier so that this woman could really appeal the decision made against her. Unfortunately, we are told that the refugee appeal division will come into effect by 2013 or 2014. That is three years from now, three long years for people who are suffering and wondering whether their claim will be heard. I hold out very little hope that this will happen.

I have often heard the minister talk to refugee, immigrant and other groups, and I believe he tells the truth. But I would like that honesty to extend to the measures he introduces.

I know that it is not as easy for a party to be in government as in opposition, because it has to take budgets and other factors into account. But the government members also have to consider what their colleagues are saying and calling for.

I hope this minister will do what he needs to do to ensure that all genuine refugee claimants can obtain refugee status. Too many people around the world are suffering. Moreover, we signed the Convention Relating to the Status of Refugees, which means that we must not take refugee claimants' sexual orientation or country of origin into consideration, or what they are or what they do.

• (1320)

All we must consider is what they need.

We will support Bill C-11 so that it goes to committee and we can suggest amendments and correct measures that we feel are slightly random, unjustified or unjustifiable. I hope that everyone who is watching today will support what the Bloc Québécois is doing so that all refugee claimants can obtain refugee status.

In conclusion, the men and women who sit in the House have ideals and values similar to our own in some areas. I am certain that we will make the right decisions. We will do everything we can to ensure that the parts of the bill that we are not happy with are amended. Otherwise, the bill will not meet our expectations or refugee claimants' needs.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I thank the hon. member for her speech, her work and her compassion for refugees and immigrants. She is an extremely compassionate woman.

First of all, I would like to confirm that one of the criteria for designating a safe country of origin is a very low acceptance rate for asylum claims from that country.

*Government Orders*

The member used Colombia as an example. At present, the IRB accepts 76% of asylum claims from Colombia. A country with such a high acceptance rate will never be included on the list of safe countries of origin. I am talking about countries with much lower acceptance rates. For instance, one country's acceptance rate is under 1%, while Colombia's is 76%.

Most European countries, even France, designate safe countries of origin in order to speed up the processing of claims. It is not meant to prevent anyone from accessing the system, but simply to speed up the process. France has 14 countries on its list of safe countries of origin.

The final point I would like to make pertains to the refugee appeal division. The member was mistaken when she said this division would be implemented in 2013-14. As soon as the new system is brought in, a new appeal division will thoroughly review most of the cases of claimants who have been denied by the IRB. We want to establish this division immediately.

I am pleased that the Bloc wants to send this bill for review in committee, where reasonable amendments can be proposed. In the end, however, we must ensure that these amendments help create a system that is both fair and effective.

• (1325)

**Ms. Nicole Demers:** Madam Speaker, it was my understanding that the refugee appeal division was a pilot project that would be run in the greater Toronto area and would only be accessible to certain refugee status applicants. It was also my understanding that the real appeal division would be put in place in 2013-14.

In my view, that means that the appeal division does not exist because it would not apply to Quebec for the time being. That is why I stated that the appeal division will only be operational in 2013-14.

[*English*]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, I appreciate the intervention of the member in this debate. I want to ask her about the vulnerable refugee claimants that she was speaking about in her speech. She was talking about women who were victims of sexual assault and that was part of why they had sought refuge in Canada. She also mentioned gay, lesbian, bisexual and transgender folks who might have faced violence in their home countries and who were fleeing to Canada to find safety and security.

There has been concern raised about the eight day timeline for the original interview and that many people coming to Canada, especially the people who are most vulnerable, like the people she was talking about, would have difficulty in that interview, talking with an authority figure when, in their home country, that was probably the last kind of person to whom they would give the personal details of their situation.

Could the hon. member talk about any concern she might have about the timing of that original interview, given the vulnerabilities of some of the people who will be making refugee claims in Canada?

[*Translation*]

**Ms. Nicole Demers:** Madam Speaker, I thank my colleague for the question.

The fact that the timeframe is so short is one of our concerns. Eight days is a very short period of time. We are proposing at least 28 days, a period that would not be that much longer but long enough to make a difference in the life of a person.

Moreover the first people to meet with refugee status applicants are now public officials. That also makes a big difference. The second person they will meet with is a judge. We have been asking for a long time that the applicant not always be referred to the same person. If a person has refused to grant refugee status once to an applicant, this same person will not have changed their minds about the applicant the second time.

We have to admit that some headway has been made. However, some truly important changes must still be made to the bill.

[*English*]

**Mr. Bill Siksay:** Madam Speaker, on the same subject of that streamlined timetable, there has been concern raised about the ability of refugee claimants to get appropriate legal advice. Some folks have said they fear the streamlining will actually force people into the hands of unscrupulous immigration consultants for that kind of advice or that it will make it impossible to obtain the advice of a lawyer, and that it will put pressure on immigration lawyers in terms of the timeline. Others have suggested that perhaps we need a system with duty counsels to advise people in the circumstances of that initial interview.

I wonder if she could comment on the provision of legal advice to claimants, given the proposed streamlined schedule of this legislation.

[*Translation*]

**Ms. Nicole Demers:** Madam Speaker, once again, I thank my colleague.

We know that there is a corrupt system of agents who, on the pretext of helping people applying for refugee status, fleece them of every last penny of their savings.

It would be best that some kind of board be established to ensure that applicants are given good reasons, that they are asked the right questions and that they receive the proper support. Based on what is currently happening, as we have seen in televised documentaries, a large majority of the individuals do not meet the conditions and, furthermore, take advantage of, use and usurp a great deal of the rights and money of the people they are supposed to represent.

[*English*]

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Madam Speaker, I am pleased to speak in this debate on Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act.

The Conservatives, in their penchant for giving bills nicknames, have called this the “balanced refugee reform act”. I am hoping beyond hope that this will be the case with this legislation but there have been some serious concerns raised about the bill and I hope to speak to some of those.

*Government Orders*

Canada has always been a haven for refugees. We as a country have done very well by those refugees who have arrived here and made Canada their home. Whether it was the United Empire Loyalists at the time of the American revolution, Hungarians in 1956, people from the United States who resisted the Vietnam War, the Vietnamese boat people after the end of the Vietnam War, or people from the People's Republic of China after the events of Tiananmen Square, Canada has benefited greatly from these significant refugee movements. Those are just some of the movements of political refugees that have seen people come to Canada.

There have also been significant refugee movements fleeing economic problems and other social problems in their country of origin. We saw the Irish in the 19th century at the time of the potato famine. We saw Scottish emigration, eastern European emigration and emigration from Asia and Italy. In fact, my own family and probably many of our families came to Canada as economic migrants. All of these groups and many others have contributed greatly and continue to contribute greatly to building our country.

**Hon. Jason Kenney:** Hear, hear!

**Mr. Bill Siksay:** I appreciate the minister's applause. He did speak about that in his remarks as well. However, there have been failures of our immigration refugee policy that left people unprotected. One of the most egregious of those cases was the Jewish refugees who came to Canada during World War II and were not welcomed and were turned away. There were also the people on board the *Komagata Maru* who arrived in Vancouver at the turn of the last century and were returned to India.

Our failure to welcome refugees has had terrible consequences as well for those individuals. When we turn away someone whose life is in danger, the possibilities are not very positive, to say the least.

However, Canada overall has been known as a country that welcomes refugees and does it in a way that most other countries do not, which is something that is very significant. We were recognized by the United Nations for our efforts in refugee resettlement in 1986 with the Nansen medal. Canada is the only country to have been recognized in this way. Other individuals and agencies have been recognized but Canada remains the only country to have received the Nansen medal.

One of the successes of Canada's refugee policy has been the fact that there has been a significant grassroots and community involvement in refugee resettlement. We have seen that in most of our communities. There are individuals who participated in the resettlement of a refugee and worked with a family, for instance. Many agencies and community organizations work on these issues. Many of them are related to the private sponsorship program, which has been an inspired part of Canada's refugee legislation, where groups of Canadians can get together and participate directly in helping the resettlement of refugees and refugee families in Canada. That was a brilliant policy decision and continues to be a backbone of our refugee policy.

Canadian churches have been very active in sponsoring and resettling refugees in Canada and they remain one of the key players in our refugee policy.

All of this has led to the fact that there is considerable ownership of our refugee policy at a grassroots level in Canada. Because so many Canadians have been directly involved in the refugee process, they believe they have an important interest in the policies and in legislation of the kind we are debating today.

Canadians recognize that the job is not done and far from it. Millions of people still languish in refugee camps near trouble spots around the world. That number is not reducing in a significant way and continues to be very troubling. The conditions in those refugee camps are also very difficult.

Far too many people are still persecuted, even to death, for their political views or for their race, religion, ethnicity, sexual orientation or gender identity around the world. Steadily, in many ways, we have been making it harder for those people to escape their own country and find a safe haven here in Canada.

• (1330)

We did things like the safe third country agreement with the United States that said that if a refugee came through the United States before making a claim in Canada they could be returned to the United States. I think that was abandoning Canada's responsibility to those people when Canada's policy was different from that of the United States when it came to offering people protection.

We introduced things like documentation requirements before people board airlines to fly to Canada ensuring they had documentation when often many refugees and people who are escaping persecution do not have the required documents.

In recent years, our refugee determination system has been a mess, frankly, because we have used it as a political football. We have seen many political considerations given, political appointments in terms of people who were sitting on the IRB, and other ways that we have played games with our refugee system at the cost of protecting people. That has resulted in huge backlogs in our refugee determination process.

Our previous governments, both Liberal and Conservative, have allowed this backlog to grow. At the end of the last Liberal government, the Liberals had taken some important steps to improve the situation. They had made progress with regard to the backlog and the Immigration and Refugee Board, the IRB, was at a point where it was almost caught up in a sense when the Conservatives came to power in 2006. There was still a backlog but there will always be a backlog situation in any of these agencies. However, the IRB was to the point of believing that the backlog was manageable and one that would not have produced many serious delays at that point.

Unfortunately, when the Conservatives came to power I think they played politics with the IRB. They refused to reappoint board members who had been appointed by the Liberals and they also refused to appoint new board members. The result was that the backlog ballooned back to where it had been in earlier years. As a result of that backlog, the unfairness also grew. We lost many experienced people from the IRB in that period. The IRB lost that experience, that ability to do an effective and fair job.

*Government Orders*

The Auditor General even became involved when she warned that the system was collapsing under the huge backlog. This is another situation where the IRB and refugee process as a political football came back into play. I believe the crisis today was created by the Conservatives, by the current government, and now they are creating a solution to the problem that they created. It is a bit of a revolving door and one that continues to concern me.

Conservative and Liberal governments have also shown great disrespect to the existing immigration and refugee law, and that is primarily for their refusal to implement the refugee appeal division which is a feature of the current Immigration and Refugee Protection Act. This act was brought in and debated in 2001, given royal assent in 2002 and contains a provision for a refugee appeal division, something that the minister described as “dormant”. Well the reality was that the Liberals and Conservatives refused to implement that part of the law that had been debated and passed here in the House of Commons and in the Senate. It was never implemented. I think the refugee appeal division would have brought a measure of fairness to our refugee determination system.

The refugee appeal division, RAD, came about through negotiation when the government of the day wanted to move from two member boards at refugee hearings to one member boards. The compromise to ensure fairness was the refugee appeal division. It was not an expensive proposition. It would have cost \$8 million to \$10 million to establish and \$2 million a year to run, not a significant sum in terms of our overall expenditure in the refugee program, but it would have added a measure of fairness to that process.

There was a distinct lack of respect for the process in the past and I wonder if the current legislation before us has a provision for a refugee appeal division, but I do not know. My expectation of fairness of actually seeing that implemented, I have to say, I am a little cynical given our experience with the existing RAD and the fact that it was never implemented.

• (1335)

The NDP has always called for an effective, fair and streamlined refugee process and we have said that there are some principles that need to be the foundation of our refugee determination process. We believe that each case should be assessed on its individual merit. We believe in the need to invest in high quality initial decisions and that we need to get it right the first time. It needs to be a non-political process and the decisions need to be made by an independent body. It needs to be a simple system that avoids unnecessary rules. The necessary resources to ensure that the system functions appropriately need to be in place so that backlogs can be avoided. We also need to remember at all times that human lives are at stake and that we need to uphold human rights standards throughout this important process.

New Democrats have long proposed some specific measures for a fast and fair refugee process. These include that all appointments of IRB board members should be done by an independent appointment commissioner with set criteria for expertise in refugee matters. Such a merit-based appointments process was championed by our former leader, Ed Broadbent. We believe that there needs to be a crackdown on unscrupulous immigration consultants by banning them from the Immigration and Refugee Board hearing room and providing legal aid for proper representation. A provision for appropriate legal

representation for refugee claimants continues to be a real issue in our refugee determination system.

We believe that we need to hire more permanent refugee protection officers to clear the backlog. We have seen this done in the past with some success. We also believe that we need to set up the refugee appeal division so that consistent decisions can be made based on fact and law. Parliament mandated, as I mentioned, this refugee appeal division in 2001 but the Liberals and Conservatives chose to ignore the law and not put it in place.

Bill C-11 has some serious flaws. Some of the key organizations that have an interest in the refugee process have outlined some of the problems.

Whenever I look for information on our refugee process, I look to the work of the Canadian Council for Refugees, which is an umbrella organization of many Canadian refugee serving organizations. It has delineated its concerns with this legislation, which I believe merit close attention. One of its key concerns is the designated countries of origin list. This bill would empower the minister to designate countries whose nationals would not have access to the refugee appeal process. This is the so-called safe countries of origin list. The council points out that the word safe does not appear anywhere in Bill C-11, which seems somewhat problematic given the intent of this legislation.

The council also believes that this is an unfair proposal because treating claimants differently based on country of origin is discriminatory. It believes that each case must be assessed individually. It believes that some claimants will be particularly hurt, including women who are making gender-based claims and persons claiming on the basis of sexual orientation. In many countries that are otherwise considered peaceful or safe, there can be serious problems of persecution on these grounds.

Claimants from designated countries will face a bias against them even at the first level since decision-makers will be aware of the government's judgment on that country. There will be an overall presumption of safety in certain countries that will affect the process.

Some claims from countries that are generally seen not to be refugee producing are among those that most need appeal due to the difficult issues of fact and law, such as the availability of state protection. The denial of fair process to these claimants may lead to their forced return to persecution, a violation of human rights law.

The Canadian Council for Refugees says there are other concerns as well about designated countries of origin. It says:

*Government Orders*

Having a list of "safe countries of origin" politicizes the refugee system. There will be new diplomatic pressures from countries unhappy about not being considered "safe".

As currently drafted, the amendment would give the minister a blank cheque to designate any country, part of a country or groups within a country without reference to the principles of refugee protection. Those are serious issues that have been raised by the Canadian Council for Refugees.

The council goes on to note that it has problems with the eight day interview and hearing process after 60 days. The government has proposed that claimants be interviewed by the Immigration and Refugee Board after eight days and that their hearing take place 60 days later. The council believes that eight days after arrival is too soon for a formal interview. The interview is used to take the claimant's detailed statement about his or her claim. It would be unfair to the most vulnerable claimants, such as those traumatized by experiences of torture or women unaccustomed to speaking to authority figures.

• (1340)

Some claimants are ready for a hearing after 60 days, but others are not, including refugees who need to build trust in order to be able to testify freely, such as persons who have experienced sexual assault. Other refugees need more than 60 days to gather relevant documentation to support their claim, especially those whose claim relates to a newly emerging pattern of persecution or those who are in detention.

Again, there are very serious concerns about holding hearings before claimants are ready to deal with that important part of the process.

The Canadian Council for Refugees also raises concerns about decision makers and who is making the decisions in this process. It notes that first-instance decision makers would be civil servants rather than cabinet appointees. Members of the refugee appeal division would be appointed by the cabinet.

It says that this does perhaps go in some way to dealing with problematic political appointments, but it also raises some concerns, noting that assigning refugee determination to civil servants is fundamentally problematic because they lack the necessary independence

It also notes that limiting appointments to civil servants will exclude some of the most highly qualified potential decisions makers, from a diverse range of backgrounds such as academia, human rights and social service. It believes that will affect the quality of decisions.

The question of appointments to the RAD remains unresolved. Under the bill they would be political appointments, which will affect the quality of decision making.

The CCR notes problems with the appeal and pre-removal risk assessment. It notes that the pre-removal risk assessment still exists but that it is an ineffective and inefficient system. Also it believes that, for some claimants, this will continue to be an issue because of its inefficiency requiring a whole second structure to do the same work as the immigration and refugee board, something that is not fully addressed in the bill.

The Canadian Council for Refugees is also concerned for the humanitarian and compassionate consideration provisions of the bill. The bill would bar refugee claimants from applying for humanitarian and compassionate consideration while their claim is in process and for 12 months afterwards.

Applicants for H and C consideration would also be barred from raising factors related to risks here and in the country of origin. The CCR believes that H and C consideration is necessary as a recourse to consider human rights issues including the best interests of children and potential risk to persons. Closing off this recourse may be contrary to the Canadian Charter of Rights and Freedoms. Those are some of the concerns raised by the Canadian Council for Refugees.

Amnesty International, another well-respected organization that has a key interest in refugee policies, also has very serious concerns about the safe country of origin list. It says that such lists constitute discrimination among refugees that is strictly prohibited by article 3 of the refugee convention. Article 3 of the United Nations Convention relating to the Status of Refugees is about non-discrimination. It states:

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Amnesty International also notes in a statement on this new legislation:

...over the course of nearly fifty years of human rights research around the world we have consistently highlighted it is not possible to definitively characterize countries as safe or unsafe when it comes to human rights. We are very concerned that decisions about which countries to include on any such "safe country of origin" list will almost inevitably be influenced by considerations other than human rights, including trading relationships and security cooperation with other governments.

One of the other organizations that has taken a very key interest in this is the Canadian Bar Association. Its citizenship and immigration law section is very concerned about the bill and asked that it be subject to a referral before second reading so that the committee could deal with the very serious concerns that are raised in it.

Yesterday I met with a refugee activist in British Columbia who is also very concerned about this legislation. She was very concerned that safe countries do not necessarily mean that all the people of those countries are safe and that the legislation needs to talk about safe people. She was also concerned about the language around bogus claims and abuse of the system, which she thinks was not particularly helpful in all of this.

• (1345)

There are many concerns about this legislation. I hope we can have a very fulsome debate on it and one at committee as well. I would have preferred that we got there before second reading so it could be a really extensive debate at committee.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I thank the member for his thoughtful remarks.

*Government Orders*

He closed by suggesting that the matter go directly to committee before second reading. That is not the normal way Parliament considers a bill. We are engaged in the normal form of parliamentary debate, and I hope the NDP will support having the bill go to committee.

The member has enumerated a number of points with which his party is in agreement. I just wanted to point out that in his own community the *Vancouver Sun* has said:

The package of reforms proposed by the Conservative government for Canada's refugee system is badly needed.

I would point out that the Victoria centre for refugees has endorsed this as being an important and necessary package. We have pages and pages from those involved stakeholders. The Victoria Immigrant and Refugee Centre Society says the changes to the refugee system proposed by the federal government are a big step in the right direction.

The head of the Catholic Immigration Society says is strongly in support of stopping the abuse of the inland refugee determination system and will continue advocating for this with colleagues across Canada.

I could go on. There is very broad support for this.

I just want to say that the member's concern with respect to the shortfall in IRB appointments has been addressed. We are basically at full capacity at the refugee protection division of the IRB. There was a short-term lag in appointments. That was precisely why we were implementing a far more rigorous pre-screening process that is situated at the IRB.

I want the member to understand that we have radically improved the process. Now, of all the people who apply to sit on the IRB, only 10% are recommended to the minister by the screening committee for appointment. Then the minister has to ensure there is an appropriate demographic, gender and linguistic balance as well as a balance of professional backgrounds. We have done that, staffing the IRB up to its full level.

I appreciate the member's constructive remarks, but what we need in this debate is balance. What I did not hear entirely from him was a balanced concern about the fact that six out of every ten claimants in our system are subsequently found not to be in need of Canada's protection. In our number one source country, 97% of claimants go on to withdraw or abandon their claims.

I have a very simple question for the member. In addition to ensuring that the fairness and basic principles of natural justice and the Charter of Rights and Freedoms are enshrined in these reforms, it is important on the balance side that we disincentivize false claims, which are often encouraged by bottom-feeders in the immigration industry, both here and abroad. Would the member not agree?

• (1350)

**Mr. Bill Siksay:** Madam Speaker, I thank the minister for participating in this debate today. It is not always the case and he deserves to be applauded for that.

He raised a number of issues in his comments. First, he talked about the normal process of a bill. One of the processes that is available to Parliament is a referral before second reading. The

minister knows full well that means there can be the broadest possible revision of legislation, that new issues can be introduced by the committee into legislation.

When the bill goes to second reading and then is referred, that is more limited. By then, the principle of the bill has already been established, new concepts cannot be introduced into law and we are very limited in what we can in fact do in terms of amending the legislation before the committee.

Given the importance of this legislation, and I do not think anybody in the House disagrees that this is important legislation, that was an appropriate request. It came from many people who are directly and significantly involved in the refugee determination process in Canada. I am disappointed the minister does not see fit to consider that. I hear that he is willing to listen to possibilities of reform and change in committee, but there are limitations placed on that by the route he has decided to go.

I am also glad there are new resources being allotted to the refugee process. I wish it had been done a lot sooner. This process has always needed more resources dedicated to it to make sure it was fast and fair. We have already heard this morning members raising concerns that the new resources were not part of the budget package we have already debated in the House, so we need to nail them down, so to speak, to make sure they are really there.

I am also concerned that we do not throw out the baby with the bathwater. We are going down the road of establishing lists and saying that some claims are more deserving than others, but there will always be an exception to that rule. The consequences of getting this wrong are tragic. That is the whole point of having this kind of asylum process, to make sure people are not persecuted to the point of death in their countries of origin. We have to make sure we do this right.

To use language like "bogus" and "abusive" denies the fact that there can be a substantive claim, even from a country where there are a significant number of claims that do not seem to be related to persecution. Even the minister this morning, when he was talking about claims from Hungary, noted despite all the problematic claims from that country, that there were three claims from three individuals or families where there was a problem of their persecution in Hungary and that the process found in their favour.

We want to make sure there is a system that can be responsive to those particular exceptions and those cases are treated on their individual merits in the system. I have yet to be convinced that what we have before us is a system that will do that.

• (1355)

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Madam Speaker, I too appreciate the fact that the minister has chosen to be in the House for this particular debate. Rather than a question, I have more of a comment for the minister.

The Department of Citizenship and Immigration website has on it a place where people can go to discount some of the vile rumours that are out there these days. There is a particular email that is circulating saying that seniors are put aside, that refugees actually get more than seniors do in their pensions. Of course, that is incorrect. I am very pleased to see the minister has seen to it that it is refuted on the Department of Citizenship and Immigration website.

I would say to the minister that because of the fact that this particular email has been circulating since around 2001, perhaps the government would consider enclosing an insert with the pensions of Canadians to address this, because it is undermining new Canadians who are coming to this country and offering to help build it further. As we know, by far the majority who come here are good citizens once they attain citizenship.

**Mr. Bill Siksay:** Madam Speaker, I thank my colleague from Hamilton East—Stoney Creek for raising that issue, because it points to another important issue around how we support seniors, elderly folks who are refugee claimants in Canada. There is a problem with the kind of support they receive collectively from our community, from our pension system. Often, because they are not deemed to be eligible for old age security or the guaranteed income supplement, they live in a situation of deep poverty.

This is clearly something I do not think is acceptable to Canadians. They believe that people who have made a successful refugee claim in Canada should be supported so they can integrate into Canadian society and live a decent life. When those people happen to be senior citizens, that is even more difficult for them, since their work prospects are probably even more limited than other refugee claimants. We need to ensure that the support system, the pension and old age security systems, applies to those people as well.

This is very controversial and governments in the past have not been as clear as they could have been to explain how our pension system works, the cost of our pension system, how it works to support new immigrants and refugees in Canada. This could use the attention of governments. I am glad my colleague suggested to the minister that it be something the government take up.

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## STATEMENTS BY MEMBERS

[English]

### MISSING CHILDREN SOCIETY OF CANADA

**Mr. Rob Anders (Calgary West, CPC):** Madam Speaker, May 25 is National Missing Children's Day. Every 10 minutes a child goes missing in Canada, a child is kidnapped from his or her home, school or playground. A child may be targeted for the purposes of child prostitution, child trafficking or worse. The motivation of the abductor is often to exploit, rape and murder.

The Missing Children Society of Canada has been helping law enforcement and searching families for almost 25 years. It is the only organization that becomes involved at the preliminary stage of the investigation. It assists police and adopt the investigation if the police classify the case as inactive.

On May 27, the Missing Children Society of Canada is hosting its annual gala dinner in Calgary. All proceeds will be allocated to

investigating abductions and the disappearances of Canada's children. If people can attend or assist in any way, it would be pleased to hear from them.

\* \* \*

• (1400)

### BAY OF FUNDY

**Hon. Scott Brison (Kings—Hants, Lib.):** Madam Speaker, the 270 kilometre-long Bay of Fundy between New Brunswick and Nova Scotia is home to the highest tides in the world, where 100 billion tonnes of water flow in and out of the bay twice per day, an amount greater than the combined total of all the world's freshwater rivers.

The Bay of Fundy is the sole Canadian entry remaining among the 28 finalists in the third and final phase of the New7Wonders of Nature contest. Over one billion votes are expected to be cast before voting ends and the winner is announced in November 2011.

Visitors to my home in Cheverie have stared in bewilderment at a bare sea floor, which just hours earlier had been a sea of waves lapping along the shoreline. However, the Bay of Fundy is more than just high tides. It is the home of 300 million year old fossils at sites such as Blue Beach and Joggins. It is one of the world's most diverse marine environments.

I urge all members and all Canadians to cast their votes at [www.votemyfundy.com](http://www.votemyfundy.com) to make the Bay of Fundy one of the New7-Wonders of Nature.

\* \* \*

[Translation]

### MAISON DE LA FAMILLE LEMOYNE

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Madam Speaker, today I wish to pay tribute to a family support agency in my riding, the Maison de la famille LeMoyne.

On March 31, the Maison de la famille, nestled in the LeMoyne neighbourhood of Longueuil, celebrated its 10th anniversary at its annual fundraising dinner at the Jacques-Rousseau school in Longueuil.

This agency, which has become an essential resource in a neighbourhood where needs are great, puts its faith in the strength of parents and helps them to build their families with dignity and self-esteem.

Through parental support, help with homework, drop-in learning centres and parent-child workshops, the Maison de la famille contributes to the well-being of the people in the community.

I want to congratulate the "Maison" on its excellent work and unparalleled dedication and wish everyone there another wonderful decade of success.

*Statements by Members*

[English]

**HEALTH**

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, Norman Guilbert, a grandfather and retired educator from Elmwood—Transcona, who had never phoned a politician's office in his life, called to inform me that Health Canada announced that beverage companies would now be allowed to add synthetic caffeine to all soft drinks, as much as 75% of that allowed in the most highly caffeinated colas.

Canadians already have concerns over their children drinking coffee and colas because they know caffeine is an addictive stimulant. Soft drinks have been designed and marketed toward children for generations. It is already hard enough for Canadian parents to control the amount of sugar, artificial sweeteners and other additives their children consume. By allowing such amounts of caffeine in all child-marketed soft drinks, Canadian parents will lose further control over protecting their children's health.

It seems the government is willing to follow American deregulation at the sacrifice of the health of children and pregnant women, which goes against what Canadian parents stand for.

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**NATIONAL FOOD POLICY**

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, rural Canada matters. On an Ontario farm today, the Liberal leader unveiled Canada's first national food policy to link urban and rural Canada and put more homegrown food on our tables. Our national food policy would improve our health and build our economy with five core areas: healthy living, safer foods, sustainable farm incomes, environmental farmland stewardship and global leadership on food promotion.

Our food policy would work with farmers to build new programs from the farm up, introduce new health labelling and create tough standards on trans fats. We would build practical, bankable farm programs to meet the costs of production, stronger environmental farm plans and new market opportunities. We believe in a nation where economic opportunity and high quality of life can be achieved in all regions.

We have also announced a plan to attract doctors and nurses to rural Canada. We give a different choice to Canadians than the current government. By freezing corporate tax cuts, we can invest in deficit reduction and important economic initiatives such as a national food policy.

Buying local is good for our farmers who grow the world's highest quality foods for our families and for the environment.

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**CANADA FOUNDATION FOR INNOVATION**

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, the Canada Foundation for Innovation is an independent corporation created by the Government of Canada to fund research infrastructure. The mandate of the CFI is to strengthen the capacity of Canadian universities, colleges, research hospitals and non-profit

research institutions to carry out cutting-edge research and technology development that benefits all of Canada.

Our government is pleased to announce that, following an overall performance evaluation and value for money audit of the Canada Foundation for Innovation, an independent international review panel has declared that it is the most successful research funding organization of its kind in the world.

Our government is proud of the CFI's accomplishments. We recognize that in the global economy knowledge, research and innovation are at the heart of economic growth and success. That is why this government has provided over \$1.34 billion in funding since 2006.

We congratulate everyone at the CFI and wish it continued success. We congratulate Dr. Eliot Phillipson who has served so well and is retiring as president after six very successful years at the helm.

\* \* \*

● (1405)

**INFRASTRUCTURE**

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Mr. Speaker, I rise in the House today to highlight a recent investment that our government has made in my riding of Niagara West—Glanbrook. In co-operation with the government of Ontario and the YMCA of Niagara, a total investment of \$12 million is paving the way for a brand new YMCA in the town of Grimsby.

I was very pleased to attend the groundbreaking ceremony on Saturday and I am look forward to seeing the results and the benefits for our community that this new facility will bring. Continuing in the fine tradition of the Y, I am certain that this new complex will be an important hub for Niagara West—Glanbrook in developing strong kids, strong families and strong communities. Over 80 person years of employment will be generated through its construction and once it is open, it will employ nearly 100 people in full and part-time capacities.

I am proud to be part of a government that is providing funding for projects across the country that are getting shovels in the ground, creating jobs and enabling organizations like the YMCA of Niagara to grow and prosper.

*Statements by Members*

[Translation]

**COMPETITION FOR DISABLED ATHLETES**

**Mr. Pascal-Pierre Paillé (Louis-Hébert, BQ):** Mr. Speaker, the 27th edition of the Défi sportif will be held this year from April 27 to May 2. With a slogan this year of “Choose to win”, this international sporting event brings together elite athletes with all types of disabilities. More than 3,200 athletes from over 20 countries will face each other with one goal in mind: winning.

There is one major difference this year: for the first time, the Défi will host the World Hockey Championship for Amputee Athletes. Five teams will compete for the gold medal in this tournament. Good luck to all the hockey players and to all the athletes at the Défi sportif, particularly those from Quebec.

I have no doubt that the spokesperson for the event, Chantal Petitclerc, a 14-time gold medallist at the Paralympic Games, will be an inspiration to all of the participants.

We will see them from April 27 to May 2 at the Défi sportif.

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[English]

**CANADA-INDIA**

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, Canada-India ties continue to strengthen following the very successful visit to India by a strong delegation led by the Prime Minister last November. Canada is home to a large Indo Canadian community. Hindus, Muslims, Sikhs, Christians, Buddhists and Jains all contribute immensely to further this relationship.

India is the world's largest multicultural democracy. It also has a well established legal process. India today is an example of the fruits that co-operation between communities bring. The Government of Canada and Canadians stand strongly behind efforts to strengthen our relationship and in no way will accept, support or encourage any efforts that undermine a strong, united and multicultural India.

This government strongly condemns the recent threats of violence made by extremists within the Canadian Sikh community. This is unacceptable.

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**CANADA-VIETNAM**

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, I am pleased to rise today to give recognition to the special delegation of the citizens' complaints committee of the National Assembly of the Socialist Republic of Vietnam, which is here today on Parliament Hill.

The purpose of its visit is to enhance its understanding about the role of members of Parliament, communications with the constituency and how to resolve citizens' complaints. This occasion also provides parliamentarians with an opportunity to share information, discuss issues of mutual concern and strengthen our bilateral relations.

The Canada-Vietnam Parliamentary Friendship Group continues to play an important role in the development of parliamentary relations and I am pleased that many of my colleagues have attended

a number of meetings and discussions. They have learned that “complaints” is a very negative term. We like to use the word “concerns” of constituents. I think it was very useful in the deliberations we have had over the last few days.

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[Translation]

**QUEBEC'S FOREST ECONOMIES**

**Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC):** Mr. Speaker, this morning my colleague, the Minister of State for the Economic Development Agency of Canada for the Regions of Quebec announced the establishment of the temporary initiative for the strengthening of Quebec's forest economies.

This three-year, \$100 million measure is intended to support communities affected by the forestry crisis in their efforts to expand and diversify their economic activity.

The initiative will make it possible to assist the industry and its workers by providing funding for local projects that improve the performance of enterprises in communities hit by the crisis in the forest sector.

The Government of Canada is well aware of the magnitude of the forestry crisis in Quebec and of the pressure it is placing on the communities whose economies rely heavily on the industry.

Our government is acting in the interests of local workers and their communities by strengthening the economy in these regions. This is yet another example of a tailored response to the specific problems facing those populations struggling with the crisis in this industry.

\* \* \*

● (1410)

[English]

**LAKE AVENUE ELEMENTARY SCHOOL**

**Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP):** Mr. Speaker, this past Saturday in my riding of Hamilton East—Stoney Creek, my wife and I had the great pleasure of attending a fundraising spaghetti dinner for the Lake Avenue Elementary School's band.

This senior band had just taken home the gold in a local competition. Now the band gets to travel to Ottawa and participate in our capital city's renowned MusicFest competition on May 21.

These young people's achievement is all the more impressive, when we realize the catchment area for Lake Avenue Elementary School is in one of the poorest areas of Hamilton and indeed in the country. Not only that, but when we also know that English is the second language for 85% of this school's student body, that adds other challenges.

My heartfelt congratulations go out to music teacher Matthew Skinner and his very talented students for their wonderful achievement. They have made us all so very proud.

*Oral Questions***FIREARMS REGISTRY**

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Mr. Speaker, since the Liberal leader announced his plans to force his MPs to keep the wasteful and ineffective long gun registry, the Liberal member for Avalon has been awfully silent.

The member for Avalon has not said whether he will represent his constituents and oppose the wasteful long gun registry, or if he will ignore his constituents and instead be forced by his Liberal leader to keep the registry.

Even worse, by his silence, the Liberal member for Avalon is condoning the actions of the Liberal leader whose MPs attempted to hijack the public safety committee to prevent Canadians, including officers and police chiefs who are opposed to the long gun registry, from coming forward to speak out.

It is time for the Liberal member for Avalon to come clean. He either listens to his constituents and votes to scrap the long gun registry or he falls in behind his leader and votes to keep the long gun registry. There is no in between on this issue. It is that simple.

\* \* \*

[*Translation*]**STATUS OF WOMEN**

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, April 25 was the 70th anniversary of women's suffrage in Quebec. This event should prompt us to reflect on true gender equality.

We have indeed come a long way, but we still have work to do to ensure gender equality in society and politics. Currently, women occupy only 29% of the seats in the National Assembly, 14% of elected positions at the municipal level and 20% of the seats in the House. The mission spearheaded by women like Marie Gérin-Lajoie, Thérèse Casgrain and Claire Kirkland is still in progress.

I urge all women and men to reject the stereotype that women are not interested in politics. We must accept that they have a place here and that they do things differently. To carry out the mission started by these pioneering female politicians, we should nominate women for seats that they have a good chance of winning.

As Éleine Hémond of Groupe Femmes, Politique et Démocratie said, we have to look beyond reassuring projections—

**The Speaker:** The hon. member for Etobicoke Centre.

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[*English*]**DAVID FREIMAN**

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Mr. Speaker, yesterday marked the 100th anniversary of the birth of David Freiman. Born in what is now Sambir, Ukraine, his story traces a history of both tragedy and triumph.

A lumber foreman before the war, Mr. Freiman's life was overtaken by the horror of the Nazi Holocaust. Of a pre-war population of some 10,000, Mr. Freiman along with Esther, the woman who was to become his wife, were among the less than one hundred miraculous survivors of the murderous evil brought upon Sambir's Jewish community. He lost everything: parents, brothers,

sisters, a toddler son. What he never lost was his will to live, to succeed for the future of his new family and of the Jewish people.

That drive brought him to Canada where, through hard work, intelligence and a sterling reputation for ethical conduct, he became a leader in business circles and a stalwart pillar of the Jewish community.

David Freiman's family is here to mark this special day and to honour his exemplary life.

[*Member spoke in Hebrew as follows:*]

*T'he nishmata tsrura bi'tsrer ha'chayim.*

[*English*]

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**LEADER OF THE LIBERAL PARTY OF CANADA**

**Mr. Gordon Brown (Leeds—Grenville, CPC):** Mr. Speaker, last week, pollster Frank Graves advised the Liberals they should start a culture war against rural Canadians and it appears the Liberal leader is taking this advice. He has insisted on forcing his rural MPs to keep the wasteful and ineffective long gun registry.

His own MPs rejected his party's cynical motion to hijack an important initiative to save the lives of women and children in the developing world, and he supports an NDP bill that would shut out many brilliant legal minds in the francophone, anglophone, first nations and new Canadian communities from serving their country on the Supreme Court.

Our Conservative government, that helped unite a country following Liberal abuse of our tax dollars, our values and our trust, will stand with Canadians against the Liberal leader's plans to divide Canadians.

Dividing Canadians against one another is further proof that the Liberal leader is not in it for Canadians, he is just in it for himself.

**ORAL QUESTIONS**

● (1415)

[*Translation*]**AFGHANISTAN**

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, according to U.S. military officials, major new combat operations are planned for Kandahar in the coming weeks. The *New York Times* even talked about the decisive battle for Kandahar, yet our government will not tell us anything.

I have two questions. Are the Canadian Forces taking part in these operations? Why is the government keeping Canadians in the dark?

*Oral Questions*

[*English*]

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, the fact is we work with all of our allies. The Americans are our principal ally in Afghanistan. Operations are planned with them. We participate at a level that is commensurate with our obligations in Afghanistan and to the Afghan people.

I cannot comment on that particular operation. It would be premature at this time.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, if we take part with the Americans and they are willing to talk about it openly to their people, why can the government not do the same with ours?

The issue here is that U.S. officials say that a decisive combat operation will be initiated in Kandahar in the coming weeks. The Conservative government has said nothing to the Canadian people about this important matter.

Again I ask the question, what will be Canada's involvement in these operations? Why can the government not tell Canadians the truth about it?

**Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC):** Mr. Speaker, as the Government of Canada we ensure that we protect our soldiers, we protect the security of our operations, and we protect the important relationships we have with our allies, whether it be the Americans or the Afghan people. If there is information that needs to be shared that does not violate the safety and security of our troops, it will be shared.

**Mr. Michael Ignatieff (Leader of the Opposition, Lib.):** Mr. Speaker, the government refuses to answer the most basic questions about these issues even when Canadian lives are at stake.

Today we learned that there are new reports of a government-wide ban on transparency, ordered by the Prime Minister's Office. Officials talk about it, and call it unprecedented, draconian and Orwellian. The Prime Minister's obsession with secrecy means that Canadians have to read in American newspapers about what Canadian troops are doing in Afghanistan.

Why this Conservative culture of deceit?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I do not know where the Leader of the Opposition has been for the last four years, but let me say that Canadian troops, our men and women in uniform, have been playing a decisive role in Afghanistan for many years.

We welcome the increased presence of American soldiers. We welcome the increased presence of the French and others. Step by step we are making substantial commitments in Afghanistan.

We are working hard and we are getting the job done, thanks to our men and women in uniform.

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**ETHICS**

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, on Friday afternoon the environment minister stood in this House and

disclosed that his political director of regional affairs met with Mr. Jaffer last year.

While he made it seem like this was new information, he in fact knew last Tuesday. It seems he did not want anyone to know about this when Mr. Jaffer testified at committee the very next day. It is time to end the Conservative culture of deceit.

Will the minister confirm that his political director of regional affairs, who is from Calgary, actually met with Mr. Jaffer here in Ottawa in the former Status of Women minister's office?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, the facts related to Mr. Jaffer's activities in April 2009 were brought to my attention on Tuesday of last week. The documents relating to those matters were collected on Wednesday. The information was assembled and provided to the Commissioner of Lobbying on Thursday. On Friday I advised the House and also at that time provided the information to the Ethics Commissioner.

The appropriate authorities have been informed, as has this House. My understanding is that the meeting in question did in fact happen in that particular office.

• (1420)

[*Translation*]

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Speaker, because he wanted to conceal the facts and delay disclosing them, the minister's mea culpa only raises new questions.

Why did he want to hide the meeting from Canadians for so long? Why would he not admit that the meeting took place in the former minister's Ottawa office? Instead of sinking deeper into this Conservative culture of deceit, will the minister finally agree to hand over all the documents related to this matter and that meeting? It is a question of honesty.

[*English*]

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, having learned of these facts on Tuesday of last week, I did what I felt was my obligation to this House and to its committees. I collected together the documents on Wednesday. I assured myself that they were the documents in question. They were then delivered to the commissioner of lobbying and the ethics commissioner. Of course, they will be provided to the parliamentary committee.

[*Translation*]

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the opposition has been questioning the government about the former minister of the status of women and her husband, Rahim Jaffer, for two weeks now, but it was not until last Friday that the Minister of the Environment announced that Rahim Jaffer did indeed lobby the minister's constituency staff.

Why did the Minister of the Environment wait so long to disclose more evidence that Mr. Jaffer did indeed act as a lobbyist and why did the minister do so on the sly on a Friday afternoon?

*Oral Questions*

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, Mr. Jaffer's activities of April 2009 were brought to my attention last Tuesday. The documents relating to those matters were collected on Wednesday. The information was provided to the Commissioner of Lobbying on Thursday. On Friday morning, I advised the House, and on Friday afternoon the information was provided to the Conflict of Interest and Ethics Commissioner. The appropriate authorities have been informed, as has this House.

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the Prime Minister told us that Mr. Jaffer did not do any lobbying because he did not receive any government contracts. Now, following the Minister of State for Science and Technology and for the Federal Economic Development Agency for Southern Ontario and the Minister of Transport, Infrastructure and Communities, it is the Minister of the Environment's turn to admit that his staff was approached by Rahim Jaffer or his associate.

What is the Prime Minister waiting for to release the list of his ministers who were contacted by Rahim Jaffer?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, the company Mr. Jaffer represented has never received government funding.

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**LOBBYING**

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, the Conservatives promised to require that ministers register their dealings with lobbyists. Once they came to power, they backed down. Only the lobbyists are required to register such contacts. It is impossible to know for sure which minister met with which lobbyist. If they had respected their election promise, Rahim Jaffer's kind of lobbying, secret lobbying, would be illegal.

Will this government, which preached transparency, amend the Lobbying Act to force ministers and their staff to disclose their dealings with lobbyists as they promised in 2006?

**Hon. Christian Paradis (Minister of Natural Resources, CPC):** Mr. Speaker, that is entirely untrue. When we came to power, we introduced the Federal Accountability Act in the House. It was passed and it toughens the consequences for lobbyists who do not respect the conditions that are set out in the act. Lobbyists must be registered and they must respect the act. They must also report their activities each month. This is set out in the act, thanks to this government's leadership.

**Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ):** Mr. Speaker, the Lobbying Act is still full of holes. It still allows stealth lobbying and does not keep former Conservative members from lobbying the government. One huge hole in the act is the 20% rule, which means that lobbyists does not have to register unless their direct lobbying activities constitute more than 20% of their time.

Will the government amend the Lobbying Act to ensure that all lobbying activities are covered in the act?

• (1425)

**Hon. Christian Paradis (Minister of Natural Resources, CPC):** Mr. Speaker, as I said, all lobbyists must report their activities each month and this includes communication with public office holders. They must be registered. The current Conservative government also

took steps to give the lobbying commissioner tools, rules and, most importantly, the independence needed to fulfill the role.

\* \* \*

[*English*]

**CITIZENSHIP AND IMMIGRATION**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, when the Canada Border Services Agency decided that British MP George Galloway was not going to be allowed into Canada, the immigration minister denied that he was involved at all, but it turns out that the whole thing started from his office. In fact, the minister's right-hand man sent instructions by email on March 16 declaring that Galloway was inadmissible and within two hours he was barred. It was clearly a political decision.

Why did the minister deny that his office had anything to do with barring the British member of Parliament from coming to Canada?

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, the question is entirely inaccurate. Decisions on inadmissibility under the Immigration and Refugee Protection Act are made by delegated officials at the Canada Border Services Agency, as was the case in this instance.

My understanding is that the CBSA made such a preliminary assessment of inadmissibility for the person in question perhaps because he admitted publicly to handing over tens of thousands of dollars to the leadership of a banned illegal terrorist organization called Hamas that uses money to buy explosives to attack innocent civilians.

\* \* \*

[*Translation*]

**ETHICS**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, the minister was behind the decision to ban British MP George Galloway from Canada. No matter how much they work on their culture of secrecy or how much they deny, it will not change the facts. We want the truth and we will get it.

We see the Conservatives taking the same approach with the Jaffer case. The Prime Minister fired a minister, dropped her from the Conservative caucus and called the police. Why? What does he have to hide?

[*English*]

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, let me be very clear. Serious allegations were brought to the Prime Minister's attention. He did the honourable thing; he did the ethical thing and immediately forwarded the matter on to a competent authority, who will independently make this determination.

Let me tell the member opposite, none of the allegations that were brought to the Prime Minister's attention had anything to do with the government, and Mr. Jaffer received no government funding from the green infrastructure program.

*Oral Questions*

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, he did the expeditious thing.

Pardon us for not believing these stories, especially considering that lobbying has been taking place, even though officials and representatives of the government are denying it. There was lobbying involving the Minister of Transport, Infrastructure and Communities, his parliamentary secretary and the Minister of the Environment, who finally got around to informing the House about it 10 months later.

Why do we not save ourselves a whole bunch of time and just ask all of those Conservative ministers who were lobbied by Mr. Jaffer and his friends to just stand up now so we can see what is really going on?

**Some hon. members:** Oh, oh!

**The Speaker:** Order, order. The hon. Minister of Transport has the floor.

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the Prime Minister acted expeditiously. He immediately referred serious allegations on to the relevant authorities so that they could make an independent determination. There were no funds with respect to the lobbying in question from my department.

Let me be very clear. All Canadians are required to follow the Lobbyists Registration Act. If someone is lobbying, he or she should register.

If the member opposite has any specific allegations he would like to make, he should take them to the independent commissioner of lobbying that this government established.

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, in his election platform the Prime Minister promised, "A Conservative government will require ministers and senior government officials to record their contacts with lobbyists". Guidelines by the commissioner of lobbying say public office holders should maintain a list of all meetings with lobbyists.

We know Mr. Jaffer was in contact with the Minister of Transport, Infrastructure and Communities, the Minister of the Environment, the Minister of Industry, parliamentary secretaries and staff. Will the government table a comprehensive list of all contacts with Mr. Jaffer, or will it continue its culture of deceit?

• (1430)

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, it is this government which made major reforms to the Lobbyists Registration Act and when we brought those reforms to Parliament, the Liberal Party tried to stop them dead in their tracks. Day after day, week after week, month after month the Liberal Party tried to slow down these important reforms.

Every Canadian is expected to follow the Lobbyists Registration Act. It applies to all Canadians. If the member opposite has any allegations, she should take them to the independent officer of Parliament that this government established.

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** So the minister is not going to table a list, Mr. Speaker?

*Investment Executive* magazine reported that last September Mr. Jaffer organized a daylong meeting in Toronto between a group of banking executives and the Conservative financial services caucus, including the chair of the Commons finance committee. Transparency does not mean one tells only when one is caught. We know this meeting took place.

How many other such meetings did Mr. Jaffer organize for Conservative members of Parliament and what was promised or discussed?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, this government brought in important reforms for lobbyist registration. The culture of lobbying in the previous government was outrageous. This government, immediately upon taking office, brought in comprehensive reform and most importantly established an independent commissioner of lobbying who reports to Parliament through you, Mr. Speaker, so that Canadians can have confidence.

Every single Canadian is required to follow the Lobbyists Registration Act. If the member opposite has any allegations to make with respect to anyone, she should forward them on to the independent commissioner of lobbying that this government established.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, on April 13 the infrastructure minister claimed, "Mr. Jaffer had no discussions with me about any of his commercial interests". What he failed to say was that his office received two funding proposals from Jaffer and Glémaud and sent them to his department for formal review. The minister has also never explained why his parliamentary secretary was given the role of gatekeeper for his \$1 billion green fund.

Under what authority did the minister delegate this power and why was it never made public?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, the green infrastructure fund is administered by my department. At the beginning of the day and at the end of the day, I am the one responsible for it. I asked my parliamentary secretary to assist me with respect to this initiative, as he assists me with many initiatives in the House, in committee and in departmental business.

Let me be very clear. There are strict eligibility criteria for this fund and every single project is assessed by an independent and non-partisan public service. This green infrastructure fund is doing great things to have cleaner air, cleaner water and cleaner electricity generation right across the country.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, it is not enough that public servants wisely refuse to fund these proposals, they should never have been sent by the minister's office for formal review in the first place.

The minister and the parliamentary secretary should have blown the whistle on this scheme at the beginning instead of perpetuating the Conservative culture of deceit.

I ask the minister, how did Mr. Jaffer and Mr. Glémaud know that the parliamentary secretary was the gatekeeper for this fund when the fact was never made public?

*Oral Questions*

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, let me be very clear. I totally reject the premise of the question asked by the member from Winnipeg.

It is not new for parliamentary secretaries to assist their ministers in the House, in committee and with departmental issues. It is no different in our government from what it was in previous governments.

I am the one, as minister, who is accountable for the fund. I am the one who makes decisions on the advice of the non-partisan professional public service.

On the green infrastructure fund we are doing remarkable things. We are doing clean electricity in northwestern British Columbia. We are having cleaner water in the Great Lakes working with the city of Hamilton. In every region of the country we are making great green investments to help our environment.

\* \* \*

[Translation]

**AFGHANISTAN**

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the Conservatives are desperately trying to put a lid on the issue of the torture of Afghan prisoners.

Their latest tactic is to shut down torture hearings at the Special Committee on the Canadian Mission in Afghanistan. The best way to ensure that the committee's work does not drag on is to make public all of the documents, in their original, uncensored versions.

Why does the government refuse to cooperate with the committee?

• (1435)

[English]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, I think there has been a great deal of co-operation and all available documents will be made available to the appropriate authorities, whether it is to the MPCC or to the committee, and to the House. That is as it should be and it should have the support of the hon. member.

[Translation]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, the government's repeated attempts to hide the truth are dragging out the committee's work.

In an attempt to protect the data related to the security of the country and the soldiers, the Bloc Québécois even proposed having an initial look at the government's documents behind closed doors.

Why is the government hiding the truth? What is it trying so hard to hide?

[English]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, that is very reassuring coming from the Bloc. I have to tell you though, Mr. Speaker, the government has always said that officials will provide all legally available documents. In addition, to assist with this process, we have

appointed Mr. Justice Frank Iacobucci to have a look at the documents.

I suggest to the hon. member to let the committee, Justice Iacobucci and the commission do their work. I think that is the appropriate course of action.

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[Translation]

**INTERNATIONAL COOPERATION**

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, this week, the G8 development ministers are meeting in Halifax to harmonize their policies on maternal and child health. We know that this government is ideologically opposed to abortion and that it would like to export its Conservative values abroad.

Will the government set aside its ideology and recognize that family planning measures, including abortion, help improve the health of women and children?

[English]

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, my minister is hosting the G8 development ministers in Halifax today where this issue will be discussed. We will be leading the discussion at the upcoming G8 summit on child and maternal health. We are focused on how to make a positive difference to save the lives of mothers and children in the developing world. Canada's contribution to maternal and child health may include family planning, however, Canada's contribution will not include funding abortion.

[Translation]

**Ms. Johanne Deschamps (Laurentides—Labelle, BQ):** Mr. Speaker, the Conservative government has asked for Norway's help in establishing its maternal and child health strategy for developing countries. Norway's special adviser insists that family planning measures, including abortion, are essential to such a strategy.

Will the Conservative government listen to this wise advice and make resources available in order to give women the freedom of choice?

[English]

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, it gets a little tiresome having the opposition always trying to score cheap political points on the issue of abortion.

We are giving the opportunity to all our G8 partners to assist us in promoting maternal and child health. The standard practice is that each country makes its own domestic decision on which areas it will focus. Our government has no intention of reopening the abortion debate in Canada. We will work with our partners on this important issue.

*Oral Questions***MILITARY POLICE COMPLAINTS COMMISSION**

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, the Military Police Complaints Commission's investigation of the detainee torture scandal started years ago in 2007 with no end in sight because the government has obstructed it every step of the way. Its lawyers have acted like dictators, insulted the commission, intimidated the witnesses and bullied the journalists. The Conservative culture of deceit must end.

Why can the government not be honest with Canadians and call a public inquiry?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the mandate of the MPCC is very clear and well set out. Certain parts were challenged in court and they were upheld. There are officials there who take their role very seriously. Procedures are in place and the member should let the MPCC do its work.

**Hon. Ujjal Dosanjh (Vancouver South, Lib.):** Mr. Speaker, so should the government actually. It should let the commission do its work. The fact is that there is so much tension at the commission due to the antics of the government and its lawyers that now Mr. Len Edwards, a respected deputy minister, will have to appear to answer why the government is hiding documents from even its own censors. This is all a result of the Conservative culture of deceit.

All of this obstruction and cover-up tells me that a public inquiry is the only way that Canadians will learn the truth. When will the government have the courage to call the public inquiry?

• (1440)

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Again, Mr. Speaker, the hon. member has it completely wrong. There are procedural safeguards within the hearing process at the MPCC. I am sure all the officials there take their work very seriously and they just want to get on with doing the work that they have been mandated to do. The hon. member should be supporting that.

\* \* \*

[Translation]

**MEMBER FOR BEAUCE**

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, the member for Beauce has spent the last 10 days denigrating Quebec. He thinks that Quebeckers are spoiled rotten. Recently, the member criticized the Bachand budget for being too left-wing. Now a minister and a parliamentary secretary, both Conservative, are defending him.

Why is the Prime Minister letting his former minister go on this anti-Quebec crusade? Why is he once again choosing to play politics at Quebeckers' expense?

**Hon. Jean-Pierre Blackburn (Minister of Veterans Affairs and Minister of State (Agriculture), CPC):** Mr. Speaker, Quebec has its own government, and we respect it, just as we respect every other provincial government. That being said, I get the impression that if we were to accurately describe the situation in the House, we would see that one particular party—the one opposite known as the Bloc Québécois—has spent the last 20 years projecting a negative image of Quebec outside the province.

**TAX HARMONIZATION**

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, while the hon. member for Beauce has been ridiculing and insulting Quebeckers to the great pleasure of the Prime Minister, the Conservatives have gone back on their word on harmonization and will penalize Quebec.

Instead of negotiating in good faith, as they promised to do, they are slipping in changes to their conditions and abandoning Quebec's taxpayers.

Why does the Prime Minister insist on insulting, penalizing and misleading Quebeckers so much? It is probably out of respect for culture—the Conservative culture of deceit, of course.

**Hon. Christian Paradis (Minister of Natural Resources, CPC):** Mr. Speaker, it is rather surprising to hear such things coming from a Liberal colleague who was once part of very centralist government.

We are negotiating in good faith. In order for compensation to be paid to Quebec, there needs to be an agreement on full harmonization of both taxes.

Under our government, Quebec has set aggressive targets for greenhouse gas emission reductions. In our 2007 budget, we transferred \$350 million to Quebec. Our Liberal friends across the way never would have set such a fine example of decentralization.

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[English]

**AGRICULTURE**

**Mr. Ben Lobb (Huron—Bruce, CPC):** Mr. Speaker, today, a number of recycled rural policy ideas that continue to ignore rural Canada and farmers was announced by the Liberal leader.

Our government continues to work hard for farmers. Our agriculture minister continues to work hard and has just returned from a two week trade mission to China and Uruguay. During that mission, he delivered hundreds of millions in new deals for farmers, including expanded access for canola, pulse and barley growers, and reopening the Chinese markets to genetic swine.

Could the minister please tell us how we put farmers first while—

**The Speaker:** The hon. Minister of Agriculture and Agri-Food.

**Hon. Gerry Ritz (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC):** Mr. Speaker, the Liberals' neglect of rural Canada is so bad, the member for Malpeque said that Canadian agriculture groups “are not prepared to support me”. That reason was compounded today when they made another stirring rural policy statement from the greater Toronto area, at the same time that they are voting through unscientific seed regulations and stalling free trade deals that would benefit farmers.

*Oral Questions*

We will get out there on the world stage and get the job done for our farmers.

[*Translation*]

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**FOREIGN AID**

**Mr. Paul Dewar (Ottawa Centre, NDP):** Mr. Speaker, in June, Canada will be hosting the G8 and G20 meetings. The government has stated that it wants to make headway on the millennium development goals, such as maternal and child health, but when it comes to paying for these commitments, the government is going in the wrong direction and actually cutting the foreign aid budget.

This is a question of accountability. When Canada makes a promise to the world, it should honour that promise.

How can the Conservatives be taken seriously when they say one thing and do another? To be taken seriously, they have to do one thing: show us the money. Where is the money?

**Hon. Jim Abbott (Parliamentary Secretary to the Minister of International Cooperation, CPC):** Mr. Speaker, to be taken seriously, it comes down to the fact that the member needs to ask an accurate question.

The fact is that the government has increased funding to \$5 billion, the highest in the history of Canada. The least he can do is tell the truth when he asks a question.

\* \* \*

• (1445)

**ENVIRONMENT**

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, the Conservative government has scheduled an array of G8 ministers meetings but none on the environment. In the 18 years of G8 meetings, only once before has the environment not been on the agenda and that was the 2004 meeting hosted by the former president, George W. Bush.

Action on climate change and the environment is integral to a healthy, sustainable world economy. I am sure the Minister of the Environment would agree to that. Will the government then commit to convene a meeting of environment ministers this June at the G8 and G20?

**Hon. Jim Prentice (Minister of the Environment, CPC):** Mr. Speaker, the hon. member raises the question of climate change. She is well aware that in December of last year, this government helped lead the way toward the Copenhagen accord. That accord has now been signed by 120 countries, accounting for close to 90% of the world's emissions.

Our objective is to translate that into an effective international treaty. It is for that reason that the major economies forum met in Washington a week ago. It is for that reason that the ministers of environment are meeting in Bonn next week. We will continue to get the job done in those fora.

**FORESTRY INDUSTRY**

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, the Conservative government is announcing new community diversification measures.

It has been proven that this type of assistance does not help the forestry industry, because the crisis is still going on. The government should not use these diversification measures, which are not enough, as an excuse not to invest money to help the forestry companies that badly need cash.

What is the government waiting for to introduce measures to support the industry and workers who want to continue developing forestry?

**Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC):** Mr. Speaker, I would like to remind my colleague that this morning, the Minister of State for the Economic Development Agency of Canada announced the temporary initiative for the strengthening of Quebec's forest economies.

This three-year, \$100 million measure will support communities affected by the forestry crisis.

**Mr. Robert Bouchard (Chicoutimi—Le Fjord, BQ):** Mr. Speaker, the measures announced today will not help forestry companies that have to put off their banker.

"It is a drop in the bucket," says the CEP. Left to their own devices for five years, these companies are at the end of their rope. They are asking for loan guarantees, which the agreement with the U.S. allows, to get through the crisis.

When will this government help Quebec's forestry companies?

**Mr. Jacques Gourde (Parliamentary Secretary to the Minister of Public Works and Government Services and to the Minister of National Revenue, CPC):** Mr. Speaker, the member for Chicoutimi—Le Fjord has some nerve. He voted against our government's \$100 million initiative in the last budget. It is shameful.

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[*English*]

**ABORIGINAL AFFAIRS**

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, there are three recent items of good news for First Nations University. First, the former chief financial officer of the institution, the one who raised money concerns and was fired, has been reinstated. Second, the Canadian Association of University Teachers has withdrawn its motion of censure. Third, the university has just been awarded a research excellence grant by the Canada Foundation for Innovation.

Given these votes of confidence, will the minister now confirm that the Government of Canada will reinstate full federal funding?

*Oral Questions*

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC):** Mr. Speaker, that is called cherry-picking through the good news, I am afraid. For example, there is a memorandum of understanding between the universities and the provincial government. They are still waiting for the legal documents to follow that up. Time is ticking away. If they are not in place by the end of the week, the province may pull their funding as well.

Problems continue there but we are working with the university, specifically with the University of Regina. We are hoping they will get their ISSP application in. We have already told them that there are \$3 million to help students get through to the end of the school year. We are determined to help them do that and we are working with the university to make it happen.

**Hon. Ralph Goodale (Wascana, Lib.):** Mr. Speaker, the Government of Saskatchewan and the University of Regina strongly support First Nations University, as do the Canadian Association of University Teachers, the Canada Foundation for Innovation and the Saskatchewan Chamber of Commerce.

The chamber says that past problems have been fixed. It calls FNUC a unique, important and rare asset. The reinstated chief financial officer says that he has enormous faith in the people now running the institution.

Will the minister confirm today, at least in principle, that he is prepared to restore federal funding?

• (1450)

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, Federal Interlocutor for Métis and Non-Status Indians and Minister of the Canadian Northern Economic Development Agency, CPC):** Mr. Speaker, it is not a matter of being, in principle, in favour of education for aboriginal students. We need, for example, a business plan. I am sure the member for Wascana, the best mayor that Regina never had, does not care about business plans.

However, on this side of the House we are not prepared to simply table up the money, write a cheque, tear it off and give it to somebody to spend as he or she sees fit. We need a business plan. We need legal documents. We need to have applications come in. I have told the university to put in the application. The money is there and we are supportive, but we do not write blank cheques. That is the Liberal way of the culture of elite.

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**ANTI-TERRORISM ACT**

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, following 9/11, Parliament implemented the Anti-terrorism Act but subjected the law's most controversial sections to a five year sunset clause. Since 2007, the government has tried three times to reinstate the most draconian aspects of that law and now it has announced a fourth attempt.

Among many other opponents, this time it also faces opposition from the former director of CSIS, Reid Morden, who said that it was

needless and that it crosses the line between state security and individual rights.

Why will the government not drop this useless and dangerous bill?

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, what we will never do is stop fighting terrorism in our country. This government will never stop doing that. We are working to give law enforcement agencies the tools they need to safeguard national security. Human rights protections are built into them. I even accepted one of the amendments that came from the Senate. It is true. It is in the bill.

This is a very reasonable proposal. This is exactly what law enforcement agencies need in our country to fight terrorism at home and abroad.

[Translation]

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, as the expression goes, all things come in threes. Most people would stop after three attempts, because they have understood, but the Conservatives are slow to understand some things. They are introducing the same bill for the fourth time, one that would allow police to arrest someone without a warrant and detain them without laying charges. This is a violation of rights. Even the former head of CSIS is criticizing this bill.

Why are the Conservatives returning to the charge with such a severe violation of rights?

[English]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, the hon. member wants to know why we are coming back with this. It is because law enforcement agencies in the country need these provisions.

The member was spewing out some nonsense about us having introduced these bills four times. This is why it is so difficult to fight crime in the country because we continuously get this kind of backlash from the NDP. What is it about the NDP that refuses to allow those members to stand up for victims and law-abiding Canadians and better protect the people of our country? What is their problem?

\* \* \*

**FIREARMS REGISTRY**

**Ms. Candice Hoepfner (Portage—Lisgar, CPC):** Mr. Speaker, first the Liberal leader forces his members to vote against their constituents on ending the wasteful long gun registry. Now the Liberal-led coalition is attempting to use its opposition majority to shut out witnesses at the public safety committee.

The Liberals, led by the member for Ajax—Pickering, are trying to move a motion to have 33 witnesses appear, 28 of whom are in favour of the Liberal leader's position to keep the long gun registry.

Could the parliamentary secretary tell us what the Conservatives are doing to ensure that the views of Canadians are heard on the issue of the long gun registry?

*Oral Questions*

**Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC):** Mr. Speaker, I thank the member for Portage—Lisgar for her private member's bill, Bill C-391.

The Liberal leader has whipped his members to support the wasteful and ineffective long gun registry. Now the Liberals are attempting to hijack the public safety committee by desperately trying to force a pro-long gun registry list of witnesses.

Why are the Liberals scared to hear what others have to say? Why do the Liberals not want to hear from witnesses such as Police Chief Hanson from Calgary, who has called the long gun registry a placebo and has said that it creates a false sense of security and does nothing to stop gun violence between Calgary gangs?

It is time to put an end to the wasteful long gun registry and the Liberal-led coalition—

• (1455)

**The Speaker:** The hon. member for Vancouver Quadra.

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**ACCESS TO INFORMATION**

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, in an article today we see yet more evidence of the Conservative culture of deceit. The Prime Minister has seized almost total control of routine government communications. The Information Commissioner has found the Conservative government to be the most secretive in history. A chill is felt across our civil service. Bureaucrats are afraid to speak up. The release of information is grinding to a halt. Information scheduled to be released is being unreleased by ministers' offices.

What exactly is the Prime Minister hiding? Why is he being so secretive?

**Mr. Pierre Poilievre (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC):** Mr. Speaker, it is the responsibility of any government to communicate clearly with Canadians from coast to coast. This government does that in a very open and respectful way.

On the other side, we see a Liberal leader who has clamped down on his members, forcing them to vote in favour of a wasteful Liberal long gun registry that many of them know is bad for Canada. I ask him to reflect the same spirit of openness that we have on this side by allowing a free vote for his members to get rid of that wasteful Liberal—

**The Speaker:** The hon. member for Ahuntsic.

\* \* \*

[*Translation*]

**ANTI-TERRORISM ACT**

**Mrs. Maria Mourani (Ahuntsic, BQ):** Mr. Speaker, the former director of CSIS, Reid Morden, is very concerned about the anti-terrorist bill the government introduced last week. He said that both measures the government is trying to reintroduce are excessive and infringe upon individual rights. He added that the police do not need additional powers to be able to do their job effectively.

Why does the Conservative government insist on reintroducing these measures, when a former director of CSIS sees them as unnecessary and abusive?

[*English*]

**Hon. Rob Nicholson (Minister of Justice and Attorney General of Canada, CPC):** Mr. Speaker, we are introducing them because law enforcement agencies in the country need these provisions to fight terrorism in the country.

It is always the same thing from the Bloc members. They are always pushing against getting tough on crime in the country. What they should do is get out of Ottawa sometime, go back to their constituents, talk to their constituents and they will tell them the same thing that we have heard right across the country. They want a government that will fight crime in the country and stand up against terrorists and stand up for victims and law-abiding Canadians.

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**AIRPORT SECURITY**

**Mr. Dennis Bevington (Western Arctic, NDP):** Mr. Speaker, on Thursday, the transport committee heard testimony from an Israeli security expert who said he was able to foil the nude body scanners although he was carrying enough explosives to take down a 747. Because of this, the Israelis have decided not to install these scanners at their airports. The transport committee has continued to hear evidence about Canada's aviation security.

With this revelation, will the minister hold off deploying more of these scanners until after the transport committee has made its report to the House?

**Hon. Rob Merrifield (Minister of State (Transport), CPC):** Mr. Speaker, let me help the hon. colleague with some facts. We have multi-layered approach when it comes to airport security. In that layered approach, some of those are visible and some of those are invisible. When it comes to the scanners that he talks about, they are much more effective when it comes to liquid explosives than the metal detectors that are currently in many of the airports.

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**PENSIONS**

**Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC):** Mr. Speaker, my constituents are upset that criminals, like child killer Clifford Olson, are receiving taxpayer-funded seniors' benefits while in prison. As an elementary school principal, I find this personally revolting.

The Liberals ignored this important issue for 13 long years. Canadians know our Conservative government will take action.

Would the Minister of Human Resources and Skills Development please update the House on what steps are being taken by our Conservative government to end this practice?

*Points of Order*

**Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC):** Mr. Speaker, this morning I received a petition from the Canadian Taxpayer Federation, with over 46,000 signatures on it, condemning this practice.

Our government shares the outrage of Canadians on this issue. That is why as soon as it became aware of the situation, it took action. We want to correct this situation and stop it from happening again.

I look forward to making an announcement on this issue in the near future.

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**VANCOUVER 2010 WINTER GAMES**

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Mr. Speaker, the last-minute Canada Pavilion in Vancouver's 2010 games was a total embarrassment, nothing but a tent filled with sport video games.

For this, an American firm was paid \$10 million. Canadian taxpayers deserve to know exactly how their money was spent. The response I received to my access to information request was two blank pages. That is an insult to Canadians. It is the opposite of openness.

What exactly is the minister hiding? Why is he being so secretive?

• (1500)

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, what is an insult to Canadians is a Liberal playing ridiculous politics with the most successful Olympics in history.

The Canada Pavilion, our two live sites in Vancouver, our live site in Whistler, the Four Host First Nations Pavilion, the Atlantic Pavilion, Place de la Francophonie, the Cultural Olympiad, all investments by this federal government, helped make the Vancouver 2010 games the greatest games in Olympic history.

Our government is proud of our investments, proud of the Canada Pavilion that saw tens of thousands of Canadians come and have access to the athletes and the games and have a great time. We are proud of the 2010 games and everything we did.

\* \* \*

[*Translation*]

**HEALTH**

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, on April 16, the task force put together by the New Brunswick government to look at the decision of Canadian Blood Services to relocate its centre in Saint John, New Brunswick, to Dartmouth, Nova Scotia, released its report, which recommends that the centre be kept in Saint John.

Canadian Blood Services confirmed that Health Canada approved its decision to close the facility.

Will the Minister of Health change her mind, since she is responsible for guaranteeing safe access to blood products for all Canadians, especially since the Krever report?

[*English*]

**Hon. Leona Aglukkaq (Minister of Health, CPC):** Mr. Speaker, the decision was made in consultation with every provincial health minister, including the minister from New Brunswick. The decision was made by all provinces and territories, and I support the decision that was made.

\* \* \*

[*Translation*]

**GOVERNMENT ASSISTANCE**

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, the municipality of Lac-aux-Sables is hoping to renovate its waste water treatment system.

The Quebec government has said that it wants to move forward, but we are still waiting for confirmation from the federal government. The deadline for the bid guarantee is today and municipal officials are very worried.

What is the minister waiting for in order to act and confirm that this municipality will finally receive funding?

**Hon. John Baird (Minister of Transport, Infrastructure and Communities, CPC):** Mr. Speaker, I am very proud to say that we have come to a good agreement with the Quebec government. The federal government gave Quebec \$350 million to ensure high-quality drinking water and we are very proud of that. We have already launched a number of projects, and I can say to my Quebec colleagues that more good announcements will be made in this area.

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**PRESENCE IN GALLERY**

**The Speaker:** Order. I wish to draw the attention of members to the presence in our gallery of His Excellency Bédouma Alain Yoda, Burkina Faso's foreign affairs and cooperation minister.

**Some hon. members:** Hear, hear!

\* \* \*

[*English*]

**POINTS OF ORDER**

## ORAL QUESTIONS

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, the member of Parliament for St. John's South—Mount Pearl stated during question period that Mr. Rahim Jaffer organized meetings between Conservative MPs and representatives of the financial sector in Toronto in September 2009. This is categorically false. There were two days of meetings. Mr. Jaffer did not attend any one of the meetings. He did not organize any one of the meetings. He was not in any way at any of the meetings. He was not consulted on the meetings. He has never been a member of this financial services caucus, which was created after the last election.

I ask the member to do the honourable thing, stand up, retract that statement, and apologize for what she said. That is categorically wrong.

*Routine Proceedings*

**Ms. Siobhan Coady (St. John's South—Mount Pearl, Lib.):** Mr. Speaker, I would like to table a document. I was reading an article from the Investment Executive: Canada's Newspaper for Financial Advisers. I would like to table this article.

• (1505)

**The Speaker:** Does the hon. member have the unanimous consent of the House to table this article?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Speaker:** There is no consent.

The hon. member is rising on a point of order?

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** Mr. Speaker, I, too, attended those meetings on behalf of the financial services caucus. Mr. Jaffer was nowhere in sight and did not talk to anybody. I certainly can corroborate the information given by the chair of the finance committee. This is absolutely untrue and it deserves an unqualified apology at this moment.

**Ms. Siobhan Coady:** Mr. Speaker, again, I ask for unanimous consent to table the document.

**Mr. Bob Dechert (Parliamentary Secretary to the Minister of Justice, CPC):** Mr. Speaker, I rise on a point of order. I was also at the meeting of the government financial services caucus that the member referred to and I can confirm that Mr. Jaffer was not in attendance, and was not in any way associated with that meeting.

**Ms. Siobhan Coady:** Mr. Speaker, I would like to read into the record from the Investment Executive: Canada's Newspaper for Financial Advisers, an article called "The Tory two-step. The federal government is friendly when it needs to be—and cool when it's convenient". This is from Tuesday, November 3, 2009 by Gord McIntosh. It states:

Just before parliament got back to work in September, a group of Conservative Party members of Parliament headed to Toronto to spend the day with the city's bankers for get-to-know-you niceties and some full and frank discussions on policy. By all accounts, things went well. The MPs who form the Tory financial services caucus went away feeling a little empathy for the banks. The banks, for their part, left finally feeling—

Further down the article it says, "Then things started to go into the dumpster. First Rahim Jaffer, the former Tory MP turned lobbyist, who organized the unofficial summit, got busted for impaired driving and cocaine possession. Then there went the bank's new link to the Harper government". It went on to say, "He organized this meeting".

**The Speaker:** I have heard enough on this point. We are getting into a debate and, with all due respect to hon. members, whatever may have happened, wherever the information came from, it is not for the Chair to adjudicate on the accuracy of statements that are made in this House. It is far beyond the Chair's ability to do that and has never been the way the Chair operates.

There is a debate, there is disagreement as to facts, and there is not much more the Chair can do, except have that disagreement take place. However, in the Chair's view, it is not a procedural question. It is a matter of debate.

I would suggest that hon. members carry on the debate somewhere else so we can get on with the business of the House. With due respect, while there may be inaccurate statements made during question period or during debate, those are not matters upon which the Chair can adjudicate. Therefore, I am not able to assist hon. members with respect of this matter.

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## ROUTINE PROCEEDINGS

[*Translation*]

### EXPORT DEVELOPMENT CANADA

**Hon. Peter Van Loan (Minister of International Trade, CPC):** Pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the Canada Account Annual Report for 2008-09 prepared by Export Development Canada, as well as Export Development Canada's annual report for 2009.

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[*English*]

### DOCUMENTS REGARDING MISSION IN AFGHANISTAN

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, there have been discussions among all parties and I think if you were to seek it, you would find unanimous consent to table a number of pages of documents relating to the mission in Afghanistan. These documents are without prejudice to the question of privilege currently before the House.

I want to assure all members of the opposition parties that should they grant unanimous consent, copies of all of these documents will be provided to the opposition parties immediately for their examination.

• (1510)

**The Speaker:** Does the hon. parliamentary secretary to the government House leader have the unanimous consent of the House to table these documents?

**Some hon. members:** Agreed.

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### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to four petitions.

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### INCREASING VOTER PARTICIPATION ACT

**Hon. Steven Fletcher (Minister of State (Democratic Reform), CPC)** moved for leave to introduce Bill C-18, An Act to amend the Canada Elections Act.

(Motions deemed adopted, bill read the first time and printed)

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## COMMITTEES OF THE HOUSE

### HEALTH

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Health in relation to a motion adopted at the committee on Thursday, April 22, 2010 regarding the cancellation of the HIV vaccine manufacturing facility under the Canadian HIV vaccine initiative.

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## PETITIONS

### GUARANTEED INCOME SUPPLEMENT

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, I have the pleasure to present a petition from many thousands of people who are calling for an increase to the guaranteed income supplement.

They point out that today in Canada there are many seniors who live in poverty. These are individuals who have built this country and helped make it great, but the increases they receive do not reflect today's cost of living increases in taxes, housing, food and transportation.

The federal government has the responsibility and should have the capacity to assist these people. The petitioners are calling for an immediate increase in the guaranteed income supplement.

### AIR PASSENGERS' BILL OF RIGHTS

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Mr. Speaker, I have two petitions to present today.

The first petition, signed by thousands of Canadians, calls on the government to adopt Canada's first air passengers' bill of rights. Bill C-310 includes compensation for overbooked flights, cancelled flights and unreasonable tarmac delays.

The legislation has been in Europe since 1991. It was revamped five years ago and Canadian air passengers, up to just days ago, are receiving benefits in Europe that they are being denied in Canada.

Bill C-310 would require passengers be kept informed of flight changes whether delays or cancellations. The new rules have to be posted in the airports. The airlines must inform the passengers of their rights and the process to file for compensation that deals with late, misplaced baggage. It also deals with all inclusive pricing by airlines in their advertisements. It is not meant to punish the airlines. If they follow the rules, it will not cost them one cent.

The petitioners call on the Government of Canada to support Bill C-310 which would introduce Canada's first air passengers' bill of rights.

### PRISON FARMS

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** The second petition, Mr. Speaker, signed by dozens of Winnipeg residents, is a call to stop the closure of the six Canadian prison farms.

## Routine Proceedings

Dozens of Canadians have signed this petition asking the government to reconsider all six prison farms, including Rockwood Institution in Manitoba. They have been functioning farms for many decades providing food to the community. The prison farm operations provide rehabilitation and training for prisoners to work with and care for plants and animals.

The work ethic and rehabilitation benefit of waking up at 6 a.m., working outdoors, is a discipline that Canadians can appreciate. Closing these farms will mean a loss of the infrastructure and will make it too expensive to replace them some time in the future.

Therefore, the petitioners call on the Government of Canada to stop the closure of the six Canadian prison farm operations across Canada, and produce a report on the work and rehabilitative benefit to prisoners of the farm operations and how the program can be adopted to meet the agriculture needs of the 21st century.

[Translation]

### PREVENTIVE WITHDRAWAL

**Ms. Nicole Demers (Laval, BQ):** Mr. Speaker, I am pleased to present a petition signed by several hundred people from about 40 different organizations calling on the Government of Canada to develop an administrative agreement with the Government of Quebec giving all pregnant women in Quebec the right to access the preventive withdrawal program offered by Quebec's occupational health and safety commission.

• (1515)

[English]

### FIREARMS REGISTRY

**Mr. Pierre Poilievre (Nepean—Carleton, CPC):** Mr. Speaker, I rise today to introduce a petition on behalf of my constituents who wish to see the abolition of the wasteful billion dollar Liberal long gun registry.

Included in this petition are signatures from honest and hard-working anglers, hunters, farmers and landowners from across the old Carleton County and even parts of Nepean. These are honest people who follow the law and contribute to their communities. They do not appreciate being treated like criminals, as the long gun registry has done to millions of law-abiding and decent Canadians.

The petitioners call on all parliamentarians to do the right thing and target the real criminals with stronger laws for gun crimes, while at the same time eliminating this multi-billion dollar monstrosity and getting off the backs of hard-working, honest hunters and farmers.

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## QUESTIONS ON THE ORDER PAPER

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, the following questions will be answered today: Nos. 114, 115 and 121.

*Routine Proceedings*

[Text]

Question No. 114—**Mr. Robert Oliphant:**

With regard to the Learning Centre of Library and Archives Canada: (a) what are the costs associated with the Lest We Forget Program; (b) what are the costs associated with the operation of the Learning Centre; (c) in the last year, what changes have been made to the mandate of the Learning Centre; (d) what changes will be made to responsibilities of employees of the Learning Centre who have been working with the Lest We Forget Program when it is eliminated in June 2010; (e) how will staff and resources of the Lest We Forget Program be redirected after the program is eliminated in June 2010; and (f) what changes, if any, have been made to the overall funding provided to Library and Archives Canada for the 2010-2011 fiscal year?

**Hon. James Moore (Minister of Canadian Heritage and Official Languages, CPC):** Mr. Speaker, the response is as follows: a) The costs associated with the Lest We Forget activities are embedded in the costs of the Learning Centre.

b) the total cost of ownership associated with the Learning Centre is approximately \$475,000 a year and include personnel, reproduction of documents, digitization, rooms, shipping and mailing, etc.

c) No changes have been made to the mandate of the Learning Centre.

d) The Lest We Forget project is not being eliminated. The staff will continue working on the activities and projects of the Learning centre.

e) The Lest We Forget project of Library and Archives Canada is not being eliminated. The staff will continue working on activities and projects of the Learning centre.

f) Globally, Library and Archives Canada reference levels have decreased by \$1.1M in 2010-11 due to the following: An increase of \$12.8M for the conversion of the asset in Gatineau, Quebec as a Collection Storage Facility with a high density shelving system; an increase of \$4M to cover for increases due to the various collective agreements signed during the fiscal years 2008-09 and 2009-10; an increase of \$1.6M to support the modernization of federal laboratories, Budget 2009; a decrease of \$6M for the construction of a preservation facility to safeguard Canada's cellulose nitrate-based documentary heritage; a decrease of \$5.3M in funding for the AMICAN project to replace obsolete systems and provide the capacity for managing digital publications and digital records of government (end of project funding); a decrease of \$4.6M for the 2007 Strategic Review; a decrease of \$2M for the Portrait Gallery of Canada—Following the termination of the Request for Proposal for the building project in November 2008, the funds previously allocated for building operating expenses are not required, \$1.185M, and the programming activities for the Portrait Gallery of Canada program were realigned with the aim of making the collection more accessible to all Canadians, \$814.4K; and a decrease of \$1M for a national initiative to improve access to information in multiple formats and to develop a strategy that supports equitable library service for Canadians with print disabilities, end of project funding.

Question No. 115—**Mr. Marc Garneau:**

With regard to chrysotile asbestos: (a) what measures does the government take to ensure that countries to which Canada exports chrysotile asbestos understand the dangers associated with working with this carcinogenic product; (b) what measures, if any, does the government take to verify that countries to which chrysotile asbestos is exported are working in a safe manner with it; and (c) what are the procedures

approved or recognized by the government for safely working with chrysotile asbestos?

**Hon. Christian Paradis (Minister of Natural Resources, CPC):** Mr. Speaker, with regard to part a) and with regard to chrysotile asbestos, the Government of Canada has promoted the safe and controlled use of chrysotile on the national and international scene since 1979.

Canada, through its support of the Chrysotile Institute makes efforts to promote the controlled use of chrysotile asbestos by providing information on how to manage the risks associated with its use. The Chrysotile Institute promotes safety in the use of chrysotile asbestos internationally. The Chrysotile Institute's activities have strengthened the capacity of importing countries to implement controlled use and are leading to the adoption of policies and work practices similar to those applied in Canada. Countries are encouraged to implement measures in compliance with the International Labour Organization, ILO, Convention 162 on Safety in the use of Asbestos.

In addition, each bag of chrysotile asbestos carries standard warning labels and risk phrases in English and French. Similar labels are affixed to stretch-wrapped pallets prior to shipment. The containers holding the stretch-wrapped pallets during shipping carry two labels consistent with the Canadian Maritime Code and U.N. Code for chrysotile asbestos. In most cases, upon arrival in the importing country, the containers are taken from the dock directly to the factory which uses the chrysotile asbestos.

With regard to part b) Although the implementation of domestic measures ensuring the safety and health of workers in the workplace is the sovereign responsibility of importing countries, Canada is contributing to the promotion of the safe use of chrysotile asbestos. The Chrysotile Institute, a not-for-profit organization is mandated by the federal government and the government of Québec, as well as by industry and the unions representing chrysotile asbestos workers, to support the promotion of the controlled use of chrysotile asbestos nationally and internationally.

Since its founding in 1984 the Chrysotile Institute has provided technical and financial aid for the creation of a dozen national industry associations in as many countries. These associations distribute health and safety information to their members, organize training seminars, coordinate dust-monitoring activities with the International Chrysotile Association, coordinate government-industry relations and monitor developments.

*Routine Proceedings*

In 1986, the ILO unanimously approved Convention 162, "Safety in the Use of Asbestos". This Convention advocates the strict regulation of chrysotile. This convention, along with recommendations by the World Health Organization are still the international point of view favoring the controlled-use approach for chrysotile asbestos.

For further information concerning the Institutes activities please see the following website: <http://www.chrysotile.com/en/about.aspx>.

With regard to part c) Responsibilities for occupational health issues are shared with the provinces.

Canada Occupational Health and Safety Regulations, COHSR, Part X, Hazardous Substances, made under part II of the Canada Labour Code address the use and handling of hazardous substances in workplaces under federal jurisdiction. Under COHSR, all forms of asbestos are regulated via set exposure limits namely: 0.1 f/cc, fiber per cubic centimeter, for all forms of asbestos other than chrysotile, and 1 f/cc for airborne chrysotile asbestos. Please see the following website: [http://laws.justice.gc.ca/eng/SOR-86-304/page-5.html#anchorbo-ga:l\\_X](http://laws.justice.gc.ca/eng/SOR-86-304/page-5.html#anchorbo-ga:l_X)

In addition, the elimination and the reduction of the hazards are two preliminary preventive measures regulated by the COHSR, part XIX, Hazard Prevention Program. Please see the following website: <http://laws.justice.gc.ca/eng/SOR-86-304/page-10.html>

For projects involving the renovation or rehabilitation of federal real properties, the Department of Public Works and Government Services Canada, PWGSC, follows part II of the Canada Labour Code for all construction/renovation of Federal Buildings. In addition, PWGSC adheres to Departmental Policy #57 "Asbestos Management in Federal Projects and Buildings" which provides direction in how to manage Asbestos Containing Materials (ACM) within the context of construction / renovation of Federal buildings as well as the safe operation and maintenance of federal facilities.

Additional information about chrysotile asbestos can be found at the following Health Canada website: <http://www.hc-sc.gc.ca/hl-vs/iyh-vsv/environ/asbestos-amiant-eng.php#ro>

**Question No. 121—Mr. Nathan Cullen:**

With regard to Indian and Northern Affairs Canada's operations in British Columbia: (a) what is the total value of grants and contracts awarded to Dayton and Knight Ltd.; and (b) what is the value of contracts and grants awarded to Dayton and Knight Ltd. as a percentage of all engineering awarded in the province?

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development, CPC):** Mr. Speaker, insofar as the Department of Indian and Northern Affairs Development is concerned, no contracts or grants were awarded to Dayton and Knight Ltd.

\* \* \*

[English]

#### QUESTIONS PASSED AS ORDERS FOR RETURNS

**Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC):** Mr. Speaker, if Questions Nos. 119, 120, 122, 124 and 126 could be made orders for returns, these returns would be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

**Question No. 119—Hon. Shawn Murphy:**

With regard to individuals working at the Canadian International Development Agency earning in excess of \$80,000 per annum, for the fiscal years 2006-2007 to 2008-2009: (a) what percentage of these individuals received at-risk pay and what was the average annual amount of this at-risk pay; and (b) what percentage of the same class of individuals received annual bonuses, and what was the average amount of these bonuses?

(Return tabled)

**Question No. 120—Hon. Shawn Murphy:**

With regard to contributions for the Atlantic Innovation Fund in the fiscal year 2008-2009: (a) what is the fiscal breakdown of the program objectives; (b) what is the explanation of the program objectives; (c) what are the results of the program objectives; and (d) what are the performance indicators and targets used to audit the performance of the program objectives?

(Return tabled)

**Question No. 122—Mr. Nathan Cullen:**

What is the total government investment in Atomic Energy of Canada Limited since its creation in 1952 for each year of operation, expressed in both as-spent and in constant 2009 dollars?

(Return tabled)

**Question No. 124—Hon. Ujjal Dosanjh:**

With regard to Afghan detainees: (a) how many Afghans or other foreign nationals were detained by regular Canadian Forces or Military Police each year since Canada began its operations in Kandahar province; (b) how many Afghans or other foreign nationals were detained by Canadian special forces since Canada began its operations in Kandahar province; (c) were the processes for the handling of detainees different depending on whether they were captured by regular or special forces and, if so, how; (d) do Canadian special forces participate in joint operations with U.S. special forces and, if so, what happens to detainees captured during the course of those operations; (e) since Canada began its operations in Kandahar province, how many Canadian-captured detainees were questioned (i) by agents of the Canadian Security Intelligence Service (CSIS), (ii) in the presence of a CSIS agent; (f) did CSIS provide input on which detainees should be transferred to the Afghan National Directorate of Security (NDS); and (g) was any information from the NDS interrogations of detainees passed on to Canadian authorities?

(Return tabled)

**Question No. 126—Hon. Joseph Volpe:**

With respect to the evacuation of Lebanese-Canadians from Lebanon during the 2006 Israel-Hezbollah War: (a) what security checks were applied before evacuation to ensure none were members of Hezbollah; (b) how many of the evacuees returned to Lebanon within six months; and (c) what was the final cost of the evacuation itemized by specific category?

(Return tabled)

[English]

**Mr. Tom Lukiwski:** Mr. Speaker, I ask that all remaining questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

*Government Orders***GOVERNMENT ORDERS***[Translation]***BALANCED REFUGEE REFORM ACT**

The House resumed consideration of the motion that Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, be read the second time and referred to a committee.

**Ms. Raymonde Folco (Laval—Les Îles, Lib.):** First, Mr. Speaker, I wish to inform you that I will be sharing my time with the hon. member for Brossard—La Prairie.

*[English]*

As the member for Laval—Les Îles, I rise today in Parliament to speak on a very difficult piece of legislation, Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act. These proposed amendments deal with the fundamental right of individuals to seek protection in other countries, and specifically in Canada, when their government wilfully refuses to protect its citizens.

Instead, many of these individuals live in terror, afraid for their lives and for those of their families. In some instances, they are subjected to decades of civil war. They are subjected to cruel and unusual torture, in most instances at the hands of their own government, the same government that had pledged to serve and protect their human rights.

I also speak today in the House for the voices of the many women and children who have been subjected to force and violent rape by armies given the authority to ethnically cleanse a country. All this is done while the government stands silent. It not only does not protect its citizens but it does not even bring the perpetrators to justice. Many of the more than 50 wars that are going on in the world today have been going on for decades. The number of victims runs in the millions. Today, if the amendments that we will be asking for are not allowed to be incorporated into Bill C-11, then Canada's Conservative government will take away those rights to protection.

In the few minutes I have before me, I will speak to three areas of this bill: first, the eight-day rule, second, the right to remain in Canada on humanitarian and compassionate grounds and, third, the notion of safe country of origin or, as described in clause 12, proposed section 109.1, designated countries of origin, where parts of a country within a country would be considered safe by the Canadian refugee authorities.

Implementing an eight-day information-gathering rule goes against everything Parliament has put in place to allow claimants a fair and impartial refugee hearing with the support of competent legal counsel. Eight days is not enough to give counsel time to gain the trust of the claimants.

I am talking about people who go through many countries before they get to Canada, who have lived illegally and who have slept just about anywhere before they came here. We are asking them to sit down with a lawyer, explain their problem and try to give all the details within the very short time of eight days. How can we expect a poor man, women or child, because often children come all by

themselves without the help and support of their parents, to trust that person who is in front of them within eight days?

Eight days is definitely not sufficient. Eight days is not enough time to secure adequate cultural interpretation. We know, for the majority of the time, that counsel would be working with a third language. Very few of the refugee claimants who we receive in this country speak one of the two official languages.

● (1520)

*[Translation]*

On the issue of humanitarian and compassionate grounds, the bill before us would require a claimant to wait a full year before reapplying after his or her claim for refugee status has been rejected. These people will be in complete limbo during that one year period. What would happen if, after discussions with a lawyer, a claimant realized that his or her claim was made on the wrong grounds, given the situation he or she experienced? What if the claimant wants to withdraw a claim and make a new one on humanitarian and compassionate grounds this time?

Claimants who withdraw their claims before the hearing date should be entitled to apply for permanent residency. Under this bill, however, claimants who withdraw their claims before their IRB hearing date have nowhere else to turn. All doors and windows are then closed to them. They currently have no other choice than to face removal.

*[English]*

I would like to speak about a case I heard about last night, that of a young woman from Guinea, in Africa, who was a victim of spousal abuse and who will now be deported from Canada. Her abuse by her partner was so severe that she is permanently branded on her left breast, and even underneath, from the mark of a hot iron. When she tried to get the authorities in her country to protect her, she was not able to get the authorities to do so. That is exactly what a refugee is, somebody who goes to the authorities in her own country and does not get the protection of the police and of the judicial system.

According to her Montreal counsel, our system denied her refugee status. She told us and friends of hers told us that if she were to go back to her country of Guinea, then she would be again under the control of this man who so cruelly abused her.

Not only has Canada's humanitarian and compassionate system failed to allow this woman to remain, but we are sending her back on Tuesday, although she is now married to a Canadian citizen and is now in a high-risk pregnancy. Tuesday is tomorrow.

Here are some of the details. One, if she is forced to go back to her country, the chances are very, very high that she will run into the man who was her first husband, who will very likely never understand or accept that she has now remarried. Two, she is now in a high-risk pregnancy. She cannot really be put into an airplane.

Where is the clemency? Where is the justice? Where is the compassion? Where are the humanitarian grounds on which the minister could allow this woman and her unborn child to stay here, because it is up to the minister and his department?

Her counsel, who has sent me a copy of a letter that was recently written to the Minister of Citizenship, Immigration and Multiculturalism, said that her Canadian physicians, right here in Canada, in Montreal, have confirmed that travelling would be extremely dangerous.

This is one case among many. Before I became a member of Parliament, I was a member of the IRB, the Immigration and Refugee Board.

• (1525)

[Translation]

As an IRB member, I reviewed hundreds and hundreds of cases. It is true that, in some cases, there are individuals who try to push through our system, but it is also true that the vast majority of people whose cases we see are like this woman from Guinea who needs our help.

[English]

My colleague, the MP for Vaughan, has declared that on this side of the House, the refugee appeals division was happy that at last it will be implemented. I am certainly happy personally, but it is clear that claimants will not be in Canada long enough to allow them to be present for those appeals. How can a refugee claimant appear before the appeals division to make her case heard if the new law implements a short eight-day period to gather information?

[Translation]

Other MPs have talked about the most controversial aspect of Bill C-11: the Immigration and Refugee Board will hear the case but the applicant will not be able to appeal to the IRB. Furthermore, this is all tied to the decision that will be made by the department or the minister—we are not exactly sure which one—regarding the designation of safe countries.

When I was a member of the IRB, we received refugee claims from Sri Lanka. People were told that if they went to Colombo, the capital of Sri Lanka, they would find refuge and would not need to come to Canada. It was not recognized that, in Sri Lanka, it was perhaps harder to travel to the capital than it is in Canada because of the dangers faced by the refugee claimant.

The bill does not say which authority will be responsible for designating safe countries or the criteria to be used. I would like to share some anecdotes based on my experience as a former member of the board.

There are some countries in Europe where homosexuality is recognized and is not illegal. They are democratic countries, as the minister rightly stated earlier. However, from my experience on the Board, I know that when some homosexuals arrive in Canada, they say that they were beaten and persecuted in their country of origin and that they went to the police but did not receive any protection. The laws of their country also did not afford them protection.

Although there may be a law on the books, that does not mean they have protection. Although a country is democratic, that does not mean that these people will be protected in the outlying, rural, mountainous areas of that country. Protection on paper is one thing, and it is important; however, it is not the same as real protection.

### *Government Orders*

People are persecuted and are unable to obtain help from their country and its justice system.

We must ensure that our Canadian law can distinguish between people who wish to take advantage of our system and those who do are not protected by their country's justice system.

Just because a country is democratic does not mean that it will protect its citizens when necessary.

My comments are based on discussions I have also had with NGOs that have worked with refugee claimants for years and know the system very well.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, I thank the member for her comments. Her compassion for refugees is quite evident.

[English]

I have just a couple of comments.

First, the member raises the question of the eight-day triage. I should point out that currently, when refugee asylum claimants arrive they have an initial interview with somebody from the CBSA. Counsel is almost never present. The proposition is for a triage interview that would not be a legal hearing. It would simply be an opportunity for someone from the independent IRB, far better trained than officials at the CBSA, to get the essential outline of the claim, identify whether or not someone has a manifestly well-founded claim and to recommend them for priority treatment so they can get faster protection.

However as to her point with respect to Sri Lanka, one of the criteria we propose for the designation of safe countries is that, of their principle source of claims, the vast majority are unfounded. In the case of Sri Lanka, 91% of claimants are people who have a well-founded fear of persecution. Therefore a country with such an acceptance rate would not be even remotely considered for inclusion in the designated safe country list.

Finally, I have a question for her.

The Leader of the Opposition, her leader, said on August 13 of last year, "I want a legitimate, lawful refugee system that welcomes genuine Convention refugees but then says, look, there are a number of countries in the world in which we cannot accept a bona fide refugee claim because you don't have cause, you don't have just cause coming from those countries. It's rough and ready but otherwise we'll have refugee fraud and nobody wants that".

That is what the hon. Leader of the Opposition said last August 13 in Saint John, New Brunswick, and I would like to know whether the member for Laval—Les Îles agrees with her leader in that respect.

• (1530)

[Translation]

**Ms. Raymonde Folco:** Mr. Speaker, I would like to respond to what the minister said about Sri Lanka.

*Government Orders*

I have represented the riding of Laval—Les Îles in this House for 13 years. The example I gave dates back to the time when I was a member of the Immigration and Refugee Board, many years ago. At the time, Sri Lanka was not a safe country. Colombo was designated as a safe city in Sri Lanka. I think the minister was mistaken about what period I was referring to.

[*English*]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, I thank the member for her very cogent and thoughtful comments on the bill. I also thank the government for bringing forward these changes and for bringing forth an appeal process.

However, a number of very experienced people in this area have raised a number of concerns and I am hopeful that we genuinely will allow for significant amendments.

The member raised important concerns that I have heard from a number of members in the House about the safe countries of origin list. I would like her to comment on the fact that a number of people, including Amnesty International, have raised serious concerns about this and questions whether it is appropriate to designate a country of origin as a safe place and that in fact the process should be based on the claimant, not on the country of origin.

We know that it could be women at risk, there could be sexual orientation at risk, there could be a number of factors, even though generally the country is deemed safe, democratic and according to the rule of law. I wonder if the member could elaborate a bit more on the number of concerns that she has raised and the concerns raised by Amnesty International, particularly on the issue of the safe country of origin.

[*Translation*]

**Ms. Raymonde Folco:** Mr. Speaker, I completely agree. I gave the example of people who had filed refugee claims because they were homosexual and were not protected by their country's legal system.

I chose this example in particular because it is not directly related to democracy. That country, which will remain unnamed, is considered to be a democratic country, which has passed laws to protect these people, and is currently on the list of safe countries.

However, even though I am no longer a member of the Board, I meet people who have no reason to tell me about their problems, and I know that these people were not protected in their country.

I did not have time to mention this during my speech, so I would like to add that I hope this bill goes directly to committee after first reading. It is an extremely important and complex bill, and we must give the Standing Committee on Citizenship and Immigration as much time as possible to discuss it.

**Mrs. Alexandra Mendes (Brossard—La Prairie, Lib.):** Madam Speaker, I would like to echo what my colleague from Laval—Les Îles said. We hoped the bill would be sent to committee immediately after first reading so that we could make the necessary amendments to it.

On the whole, we support the minister's initiative to change refugee protection. These changes were urgently needed. But the bill

has some serious flaws, most of which my colleague already mentioned.

For my part, I would like to talk about how the United Nations High Commissioner for Refugees looks at safe countries and come back again to the issue of sexual orientation and gender, which can be seen as grounds or reasons for abuse in refugee claimants' countries of origin, even countries that are generally considered democratic.

There is another problem as well. I do not know whether it has already been raised, but I would like to mention it. It seems that \$540 million has been earmarked for this reform, but it is not included in the budget.

I would like to ask the minister where the government is going to get the money to proceed with this reform. Does it plan to cut spending in other areas or other parts of the Department of Citizenship and Immigration? If so, where is it going to make cuts to pay for this reform?

I would also like to make mention of the vocabulary we use in referring to asylum seekers or political refugees. It is dangerous to talk about bogus claimants and even very harmful to the whole refugee system.

We need a reasoned, respectful discussion based on facts, rather than just on insults and simplifications. Not everyone who applies for refugee status may need protection. Some people may feel threatened when in fact they are not, but that does not mean they are abusing the system. They may have had very good reasons for leaving their country of origin, even though those reasons do not make them refugees under the law.

Refugees are some of the most vulnerable members of society and are, therefore, easy targets for attack as non-citizens in a foreign country, in this case, Canada.

Denigrating labels, especially those given by the government, have a serious negative impact on the public's perception of refugees and non-citizens in general. This often surfaces in public discourse about immigration and refugee status.

There is an enormous amount of confusion about the rights of refugee claimants. They are seen as perpetual system abusers. But many of these people have very serious and obvious reasons for seeking asylum in Canada.

I will now come back to two questions that complement those asked by my colleague from Laval—Les Îles. In terms of funding, where will we find the \$540 million needed to see the reform through to the end? There is also the question of vocabulary. Is it possible to be more careful when talking about people seeking asylum? We need to look at how we treat them and talk about them.

The question of safe countries has been debated at length. The minister has made some clarifications about the 8 days and 60 days. However, it would be extremely important to very clearly define, in committee, the impact of the interview that takes place within eight days and the repercussions this interview would have on the application.

*Government Orders*

In general, the minister's reform proposal is a great initiative. It is a good start. It was urgent and necessary. However, we must agree that other discussions will be necessary in order to improve it and make it as good as possible.

• (1535)

[*English*]

**Mr. Rick Dykstra (Parliamentary Secretary to the Minister of Citizenship and Immigration, CPC):** Madam Speaker, I appreciate that on a number of occasions in her speech today my colleague touched on the fact that these reforms are necessary and that she and her party are supportive of a number of the reforms in the legislation. In fact, it sounds like she would like to get this bill to the citizenship and immigration committee, on which she was a member, as quickly as possible.

One of the points that she raised, and on which I seek some clarification from her, concerns a reform in the legislation for the expansion of an additional 2,500 refugees, asylum seekers, to our country, 2,000 of whom would be those in private lives who would be able to provide that care and that sponsorship, and 500 additional government-sponsored refugees.

Another issue that she spoke to was the issue of being kinder or nicer, or something to that effect. I would like to suggest that our legislation, because of this reform, speaks exactly to the type of kindness that this country has and speaks exactly to the type of kindness that we need to generate through our refugee reform policy. I would ask the member if she would make sure to clarify her point on that.

• (1540)

**Mrs. Alexandra Mendes:** Madam Speaker, it actually had little to do with that. Yes, I recognize that the government is proposing to increase the number of refugees that will be accepted in Canada yearly. However, it has very much to do with the vocabulary the government often uses around the question of asylum seekers. It is in that sense that I was hoping we would be very careful on how we speak about refugees and asylum seekers.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Madam Speaker, I want to thank my colleague for her speech. It was not so long ago that she sat with us on the Standing Committee on Citizenship and Immigration. We miss her.

She is familiar with Bill C-291 that I introduced. The purpose of the bill was to implement a refugee appeal division, which is being partially presented in the bill before us today. My colleague worked on promoting this appeal division. Unfortunately, this bill was defeated in the House because of the Liberals. During the vote, 12 MPs were absent. They had won the previous vote by three votes and then had the nerve to keep four members seated and have them abstain from voting. The bill was defeated by only one vote.

Considering all the effort she made in promoting this bill, is she not a little disappointed in the behaviour of her colleagues who have abandoned refugees?

**Mrs. Alexandra Mendes:** Madam Speaker, the hon. member will understand that I am not going to make any comments on the behaviour of my colleagues with respect to what happened before

the holidays. However, I can say a few words about the appeal process presented in the bill. It is a start, but it is not a complete response.

This is part of the work the committee will begin rather quickly, I hope. We have to look at how this appeal process will work, as my colleague the hon. member for Laval—Les Îles pointed out. Asylum seekers will rarely be given the time to stay for an appeal. This is something that absolutely must be discussed.

[*English*]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Madam Speaker, when the minister tabled his bill, he described how we needed to make these amendments to ensure the process was fast and fair.

I would suggest that it is probably more appropriate to say that it would be timely and just. I wonder if the member could speak to that issue, particularly in the avenue of having access to legal counsel. Does the member think legal counsel should be available at all stages of the process?

**Mrs. Alexandra Mendes:** Madam Speaker, I most definitely agree that legal counsel should be available at all stages, especially at the appeals process where the refugee claimant must be given enough time and elasticity to present when that appeal goes through.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Madam Speaker, I am pleased to be here to speak to Bill C-11, which provides for equitable reforms with respect to refugees. It is about time we looked at this because the process for dealing with refugee claims submitted by people who show up at our border crossings has been a big problem for a long time now. These people come to Canada claiming to have been persecuted in their home countries. Because they get no protection there, they come here to ask Canada for protection.

The number of claims awaiting processing has skyrocketed over the past few years. Processing delays are far too long for all cases, particularly those based on the Geneva convention, which defines a refugee claimant. People who submit claims live in limbo for years, but they deserve a faster response.

This also happens to other persecuted individuals in extremely difficult circumstances around the world. These people submit their refugee claims in good faith because in many cases, they believe the legal definition applies to them, but their cases are dismissed after they have spent several years in Canada. They may have jobs, friends, families, houses. The wait times are also far too long for some unscrupulous opportunists who take advantage of the situation to try to stay in Canada as long as possible or even permanently.

This problem is due in large part to negligence on the part of the current and former governments, which hired too few members. This has been the norm at the Immigration and Refugee Board for a long time now. When there are not enough board members to process claims, when staffing levels are only two-thirds what they should be, fewer claims are processed and wait times go up.

I have a very hard time understanding this situation. Why did the government not take action sooner? Why did it not take steps to shorten wait times?

*Government Orders*

The committee often studies what is going on in immigration. I have become deeply convinced that, unfortunately, wait times are being used as a tool to manage the arrival of immigrants or, in this case, refugees. Allow me to explain.

Normally, in the health care system, wait times are due to an insufficient allocation of resources, which is involuntary because resources are scarce. Because more people need services than there are resources allocated, wait times increase over time. That is why only a certain number of people can be treated every year.

Where immigration is concerned, it is somewhat the reverse situation. Insufficient resources are voluntarily allocated to processing claims so as to not exceed the quotas and objectives that have been set. This is never acknowledged officially or publicly, but almost everyone agrees that only a certain number of people can be admitted to Canada every year.

Society has the ability to absorb a number of people from all over the world. Means are therefore sought to try and control the influx. For many years, it suited governments to have prolonged processing times. It helped slow down the influx of refugees, who figured it would be complicated to get into Canada and that it would take a few years. This acted as a disincentive.

It became a problem when the government lost control and found itself with long wait periods and a process so complicated that it almost acts as an incentive for people to come to Canada. They figure that their claims will take years to process and, during that time, they will be in a safe country and will not have to fear for their safety.

● (1545)

So previous governments and the current government are to blame for part of the problem, but at least we have a bill before us that is aimed at tackling the problem.

I recognize that there is a problem and that it is good to have a bill to deal with that problem. I believe that this bill contains some interesting principles. The Bloc Québécois will support it at second reading to send it to committee.

We asked that this bill be sent to committee even before second reading so that we would have complete latitude to study it and suggest constructive improvements. But the government did not opt to go that route. I hope that if we work together in committee to make the bill better, we will not get bogged down in “proceduritis”.

Let us look at the main elements of the bill. No one will be surprised that I am going to start with the refugee appeal division. This bill finally provides for implementing this division, even though it has been in the act for quite some time. In fact, the 2001 Immigration and Refugee Protection Act provided for an appeal division. At the time, two board members considered a refugee claim at the same time, and all it took was for one member to approve the claim for the claimant to be accepted. In 2001, the previous Liberal government told Parliament that it would reduce the number of board members from two to one, but that it would create a refugee appeal division to make up for the change and avoid arbitrary decisions. This Parliament voted for that. But the Liberal government unfortunately never implemented its own act and the refugee appeal division, and the Conservatives have not done so either.

That is why the Bloc Québécois has repeatedly tried to force the government to implement the division, the last time being when it introduced Bill C-291, which was passed at second reading but unfortunately defeated by a single vote at third reading because of a rather pathetic Liberal tactic.

I do not agree with the Conservatives' positions, but at least they were honest about the fact that they were opposed to the refugee appeal division and would vote against it. The NDP and the Bloc said they were in favour of the refugee appeal division and said they would vote to support it. The Liberals, on the other hand, said they supported it, but curiously, during the vote, 12 members were absent, that is, double the number of absent members of all the other parties combined.

The vote before and the vote after the vote in question were won by the three opposition parties by three votes, but when the time came to vote on Bill C-291, four Liberal members mysteriously remained seated and coincidentally, the bill was defeated by a single vote. That is a lot of coincidences at once. As we all know, that was the Liberals' strategy to try to appease their electoral base while still defeating the bill in the House.

I do not mean to dwell on the past, but I thought it was important to remind the House of what happened.

Let us now look forward. Why is the refugee appeal division necessary? Contrary to what is indicated in the bill before us, why should it apply to everyone?

All of our legal systems include the opportunity to appeal. The reason is very simple: because justice is administered by humans and humans can make mistakes, the system recognizes that the justice system can make mistakes.

● (1550)

Opportunities for appeal will therefore be included everywhere to correct potential errors.

The bill also proposes appeal mechanisms in our legal systems to ensure uniformity. The goal is to ensure a reasonable expectation that a certain type of case, say *x*, will produce a certain outcome and that every case like case *x* will produce that same outcome. That is not how it works at the moment.

Here is an example of how similar claims were treated differently by IRB members. This happened to twins, brothers from the same country. Their claims were reviewed by two different board members, and each one made a completely different decision. The cases were alike, they were brothers who had been through the same thing together, yet the board members did not make the same decision. Clearly, there is a lack of coherence. An appeal division would have made it possible to determine which board member was wrong or mistaken.

*Government Orders*

Appeal mechanisms seek to eliminate arbitrary treatment by giving our legal systems oversight over lower-level rulings. Some board members have rejected as many as 98% of the claims they have dealt with, while others have allowed nearly every claim that has gone before them.

If I were in court one day and someone told me before the hearing that the judge convicted in 98% of his or her cases, I would know that justice was not being served and that it was a farce. I would know the dice were loaded. But in a typical legal system with an appeal division, if every decision made by a board member or judge was overturned on appeal, the chief justice would eventually tell the judge that his or her rulings were a problem.

The same applies to the IRB. An appeal process ensures that those making the decisions in the first place really think them through. Decision makers have to remember that their decisions can be appealed. They have to really think about their decisions and consider whether they are likely to be upheld or systematically appealed.

That is not in the legislation. I know that there have been some intense discussions with the minister about the current potential for appeals in the legislation. There is none. I have been saying it all along, and I will say it again today. There are ways of getting around it, such as the judicial review process at the Federal Court. Very few applications are accepted. In all cases, only the procedural aspect of the application is examined. No one can request a judicial review on the basis of the facts. For example, if a member says that he does not believe a person's story and does not think he is credible, the Federal Court would never say that his story was credible and approve his application.

There is the issue of pre-removal risk assessments. This procedure is very rarely applied. In fact, only 2% of the applications involving new facts since the initial hearing are accepted. It is not truly an appeal mechanism. Neither is a permanent resident application on humanitarian grounds. Some people use it as a second attempt if they think there was an error with their case at the initial hearing. It does not fall under the definition of refugee status as adopted by the conventions supported by Canada.

I have spent a lot of time talking about the appeal division. I think that natural justice is something really fundamental, and we cannot ignore it. The problem with the bill before us is the exemption for so-called safe countries. The minister said that he would create a list, but we have no details about that yet, and people who come from these so-called safe countries will not have access to the refugee appeal division.

● (1555)

Finally, the bill takes a positive step by implementing the refugee appeal division and—let us be frank—by improving it in certain ways, for instance, with the possibility of presenting new evidence and testifying again. Nevertheless, a certain proportion of asylum seekers will not have this opportunity. In my opinion, that is a mistake. When it comes to equality of the most basic rights, we must not treat people differently based on their country of origin. That seems obvious to me.

When a person appears before a tribunal that will make a decision far less significant than one where the person could potentially be sent back to be tortured, killed or persecuted, the tribunal does not take the person's country of origin into account. When neighbours are in a dispute over a fence, neither party would ever be denied the right to appeal based on their country of origin. Everyone is treated equally, regardless of where they are from.

I do not see why this distinction would be made in the case of refugees. It is not necessary. The bill already provides for an expedited process, namely by suspending for one year the possibility of applying for a pre-removal risk assessment, a temporary resident permit or permanent residency on humanitarian and compassionate grounds. These options that were once available to refugees no longer appear in the legislation. We do not think it is necessary to go so far as to prevent people from safe countries from using the appeal division.

I will now say a few words on the issue of deadlines, which are of particular concern to me. Deadlines do not figure in the bill, but I imagine they will be included in the regulations. It seems that the minister intends to give refugees eight days from the time refugee status is claimed to the time they meet with an IRB officer for help with the application. As I was saying earlier, although generally speaking it is a good idea to expedite the process, in some cases this can be problematic.

When a refugee from another country who has been persecuted and perhaps raped several times arrives in Canada, they are told that they have one week to tell their whole story. Many psychologists would say that you can work with a rape victim, for example, for months before they start talking about their experience. Perhaps we should include mechanisms to correct this. In addition, the interview will be used later, during the hearing and possibly the appeal, to discredit the person. They will be asked why they did not report certain things during the initial interview. We must ensure that the person's psychological state during the interview makes it possible to truly tell their story.

I also have concerns about the timeframe for the hearing, which is 60 days. It is a good thing if applicants who are ready do not have a long wait for their hearing. In some cases, however, it may be extremely difficult to obtain the evidence and documents that might be very far away. In some parts of the world, it can take two weeks for a document to arrive and another two weeks to send it back. That adds up to a month, leaving only 30 days for the lawyer to prepare the case.

Finally, I am very worried by the fact that, by and large, these reforms will be made by regulation, thus sidestepping Parliament. In addition, there is the matter of the timeframes I spoke about, the designation of safe countries, the assisted voluntary returns program that I did not have time to talk about, and so forth.

Yesterday's news reported on the case of a sick, pregnant woman, locked in prison and waiting to be deported. The government sometimes lacks compassion. Therefore, we are very reluctant to give it *carte blanche*. For that reason, we are asking the minister to submit the regulations in full before proceeding with a clause-by-clause analysis in committee. Thus, when we vote on the bill, we will at least be familiar with the proposed regulations.

*Government Orders*

•(1600)

I will be pleased to answer my colleagues' questions.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I wish to thank my counterpart from the Bloc Québécois for his comments. I find his remarks on immigration issues quite good. We always act in good faith. I commend him on his desire to see the Standing Committee on Citizenship and Immigration conduct a serious study. I have already made a commitment to the hon. member for Vaughan to be open to any reasonable amendment that might be made to the bill. That having been said, we must make sure that the final piece of legislation will be in keeping with our desire to have an efficient and fair system.

I would like to remind the member that the backlog in the asylum system is a permanent one. It has averaged 40,000 claims over the past decade. There is nothing new about it. The reason why members of the IRB have experienced some problems is that a new pre-screening was introduced, which works very well. As the hon. member knows, the membership of the refugee protection division of the IRB is almost complete.

Finally, I would be prepared to table some draft regulations before the committee so that it can examine them.

•(1605)

[*English*]

The member commented on the discrepancies in decisions from different IRB members. The chairman of the IRB tells me that is because some members focus on certain cases from certain countries of origin and others from other countries of origin.

Our number one source country right now is a new democracy from which 97% of the claimants are withdrawing their claims subsequent to making them. Last year, of 2,500 claims made, only three were accepted as being in need of our protection, so there are some wide discrepancies.

In any event, I want to thank the member for his constructive spirit. I look forward to working with him in good faith at committee.

[*Translation*]

**Mr. Thierry St-Cyr:** Madam Speaker, the minister can count on my help. The Bloc will be proposing amendments to improve this bill.

I would like to talk about inconsistent decisions. In my opinion, they are the source of the potential problems and abuse that the minister is so worried about. When I meet with immigration lawyers in Montreal, they always tell me the same thing. When their client asks if there is a possibility of being accepted, they say that they do not know, that it depends on which IRB member processes their request. Some members make very favourable decisions while others make unfavourable ones. It is the IRB lottery. It is the luck of the draw. If you get a certain member, you are lucky. If you get a different one, you may not be so lucky. It does not necessarily depend on your country of origin. I mentioned the two brothers who came from the same country with the same story but who got two completely different decisions.

This inconsistency might encourage people to take a chance. Then, if that does not work, they look at other alternatives. A refugee appeal division ensures that the decisions are consistent and that case law is built up. Lawyers could tell their clients from the outset whether or not they had a chance, either initially or on appeal. For it to truly work, everyone has to have access to the refugee appeal division, including those coming from what ministers consider to be safe countries.

[*English*]

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I thank the member for his input. He is certainly knowledgeable. I want to ask him about the input I have received from a couple of agencies. Certainly, it has to do with the timing and it also has to do with the safe country of origin issue.

The solution to this may be found in committee if it is deemed that it is not beyond the permitted scope of the committee. Once a bill is passed at second reading and gets approval in principle, it may close the door in terms of the latitude to make certain changes at committee. It was asked, and I wanted to make that representation, in good faith, that because of the important subject matter of this bill, the bill be referred to the committee before second reading so that all of these facts and discussions could be taken into account by the committee in determining the propriety of certain changes to be proposed. That would have been desirable, but that did not occur.

Does the member believe, therefore, that if we pass this bill at second reading we will be able to address some of the substantive issues at committee with the concurrence of the minister?

•(1610)

[*Translation*]

**Mr. Thierry St-Cyr:** Madam Speaker, I indicated in my speech that I thought it would be best to refer the bill to committee before second reading so as to have complete latitude to improve on it, not to change its nature or redesign it, but to make sure that improvements that could be agreed upon unanimously and would make it possible to move forward would not be rejected for somehow going beyond the intended scope of the bill.

I do not know what motivated the government to deny the request made to it to refer the bill to committee before second reading. It hope that was not done in an attempt to use procedure to avoid having to consider certain amendments. At any rate, it would not be a great strategic move on the part of a minority government looking to get its political agenda passed to refuse amendments about which there might be a consensus simply because it has procedure on its side.

The minister and hon. members who spoke today said they were prepared to negotiate, to look at improvements that might ultimately provide interesting results. Let us assume that everyone is acting in good faith and hope that, in committee, we will not get caught up in procedural wrangling and have to debate whether an amendment is in order or not. Amendments should be considered on merit, based on how useful they can be to claimants.

*Government Orders*

[English]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Madam Speaker, the member raised a very important point. I have worked with a number of countries helping them develop their regulatory regime, particularly in the environment field. One of the methods I have encouraged them to follow, which I found useful in a number of jurisdictions in which I worked in Canada, is that at the same time the legislation is being developed, and the interacting regulations and guidelines, they get an idea of exactly how much staff will be needed and that they gear up to train them. In that way, the minute the law is implemented, they are ready to go.

I am wondering if the member could speak to that in more detail. It would be very useful, frankly, in the review of the bill to see the full force of it. My concern is that the bill be implemented with officers having full discretion, rather than what the legislation seems to provide for, that there would be some fettering in the discretion and some criteria in the treatment of these applications.

[Translation]

**Mr. Thierry St-Cyr:** Madam Speaker, we asked that the regulations that go along with this bill be presented to the committee. The minister said he could provide us with at least some rough drafts. That is a good start. That would give us a general idea. However, it is by no means a final solution, because the regulations can be changed at any time without consulting Parliament. We must therefore ensure that the bill includes all the basic principles and that the regulations contain only administrative features, and that Parliament does not shirk its responsibilities regarding the principles of the legislation. I say yes to regulations. I think they are fundamental. Studying this bill with no information about the regulations would really be like signing a blank cheque for parliamentarians. We must go further. We must ensure that the main principles of governance are included in the legislation and that the regulations deal only with administrative matters.

• (1615)

[English]

**Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.):** Madam Speaker, it is a privilege to speak to Bill C-11, An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act. This bill came out of a lot of work that was done when the Liberals were in government in 2004 to 2006. We are pleased to see the minister has listened to members from all political parties and has tried to craft the bill in a way that will deal with something that has been a very vexing challenge for any government that has served our nation.

All of us know and hear about the tragic stories and have met refugees who have come to our country. They have endured lengths of time of great uncertainty in their lives, fleeing countries and environments that have been, at best, disconcerting to them and, at worst, life-threatening to them and their families.

The stories of terror and horror that they, their families and loved ones have been subjected to are often difficult for those of us who have lived in our beautiful country to understand or truly empathize with. It is a reality in far too many countries where the milk of human kindness does not run through some of their leaders and they and the people who follow them have inflicted crimes against

individuals that are beyond our worst nightmares. Yet the people who members see in their offices have come to our country to find a better life, security, enjoy freedom and, above all else, to be protected and free of the kind of viciousness and brutality that infects too many countries in the world.

The genesis of the bill is to ensure that individuals who come to our country, or are selected to be refugees or apply to be refugees are true refugees in our country and are able to go through a process that enables them to enter into Canada in an expeditious fashion with uncertainties removed. More important, it ensures that individuals who try to take advantage of the system, queue jump and enter our country from other countries with no just cause are not allowed into the country, that they are removed from the system and sent back to their countries of origin expeditiously and that the moneys that come from our citizens are used wisely and responsibly.

The Liberal Party will support the bill going to committee. We do this not because we think it is a perfect bill, it is far from it, but we believe it is important and responsible for us to ensure the bill gets to committee where witnesses can appear and members of the committee from all parties can ask the tough questions, which will allow us to ensure the bill is crafted in the most responsible and effective way possible.

We are, however, concerned that the government took four years to put together a bill such as this, given the fact that Conservatives and their offices, like ours, have heard about the challenges and problems within the immigration and refugee system. It is very important that at the end of the day the bill be rooted in fairness and efficiency.

The reform package incorporates recommendations that have come from the Liberal Party, including the establishment of a refugee appeal process. The government, however, has given no guarantees that the backlog of refugee claims will be addressed any time soon. We are concerned that it will not preserve the fundamental rights of all claimants. We have called for assurances from the government to ensure that the new refugee reform measures will actually reduce the backlog and ensure that we have a balanced refugee system that will ensure individual rights.

Why does the backlog exist? It is important to go back to look at history. The government, for reasons known only to it, has spent an extraordinary amount of time dragging its heels, not filling chronic vacancies that exist within the Immigration and Refugee Board.

• (1620)

In the first place, we feel the appointment process, as has happened in many other areas, has been heavily politicized. By not having a full board has resulted in an explosion of refugee claimants. Right now there is a backlog of 63,000 applicants waiting in line. This has not always been the case. Prior to the Conservatives forming government, 20,000 people were waiting in line. That number has exploded to 63,000 because the government has failed to make appointments in an effective and efficient manner.

### *Government Orders*

This malaise that affects the government's inability or unwillingness to appoint people to boards and to structures that are important to the function of our nation has infected other areas. The Veterans Review and Appeal Board is a good example. This is an important appeal board that resolves challenges facing our veterans. The government has heavily politicized this board, too, by appointing individuals who do not have the competence to handle these complex cases. As a result, we are seeing a backlog in the Veterans Review and Appeal Board and we are seeing that in the immigration and refugee appeal board system.

The government has failed to deal with this big challenge. In the process it has really done a huge disservice to our country and our citizens. The function of these government appointed boards relies on them having a full complement or an effective critical mass of people who can do the job. If these boards do not have that, we see an inefficient execution of the duties of those boards and people suffer as a result.

I want to go back to the Veterans Review and Appeal Board, which has to do with our veterans, veterans who have given to our country, veterans who have served our nation, veterans who need good health to maintain their standard of living. Our veterans have served our country throughout their lives, but when they need assistance and go to the VRAB they find a mess, which results in a lot of them suffering. I appeal to the government to grasp what I have said and fix the system because it cannot continue in its current form.

We need to have a fair and just process that will take the concerns relating to safe country of origin seriously. My colleagues and others in the House have mentioned that. We want to ensure that we have the tools to deter refugee fraud, while at the same time protect bona fide refugees.

One of the major concerns of the Liberal Party with respect to this is ensuring that true refugees come in to Canada, but we deter fraud and weed out those individuals who abuse the system. We need to protect those bona fide refugees who want to come to Canada, sometimes need to come to our country to protect their own lives.

Elements of the bill also seem to be somewhat improvised. The government has committed more than \$540 million over five years toward reforms that it wants to implement, and that is a good thing. However, this number was simply not in this month's budget. It comes just after the government announced a freeze on departmental spending.

If the government is committing \$540 million to implement these reforms, but is planning to freeze spending, then where is it going to get the money? Is the government going to cut something else? If it is going to cut something else, then what is it going to cut? We only have silence from the government. The responsible thing for the government to do would be to let the Canadian public and the House know where it will get the money to do this.

Canadians also cannot afford the gross mismanagement that occurred last year when the government took a really ham-fisted approach toward Mexico and the Czech Republic by putting visa restrictions on the two countries. It seemed like a band-aid solution and a knee-jerk response to a spike in refugee claims from these two

countries. We know what the government's intent was, and do not dispute it for a second, but the way in which it did this was extremely damaging to our country.

● (1625)

By announcing out of the blue visa restrictions on Mexico, with no consultation, for example, the government cost many companies hundreds of millions of dollars. Language training groups, tourism companies and others relied on being able to attract people from Mexico. They had contracts signed for them to come to Canada so they could learn English, which has happened for a long time. That was stopped cold. There was a great deal of uncertainty. Many people's lives and businesses were ruined by this glib, offhand implementation of visa restrictions last year.

You and I know, Madam Speaker, from living on Vancouver Island, that this affected quite number of businesses in our communities and cost them millions of dollars. In fact, some of them went out of business. It was completely unnecessary. As I said before, I fully understand where this was coming from with respect to the spike in claimants. We know some of the rationale behind that and some of the legitimate concerns the government had with respect to that spike.

However, our contention is there was a better way of doing this. I would posit for the government that if it considers doing something like that in the future, it should consult with the businesses involved that could be hurt by this. It should listen to a number of the companies that benefit from bilateral relations with these countries. Their concerns from an industrial perspective and an economic perspective need to be listened to.

I would submit that listening to them would enable the government to come out with a better series of solutions to deal with the very real challenge they were faced with at that point in time. We are certainly willing to work with the government to provide it with information and ideas on this. I know it has its sources to utilize, too.

This is a little background. In 2004 the former Liberal government implemented changes to the appointment process to the Immigration and Refugee Board. These changes included an advisory panel made up of a number of individuals involved in the refugee process, which screened all applicants for the IRB.

When the current government came to power, it delayed appointments to the board, while it reviewed the process, which was its right to do. However, then it structured the system so the government could simply appoint half the people as members of the panel. It held off on appointments to do that. Rather than pursue a course based on merit, it has pursued a course based much more on politics. As I said before, this delay caused a massive spike in the backlog, from 20,000 to 63,000 now.

We know our folks at Citizenship and Immigration Canada work very hard. The minister knows this very well. They are tireless and all of us try to work very hard in our constituencies. My staff, Jeff and Vikki, in my Victoria office work very hard to try to resolve these issues in a timely fashion. It takes up a lot of their time.

*Government Orders*

The members and staff at Citizenship and Immigration Canada work very hard, but I would submit for the minister that he would be well-served to listen to the on the ground members of his ministry, those who work in the trenches and who do the person-to-person work. He would be well advised to ask them directly how he could change the system in a more effective way. In doing so, he would be getting information from those staff members who work on the ground and have to deal with the challenges every day.

He would also be wise to ask the tireless individuals who work for us as members of Parliament in our constituency offices about what they face. They have some very good ideas and solutions that the minister could utilize to ensure we have a better immigration system.

By listening to his staff, the staff who work in our offices and those who have gone through the immigration and refugee process, I think he would have three populations that could provide him with a lot of constructive solutions to make a better bill, one that would serve Canadians, immigrants and refugees very well.

Because of the changes the government introduced in terms of the appointment process, the chair of the board resigned and alluded to the fact that the politicization of the board was a factor in the chair's departure.

• (1630)

In the March 2009 status report of the Auditor General of Canada, chapter 2, Ms. Fraser noted her concerns regarding the timely and efficient appointments and reappointments of decision makers to the IRB. Ms. Fraser said very clearly that this process and how this is being done is something that is of great concern to her.

In addition to the growing backlog of applications, the recent spike in claims from certain countries has resulted in an ad hoc method of visa restrictions to constrict application volume. As I said before, we saw this in Mexico and the Czech Republic. We certainly hope that the government does not have a repeat performance on this because what would happen is that we would see simply another choke point in the system that would not serve things well at all.

The bill certainly provides a lot of further flexibility to the minister to deal with unusual spikes in refugee claims from democratic source countries and streamlining the removal process for unsuccessful applicants. We certainly support the streamlining of the removal of unsuccessful applicants. Right now the situation is actually quite grim in the sense that it takes an excessive amount of time for individuals to be processed.

I think the bill should be commended that it proposes changes to every stage in the in-Canada process. Currently people with successful claims are waiting an average of 19 months for a decision, and it takes an average of 4.5 years to process and remove an unsuccessful claimant. Obviously this is unacceptable, and we want to make sure that when the bill goes to committee the process that comes out of this is going to ensure that the wait time for individuals is going to be less than 19 months. That is a very cruel length of time, and the time it takes to actually process and remove an unsuccessful claimant at 4.5 years is also completely unfair to Canadians.

Some of the things the government wants to do at this point in time include having an information-gathering period, which currently is 28 days. It wants to shorten this to eight days. That seems like wishful thinking on its part, and I submit that is really not where the big backlog is that is causing a problem. There are other areas that can be much lengthier.

For example, the first-level decision phase is done by a government-appointed counsel appointee and is done within 18 months. Under the new process the first-level decisions would be made within the IRB within 60 days. That is a welcome objective, because if we could shorten that period of time from 18 months to 60 days, we would certainly have a much more efficient and effective system. However, we want to ensure that the individual, who is making these claims and will be the subject of these investigations, will be treated fairly under the system.

What is important also is the appeal process. Primary concern for us is that the introduction of a refugee appeal division must ensure that the first-level decisions that are going to be conducted will be done in a way that protects procedural fairness and fundamental justice sufficiently to avoid the RAD's becoming another bottleneck in the process.

If we look at the U.K.'s example, and that would be a worthy one to do, the U.K. has had a number of significant challenges in implementing this. In fact, in its process it has had a huge backlog of up to half a million asylum cases as of 2008 and it can take, get this, it is quite remarkable, 10 to 18 years to resolve. That is quite remarkable.

I know my time is ending, but I want to offer one other suggestion concerning refugees. Their children have a great deal of difficulty and there is a remarkable project called the Sage Youth project run by a remarkable immigrant called Tamba Dhar. She did this in Toronto. Essentially she provided children with mentors from their own community who would empower these children who may not have had good family situations. They provided solid adult anchors for those children within their own communities. I strongly encourage the government to work with the provinces to take a look at what Tamba Dhar has done with the Sage Youth program because the outcome is that these children were able to stay in school. None of them has run afoul of the law. They were not taking drugs. They had better outcomes. They had better employment outcomes and better educational outcomes.

I look forward to any questions.

• (1635)

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Madam Speaker, I would like to thank the member for his very clear and cogent comments on this bill.

I would like to ask the same question of the member that I have asked of other members who have spoken on this bill, and that is along the lines of the way the government has described the process and why it has brought forward the legislation the way it has, compared to what people who are critiquing the bill are saying.

*Government Orders*

The government has described the process it is bringing forward in the bill. Everybody agrees that the process needs to be improved and we need to have a better process for hearing claims by refugees, but the government describes what we need as a fast and fair process and others seem to be suggesting that what we really need is a timely and just process.

I notice the minister supports the need to have a timely review, in fairness also to the claimant, but there have been concerns raised that the timeline is far too quick and too fast, and it may be that certainly victims, particularly those suffering from sexual abuse and so forth, need more time to deal with their issues and to communicate that. They may not trust officials and may in fact end up discombobulated in what they are presenting.

We certainly have had the experience in our constituency with people who have come in to assist us in immigration matters, where they have given slightly different stories in the initial interview and then later on. In many cases, it appears clear that they simply were intimidated, frightened or trying to give answers they thought they wanted people to hear as opposed to telling the full story.

I wonder if the member could speak a bit more to that, about whether he thinks that the timelines imposed in the legislation actually will provide for a just review.

**Hon. Keith Martin:** Madam Speaker, this is one of the unknowns and that is why we are actually supporting this bill to go to committee, to ask those tough and cogent questions, to be able to have those answers to ensure the process that is going to be elucidated from this will be both fair and expeditious.

There are a couple of things that can be done.

For those who are claiming refugee status, if they have family already here, then those individuals could be fast-tracked forward. If there is a history of that family coming into Canada under an existing refugee claim, other members of the family, under the same circumstances, can be expedited.

The other one is for children who do not come with the parents and who are not medically examined. If they are not medically examined and do not come with their parents, they have a terrible time trying to get into the country, so this actually fractures the family apart and obviously is extremely unfair and horrible for the family involved. They are fleeing a country but they had to leave a child behind.

One solution for this that the minister may want to take back is to allow those children to be medically examined and to come in through family reunification. That would prevent the dislocation within the families of children being left behind in countries that are in turmoil and ensure that those children are able to be reunited with their parents.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Madam Speaker, I listened to my colleague's remarks.

I know that he is motivated by strong principles. That being said, I would like to take this opportunity to ask him about his colleagues' behaviour during the vote on Bill C-291. I talked about this earlier

today. I know that the past is the past, but if we want to move forward, we have to figure out what happened.

When I introduced a bill that was voted on here in the House to implement the refugee appeal division, 12 Liberal members were absent. Four Liberal members were present, but abstained knowing full well that the opposition had won the previous vote by three votes. Their strategy seems to suggest that, on the one hand, they were in favour of the refugee appeal division, but on the other, they did not want the bill to pass in the House.

We will have to work with the Liberals to improve this bill, enhance it and change a few of the principles in it.

Will we be able to count on their sincere support this time? Can we be sure that they will always act in accordance with what they say in public and with their values?

• (1640)

[*English*]

**Hon. Keith Martin:** Madam Speaker, my colleague obviously has a lot of experience and knowledge in this area and he brought a lot of that to bear in his superb speech.

As the member knows, we did pursue the Refugee Appeal Division through changes in the past. The government did not do that, so the resolution of this is going to come in committee by working together to ensure that this is going to be resolved, whether it becomes a part of the bill or not. It is certainly a solution that the Liberal Party put forward and we look forward to working with the member to try to convince the government that this ought to be part of the bill and done in an appropriate, sensible and effective way.

**Hon. Larry Bagnell (Yukon, Lib.):** Madam Speaker, I want the people out there who are listening to just imagine if someone, one person, came to their house one day and said that they could no longer be in Canada, that they had to leave and could never come back.

Basically that is the situation that faces refugees in the present system. There is one person who makes that decision. That person is not elected or accountable in any particular way. If he or she got up on the wrong side of the bed or had something personally against someone, there is no way to appeal that.

There are very few things in the Canadian administrative justice system where there is no appeal. This is one of the very rare examples.

Removing that unfairness in our administration in Canada would go a long way to standing up for Canadian ideals and principles. I wonder if the member wants to comment on that.

**Hon. Keith Martin:** Madam Speaker, I thank my friend for his very astute question.

I think one of the things we would like to make sure of when this bill goes to committee is that the first decision phase would actually be effective, that there would be a proper assessment. If that happened, then it would actually be possible to be more effective at separating those people who are trying to take advantage of the system from those who are true refugees.

*Government Orders*

There are a lot of sieves that could be put into place within that first decision-making phase that would enable us to accomplish that goal. I think giving our front-line workers the direction to do this is important.

My colleague also brings up a very important question about the individuals making this decision. Will they be political appointees, or will they be people of merit? Will they have the skill set to do this?

This is certainly one of the concerns the Auditor General has, and the concern we have, that the government is going to appoint individuals who are going to have the expertise, knowledge and training to be able to execute these very serious duties in a professional manner.

That is what we are going to ensure happens when this bill goes to committee.

**The Acting Speaker (Ms. Denise Savoie):** It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Charlottetown, The Budget.

Resuming debate, the hon. member for Elmwood—Transcona.

**Mr. Jim Maloway (Elmwood—Transcona, NDP):** Madam Speaker, I am pleased to speak today to Bill C-11. At the outset I, too, want to make note and compliment the minister for getting his bill this far and the fact that he has been here for all of the presentations is a big plus for him. I know that in the provincial legislature, and the only one that I am familiar with is the Manitoba legislature, that is an expected practice. The minister is always there to listen attentively to the speeches of the members. Therefore, I am really impressed that he would do that.

Also, I think there is a bigger issue here. The government is in another iteration as a minority government and it has taken this long for the government to figure out that that is what it is in, a minority government and that majority government possibilities are not guaranteed. Therefore, it has to make the best of the situation it is in.

We look to people like the minister, and he is not alone because there are one or two others over there who show a similar kind of appreciation for how they fit into the grand scheme of things. Unfortunately, there are many people on the government side, members and ministers, who do not appreciate that and it makes it much more difficult to work in a situation like this.

I think that under certain circumstances the government may last the full five years. I know I have said this before but if no one party moves up substantially in support, what would be the point of forcing Canadians to spend millions of dollars for an election that will probably produce the same results.

The fact is that our voters are out there and they want to see results. Whether it is that particular minister, another minister or the government who wants to make accommodations with opposition parties, I think that should be encouraged because it will hold us all in a better stead at the end of the day.

I have always said that there are advantages to minority parliaments. I am a fan of minority governments because I think that they do produce results. We had a very successful run in a

minority Parliament of Lester Pearson from 1962 to 1968 where we got the unification of the armed forces. People would have thought that would be impossible to do. We got a new Canadian flag which also at the time seemed like an impossibility. All of that happened during minority situations. I am very positive that this minority situation can produce really good results.

Another point is that all we need to do is look at where this party started, where it warped from. Can we imagine the old Reform Party members looking ahead? I think they would be in a state of shock if they could see what some of their ministers are actually doing. This was a party that was very rigid and extreme in its views and, in some ways, it has come a long way.

I am actually fearful of a majority Conservative government because then we would see the ministers marching in here, dropping the bills on the desk and using a take it or leave it approach.

This particular bill has a lot of potential because of the minority situation. If the government truly wants to get it through, which I think it does, then it is prepared to make some amendments at committee.

One of my colleagues earlier talked about the idea that we should have sent the bill directly to committee and that would have given the committee more authority and more leeway to make more radical changes to the structures of the bill. The government did not agree to do that, which is fine. We now need to work with what is in front of us

• (1645)

I think all the representatives of the opposition parties have indicated that they look forward to the bill going to committee. Therefore, the issue becomes how the bill will play out at the committee stage. That remains to be seen because our critic has some positive things to say about the bill and some negative things to say about the bill. Perhaps some of her concerns can be dealt with and allayed at the committee.

I also want to note that our critic is a very hard worker in this area and understands her critic area very well. More important, she actually gets along with the minister. It is very important in a legislative environment that the critic and the minister get along, to the point where the minister himself mentioned that she had been invited and had attended a briefing session on the bill before it was introduced. That is a battle we had with the previous member. The member for Souris and I, in a past life, sat in sessions at the provincial level. Some ministers would provide information. The ministers who were considered the best and got the best results were the ministers who invited the opposition into their offices and gave them a briefing on the bill. There were other ministers, on the other hand, who just flatly refused and would not allow it at all. At the end of the day, they got poorer results, a rougher ride and a lot more stress than they would have had, had they adopted the more open approach.

*Government Orders*

I now want to deal with some of the issues in the bill. The refugee issue has been a cause for trouble and concern under previous Conservative and Liberal governments for many years. I remember both the Mulroney government and then the Chrétien government making political appointments to these board and then running into trouble with their decisions. We understand that political parties win elections and become government and it is accepted that they have the right to appoint some of their own people into positions, but this was one area where making blatant political appointments did not work out very well.

We have some stories in Winnipeg where people were literally abusing their positions with the refugee board. We also dealt with the area of immigration consultants, which is just a terrible area. We have had in Manitoba multiple times where immigration consultants have been called on the carpet for charging ridiculous fees, taking advantage of not only poor people and people who are refugees, but on the immigrant investor program, highly educated, intelligent, fairly wealthy immigrants being hoodwinked by shady people in the area of immigration consultants.

I am not sure what the answer is. Manitoba has some laws dealing with the issue provincially that I believe have some merit and work reasonably well, but I am all in favour, and I think all of us probably would be, of trying to rid the landscape of these immigration consultants, because more often than not they are tied into other businesses. They have a travel agency on the side or do income tax on the side. They essentially grab people in a web and control them, capture them and hand them off to one another. It is not the type of environment we want to be in.

Canada has an honourable past but it also has a speckled past in dealing with refugee issues. It is true that we have accepted a higher proportion of refugees, one of the previous speakers mentioned the numbers, relative to our size than any other country in the world, so that is to our credit, but we have other examples in our past for which we are currently not overly proud.

• (1650)

There is a long-standing tradition in many cultures of offering refuge to those fleeing persecution. In Europe, people during the middle ages could seek sanctuary in a church. In fact, there are cases in Winnipeg right now where people are in a church. Giving sanctuary was considered a sacred act.

Americans fleeing slavery were given protection in Canada in the days before the U.S. Civil War. Although there have always been people fleeing oppression, it was not until after World War II that world governments recognized the need to create formal legal obligations for countries to accept refugees. Prior to World War II, there was no legal distinction between immigrants and refugees. Even today, many people are unsure of the difference between the two.

In 1951, the refugee convention defined a refugee as someone who has a well-founded fear of persecution because of race, religion, nationality, membership, social group or political opinion. When we apply a definition like that to what the minister is trying to do, I wonder whether he can see how people might be concerned about the whole issue of a safe countries of origin list. He has a lot of good things in the bill but this is one of the stumbling blocks.

It makes sense administratively and it would be quick and easy to just put a country on a list and say that everybody from that country should be seen in a certain light. However, I think we have moved beyond that in our thinking and want to look at the individual. I know it is hard for people to comprehend that somebody from France, England or the United States could be considered a refugee but the reality is that, even using the definition going back to 1951, there could be people practically under our noses who would qualify because at that point in time there was no list of countries.

I am not on the committee but I can appreciate that there are probably reasons why the minister feels this list of countries is required. He has gone the extra step to let opposition parties know today that he is prepared to work with that list and explained that it was not as black and white and arbitrary as we think.

Now we get into the regulations. Anybody who follows legislation knows that the bill provides the tombstone information that is not going to change but the regulations provide all of the details of how the bill is really going to work in practice. Those are changeable by the minister. If the government or the minister does not like something that requires a regulation change, they can simply go ahead and do it.

In opposition, we are always very careful that we do not give away too much. When we pass a bill, in our own minds we are pretty clear about it, but the reality is that once the regulations get promulgated we find out there are a lot of things in it that we did not really like. That may be part of the problem. If the minister could somehow convince the critics that he is not out to do bad things and has solid arguments, they may be convinced at the end of the day.

At the end of the day we know that no matter what we do we can always make changes. One of the beauties of the democratic system that we have in our country is that if we make mistakes, and we do make them, we have the ability to correct them and try to make them right.

I have some hope, unlike some of the other ministers over there, that in his case it may be possible to do something. It seems to me to be very arbitrary that we could say that people coming out of Hungary must be on that list or they will not qualify as refugees.

• (1655)

That may be true. Let us grant the minister that that may be 100% true. However, we should not be doing it on the basis of putting the country on a list. We should be looking at each individual applicant separately. If the individual does not qualify, then by all means he or she does not qualify.

Major regional bodies have attempted to refine and extend the concept of refugee. In 1969, the Organization of African Unity and in 1984, the Organization of American States, OAS, extended the refugee definition to people fleeing generalized violence in these regions. Today, the United Nations High Commissioner for Refugees, the international organization that safeguards the rights of refugees, estimates that there are 12 million refugees and over 6.3 million internally displaced people who are in need of protection.

There are people living in refugee camps in the Middle East who are probably into the second generation. I could be wrong. I do not think anybody is third generation. In my mind, that is where we should be putting a lot of our attention and concern. People are living in tent cities and they are stuck there for years and years. To me, it would be very easy to decide that they would qualify as refugees.

I would assume that is where church groups are really important in this whole process. They have been historically and have done a fabulous job. I remember that churches were involved in bringing the Vietnamese boat people over to Canada. Churches were very involved in that whole area. They should be encouraged. They have a sense of where the problems are in the world. They know that the people living in the refugee camps are people who need help right away. I trust their compass and direction in how to deal with the refugee situation.

Today, there are 12 million refugees and 6.3 million people who are internally displaced. Those are huge numbers. I do not have the statistic at my fingertips, but we are only dealing with 100,000 out of those 12 million per year. By the time we work our way through that group of people, there will probably be more people on the list.

Somebody was adding up the number of wars in the world and came up with 30 to 50 wars that the average person would not even know existed. We could ask the average constituent questions about whether there is a war going on in the Congo or elsewhere and they would be totally unaware of it. The fact of the matter is that people are only aware of issues when they see them on the television news on a particular night. They are quite aware of what is going on in Afghanistan and Iraq, but beyond that, the awareness just is not there.

Madam Speaker, did you indicate one minute? I do not see that well. Time certainly does fly. I have not even started on this. Maybe I will have to go to committee and see how the committee process works.

I did want to talk about the bad experiences we have had here in Canada. Anti-Semitic immigration policy proved deadly in the years leading up to World War II, when European Jews were refused entrance into Canada.

• (1700)

In 1939 the ship *St. Louis* left Germany carrying over 900 European Jews seeking refuge and protection on the other side of the Atlantic. They were refused everywhere they went. They had to return to Europe and most of those people died in concentration camps. That is an example of a very bad situation in our history.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I want to commend the member for Elmwood—Transcona for his thoughtful remarks. He is trying to fill the big shoes of his predecessor who brought a lot of common sense to this place, and I think he is doing a good job of it.

In my speech I also remarked on the restrictions on European Jewish refugees before and during the second world war. My colleague is absolutely right. That is a cautionary tale for all of us when dealing with these issues. I am pleased to tell him that our government has launched a project of remembrance and education

### *Government Orders*

about the restrictions on Jewish European refugees before and during the war. He may be interested in following up on that.

On the bill, I want to assure the member that the concerns he has raised about the notion of the designation of safe countries are exaggerated. I do not mean to say he is seeking to mislead the House in any respect, but let me explain what this is about.

Most of the western European asylum systems have a process to accelerate the appeals on claims coming from countries that they deem to be generally safe. We are not proposing at all that asylum claimants from designated safe countries be denied access to our asylum system.

We are so generous in Canada that even under these proposed reforms everyone who makes a claim, regardless of whether he or she is coming from a safe country or not, would have an opportunity to put that claim before an independent, highly trained decision maker at an oral hearing on the merits of his or her claim at the IRB in a manner that is totally compliant with the Charter of Rights and Freedoms and exceeds our international and domestic legal obligations. There would be no restriction on access to the system for people coming from safe countries of origin.

If an individual is coming from a country where there is a very large number of overwhelmingly unfounded claims, and some of these countries have 98% and 99% rejection rates, the individual would have access to only one appeal and that would be to the Federal Court, rather than two appeals, being the refugee appeal division and the Federal Court.

Having said all of that, I am very open to considering amendments at committee stage to outline in the legislation the criteria for designation of safe countries and to share with the committee draft regulations for the independent and transparent process by which those designations would occur.

• (1705)

**Mr. Jim Maloway:** Madam Speaker, I thank the minister for his clarification.

I want to take this opportunity to point out the merits of the bill as seen by our critic. Our critic thinks that one of the positives in the bill is the speed, as refugees are desperate to seek the reunification of their loved ones, especially those who are languishing in refugee camps or slums. She thinks that is a positive part of the bill. She also thinks that the establishment of an appeal process for some refugee claimants is another good part of the minister's bill. She also thought that more funding to the refugee board to clear up the backlog is very forward looking and positive.

We do see some positives in this legislation, but when we are dealing with different political parties, as with any bill, there are going to be differences in opinion. We are trying to find a way to resolve whatever differences there are. At the end of the day, if we cannot resolve those differences, then the minister's party will vote one way and we will vote the other way.

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**Hon. Larry Bagnell (Yukon, Lib.):** Madam Speaker, I am very happy that the member mentioned the millions of refugees around the world. In particular, as chair of Parliamentary Friends of Burma, I just wanted to remind people of the hundreds of thousands of Burmese refugees in India, China, Bangladesh, Malaysia, and even more in Thailand.

I know the minister is very sensitive to this and has been very helpful in this area. In fact, maybe on another question and answer he could explain more about how this legislation will take care of some of those people in desperate need. They are the type of people we want to help. I think he is hoping that is what this legislation will do. The government renewed the funding to those refugees recently at the Thai border and we are all very thankful to the government for doing that.

Some people work three, four or five years in Canada before they get the ultimate decision. By that time, the mother is on the school board, the father is the volunteer of the year, the two children are captains of the football team and the dance club, and then someone shows up at the door and says they have to leave Canada.

I am sure that is what the minister is trying to deal with. I would like the member to comment on that situation which presently occurs in Canada and what could be done to deal with that, both with this legislation and otherwise.

• (1710)

**Mr. Jim Maloway:** Madam Speaker, the member does have a point. When I read the information about how it can take five years to follow through this process, I could not believe that could be a healthy situation to be in. Clearly, it just makes sense for all concerned to have the process done more quickly.

I am not sure whether it was a refugee situation, but there was a family in Newfoundland and it was the exactly the case the member for Yukon described. The family had been involved in the community. The entire community was behind the family in trying to keep the family from being sent back to Russia. For people to live with that uncertainty over their heads for even one year would be enough, but for five years would be excessively long in my opinion. I think we all agree that we should shorten the time period considerably.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Madam Speaker, I would like to ask my colleague a question about the bill's title. The Conservatives are developing an annoying tendency. Instead of naming bills based on the legal purpose of the enactment, for instance, an act to amend the Immigration and Refugee Protection Act, as is traditionally done, the Conservatives are adding more and more subjective qualifiers. If my memory serves, in this case, we are now talking about a balanced refugee reform act.

Does my colleague think this ridiculous practice should stop? They should be more serious. We are voting on a bill, and value judgments have no place in the titles of bills. I would hope that parliamentarians vote in favour of a bill because it is a good bill. There is no need for the bill to indicate that it is a good bill.

We saw this tendency earlier this week with the bill to improve the health of Canadians and the economic stimulus bill. Does my

colleague agree that these ridiculous little stunts need to stop and that the Conservatives should stick to the legal aspects of the legislation?

[*English*]

**Mr. Jim Maloway:** Madam Speaker, the member is absolutely right. The reason they do it is so they can put it in their press releases. They should simply write the press release and send it out. They do not have to include it in the bill.

Having said that, we have had two private members' bills on the whole issue of the Motor Vehicle Safety Act in the last seven days in this House. I have to admit to a bit of a weakness here because when my staff read that the member for Eglinton—Lawrence had introduced the pedal act, my staff insisted that I introduce the car act. As much as I fought the idea, I was persuaded at the end of the day that the car act had a particular ring to it and I went with that. I must apologize to my friend, but I caught the same disease that the government has.

[*Translation*]

**Mrs. Ève-Mary Thériault (Saint-Hyacinthe—Bagot, BQ):** Madam Speaker, I am very pleased to speak today to the bill that the Minister of Citizenship, Immigration and Multiculturalism recently introduced in the House.

This refugee bill was eagerly awaited and badly needed. No one will be surprised to hear that the Immigration and Refugee Protection Act was very helpful to my fellow Vietnamese who immigrated to Canada at the same time as I did.

When people ask me about my background, they ask me three questions. First, they ask me where I come from; second, whether I remember the war; and third, whether I was one of the boat people. It is clear that Quebecers and Canadians understand and agree with the principle of refugees.

This debate coincides with the 35th anniversary of the fall of Saigon. Many people from my country came here as refugees and became prominent citizens, like the refugees from other countries who came and made Quebec and Canada better.

The current act is quite out of date and sometimes gives refugee claimants a bad name. It is high time we modernized it.

On March 30, the federal government introduced Bill C-11 as part of its reform of the refugee system. If it were passed as it stands now, this bill could have a serious negative impact on refugees. It is not enough to pass a law to improve what is not working. What we must do is find a balance and create something that will work.

The Bloc Québécois has asked the government to provide the committee with the regulations so that we can do an exhaustive study, because many measures announced as part of this reform are not included in this bill.

The Bloc Québécois is in favour of studying this bill in committee, and I am proud to say that I will study it carefully, because I am the assistant critic. The member for Jeanne-Le Ber is the Bloc Québécois critic, and he does a very good job, by the way. We make a great team, and the people of Quebec can be glad to have a team like ours, because we will see to it that the flaws in this bill are corrected.

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We are happy that the government is finally looking at implementing the refugee appeal division. However, we are disappointed that it is not fair, because not all applicants will have access, which we believe is discriminatory.

When people from designated safe countries are denied at the first level, they will not have access to this appeal division. Even if the government assures us that all files will be examined individually, there is no guarantee that there will be no mistakes.

My colleague from Jeanne-Le Ber pointed this out. We know the statistics of some IRB members. Some of them flatly reject 90% to 95% of the applications they receive, while others show more flexibility. A decision made by one man or one woman is arbitrary. That is why it is not fair that refugees from designated safe countries will not have access to the refugee appeal division.

● (1715)

Another thing: which countries will be designated safe by the minister and the government?

The government is currently working on Bill C-2, An Act to implement the Free Trade Agreement between Canada and the Republic of Colombia. The government tells us that a free trade agreement with this country is no problem because Colombia respects human rights.

However, Canada accepts Colombian refugee seekers who claim their rights have been violated in Colombia. Will the minister put Colombia on the list of safe countries? I wonder.

On the one hand, the government says it wants to sign a free trade agreement with Colombia because it is a safe country. On the other hand, it accepts political refugees from that same country because their rights have been violated. What will the minister choose? Will the minister decide to list it as a safe country?

That is why we think that the idea of safe countries is questionable. We do not know where the minister will put Colombia and other countries that do not respect the human rights of women or homosexuals—these are recognized rights.

Even though the Conservative government sometimes has difficulty acknowledging them, these rights are still recognized in Quebec and Canada. What will the minister decide? Will he designate certain countries as safe even though they do not respect human rights, women's right or the rights of homosexuals? What category will these countries be in? It worries me.

A civil servant will make the decision. Applicants from designated safe countries will have no right to appeal. That is far too radical considering that the decision will have been made by a single person. It is possible that an applicant's individual rights will not be respected. He will not have all the rights that other people with the same background but who come from different countries will have.

Statistics for certain board members are alarming. We should not find this kind of unfairness when the decisions are made by civil servants.

It also says that an immigration officer will have 8 days, as opposed to 28, to refer a refugee claim to a first interview with a department official.

Some people are traumatized when they arrive here. They have been abused and pressured. Some come from very corrupt countries. They do not trust the government in the country they came from. When they arrive here, they are told that in eight days they will have to explain their situation to a government official. They have left a corrupt country where their rights were violated. They are told that they have eight days to prepare to explain their situation. That is not very long for people who have suffered such great trauma.

Then, the second hearing happens 60 days later. Do not forget that many refugee status claimants arrive here having left their houses, their families and their jobs with no preparation whatsoever. They did not bring any documents to prove what they are saying. They have to get those documents.

● (1720)

As MPs, we occasionally write to embassies in Africa. Although we have more resources than refugees or applicants, it takes a fairly long time for the mail to get there as well as for the reply to come back.

What will we do when the person does not obtain the documents required for their defence within 60 days? Will their application be refused automatically? Will this person be penalized because they could not provide the necessary documents?

At present, it takes 19 months and now we are talking about 28 days. Perhaps we could find a compromise. I believe there is enough flexibility to do so.

At present, more than 45% of refugee claims are accepted. When refused, the failed claimants can ask the Federal Court for a judicial review. This court presently accepts 13% of applications. Where an error was made in the decision, 2% of requests are allowed. In total, 60% of applicants are successful in the end. The tragedy lies in the fact that many failed applicants have found work, married, had children born in Canada and have learned the language. In other words, they have fully integrated in the host society.

The current backlogs are unacceptable for 40% of the claimants who will be forced leave Canada. This government is largely responsible for these backlogs. Indeed, since 2006, we have gone from 20,000 to 60,000 backlogged claims. We know that over a third of the board members could have rendered decisions, but there are many vacant positions, which has caused this backlog.

As my colleague from Jeanne-Le Ber put it so well earlier, we cannot help but wonder if these delays are arranged on purpose in order to stay within certain quotas set by the government. What will they do in the future to stay within those quotas? Will they deny more claims? This will not serve Quebec or Canada.

We must ensure that this new legislation does not discriminate against claimants and does not deny more claims because they are processed faster. That would be tragic, both for the claimants and for our current system.

*Government Orders*

It is definitely time to reform this legislation, but that does not mean it should be reformed in a slapdash manner. We can take the time to reform it correctly. There is a difference between saying that it should have been done a long time ago and saying that we will do it too fast, which could lead to other injustices. If we did that, we might improve what is not working, but we would risk undermining the parts that are working. We must ensure that this bill does not create new injustices.

In committee, my colleague from Jeanne-Le Ber and I will ensure that when the time comes to vote on this bill in the House, it will be much improved and will respect the needs of claimants as much as possible. We no longer want to hear that, according to statistics, 60% of claims are completed and are successful. It is sad to hear people say that refugee claimants are abusing the system.

• (1725)

It is an essential system that is desperately needed, but the current legislation is outdated.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Madam Speaker, I would like to thank the member for Saint-Hyacinthe—Bagot for her remarks and for her work as a member of the Standing Committee on Citizenship and Immigration.

I would like to comment on a few points. First of all, she said that there was no guarantee that cases would be dealt with individually or that decisions would be based on merit. But that is not true. In the reformed system, the IRB will deal with every refugee claim in an independent and quasi-judicial fashion on the basis of merit, in accordance with the Canadian Charter of Rights and Freedoms. In dealing with claims, we will go beyond our obligations under the international conventions on refugees and torture.

Second, she asked whether Colombia would appear on the list of safe countries of origin. As I said earlier, the answer is no. One of the main criteria for a country to appear on the list of safe countries of origin is that refugee claimants from those countries are turned down because they do not need our protection. Some 76% of claims by Colombians are allowed. Such a country will never appear on the list of safe countries of origin.

Last, she said that there was a quota for admissions, which is not true. We expect that the proportion of claims allowed will increase after the reform because there will be fewer unfounded claims for refugee status. She said that people do not make false claims, but that is neither objective nor accurate. Unfortunately, there are too many false claims. For example, 97% of claimants from the country that produces the most claims withdraw their claims themselves after arriving in Canada. By their own admission, they do not need Canada's protection.

• (1730)

**Mrs. Ève-Mary Thāi Thi Lac:** Mr. Speaker, I would like to thank the Minister for his answers and clarifications.

There are two reasons behind the high number of false refugee claimants and the fact that a significant number of claimants withdraw their applications when they arrive in Canada. First of all, the act is very outdated and perhaps does not contain the standards needed. Secondly, asylum seekers are often taken advantage of and

do not receive good advice; there is no supervision. People coming to Canada ask someone to help them through the immigration process. As long as this process is not supervised, there will be abuse.

The minister said that there would not be a quota and that the number of accepted claims will be increased, but will this increase be for claims after the initial hearing or after an appeal? It would be interesting to know. If an appeal division is created, but only some people have access to it, that creates a limit, which is unfair. It comes back to what I was saying earlier: there would be two types of claimants, which would be unfair.

[*English*]

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I was very interested in the member's speech. I want to pursue the point she made about appointees to the boards, and also talk about boards in general.

First, does she think that would clear up some of the backlog that we have all agreed needs to be done, and that there is a need for more officials in those positions or more positions?

Second, to expand that discussion, the government has talked about cutting down on boards to save money, cutting the membership of various boards. The problem is, as most people know, most of those spots are already vacant. I think there are only 18 part-timers on those boards, so that will not save much money.

However, my worry is about the philosophy of cutting back on these boards. Who will be cut off these boards and which particular positions will be cut because usually people on a board represent somebody. It could be government, an NGO, individuals, provinces or territories. Who will be lost on these boards when representation on boards is cut back?

[*Translation*]

**Mrs. Ève-Mary Thāi Thi Lac:** Mr. Speaker, I greatly appreciate my colleague's question.

People from the communities currently represented are those who are most likely to be in need.

We must certainly not reduce the number of board members.

Nonetheless, the government talks about accepting more claims. That is good. The government says it wants to save money, but I must say that it is these interminable delays that are so costly.

A person might apply for refugee status and not get a final answer until seven years later, only to find out they are being deported. In the meantime, the person has integrated, bought a home and their children go to school. That is what is so harmful about all this. If a person's claim is approved and they get permanent resident status, they have the same rights and the same duties as a citizen and they integrate into society.

Immigration is a positive thing. People are not against immigration. When people come here as refugees it is not by choice. They do so because they are being persecuted in their home country. They do not choose to claim this status. They are fleeing a very harmful situation.

*Government Orders*

• (1735)

[English]

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, I would like to ask the hon. member a specific question about section 109.1. We have discussed a fair bit in the House the fact that the definition of designated countries is to be determined by regulation. I read this provision backwards and forwards and I am still trying to figure out what comes first. I do not envy a refugee claimant trying to figure out this provision. I am looking forward, in the review period, to receiving greater clarification in addition to the guidelines and regulations.

It has occurred to me, based on information that has been provided to me, that the largest category of refugees apparently now in the world are environmental refugees. Given the mindset of the current government to the recognition of climate impact and the problems many nations around the world are facing, an immediate question comes to my mind. There are so-called safe countries, which by way was not noted in the legislation but was pointed out by the former chair of the board. I wonder if the member would like to comment on my nervousness about what kinds of countries should be designated. They could have a good system of government, but they could be devastated by climate, such as Tuvalu?

[Translation]

**Mrs. Ève-Mary Thāi Thi Lac:** Mr. Speaker, I want to thank my colleague for her question.

Currently, so-called environmental refugees, people seeking refugee status because of natural disasters, as my colleague mentioned, are not mentioned in the convention. This concept has not been included in international conventions. It should be. It is certainly a good idea.

Nonetheless, I am not surprised to see that the minister did not include this concept in his bill, since it is not yet recognized in international conventions.

[English]

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I would like to acknowledge that the minister spoke this morning and has taken the time to listen to the debate. It is a good model for other ministers. I wish he would pass it on to them because good things happen in this place, even at second reading, which is somewhat problematic at times simply because members are speaking to themselves without the benefit of expert witnesses and testimony. Everyone is sort of left to their own ingenuity to craft together some of the important issues.

The minister will know that there was an interest in having this particular bill go to committee before second reading simply because it is a very comprehensive bill. There are certainly some contentious areas, but I think there is consensus within this place that we need an overhaul of the refugee system.

Right now it is estimated that there are 10.5 million refugees around the world, according to the UN High Commissioner. Every year some 20 developed democracies resettle about 100,000 of them globally. From that number, Canada resettles between 10,000 and 12,000, or 1 out of every 10 refugees, annually. We are second only to the United States, which has 10 times our population.

When we think about it, 10.5 million people probably have no hope in their circumstances. The global community is making some effort, but it is minuscule compared to the need. How much can a country do? I sometimes wish we could do more.

Before I came to this place, I had a CA practice and three of my clients worked for the Malton community council, Malton Community Information Services, and the community assistance services of Peel. All three of those agencies provided services and assistance to refugees. It was my first exposure to the plight of people coming to this country seeking asylum from places where some of the stories are very difficult to even speak about because they are such horrible situations.

I used to visit the airport to see some of these people coming in. I would see people in the middle of winter coming in with virtually only the clothes on their backs, maybe tank top shirts, shorts and sandals, and walking on the tarmac through the snow.

When I became a member of Parliament, the issue of refugees and immigrants was always a big issue. It is a big part of the work we do. A lot of people asked, why were we letting all those criminals into the country? It is more a problem of ours that we have not educated the public, for which we have a responsibility.

We know there is a difference between immigrants and refugees. We know people have to go through a very difficult process to get into Canada by applying for permanent residence status and, ultimately, to become citizens of our country. However, the refugee part is the hard one to explain to people.

It is hard for people to understand that there are people around the world who suffer on a daily basis, are being persecuted, tortured and even killed. There are many examples. Members deal with organizations that are involved in countries like Burma, for instance, where the slaughter of people is enormous.

This is an extremely important bill. I wanted to participate in the debate, so I could say that I have received some input from constituents and stakeholders about the bill. Their concerns are more prompted by the fact that this is such a comprehensive change to the legislation. It is very difficult for them to get their minds around it or to understand whether it is really going to work.

Let us look at the summary. I am not going to read it. There are a dozen substantive initiatives or changes that are going to be made in the Immigration and Refugee Protection Act, as well as changes to the Federal Courts Act.

• (1740)

It concerns me that we have so much on our plate. Then we look at the bill and note that the reference to regulations. This is where members of Parliament, on a hope and a prayer, hope they understand what the bill states it wants to do and gives the confidence to the minister and to the order-in-council to promulgate regulations, which are enabled by the legislation but which deliver what the legislation states.

*Government Orders*

The public may not know this, but when we deal with bills in this place and they go through all stages in the House, go to the Senate and get royal assent, if those bills require regulations, normally we do not see them. We do not see the detail, and everybody knows the devil is in the detail. This is why it is important that the minister would, to the greatest extent possible, provide the framework for the regulations. We cannot understand the thrust of each of the elements of the bill without seeing some of the detail of what is proposed in the regulations.

This has to be thought through. The department is not dealing in a vacuum. It is not going to wait to start its work. However, when we worked on the Assisted Human Reproduction Act at the committee stage, we asked officials how long it would take to do all the regulations. We were told it would be two years. It is about four years later and we still do not have all the regulations. I know that for a fact because the bill said, prior to gazetting any regulations, that the regulations should go through the relevant committee for comment, not to judge or change or whatever, but to see them and comment for the minister in the event that something was missed.

I would recommend that for the minister in good faith. The regulations should come to the committee for comment if there is that concern. That would go a long way to alleviating the kinds of concerns that have been developed. It is workable and it puts confidence in the committee system, which has worked on the bill, that these are the regulations, this is what we talked about, this was the stated intent and we see that in the regulations. The bill is too important to leave to order-in-council in the hope that it works out fine.

I hope that might cause some consideration by the minister from the standpoint, in listening to the debate today, that there have been some relevant concerns about the bill. This will take a lot of work. It will a lot of collaboration among all the parties to work this through committee, to deal with the challenges that will come from Amnesty International and from other stakeholders, other people who have been mentioned in the debate. These people will raise issues about things like the time frame is too short in terms of the first stage. Then there is the other problem of what is a country of safe origin. It has come up in virtually every speech. We really need to nail that one down.

When we talk at second reading, we know we will be asked to give approval in principle to the bill. Once it goes to committee and through the rest of the stages, those fundamental principles are locked in, so we have to be absolutely sure. I am not so sure everybody will be comfortable with the bill as it stands. However, in view of the fact that we started this debate and we will not go to committee before second reading, this will take good faith on behalf of all parties to work to stretch as far as possible under the rules of this place to consider some of the changes which have been suggested.

● (1745)

The members have raised some very valid points in debate thus far with which we have to be dealt. The number of witnesses that should be at committee should not be unduly restricted given the importance of this bill, but we have to be reasonable as well. We do not need to have 20 people saying the same thing. Let us get one or two groups

that represent an issue area to get some substantive backing to a position. It is important that we look to witnesses at committee who have well served Parliament in the past in terms of giving their experience and expertise.

Picking that witness list is going to be extraordinarily important. I do not think we want to protract the committee stage process any longer than is absolutely necessary, but we have to hit those high points that have been raised by members in debate today.

Those are my recommendations for committee and for the minister.

I would like to quote from the minister's speech this morning. He said, "This bill and related reforms would reinforce Canada's humanitarian tradition as a place of refuge for victims of persecution and torture while improving our asylum system to ensure that it is balanced fast and fair. The bill would ensure faster protection of bona fide refugees, reinforce procedural fairness by implementing a robust refugee appeals division at the IRB and ensure faster removal of those who seek to abuse Canada's generosity by making asylum claims".

I emphasize the word "fast" because in my experience as a parliamentarian of over 16 years, fast does not always equate to fair. Sometimes fast means mistakes are made. I want to caution the members on the committee not to be railroaded and to ensure that the questions that are asked are answered.

There are enough stakeholder groups that are very concerned about, first, the process of appeal. My concern is we have had experience in the country where if people cannot get what they need to get through the process as it is laid out for them, they have an option, and that is to go underground. That is not a good outcome in terms of refugee determination.

We have had examples of things like that. It is not refugees, but I remind the House of the so-called undocumented workers in the construction industry. There were 20,000 construction workers. I know one of my colleagues worked on this for a long time. I remember the first question I ever asked about undocumented construction workers was this. Where did that name come from?

These people have come to the country without papers. They are working underground in areas that have a high demand for skilled labour, but they are not paying taxes, they are not contributing into their future for their pension system and they are not covered by our medical system. They are working underground. Their existence is being perpetuated by businesses that have these people in an awkward situation. They cannot come out. They are hiding. They hide all day long, and they work all day long. That is about all they can do because they do not have credentials. As far as I know, that is still an unresolved situation simply because we need construction workers.

*Government Orders*

This is unfair to those people as well. It is because the system could not deal with the demand that we had in the construction industry, and it was much cheaper. I hate to digress like this, but when we think about it, this is the kind of thing that can happen. Some businesses out there are in fact paying minimum wage to skilled workers who cannot come out and complain because they are undocumented, they do not have papers, they are illegal aliens. They are living lives of hell and they have absolutely nothing to do to save for their future or provide for their retirement. This is an accident waiting to happen. It really is a terrible situation.

• (1750)

People cannot get their situation in order to make the necessary representations and have the lawyers get the papers to do what they have to do. I raise it to enforce the point that if we have a refugee system that is too fast, then they may very well go underground. I do not know how many are underground already, but I do know there are a lot of people in the country who, in one way or another, got in here and then disappeared. They are in flight.

We do not need to have that problem get worse. The minister will know we have suggestions that the 60-day time frame should probably be 120 days. In this place, 60 days is nothing. We give ministers 60 sitting days just to respond to a committee report. It is one of those things at which I hope we can look. We need to hear from those who are on the ground, who deal with these cases and who have a high degree of credibility to find out whether we put ourselves at risk of forcing people to go underground simply because they cannot comply with the requirements nor prepare to go through the prescribed process.

To show where we have come from, we had a situation when I came here where refugees who came to Canada were in the process. It was illegal for them to work. I remember a colleague named Sergio Marchi, if anyone remembers him. He was the minister who brought in the changes to permit refugees to work and earn a little income, which was very important to them. Rather than being reliant on the Canadian system, they needed the dignity of work to take care of their families.

I do not remember the exact number, but I will guess. Somewhere around half the refugees coming into Canada were coming across the U.S. border. That really stuck me. How was that possible? People say there must be a reason. I guess the reasons are pretty clear. If I were a refugee and I went to the United States because it was easier to get into the States than Canada, I would find that I would get no legal aid, housing, health or assistance whatsoever. However, if I cross over the border, Canada would take care of me.

It is amazing how long it took, but I think we have resolved that to the greatest extent possible. It is basically the country of first safe landing, where it will have to take care of the refugee and the refugee determination. I think that has helped substantially, but the irony is the backlog has risen substantially. I think the minister has probably heard from a number of people that the current government has not had this as a priority. It has been delayed. It is an indictment that opposition members are throwing out.

I do not think it is time to throw blame around here. I am rising today and appealing to the minister and all hon. members to find a way to make this work, to ensure that the committee process is as

robust as possible and when we get through this process, to ensure that we can quickly get a bill, if that is what the minister wants. It is a laudable objective to ensure that our system is balanced, fast and fair.

• (1755)

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, I will reiterate that I am prepared to share, inasmuch as is feasible, draft regulations with the committee. Having been in opposition for many years, I know that opposition members are understandably skeptical about the ambit for regulations that are implied in a bill but at the same time it is very difficult to put every instrument in the statute and regulations are an important part of the legal system.

Having said that, I agree that there is a need for transparency. We are trying to pursue this in as collaborative a fashion as possible. It is my intention to share with committee draft regulations, for example, as to the process for the designation of safe countries. I also will accept amendments to outline the criteria for what would constitute designated safe countries.

I also would be open to the notion of submitting to the standing committee for comment future regulations as they are prepared.

Secondly, with respect to the member's comments on the notion of fast, in point of fact this is a principle, an idea, a word that I have developed from Mr. Peter Showler, the former chairman of the IRB, who has often been a strong critic of our government and who is now the chairman of the revenue policy think-tank at the University of Ottawa. Professor Showler has said:

The real secret of an effective system is that fast and fair are not opposites, they are complementary. The government appears to understand this principle.

He goes on to say that every refugee asylum system in the democratic world aspires to be both fast and fair.

It's even more difficult to design an entire refugee claim system that is both fast and fair. This Conservative government has done just that striking a reasonable balance between the two.

With respect to the member's comments on the backlog, when our government took office there was a 20,000 case backlog in the asylum system. Between 2006 and 2009 there was a 45% increase in the number of asylum claims, peaking at 38,000 claims in 2008, well above the maximum capacity of the IRB when fully staffed to finalize 25,000 decisions a year.

The point is that this is not a resultant neglect by the government. Let us not politicize this issue. The reason we need asylum reform is, in large part, because huge backlogs have been a permanent feature of the system. Over the past decade, the average backlog has been 40,000 cases.

*Government Orders*

Bill Clinton said, "One definition of insanity is to do the same thing over and over again expecting a different result". We do not want to keep doing the same thing over and over again, pouring good money after bad when we need to reform the architecture of the system.

Yes, there are additional resources but we need to streamline the system, and I believe all of my predecessors in the previous Liberal government said as much but, for whatever reason, did not act on it. However, I am pleased to see the Liberal Party's openness to taking action in reforming the system now.

• (1800)

**Mr. Paul Szabo:** Mr. Speaker, I am pleased to hear the minister's views. I agree that we should not get close to politicizing this. There is lots of it to go around I am sure if everyone tried very hard but it is not very productive.

I think the minister is well aware that Professor Showler's concern has to do with the 60 days for the first hearing. The note I have here is that it is a very quick interview, too quick and impractical. It is impractical in the sense that the refugee will not be able to find a decent lawyer, inform the lawyer and let the lawyer gather and present evidence at a hearing. If that first hearing is not a good hearing, the entire system will unravel fairly quickly.

That is an interesting perspective and I hope we will be able to examine it because it would be awful if we had a timeline that would undermine the good work that otherwise can happen to allow us to properly and fairly address refugee determination and to help those who require the help and, for those who do not qualify, that there is a quick removal before they take root or take flight.

Those are the kinds of things that I know all hon. members will want to look at. I thank the minister for his commitment.

[*Translation*]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** Mr. Speaker, I never miss an opportunity to ask a Liberal member this question, because I want to make sure that we can really count on the Liberals when the time comes to amend this bill.

My colleague must know that I introduced Bill C-291 on the refugee appeal division. The Liberals said they supported that bill, which was a very popular thing to say. But when it came time to vote in the House, the Liberals had twice as many members absent as all the other parties combined. The opposition still had three more members present in the House than the government, but as luck would have it, four Liberals remained seated. The bill was defeated by a single vote, as if by magic.

No one is fooled. With that vote, the Liberals turned their backs on refugees. It suited them to say publicly that they were in favour of the refugee appeal division, but they did everything they could to engineer the defeat of my bill in the House.

This time around, can we count on the solid support of the full Liberal caucus?

[*English*]

**Mr. Paul Szabo:** Mr. Speaker, I am a backbencher. I do not know if I can speak on behalf of my party.

I want to assure the member and the whole House that our critic has done an extraordinary amount of work in providing us with sound information, to identify areas that he feels comfortable with and to suggest there are some areas where we want to have robust dialogue with respect to making amendments. We want to see this legislation go to committee to hear witnesses. We want to do a good job on this.

I hear the member, but I think he would agree, along with virtually everybody else in this House, that it is time to put the political rhetoric and the history behind us and start looking forward, because it is in the best interests of Canada.

• (1805)

**Ms. Niki Ashton (Churchill, NDP):** Mr. Speaker, one of the recurring concerns that we in the NDP have been raising regarding this bill, and a concern that has been echoed by other opposition parties in the House, is the question of the safe country statement.

People who have been involved with not just refugee services but human rights in general know how dangerous it is to use that safe country statement when it comes to human rights abuses or the reasons why people seek to leave the abuse they are facing.

Much has been said about how women would be most at risk with this change in the legislation, women who are seeking refugee status on the basis of abuse, gender-based claims. But people who would like to make claims based on persecution based on sexual orientation or sexual identity would also be at risk. These kinds of abuses happen in countries that we might consider to be safe. We find that this legislation would pose a great danger for such people and would go against Canada's tradition of providing refuge for these people.

**Mr. Paul Szabo:** Mr. Speaker, there is no question that this issue of safe origin has come up often, and I think the minister has heard us. The UN High Commissioner for Refugees has expressed concerns about safe countries of origin along the lines that the member mentioned, as well as concerns with regard to sexual preference and gender issues. That is on the table. We will make absolutely sure that the legislation deals with it.

Amnesty International has similarly raised this as a principal concern. The Canadian Council for Refugees was probably the strongest. It said it does not agree with any of the major changes in the bill, starting with the introduction of the list of safe countries of origin. The council says it is a mistake. It also criticizes the use of the public service for first-level decisions and the tight timelines for initial decisions.

Some of the major stakeholders and operational groups are getting involved and raising this issue. It has been raised many times in the House. The minister has heard, and we take him at his word, that we are not going to politicize this or allow a position where any future government could politicize the system simply on the basis of safe country of origin, which is not even in the bill.

*Government Orders*

**Ms. Linda Duncan (Edmonton—Strathcona, NDP):** Mr. Speaker, I am looking forward to providing some brief comments on this bill, but I will be sharing my time with my colleague, the member for Sault Ste. Marie. I look forward to hearing his comments, which I know will be very cogent and critical to this debate.

I have to say at the very outset that one of the things that troubles me most about this bill is the title, the popular title as I may put it. The formal title of course is an Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act, but it is to be known as the balanced refugee reform act. Given the continual reference of the government to balancing things and its record of balancing, for example, environmental and economic development, I am not very reassured by the title. It would be good if this were elaborated upon during committee.

This is an extremely important bill. People have been waiting for quite some time for amendments to improve this process. I have heard other members in the House talk about a bill that came forward, was passed and languished. For four years, the government has failed to actually give royal assent to that bill. So these reforms are long overdue, but I do have some concerns about the way in which they were brought forward.

I do want to add at the beginning that I am extremely proud of the efforts, in my constituency and across the city of Edmonton, in assistance to refugees given by the people of Edmonton. I am very proud of the fact that doctors from the University of Alberta have actually established a separate refugee health clinic, recognizing the particular health issues that were not being addressed.

I am also extremely proud of the students at the University of Alberta, who actually sponsor a number of refugees every year. I had the opportunity to go to a reception to meet some of these refugees who attended the University of Alberta. They actually cover their health fees and transportation fees, which is an incredible barrier that needs to be addressed soon by the government and removed. The students were absolutely incredible with how they look after these refugees who come out of camps and have the opportunity to study at the University of Alberta. They are incredible success stories.

It is very important that legislation be brought forward to recognize the need to expedite these reviews, ensuring the rights of all people who come to this country claiming the right of citizenship and bringing forward to us that they need to have our protection to take refuge because they are being treated in some untoward way in the country they come from. A lot of the members in the House have mentioned this and said they welcome the fact that there will now finally be an appeal process at least for some of the claimants. However, I hear members expressing the concern that it will not apply to all claimants.

I have also heard great concern that it is regrettable that this bill was not referred to committee after first reading. I notice that even the Canadian Bar Association's immigration committee as well as Amnesty International have asked that this occur and they have called for a full and extensive public hearing process on this. Both of them have extreme expertise in this area.

One of the issues I have heard raised in the House is the issue of the lag in actually making appointments to the Refugee Appeal Board. I would hope that the government, as I mentioned earlier in the House in a question to one of the members, will give full consideration, as it is moving forward with this bill, to bringing forward in parallel all the regulations and all the guidelines necessary to implement the bill. I also hope it will commit to a full, open and public consultation on those regulations and guidelines. Third, I hope it commits to putting in place the necessary officials and appointments to the board to genuinely move forward and expedite these reviews.

Again as I have mentioned previously in the House, I am very concerned with the reference by the government to the need for fast and fair reviews, when in fact what we should be looking forward to is that they be timely and just. It is absolutely critical that we accord due process to all of the claimants regardless of the outcome of the process. A lot of concerns have been expressed, which I support and which should be addressed fully in committee, to make sure that the bill is actually giving a fair hearing to all the claimants who come forward, and that all the claimants potentially have the opportunity for an appeal.

We have heard often in the House, and I have heard in my constituency from immigrants, about the issue of how traumatized they are when they come and how difficult it is for them to identify who can actually assist them in their appeals, particularly with medical testimony or legal services.

• (1810)

I think that the timeline set in the bill is far too short. As many members have pointed out, particularly if we are dealing with people who have been sexually traumatized, there is a long recovery time and they may need a lot of support so that they build trust in the system. I am particularly concerned about the fast-tracking. I am hoping the government is not thinking in terms of balancing out and doing away with some people's rights and due process.

We are fortunate to be in a country where we actually have a charter of rights and we expect that everybody is given due process. We should give careful consideration to that for the refugee claimants.

One of my colleagues mentioned the concept of potential for duty counsel. This concept has been applied to a number of the tribunals in the province I come from, Alberta. Duty counsel would be a very good idea, particularly at the initial period so that the claimants are aware of the fact that they may be able to apply for legal aid or where they can seek legal counsel to assist them. It would be unfortunate if they lost their claim simply because they did not fully understand the process.

I agree with the ideas put forward by Amnesty International and the Canadian Bar Association that we should be very clear on the principles of this process and we should be very clear that there are not political considerations attached to the criteria for determining if people come from "safe countries". There are a number of people, including the former chair of the refugee appeal division, who have said they have a problem with the government referencing safe countries, when in fact the legislation does not reference such a term.

*Government Orders*

As I mentioned, I find the drafting of the bill very confusing. I would think that refugees coming to Canada who do not have English as their first language may have difficulty in comprehending the bill. I hope the guidelines and the regulations bring greater clarity to the process.

It is very important that those resources be in place to work with the refugees. I have also noticed that there is still a tendency to download on to certain support organizations. The government gives assistance to certain categories of immigrants to the country to help them become settled and to go through the processes, but there are certain categories, and I believe refugees are one of those, and good-hearted people who run voluntary non-government organizations are trying to deal with this as well, where resources are not provided. I am hoping when the government brings in these new provisions it will consider giving more support to the NGOs and the role they play.

Earlier I mentioned that we are developing new kinds of refugees in the world, and while we have always had environmental refugees, with the impact of climate change, hundreds of thousands of new people will be coming forward. My concern is with the idea of having "safe designated countries", we could have a disaster the next day, and if that designation is by regulation, could we move expeditiously enough to allow refugees to apply or to go through the appeal process?

I am told that environmental refugees are quickly becoming the highest category of refugee claimants. I think I have raised this before in the House, that we have two choices in this country. One is that we take action to reduce our own greenhouse gases which are contributing to the problem of climate change, and the other is to step up to the plate and commit what our foreign aid dollars will be to assist those who are already trying to mitigate and adapt to climate change. The greater action we take to prevent environmental devastation in other countries, from drought, starvation from drought and so forth, and we try to mitigate and help people adapt to the impact of climate change, then we do not necessarily have to be accepting more refugees to this country.

That is where we draw the line in the sand. We will have to give assistance one way or another. I would suggest that we will have to be factoring in a lot more environmental refugees applying to this country. Maybe if we step up to the plate and actually commit larger dollars in foreign aid, then we will not have as many refugees wanting to come here.

I certainly know from my personal experience working overseas that nationals of other countries, even if we may wonder how they can stay in their country that is so devastated, love their country and they would like to stay. People come here as refugees only when it is absolutely the last choice and when they want to give an opportunity to their children.

• (1815)

In closing, this is a country that stands by the rule of law. I think it is absolutely critical that we bend over backwards to make sure that we accord due process including to the refugee claimant process.

**Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC):** Mr. Speaker, first, the member suggested that we eliminate any vacancies in the IRB. That is not possible

because there are no vacancies in the IRB. The refugee protection division is operating at 99% of its capacity.

The problem is that since the current system has been in place, virtually every year there has been an excess of claims, well over the capacity of the IRB to finalize claims. We receive more claims than virtually any other developed country in the world and the IRB has a higher acceptance rate, almost twice as high as the average among western European democracies.

The member said that she thinks nearly everyone who comes here under the asylum system is a bona fide refugee. That is not supported by the fact that according to our legal system, 42% are found not to be in need of our protection, including a very large number who withdraw their own claims saying they do not need our protection.

I am most interested in her point about environmental refugees which she made in her last intervention. Does she believe that we should expand the definition of refugee beyond the UN convention on refugees or the Immigration and Refugee Protection Act to include environmental refugees? If so, how would she define that?

Would people in the far north of Canada be able to claim refugee status on that principle in other countries? Does it mean living through extreme weather conditions? How many people does she think would be affected? How many people would Canada have to accept as a result of that major change to both international and domestic refugee law?

• (1820)

**Ms. Linda Duncan:** Mr. Speaker, those are all excellent questions. I look forward to those issues being discussed during the review of the bill in committee.

Indeed, I would welcome the minister bringing them to the international scene and coming to grip with the issue of environmental refugees. I cannot say how many. I only know from having participated in the Copenhagen conference that there is a growing problem. I am sure the Minister of the Environment would attest to that. There are some countries going completely under water.

I do not believe that I said that we should accept absolutely every refugee. All I have said is that I think it is incumbent upon us, being a country that abides by the rule of law, that we accord due process to all refugee claimants.

**Hon. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, I am delighted that both the minister and the member for Edmonton—Strathcona have raised the subject of environmental refugees. I am the first member of Parliament to have a private member's bill that would actually add them, as the minister suggested, to the refugee and immigration system. As the member said, countries are going under water and people have nowhere to go. That has to be dealt with somehow. A fulsome discussion has to take place.

The member mentioned sending the bill to committee before second reading. It is very good that the minister has been listening to members' significant concerns. After second reading, of course, the bill goes to committee and we can only make certain changes. It is hard to make some of the amendments people are talking about today. I wonder if the member wants to comment on that.

**Ms. Linda Duncan:** Mr. Speaker, I always welcome comments by the member for Yukon. I look forward to getting back to his jurisdiction one day for a visit. It is a beautiful place.

Process is everything. If there was a request for this bill to be fully reviewed, it is most regrettable that there are tight constraints to the way we can debate matters and bring forward amendments. I welcome the fact that the minister has heard all of the presentations, which is to his credit, but it would have been better if he could have heard the presentations when the full amendments could have been brought forward.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, I have been sitting here for a good chunk of today listening to the debate on this legislation that will affect so many individuals who look to Canada as a safe refuge in times of severe and immediate difficulty. I have a number of questions which arise in the context of having listened for a few years to people who work in the refugee effort across Canada. They try to help those people who show up on our shores having left their homes under serious duress. They are looking for a place to be safe and hopefully, in their minds, to ultimately call home for themselves and their families.

As I listen to the discussion in the House on this legislation it seems that as a country we are becoming narrower and, if I dare use the word, meaner in terms of how many people we will accept. Given the great mass of land that we occupy as a country and the resources that we have at our disposal, and the wealth that we generate every year, we should be willing and able to share that with the rest of the world. After all, we do live in a global society these days in many ways. People say that to me and as previous governments and the current government have moved to change the refugee system, it has not been to be more open or welcoming and helpful, but to be narrower and more judicious and specific in terms of the way that we allow people into the country and then how we treat them once they are in.

I am wondering if this is in keeping with the history and the values of Canada where accepting people who are in need of a safe haven into our country has been the case. I am concerned that in this bill we are delegating safe countries that we will not allow people to establish refugee status in Canada and countries that we will. We will pick and choose who, having experienced great trouble in their lives, can arrive on our shores at any time.

I am also concerned that we are turning over a lot of the decision making to the discretion of the minister. It is no reflection on any one minister. I am saying that when we turn the decision making on matters of this import to people, particularly people who are at great risk and are vulnerable, we set ourselves up for very difficult realities that could unfold.

I look back to the Irish diaspora. The minister will understand this because he has a great appreciation for and knowledge of our past where refugees are concerned. Many people from Ireland arrived on

the shores of Canada many years ago because of the potato famine in that wonderful country. People had to leave by the hundreds of thousands and wound up in Canada in huge numbers. I have visited Grosse-Île, the place where the Irish first set foot in Canada.

I am told that one person was given total discretion as to whether someone was well enough to move on to Montreal or Quebec. Many were not allowed for no real scientific reason, no real health reason. People were checked over. They were asked to open their mouths and the man in charge would determine based on his limited knowledge whether they were suffering from some disease. Literally, because of that thousands and thousands of people died on that island. They were not allowed the opportunity to move further inland, to establish themselves and to make a life for themselves.

• (1825)

A couple of years I was in Toronto, when they unveiled the wonderful work at Ireland Park on the waterfront. Back in the 1800s literally 50,000, 60,000 people showed up in boats to a small community of maybe 25,000 people. Those 25,000 people, knowing that those people were sick and bringing with them all kinds of disease, welcomed them into their community. In welcoming and doing the work that was required to make them feel at home, some lost their lives as well.

That is the story of this country. How many of us could ever forget the effort that happened not long ago with the boat people from Vietnam, when churches particularly, including the church I belonged to at that time, opened their doors and welcomed those people in, found ways to integrate them into our communities, found jobs for them, and got their children into schools?

The minister might have a comment for me at some point, but perhaps not today because we are closing in on 6:30 p.m. here. Is this bill going to take us away from that value system, that history, that story that is and was Canada's where refugees are concerned?

• (1830)

**The Acting Speaker (Mr. Barry Devolin):** The hon. member for Sault Ste. Marie will have three minutes remaining when the House returns to this matter.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

THE BUDGET

**Hon. Shawn Murphy (Charlottetown, Lib.):** Mr. Speaker, I rise tonight to attempt to get an answer, an answer I have been trying to get for the last month. I want a straightforward, honest answer to a commitment, which was set out in the federal budget tabled by the finance minister on March 4.

*Adjournment Proceedings*

Before I get into details, I want to remind the House that the budget is the financial agenda of the government for the upcoming fiscal year. Literally thousands of hours go into the preparation of each budget, and thousands of eyes see and review the budget before it is tabled. Facts are checked, double-checked and triple-checked. Millions of dollars of man and woman hours are spent preparing the budget. As a result, members of this House, members of the Senate, and all Canadians are entitled to assume that the budget is accurate, correct and factual.

On page 242 of the budget, which the government wants passed by this House and the Senate, it contains the following commitment:

Upgrades to infrastructure at the University of Prince Edward Island will create over 300 jobs and inject about \$30 million into the economy.

The announcement was received enthusiastically by UPEI and all people living in Prince Edward Island. Then things started to get a little wobbly. The Minister of Finance in the House said proudly that the budget was accurate, but the department of industry was a little bit different. It said it was not \$30 million, it was \$2 million. All we had to do to get to the \$30 million was use a multiplier of 15.

When this was explained to be absolutely ridiculous, it came forward the next day with another explanation that we could take another project at the college that was done a year before, add them up and we would get to \$10 million or \$11 million, that would be close enough, and we could forget about it.

No attempt was ever made to compute how the 300 jobs were calculated or arrived at. I am going to read it again because I want to be absolutely clear. The budget stated:

Upgrades to infrastructure at the University of Prince Edward Island will create over 300 jobs and inject about \$30 million into the economy.

One would think that I, as a member of Parliament, and the people living in Prince Edward Island, along with the people affiliated with the University of Prince Edward Island would be entitled to an honest, straightforward answer.

If it was a major screw-up, tell us. If the decision was correct, or the statement was correct in the budget, and it was subsequently reversed by the finance minister or the Prime Minister, tell us. However, we are not getting that.

I am asking people who are watching this on television tonight to listen to the answer. What we are going to hear is spin. It will not deal with the question. It will not deal with the \$30 million. It will not deal with the 300 jobs. It will go on and talk about other projects.

The parliamentary secretary tonight will read a statement, prepared by the department of industry, approved by the Prime Minister's Office and will, over the next four minutes, continue this culture of deceit that we are seeing with the government.

I am going to read it again for the third time:

Upgrades to infrastructure at the University of Prince Edward Island will create over 300 jobs and inject about \$30 million into the economy.

My question is straightforward and simple. Is the \$30 million commitment and the creation of 300 jobs accurate? If it is not accurate, and we know it is not, why was it included in the budget?

**Mr. Mike Lake (Parliamentary Secretary to the Minister of Industry, CPC):** Mr. Speaker, it is interesting that today in his

question, the member for Charlottetown uses the wording "will create over 300 jobs and inject about \$30 million into the economy". I would note that when asking questions in the House, he used different wording. He said, "received \$30 million in new money for infrastructure upgrades". There was very different wording in his questions that precipitated this adjournment proceeding tonight.

I want to clarify the question raised by the member for Charlottetown surrounding the level of funding provided to the province of Prince Edward Island under the knowledge infrastructure program. In particular, I would like to clarify certain numbers reported in the fifth report to Canadians.

The knowledge infrastructure program is providing significant short-term stimulus in local communities across Canada by investing in infrastructure at universities and colleges. Through the program, we have committed \$2 billion over two years to 536 different projects in every province and territory in Canada. This has been more than matched by contributions from the provinces and other sources, resulting in total project costs of roughly \$5 billion.

Prince Edward Island has received funding for two KIP projects, one at Holland College and one at the University of Prince Edward Island. The project at Holland College includes major renovations to the Charlottetown Centre and the construction of a new centre for applied science and technology. The total cost of this project is \$17 million, of which the federal portion is \$8.5 million.

The project at UPEI includes \$4 million for major infrastructure upgrades, of which the federal government is providing \$2 million. The total federal funding for PEI under the KIP program is therefore \$10.5 million over two years. Because my colleague from Charlottetown seems to be confused as to the content of the fifth report to Canadians, specifically an item on page 242 of that document, I appreciate this chance to offer some clarity on the matter.

From page 242 of the fifth report to Canadians, it is clear that investments in P.E.I. under the KIP program will create over 300 jobs and inject about \$30 million into the economy. Under this program, UPEI and Holland College together received a total of \$10.5 million in federal funding. When matched with provincial funds, this amounts to \$21 million for Holland College and UPEI together.

Even when assessed under the most conservative assessments of the impacted stimulus funding, we arrive at a total economic benefit to the Island economy of \$31.5 million. We have never claimed that the project at UPEI has received anything other than \$2 million in KIP funding matched by the province.

*Adjournment Proceedings*

I regret the confusion resulting from the member for Charlottetown's misreading of the fifth report to Canadians. We do hold in high regard the provincial governments and partnering institutions for working with us on these projects. These projects are of great importance to students and faculty at both UPEI and Holland College.

• (1835)

**Hon. Shawn Murphy:** Mr. Speaker, he said I misread it, so I am going to read it again for Canada to listen to. It says, "Upgrades to infrastructure at the University of Prince Edward Island will create over 300 jobs and inject about \$30 million into the economy". It could not be any clearer.

The parliamentary secretary did exactly what I predicted. It was spin. We continue this culture of deceit. He did not talk about the budget. He talked about some other document called a fifth report. I am not sure exactly what he is talking about. The only thing he talked about, which I suspected, was this \$2 million committed to the University of Prince Edward Island. He went on about projects in other provinces and other projects in Charlottetown. He went on to spin the thing and he never mentioned how the 300 jobs was computed and added into the budget.

I will give the parliamentary secretary one last chance to answer the question. Is the \$30 million commitment to the University of Prince Edward Island and the creation of 300 jobs accurate? The wording is very clear and we know right now from the words of the parliamentary secretary that it is not accurate. If it is not accurate, why was it included in the budget?

**Mr. Mike Lake:** Mr. Speaker, what is not clear is what the hon. member is actually asking. He has asked two completely different things, using two completely different sets of numbers.

Today he refers to the fifth report to Canadians, which uses wording such as "—will create over 300 jobs and inject about \$30 million into the economy". But the member has repeatedly asserted in question period that the budget contains a statement with the wording "—receive \$30 million in new money for infrastructure upgrades". That is very different wording. The budget simply does not state that.

Once again, let me reiterate the facts for the benefit of all hon. members and those many thousands of Canadians who will be viewing this tonight.

The University of P.E.I. is receiving funding under KIP to update essential physical infrastructure to several of its campus buildings. The total cost of these upgrades is \$4 million, of which the federal government is providing \$2 million.

KIP is also providing funding to Holland College to undertake a major renovation of the Charlottetown Centre and to construct a new centre for applied science and technology. The total cost of this project is \$17 million, of which the federal portion is \$8.5 million.

Taken together, federal funding for P.E.I. under the KIP program totals \$10.5 million over two years. This funding is generating jobs and other economic benefits to the Island, while at the same time renewing important—

• (1840)

**The Acting Speaker (Mr. Barry Devolin):** Order. The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:40 p.m.)



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