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🕒 (1330)

[*English*]

**The Chair** Colleagues, we are into our final leg here in Vancouver. This afternoon we are going to be talking about our settlement and integration programs and this afternoon we have a number of witnesses, the Canadian Bar Association, represented by Phil Rankin and LEXBASE, Richard Kurland who is well known to the committee, has been with us all morning, and very much appreciated. MOSAIC nice to see you again, Eyob, and Lillian To.

We are going to make you permanent members of our committee, you know. You have got an awful lot of expertise and you have given us some great information and we truly appreciate you making the time to spend with us.

So let's move to Phil Rankin.

🕒 (1335)

**Mr. Phil Rankin (Canadian Bar Association (BC Immigration Section)):** I take it the mike is being controlled by someone else?

**The Chair:** Yes.

**Mr. Phil Rankin:** That's great. My name is Philip Rankin. I'm a lawyer in Vancouver and I belong to a number of organizations but today I'm speaking on behalf of the Canadian Bar Association in B.C., immigration law section.

We have prepared a very short brief. In general, I think we are--you will find quite a bit of consensus between the settlement agencies and the Bar. We saw the draft copies of the MOSAIC brief and the AMSSA briefs and we have endorsed them in general. I think the principle is that the funding formula as it stands is not benefiting British Columbia. We want a per capita funding formula as opposed to deciding in other forms.

We also are very concerned about the issue of funding. I realize in the time of negotiating agreements with the provinces that the provinces want as much flexibility as possible but a lot of the revenue for settlement--to the consolidated settlement account and therefore it is unaccountable and we prefer a system of national standards. That means we want you to put strings to it. Now, I realize that goes simply against the drift of the provinces whether its medicare or immigration or any other field. They want the money and they want to do with the money what they want to.

But it's been our experience that the money has not been--for instance, there's a lot of discussion about the money being used for ESL programs in Vancouver. ESL is a provincial responsibility, part of the education program. We don't want to see money diverted for settlement to the school, unless you want to make a special grant or create--I think it's an abdication of the responsibility of the province to allow them to hide and say we're spending settlement money but we are spending it on ESL programs, programs that they would have to spend the money for in any event and then take credit for using the settlement money in that way.

I think it's a very bad formula which allows them to basically absorb. By analogy, in British Columbia there is a special tax on legal aid, for legal aid, but the money doesn't go to legal aid. It goes to the consolidated general fund and they don't use it for legal aid. So we have a province where we had one of the best legal systems in Canada and now we have one of the worst systems. They say that the tax, although it was tended to be for legal aid, is general revenue and that same thing is happening with settlement money.

The other thing is there is a number of programs that are overly bureaucratized in terms of British Columbia and other people will speak to that, and that's the issues of what level of English will be delivered in the province and who will be eligible for that. There is a lot of bureaucratic differences between B.C. and Alberta and other provinces. There is no standard. B.C. only gives to a level 3 English. It doesn't give English to

people who are long-term immigrants to Canada who are not functioning in English. It has too many roadblocks, because really the importance of the settlement funds is to have people integrate even if they have been here for ten years. There are tens of thousands of middle-aged people who are basically in their home that don't function in English, and basically their children function for them, who should be in the ESL programs and there's lots of capacity here to teach English but there's not enough money. So gentlemen, we think the NGO is doing really an unbelievable job for the funds that they are getting.

The only thing I noticed wasn't mentioned in a lot of the briefs was the regulation of consultants and of course we are always accused of self-interest as lawyers talking about consultants. I have been talking about consultants since 1980 and we still haven't got regulation of them. What's the up and down side of it? There are many consultants. Specifically, OPIC which have very well-trained people, a lot of them are from the department who retire and become--very lucrative careers and they do things pretty well above board. In the litigation area, which is the Immigration and Refugee Board, there are very few competent consultants.

**Mr. Phil Rankin** Yesterday I had a young woman from China who has been working for a consultant in Vancouver. The consultant is posing as a Canadian lawyer. He's not a non-Chinese consultant. He advertises in Hong Kong. He has a big office in Vancouver on Georgia Street.

She has told me that she believes about \$700,000 in fees have gone missing. These clients are hounding her in China. He is basically out of their reach. Because she's a Chinese but she's also a landed immigrant in Canada they are going after her family in China. She says the money was paid. They checked the applications at the Beijing office. There are no applications for dozens and dozens of files.

So this person has taken tens of thousands of dollars in fees. There's no trust fund. There's no compensation. There's no insurance. I said, don't even bother chasing him down in Canada. I can tell you right now. I do a lot of criminal law. He won't have any assets here. I know that. You're just wasting your time. You won't get the Canadians to prosecute because most of these frauds were committed in China. Even though the frauds have a Canadian aspect they're not going to be too interested in this. So there are hundreds of people, that I have files, that are not even in the system. These people believe they're in the system and we have no way of getting them.

Now if this was a Canadian lawyer even overseas in China we would have a discipline. We would have a fund to compensate those people. We would have trust accounts. We would have trust money. So we have a totally unregulated group, some of which do good work, some of which do terrible work. Now there's also terrible work done by lawyers. I won't deny that there are a lot of lawyers that have done very poor immigration work. But in general there are means to get to them.

What we see at the refugee board--and I have been doing a lot of work at the Immigration and Refugee Board, both at the appeal division and at the refugee division--

are literally it's costed Canada I am sure hundreds of millions of dollars. Even in my own observation, hundreds and hundreds of fraudulent claims, hundreds of fraudulent claims for citizenship, hundreds of fraudulent claims for refugee status, hundreds of people who are smuggled or documents are provided, all through the work of consultants, consultants usually working in conjunction with interpreters, usually working in conjunction with travel agents.

That is a very typical--the travel agents overseas hook up with consultants in Canada. The interpreters in Canada steer people to certain consultants and often to certain lawyers, and this lack of regulation has not only cost the society in Canada tens of millions of dollars, it's created a mistrust of our system. It has ruined a lot of people's lives who thought that they were getting legitimate services. And it hasn't saved any money. A lot of people say well we're greedy. But the truth is looking at consultants I normally do not see a huge difference in the fees that are charged by consultants. I saw the difference between notaries and lawyers. It's just that there is no savings with consultants.

I would have liked to see consultants regulated out of IRB. That never did happen. There was a power to do that in the Act and say that only barristers and solicitors, but if they're going to be allowed then they have to have a code of ethics. They have to have regulations. They have to have insurance. They have to have training. They have to have accountability in some form or other.

And of course we know that Mr. Augenfeld and there's a committee studying consultants, but I personally feel that we've had about 10 studies on consultants in my career in 20 years. This is not the first time we've seen consultants going to be... I have no idea how they have avoided regulations so long. I really don't know why they have avoided regulations because I can't really see anybody say that regulation is a bad thing.

But for some reason it's always said well it's a provincial jurisdiction, or it's a federal jurisdiction, or these complex constitutional problems. I don't think it's that complex. I think the IRB could easily have passed a regulation saying you must be a member of an organization. You must have a code of conduct. We could have easily regulated them at the IRB. And as far as overseas consultants I suppose it may be more difficult to do.

Even in the issue of enforcement, there is not enough money put in with the RCMP, the immigration and passport section, to actually hunt down some of these people and prosecute them, because that itself would have had a deterrent affect. But in general we know and the very few prosecutions of consultants--two or three have been prosecuted, one a notorious one in British Columbia which ended in acquittal because the main witnesses were encouraged not to come. They went to Europe. They couldn't get the evidence together.

There has been no even deterrent affect by a good enforcement process because it's expensive. It's very expensive to investigate overseas consultants and it's relatively hard to do it in Canada, particularly as I told immigration and passport police, if you don't do

what the drug guys do. You've got to make deals with the fraudulent refugees and applicants and say we won't take you to inquiries if you give evidence against the consultants.

🕒 (1340)

**Mr. Phil Rankin** It's an unfortunate position but that's how you deal with the drug people. You basically, you roll over, you go to the lower drug traffickers and you say you give evidence against the higher up and we get it. We have been reluctant to use the same techniques that we use in drug prosecutions in the consultant and fraudulent claims and as a result we have many many thousands of claims. So everybody who's against immigration can point to somebody because we've allowed it to happen.

So I suppose I'll close on that and let our colleagues--In general we think the NOGs in B.C. are doing a good job and we believe that the NGO settlement system is the only way to integrate. And we think probably that it's a faint hope that you're going to get immigrants settling in rural B.C. because what's happened in reality is that there's less dollars, there's less settlement agencies in rural B.C., there is no HRDC program directed at immigrants, there's no really incentives to go to it.

I suppose in the end you might be able to encourage immigration to B.C. to the rural parts if you were to have the diversity program the United States has where they give 100,000 spots to people from countries that might prefer to go to rural areas like some people from west and eastern Europe who would probably like smaller towns. But in general it's going to be urban immigration unless we develop real incentives to send people elsewhere. I think it's almost an impossible task from what I've heard as a technique to get people to live out there. What I see actually is the shrinking dollar is less encouragement to go there. Not more. Thank you.

🕒 (1345)

**The Chair:** Thank you Phil and with regard--even though we're not talking about consultants today I can tell you that we expect to see something by April or May because that committee is finishing its work and so hopefully after, yah, ten, fifteen years of waiting we might finally have something. Okay, Richard?

**to be determined à être déterminé:** Our recommendation concerning settlements relates to increasing francophone immigration to the heartland. A matter of funding--the federal level must recognize that upfront seed money is required to dramatically improve francophone settlement facilities that are outside the major cities in our provinces.

This is a one time expenditure in a national interest to build a stronger united Canada. We heard this morning certain views expressed on this point. And the words that stuck to me were un grand rêve, a big dream, and the context was not as in Martin Luther King I have a dream, it was pejorative, you're dreaming.

The remarks raised the historic injustice committed in years past to the francophone communities primarily in western Canada. The difficulty those communities are experiencing today in terms of assimilation rates, that can't be ignored. But I do have a dream. It's perhaps better word vision, where the immigration system can be used to strengthen the existing francophone communities that are currently in our heartland in Canada.

And I point this out specifically. Bilingual schools here in the city of Vancouver and I mean bilingual English French are difficult to get into. Our two year old Tiffany Hannah Kurland faces that choice. It is difficult to find the places. So the reality, the dream of west coast Canadians I can attest to personally, is to ensure that even though some on the west coast are not francophone by birth, they certainly desire the attributes of Canada's official language stance. They want to grow and flourish as a bilingual member of Canada. And the importance here is that the pressure to find entries to bilingual schools in Vancouver is great cuts across demographic lines and is evidence of a dream.

So the hinterland, a direct infusion and I say direct infusion having heard my good colleague and friend Mr. Rankin's concerns regarding indirect financing.

**to be determined à être déterminé** The direct seeding of existing francophone settlement facilities in our heartland would lay the foundation for francophones, more francophones, to be accepted to and arrive in our provinces outside Quebec. That one-time seed money can dramatically improve the conditions of allowing more francophones to indicate as their small town destination something other than Vancouver, Toronto and outside Quebec.

That was my opener.

🕒 (1350)

**The Chair:** Your dream may have partially come true. I'm here looking at the budget and it says \$114 million in the next two years to launch an action plan in enhancement on official languages. So if I were you I would immediately get that proposal of yours into the hands of someone because I think it's in keeping with what we parliamentarians heard and the fact of wanting to build on Canadian values and culture. We can discuss that maybe, but I thought I would bring it to your attention that it was announced yesterday.

Well, okay. Eyob, welcome again.

**Mr. Eyob Naizghi (Executive Director, MOSAIC):** Thank you, Mr. Chairman and committee members.

On behalf of the board, the staff and the communities that we work with, I would like to thank you for allowing MOSAIC to submit to you a few of our comments on the issue of settlement and integration for immigrants and refugees.

MOSAIC, one of the, I guess, major immigrant-serving agencies in Vancouver area in the lower mainland, promotes the settlement and integration of newcomers through a number of services and programs but more so through the promotion of organizational and institutional change to embrace diversity and inclusive society within the Canadian social context.

Our submission touches on eight issues that includes--we just followed the committee's recommendations on what they would like to hear and we talk about pre-arrival/pre-departure orientation. We talk about the obstacles or barriers to integration and participation, we talk a little about the Canada-B.C. agreement for cooperation on immigration, we also talk about the funding formula, we touch on administration issues and we talk about geographic dispersion as well as public participation and the broad indicators of refugee and immigrant health.

I would like to emphasize that MOSAIC's issues, usually when we talk about newcomers we like to differentiate between immigrants and refugees because most often the issue of refugees gets lost in the discussion about immigrants. So every time you hear me talking about newcomers please remember that I'm referring to immigrants and refugees and there are occasions when I would or from MOSAIC's stand we make specific reference to refugees and refugee claimants.

For the sake of time and knowing full well that the committee has heard these issues from others, my colleagues including Phil that spoke earlier on, I would like to limit my oral presentation to the following areas, finally the issue of pre-arrival, pre-departure orientation, issues on obstacles to integration and participation, the public perception and, if I may, geographic expression and the broad health indicators, if time allows me. I guess I'm allowed five minutes so I better watch it.

On the issue of pre-arrival/pre-departure orientation I think I do remember we have been in discussion with the regional office of CIC and the national office of CIC that it is very important that newcomers to Canada get pre-departure/pre-arrival information session or orientation on Canadian values, Canadian life. I would not like to assume that immigrants, particularly those who want to make Canada their country of choice, do not gather information before they arrive to Canada or before they make a decision to come to Canada. However, of particular interest for us is the refugee issue which is a different case. In most cases they are escaping hardship situations, political, military, what-have-you, and they have less access to information of any sort.

**Mr. Eyob Naizghi** It's also related to the reliability of information for newcomers to make--for them to make a realistic expectation and lessen the cultural shock and assist in the early days of settlement. I think there will be quite a few savings even from the Canadian context if we are able to make pre-departure, pre-arrival information and orientation sessions.

We do make a number of recommendations in that area, and one of them I like is, considering the technology age, is to--as much as possible, we recommend that a non-

profit organization who has a good understanding of settlement and immigration delivery overseas, and that could be also supplemented by the web-based information session, I think, information delivery. Particularly, this would be very, very helpful for the professional and trades immigrants which we have been, I guess, encouraging to come to Canada, because time and again I will mention the issue of foreign trained professionals and the issue of tradespeople who migrate to Canada and that we are not able to use their resources and fulfil their expectations.

On the issue of bias to integration and participation, I would personally acknowledge that we have made progress in that we have recognized the demographic shift in Canada, and we have tried to address, either through multiculturalism policies and what have you to enhance the participation of newcomers.

However, I would argue that we need to shift our thinking away from an attitude of individual deficiency to an attitude that looks at systemic barriers.

One of these factors is the lack of intergovernmental--one of the factors that actually complicates the level of integration and participation of newcomers is this lack of interdepartmental, intergovernmental coordination. MOSAIC would like to particularly emphasize the need for coordination between CIC and HRDC, Human Resources Development Canada, on the issue of the level-market integration for foreign professionals and skilled people.

The other concern is related to the access of settlement and integration services for refugee claimants. As it stands now, although the provincial government allocates a limited amount of resource and do allow us to support refugee claimants, by and large, the federal funding is limited to landed immigrants. That's the deficiency, whether it's accessibility to English language training or accessibility to settlement and information sessions. So that has been an issue for quite some time and it continues to be an issue for MOSAIC and so many other organizations.

The other one, I think Phil Rankin spoke to it, is the extent of availability of ESL, or English as a second language training for adult immigrants. I think in B.C. we have very limited of that. It's basically to level three. That does not even enable the newcomers to participate into the level market. We see a number of our clients taking English language training in our centres. However, we cannot refer them to the next stage, which would be an employment service or employment training, because they don't have that capacity. So these people, particularly women, would, I guess, live in a very isolated situation.

Of course, I talked about the coordination on stakeholders to address the issue of foreign trained professionals and skilled people. I think there has been a lot of talk. I've been participating, actually, as an executive director of MOSAIC in the innovation strategies that the federal government has been leading over the last two years, and time and again, the issue of foreign trained professionals and skilled people comes up.

**Mr. Eyob Naizghi** I am encouraged, I should admit, because I just received an email that the federal budget has earmarked about \$40 million plus to skill and training enhancement. So we'll wait and see but we are encouraged from MOSAIC's perspective on that issue.

The issue of public participation, as I said, and this also was raised by MOSAIC when we did our submission on Bill C-18, is full participation. We are not talking of--and meaningful participation. As I reiterated in my introduction:

MOSAIC to promote systemic societal change through community-based research as well as partnering with community organizations to bring about a change that embraces diversity and inclusiveness.

As a matter of fact, we strongly believe that this is fundamental to enhance integration and meaningful participation of new Canadians.

The horrendous incidence of 9/11, September 11, however has created a series of public fear and the public support and empathy towards immigrants and refugees has significantly changed to the negative. This is further exacerbated by the specific things we are witnessing on racial profiling which affects particular segments of our communities, specifically Moslems in general and people from the middle eastern ancestry. I'm quite sure you have heard it time and again but I would like to put it on the table for you.

Although Canada has an international reputation in being proactive to combat systemic discrimination, over the last five years we have not put the necessary resources to maintain and enhance what we have gained in this field over the last three decades, so I guess I'm speaking to the issue of resourcing and supporting public awareness and education in that field.

On the issue of geographic dispersion our concern is on the availability of employment and the resources. I think Phil Rankin here spoke about it. But we are also concerned that--and there is a lot of talk about incentives. However, we should be very careful and we are concerned about those incentives becoming coercive element or have any form of coercive elements. So our recommendation is that one should look into the employment situation in those rural areas or small cities as well as the resources necessary to support local communities to integrate these newcomers.

The other feeling we have is the B.C. government has already signed the provincial nominee program so we felt that it might be more appropriate to integrate this dispersion action with the provincial nomination.

One last point I'd like to make is on the indicators of health. Our comment here is limited to the psychological impact on immigrants and refugees due to what I call the failed expectations and missed opportunities syndrome. This is referring to how would immigrants, particularly skilled immigrants from overseas, and what kind of expectations we set for them.

I am not here to expect to--you know, I think as Canadians, as a nation, we are expecting too much from our immigration officer overseas. They are the enforcers, they are the recruiters, they are the schemers. At the same time they are also the providers of information on what the potential immigrants they expect in Canada, so that's what I am calling to this syndrome.

The other particular group is refugees as the result of past traumatic experiences. Once again, I would like to thank the committee for giving me the opportunity to present these issues.

Thank you.

🕒 (1400)

**The Chair:** And I thank you also, Eyob, for your recommendations and your insight to our settlement program. I'm sure we have got some questions for you.

Lillian and Ken.

**to be determined à être déterminé:** Thank you very much.

Mr. Chairman and honourable members, good afternoon. My name is Kenneth Tung, board members of SUCCESS and here is Lillian To next to me, is the chief executive officer.

**to be determined à être déterminé** Today we are indeed encouraged by the government's determination to modify and improve the Canada settlements and immigration funding and services. And however we wish to submit those concerns regarding current funding and services in the following five areas: number one is the national settlement funding formula; number two, comparable services; number three, funding accountability; number four, immigrants assessed to professions and trades; and number five is the federal level coordination.

Number one, the national settlement funding formula. While the number of immigrants and refugees to Canada has steadily increased in the last five years, the funding of the immigrant settlement programs has remained unchanged at roughly \$173.2 million not including Québec. A total of 175,000 immigrants were admitted to Canada in 1998, whereas the number has reached about 250,000 for the past two years.

Immigrants actually contribute towards immigration and settlement programs through their \$550 registration fee and close to \$1,000 landing fee per person. So if a family have four it costs them almost \$4,000 from their saving. However, increase the government revenue from increased immigration contribution has not been reflected in the allocation of the settlement funds.

On the contrary, for the past three years there has been substantial funding cuts from federal payments to British Columbia for immigration, settlement and language training programs. If the government of Canada is committed to welcoming immigrants and increasing the immigration numbers to one per cent of Canadians population, then they must also provide sufficient resources to assist and facilitate a settlement and integration process of the immigrants.

A fair funding formula should reflect increases in immigration level and demands as well as increases in corresponding revenue as mentioned about. Federal settlement funds should not be kept in spite of increasing number and needs. Recommendation, Success welcome the minister's current review of national funding formula. We recommend that ministers set a minimal and reasonable threshold of funding according to the landing data of the communities to maintain and expand services needed to support the immigrants' settlement and integration process.

Number two, comparable services. The British Columbia coalition on immigration integration has earlier conducted a comprehensive review of all settlement and language training services across Canada. The findings reflected service disparity among different provinces and the lack of comparable programs and standards across the nation.

As an example, language service provision, the ELSA, ranged from level 3 in British Columbia to level 8 in Manitoba and level 5 in Ontario. Most other provinces including the Yukon Territories offer language training up to level 6 for permanent residents. As the other colleagues just now that mentioned today, in British Columbia the ELSA language training a level 3 in British Columbia equivalents to lower intermediate level is too low for many of the independent immigrants who require college level language training which is at level 6 to level 8.

So immigrants in this province do not have equal access to comparable services as in other regions. There does not seem to be national standards set for different provinces across Canada. So in recommendation, Success recommends that that minister reviews the funding allocation to provide comparable and adequate services to immigrants in all provinces and territories.

And I would like to ask Lillian to carry on.

🕒 (1405)

**Ms. Lillian To:** The third point we tried to is about funding accountability. And in fact I just want to say that we support what the bar association has presented and what MOSAIC has presented, in fact what AMSSA has presented. We are all agencies serving the settlement community and we all work together really well.

**Ms. Lillian To** Anyway, the whole issue about funding accountability, and I think Eyob also referred to it and I think that Phil talked about that a little earlier, this agreement for Canada/British Columbia cooperation that was signed in 1997 so funding

for settlement programs including AMSSA which is language training, host program under ISAP programs for settlement, has been transferred from the Department of Citizenship and Immigration to the province, and B.C., of course, is one of the two provinces where settlement funds have been diverted

During the first three years of the agreement the federal government has allocated about \$45 million--it's about \$46 million to B.C. annually for administering immigrant and settlement and language programs across the province. Then, of course, as Phil also pointed out, the province has retained half of its transfer payment in the consolidated general revenue account. At the same time, the transfer payment has dropped--like the transfer in from the feds to this province has dropped by approximately \$7 million annually since the year 2000.

So while, you know, all immigrant and refugee-serving agencies in B.C. we are already operating under very stringent budgets, insufficient funding, further reduction of another 7% will be effected by the provincial government next year despite anticipated increases of immigrants landing in this province.

So you know, this whole issue about the federal government actually getting the revenue from immigrant landing fees and all of that and capping funding for settlement and then the provincial government also taking half of what the feds is giving them into consolidated general revenue, I think these have been concerns that were raised earlier. So we are hoping or recommending that the federal government would enforce some national standards and require some accountability from the provinces on the federal transfer of payment for immigrant settlement services because essentially, it benefits the whole province, the whole country. The settlement funds is helping to facilitate faster integration of immigrants so that they can contribute to our region.

The fourth point is about how immigrants access professions and trades. Again, a number of speakers have referred to this issue earlier and I think it's very clear from census data how--the immigrants who arrive as an example, just an example, between 1991 and 1996 about 21% of them have university degrees but only 13% of those Canadian-born have university degrees. Then the immigrants' English language ability actually has increased. However, the recent report suggested 50% of these immigrant families actually have incomes below the Statistics Canada low income cutoff. In fact, although they are more educated, they even more than speak English, they are getting lower incomes because actually they are not able to access the professions and jobs that they are trained for. That's a simple fact, actually, reflected by reality.

Of course, as you are aware, with the Conference Board of Canada's recent study with 540,000 Canadians they actually should earn an addition \$4.1 billion, about \$6 billion annually, if their learning experience and credentials is recognized in the workplace. What it means is that we are losing about \$6 billion a year and the government is losing taxes from that because when you are not using their credentials, that's because--washing dishes. I mean, it's good job, useful jobs. It's just that they are not using their talents and experience and training.

So in fact, of course, recent immigrants they face multiple barriers, right? Some of them do have a language issue. They need some language training up to level 8 and so on and some of them need more, some kind of a bridging employment training.

🕒 (1410)

**Ms. Lillian To** With just a little bit of investment, then we can make use of what their government has invested in them, like 20-30 years of investment, of education and training and experience. Then we just put in a little bit. In fact, they pay for it. Each person pays \$975 plus the registration fee, and then why not--why are we not investing and using that money to make the best use of these talents? Why are we wasting all of these talents?

Of course, in the paper, they face multiple barriers, including often accused of lacking local experience, and their credentials are not recognized. There's sometimes employers' exploitation. There's sometimes discrimination in hiring practices, and it's been very challenging for many of the immigrants to compete in the labour market without appropriate support and assistance. And of course, we have unemployment and under-employment among very highly educated and highly skilled professionals.

So we have tried to provide a whole range of integration services and kind of a holistic model, integrated model of employment, job training programs to help them, but it's not sufficient.

We have seven employment service centres. We have achieved an 80 to 90% success rate in helping these immigrants get jobs because we have to achieve that in order to get the HRDC support, but only about one-quarter of them are able to get jobs that they're trained for, and that's because of the issue of credentials not being recognized, employers not hiring them; they don't have the licence, and all the other barriers that I talked about. So we're working very hard on it. We did this study, and then we work with other agencies.

We think on the whole, the government regulations or the regulating bodies, employers and CIC, together with HRDC and the government should really work together to make it possible for them to access professions and jobs.

And if you realize the HRDC funding that helps with employment assistance programs, many of their programs are geared to only people who are on UI, and very few immigrants are on UI because they don't even have a job to start with. And of course, immigrants also lack access to labour market language training and job training programs, and none of the job training programs that HRDC offers is targeting immigrants. It's all geared to people who are either on UI or on welfare, and again very few immigrants are on welfare as well because they--it's like a vicious cycle where they're not able to use the skills, and it's such a waste.

So we need a strategy by the federal and B.C. government in conjunction with the professional bodies and multicultural service organizations, and together, we need to not only to attract more skilled immigrants, but we also need to work together to help reduce the barriers to their full participation.

So our recommendation is that the federal and provincial government, in conjunction with all these groups and institutions, that we should work together to develop strategies that would address these issues of foreign credential recognition, prior learning assessment and recognition, looking at the needs of immigrants for language job training, as well as their opportunity for integrated services and work experience. So we believe this is a very important issue we're all talking about.

Of course, Eyob also mentioned the innovation papers and the HRDC paper also address this issue, but we are hoping there's concrete action being taken to deal with it.

And just the last point, again, Eyob referred to it earlier and said about federal and provincial level coordination. So with settlement programs and services, they are provided by many community agencies to support and facilitate immigrants' integration, but there is a lack of coordination between the different government departments in the federal and provincial government. We recommend a stronger communication and coordination strategy among federal and provincial governments, including CIC, HRDC, Industry Canada, Canadian Heritage and other provincial departments to work together and also, of course, as I said, with other community organizations and regulatory bodies to address issues of immigrant settlement...

🕒 (1415)

**Ms. Lillian To** ...and so that we can not only help them make the best use of the skills but we can actually help use their skills to build our economy and build our country.

So just to conclude, we are hoping the committee will consider all these recommendations that we made and we all concur with what's being said. And we believe it is vital to the interest of not only new immigrants but the whole country to help immigrants be able to access professions and trades and also to be able to access adequate and reasonable funding for settlement services. And that there needs to be some national standards developed for comparable services to be developed with all the different provinces in our country.

🕒 (1420)

**The Chair:** Great--Thank you very much Lillian and Ken for the very comprehensive submission. In fact all of yours and so I'm sure we've got some questions that relate to our settlement programs. Lynne?

**Mrs. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Kurland, I wanted you to talk about your increasing the francophone immigration to the heartland. In reality even

though I know you have this dream, but it really wouldn't work when we're so low on English second language classes and settlement. I mean it's substantial cuts in both language and settlement and now today if there's \$114 million allocated to official bilingual languages to preferably to help the francophones to settle in the heartland I just think that that's almost asking a little bit too much for just one peoples when in fact we're so short of English second language.

Like in my area if you could have books come in Chinese it would be a lot more practical than in French. And I'm sorry, I mean I'd love I wish I could speak the language. I can't I grew when we became an official bilingual country but I do not speak the language because we do not, it's just isn't a language spoken in the prairies as an official language--but

**Mr. Richard Kurland:** Well I'm delighted to hear that the birthday present came the day after the recommendation pops out. But to address directly the ESL and settlement funding and practically speaking that several of the interventions a solution, inexpensive solution may be available by taking the following overview.

The way I look at it, every skilled worker application process from overseas into Canada resulting in back end settlement fund expenditures beyond the norm is a selection failure. By tightening up the front end you can reduce your back end expenditures. Therefore the following policy recommendation might save the taxpayers a heck of a lot of millions.

Go to selection buffer zones. In the United States and similar economies where foreign workers there have proven their track record in economic performance in their intended occupation. If an Asian foreign worker in the United States with an H1B or a European foreign worker on an H1B in the USA has consecutive years of positive tax returns, they have just demonstrated English language settlement capability. Occupational of desirability. If they want to come to Canada temporarily or permanently open the door.

The pool in the United States and other English speaking democracies and in France contain the appropriate demographic composition so that we could respect the multiculture choices inherent in our overseas selection policy. In other words we can get cheap workers representing the globe from three or four areas cheaply that will reduce back end settlement costs. Simply by cherry picking the inventory over there. So maybe some thought should be--it's sexy--

**The Chair:** --and tasty too--but I--

**Mrs. Lynne Yelich** Phil, I would just like you to expand on that. We believe B.C. should get the same per capita settlement dollars as other provinces, notably Quebec. I would just like you to expand on that.

**Mr. Richard Kurland:** Yes. Quebec of course has more than 50% of the refugee flow for national policy reasons. The refugee flow is characterized by the higher, if not highest, needs for settlement dollars, and therefore Quebec justifiably has a need for in excess of \$100, perhaps \$200 million in total funding. There's no way around that.

Other provinces have expressed behind the scenes or not behind the scenes the distaste of attracting a refugee flow to their jurisdiction, in the Province of British Columbia minimal numbers, 4,000, 5,000 refugee claimants, something like this, in the year.

So refugees demonstrate a positive economic benefit to Canada after their first year and, certainly, after year seven. They earn more than provincial averages, they pay more than provincial averages and national averages in tax, and the children of refugee claimants utterly excel scholastically. These are the long-term studies so they are net economic winners, every single refugee claimant, when you look at the entire pool. So you make money in the long run with the refugees.

Quebec is the only jurisdiction that wishes to invest in the long-term pool of human resource in terms of refugees. So yes, up front, sure, we are paying more to inventory the refugee claimant. In the long run it pays back. It's not Quebec getting a bigger share because it's Quebec.

**Mr. Phil Rankin:** You're from B.C.?

**Mr. Richard Kurland:** That's right.

**Mr. Phil Rankin:** I think because Quebec has signed an agreement which guarantees, as I understand it, a third of the settlement funds because of the original agreement based not on numbers but based on sort of an idea that they would receive a third of settlement dollars even though they haven't received a third of the immigrants or refugees. They have 25% they have got a share of the dollars which is bigger. We're not even against them getting less. We want them to just get the same.

In reality, we're not saying that we want to see Quebec cut down to size. We think that a lot of the programs that they have in Quebec would be very useful to have in a lot of other provinces, particularly in British Columbia. So we're not out to strip them of something. We are out to say, well, let's--we like what you are doing. We think we should do that in other provinces.

I don't know if my friend's statistics are right--I doubt whether refugees pay more taxes after the first year but I would love to see those studies. I just don't believe it because I do a lot of refugee work here.

Pardon me?

**The Chair:** The facts we will send you.

Can I just do a supplementary on this funding--

**Mr. Phil Rankin:** to see that.

**The Chair:** --not because I want to get into it just because--

**Mr. Phil Rankin:** I'm pleased to hear that if that's the case.

**The Chair:** I want to ask you a particular question because in fact B.C. is getting-- even Success provided us with this information.

B.C. gets \$21 million or \$21,078,990 in settlement and language services. They have got 37,319 of the landings and this is 2000 stuff. They are getting \$565 of the landing fee but, in actual fact, you are getting \$45 million. The 40,000 people which represents about \$1,000 per landing, which is what the fee is.

You know where you are getting screwed--excuse the language--is that B.C. isn't giving you the money that we are giving to them. I mean, if you got the money that we gave to them you would be in par with practically everybody else and everybody else's thing.

So I would agree and we will get into the resources, but the raw facts and figures point that you are getting screwed because B.C. isn't getting you the money, right?

**Ms. Lillian To:** It started in 1990--no, no. I think 1998 or '99 we started to get about \$45 million. It used to be about only \$23 million for the longest time so B.C. has not been getting its fair share. They were only giving us about half. It's only a few years ago that the feds started to match what we should be getting to kind of fund us accordingly. But then the problem is, as Phil was indicating earlier and as I said earlier, that the provincial government are taking half of it in central treasury board.

**The Chair:** You're so much more diplomatic than me, Lillian. You're just taking it. I'm describing it in some other terms only to get some real shock value as Richard would tell you, or Phil.

**Mr. Phil Rankin** If the provinces were going to get into settlement or into any agreement with the feds, they're going to say the same thing they say in medicare or anything. We are the ones that are best this side of the pavement. Unless you can reverse the trend which says that the federal government 's going to be involved, we're going to have national standards, you've got to spend the money and keep the standards to a certain level, whether it's medicare or settlement funds, or whatever it is.

The trend for provinces--the provinces are ganging up to do and saying that the federal government has too much power, we want you to devolve and give us the money, or give us the tax base, and we'll make the decisions. That's a local thing. We're saying, because we've seen what they've done, is we can't trust them to do what's best for us. They have

too many economic issues and priorities that are not necessarily consistent with the immigration program. So there's a lot of pressure, I imagine, at these federal-provincial meetings between premiers and the central government, and the trend seems to be away from, in fact, having national standards or tying money up, or earmarking money, and I guess we just want to raise the issue, saying don't give up on that. Whether they like it or not, we can't count on the provinces to spend the money, and there's no use of them saying, well, we are spending it in some other way for integration, because we don't think by taking pressure off their education budget that they are serving immigrants.

🕒 (1430)

**The Chair:** Well, there's a big section in the budget yesterday that talked about accountability at all levels for all governments, especially as you indicated, there's transfer moneys from the federal-provincial government, and people wanted to be held accountable or at least know where that money's going, and if not, why not. It's simple as that.

Sophia.

**Ms. Sophia Leung:** Thank you, Mr. Chair.

I just want to follow up our discussion on the trend. I think it was 1998, minister--Honourable Robillard came and signed the agreements which would increase the settlement to \$45 million. It's very obvious that the provincial government is not accountable. We don't know. So this is where we're assuming we've been giving the amount you are benefiting from it.

But also, I want to comment on what your concern about foreign credentials. I think we all expressed a lot of concerns. I had for many years. I even talked to the Prime Minister because he gave me different answers, different things.

But anyhow, the thing is I think CIC entered the leadership--Minister Coderre, he already took--I don't know if you're aware--last year, started the first meeting in Winnipeg. He invited all the ministers from different provinces to try to coordinate, see what kind of partnership we can work together to develop, really a joint effort. Just recently he mentioned--I think Joe knows--he's going to continue this, have another meeting in B.C. on the foreign credentials. I think it's very important. Even in Ottawa many Ph.Ds are driving taxis. We know that, Joe. So this is why we want to stop that. And he also has to work with the professional group. So these are three groups who have the concern.

I just want to share some--after lunch I had a little close look for the new budget, and a lot of questions about how are we going to try to channel the immigrants to other cities besides the major cities. The federal government will spend \$3.8 million in the next two years in partnership with provincial governments to conduct regional pilot projects designed to test new approaches that could help all regions to help benefit the

immigrants. This is interesting. Of course, we know the government already committed \$140 million annually to meet basic language training, but the new budget will provide \$10 million over the next two years to provide seat funding to interested partners to provide labour market language training. I think we talk about language training, but it's different levels when you want to enter to obtain jobs. I think Success should crank up to see what you can--you know, other groups, MOSAIC. This \$10 million was earmarked.

**Ms. Sophia Leung** And earlier I mentioned about this also encouragement for the special venture capital for the government will invest \$190 million in equity to business development bank of Canada to help new and growing business. This is new. I just found yesterday some of us have not. I think this is very good news. It's business development bank. It's not just for Canadians. I think for whoever have it sort of aspiration want to seek I think...

Another thing is I want to ask, there's a lot of questions about how we are going to attract--of course we want to attract more new skilled immigrants. Another thing here it's a new one. It's \$41 million for the next two years to help the new immigrants skilled immigrants. Not just help them, to help them to integrate to maybe polish the language training or whatever. I think this is very encouraging. New one. I'm just saying address some of the concern.

And I really would like to for the local organization to follow up on the foreign accreditation. I know it's quite a thing for Denis Coderre. It's going to come in B.C.. So maybe some of you can join and that's all my concern.

🕒 (1435)

**The Chair:** Talked a little bit about it Lillian and Eyob a little bit based on your experiences of people that you've helped come in here in terms of resettlement. We've heard ad nauseam over five, six years. It's been in seven reports of ours. And the ministers are finally going to start talking a little bit about it.

But do you think that there's the political will provincially to do this? Because this is not a national organization, national jurisdiction. It's a provincial jurisdiction because of the trades and the professions and so on. We just keep getting mixed messages. Everybody talks about it. I think that there's a lot of people out there that want to keep those PhDs driving taxis as opposed to working as doctors and so on and so forth. I wonder if you could talk about it.

**Ms. Lillian To:** First of all, there's a saying that says your heart is where your money is. So if the government talks a lot about how they value immigrants, how they recognize the barriers and so on. But if they're not really putting the resources or money into it, their heart may not be there.

I'm glad to hear what Sophia's talking about that the federal government is committing funds for labour market language training. I think that's what would help new

immigrants. I've also heard reports yesterday that they're putting in some funds to set up job training programs or centres in some outlying areas. So I'm very glad to hear that some actual action has been taken to address the issue.

Of course there's one issue is whether that's sufficient for the whole of Canada and how many regions we can cover with that amount of funding. But then secondly is if the training centres are only set up in outlying areas we're concerned about larger... There are still a large number of professionals and skilled people in the cities that will also need labour market language training as well as some kind of job training to help them access professions and trade. So I'd like to make this point.

There's one important issue. You mentioned about the provincial government. I have to say I have not seen that kind of a commitment yet. I have not heard from the province about that kind of commitment to help immigrants access professions and trades. I think we may just have to wait and see but we may have to put some pressure I think with the federal government .

However I'd still like to address this issue, how the provincial government has spent the settlement money and pocketed maybe half of it. I think that the federal government may help us in further negotiation with the province. But the federal government itself though, I think it mentioned in the paper they have received...

**Ms. Lillian To** ...for money from immigrants, the landing fees, the registration fees. They pocketed it in the central treasury board as well but the part of the money for immigrant settlement across the whole nation has remained constant for the past five years or more. It capped at about \$176 million only.

We are hoping that the government reviews this whole situation. I understand it's not CIC's problem. It's more the treasury board or the finance minister how funding is allocated to CIC and if there is something the community can do to voice our concerns or opinion or suggestions we would like to do that.

🕒 (1440)

**The Chair:** Well, you're doing a very good job today.

**Mr. Phil Rankin:** The question is in whose vested interests is it to limit the people entering trades or professions? Obviously, I come from the profession, the lawyers, and we have our vested interests in making sure that only our own--we don't recognize foreign law degrees. Doctors are even worse. At least, you can go to a law school here and presumably you can articulate but, for instance, for foreign doctors trained in British Columbia there is one hospital in Vancouver, St. Paul's. I think they have three residencies only for foreign doctors. So there is only three places for people who were trained in India or Saudi Arabia or someplace to--you have got to get into the residency program, you have got to do a year of residency and then you have got to write the exams. There are only three places. Three places, that's it. Now, why are there only three

places? We have a lot of hospitals and why doesn't Vancouver General Hospital have a residency program for foreign doctors or Jubilee Hospital in Victoria? It's probably the same in engineering. We don't want to see people who can't do the job getting professional recognition but we don't want to see the barriers. Medicine is an obvious one and nursing is another obvious one.

A lot of the problem is English, obviously. If you don't have a high enough level of English you can't write the nurses' exam. But there is other problems because a lot of the professions don't--there is no encouragement, there is no reason to want to recognize foreign credentials. Professional organizations and unions and trades, historically from the middle ages their purpose was to limit entry to keep a certain level of wages up. That was their historical purpose for guilds and unions.

But I think if there was some encouragement, particularly in the rural British Columbia for people to come who are welders or something like that to get some kind of--to give a subsidy to employers to have people go there to do some kind of--in a straight HRDC subsidy where you could have hired those kinds of trades they say they are short of and where they will be trained along with of B.C. and you could partner with somehow B.C. recognizing them as long as they reach a certain level of qualification.

Medicine is one of the hardest ones. I know that that's almost an impossible barrier in British Columbia, and I'm sure that if we went to engineering and to many of the other ones we would find many of the other things we would find the same thing. Nursing is an obvious one. We have all those live-in caregiver programs. The current live-in caregiver program, really it's a program for Filipino nurses to come to Canada to take care of children because the program no longer is for professional nannies. It's for nurses who want to get landed immigrant status eventually and work as nurses.

**The Chair:** We talked yesterday about that very same thing.

Eyob, did you have a quick comment with regards to--

**Mr. Eyob Naizghi:** Yes, the comment about that is provincially, you know as Lillian indicated, on the practical side we don't see a lot of commitment.

However, there is one small secretariat called the foreign credentials secretariat that's working with community organizations. It started just about five years ago, I believe. So there is that infantile, though it may be--there is some element that would indicate that.

My question would be where should the leadership come from, because there are professional associations which are the gatekeepers. Government has a role. The federal government has the main responsibility of screening, selecting and bringing immigrants and I think that's where the leadership should come through.

In our submission we talk about coordination, we talk about the stakeholder partnership. There are a number of initiatives in B.C. to some degree, but mostly in

Ontario, that's actually working with professional associations both in the field of health as well as engineering. I think the federal government, particularly HRDC, could provide a greater role and so CIC.

**The Chair:** Okay. Richard?

**Mr. Richard Kurland:** from the scene as provincial champion for immigration matters in the Province of British Columbia, pure and simple.

**Mr. Richard Kurland:** And if the number of ribbon-cutting ceremonies federally were to include provincial or a provincial immigration champion, that may well be the magic mark to bring all of these concerns to one player. That's what's missing. That's why the system's broken in this province.

🕒 (1445)

**The Chair:** Okay. David?

**Mr. David Price (Compton—Stanstead, Lib.):** Thank you, Mr. Chair.

Just to continue on on yours, Eyob, it goes a lot further. I come out of, actually, the construction industry in Quebec, and I can say we can talk about provinces, yes, but we also have to include the unions and union associations. They do as much blocking as anybody else, and B.C. is a very strong example right here. I know that I had a large number of electricians that worked for me that in some parts of the year would decide to come out to B.C. They had a terrible time getting in here, and the reverse is the same, and it happens from province to province. We have to solve that problem first, and unfortunately it's not going to happen at the federal level. I think, really, it should be a national standard, but I realize working within that that's not easy to do. It probably has to start right at the labour level.

But to go on to what I really wanted to talk about, first of all, I have to say that I'm probably going to be the last one that would be defending the current Quebec government by any means, but I do have to give them some kudos in the sense that they've taken the federal money, yes, and they use all of it towards immigration, and they use their own too. They invest a lot in it. They're actually taking a look at immigration in the long term, and I think they're one of the first provinces to do that. Granted, there's a little bit of, I guess, madness in their method of doing it. They're locking the immigrants into the French language. That's quite obvious. They bring them in. They make sure they get a good base language training. They make sure they get a good training in their trade, and they do the very best they can to get them out into the field. They're looking at it in the long term by the people they bring in. I think they've realized right off that those aren't the people they're aiming at. They're aiming at their offspring, at the next generation. That's the ones that are going to really, I think, give the success to the whole program. That's why I say it's long term and it's wise. It's dangerous in some ways, but it's very wise. It's not working great right now because, as I say, it's the next generation.

I'll give you an example. In my own riding I have two hours south of Montreal, just far enough out of the big city to be uninteresting for immigrants. I have 300 jobs at any one time there. They're not bad jobs. They're jobs that are probably 50% to 100% higher than minimum wage, the type of jobs that pretty well we could get anybody to do. There's also subsidies given by the municipality to bring people in, and they still don't come. They still tend to gravitate to the big city.

But the next generation, and we're starting to see some of them now, they're making the move. Granted, there's just not enough of them yet, but that's where the long-term thinking has gone, and I believe they are heading in the right direction. So just to bring that point up.

I guess, Phil, you were talking about the consultants. As Joe said, we've heard so much of consultants, but you must have seen a setup somewhere or some country that does have a setup for consultants, that does control them in a certain way. Do you have any suggestions on that?

**Mr. Phil Rankin:** I know the United States have similar problems to Canada, so I can't say let's go to the United States other than they seem to be a lot more active in prosecuting them, from what I'm reading about.

My friend says Australia has a system of registering and organizing consultants, and I don't really think that it's a problem. Really, OPEC and a number of these people, they've already figured out the basics that they need, that they need a registrar, that they need to have some system of trust accounting. They need to have a compensation fund. They need to have training courses.

**Mr. Phil Rankin** We've already got the courses in place for instance in British Columbia. So all we really need is the will of the government to say that you must create. The elements are already there. Once you insist it wouldn't take the industry by surprise. They've been waiting for it for decades.

🕒 (1450)

**Mr. David Price:** But there again can it be done federally?

**Mr. Phil Rankin:** Yes it can be done federally. And I think that clearly the case that came from the Manget case which went to the Supreme Court of Canada says it can be done federally. That's always been the, no you guys do it, you guys do it. If we waited for each province to do it. I'm quite happy to see that it actually can be done federally because if we had to do it province by province we would still be here in the next millennium talking about it.

It can be done and actually it won't cause a hardship. The people that are reputable consultants are ready for it, demand it, they'll do it because it'll kick out the parasitic group that register themselves as consultants. There's this whole parasite. They would

just go very quickly. They would all scramble to get into the legitimate consultants' organizations. What we'd have to do is make sure the legitimate ones really did put some code of conduct and some teeth into it.

In other words we'd know that the disreputable ones would rush forward to those organizations to immediately join. They're not members any more. They don't need to be. But you'd have to insist that those people have an arms' length registrar and code of conduct and a way of policing their own members. You'd still have problems, but at least you'd have something to turn to. At least you wouldn't have the amount of rip-offs we have and I think the same thing, the police have to get enough money to do...

You have to say it's a government priority to stop the abuse, the false citizenship applications, the false refugee claims, the false documents. You've got to prosecute not just the people that actually do it but the people who have organized them to do it. Not just the guy that says I was in Canada for 1,700 days but he's just the wire. The person who's doing a whole mill of those, that's the person you want to get. It's much harder to get them. It's always harder to get the person who doesn't sign the application. The person that signs the application, you can prosecute them pretty easy. It's to get the person who organizes them in a large way to do the false stuff.

**Mr. David Price:** Well we've certainly heard all the stories. Could I have one more question, Joe?

**The Chair:** Sure.

**Mr. David Price:** Actually it was to Kenneth. You talked about the national standards on education language levels. Did I understand you to say that maybe the financing should be tied to that, that there be national?

**Ms. Lillian To:** I think what we're trying to say is that there's not been a national standard about services being delivered in different provinces. Ours is almost the lowest. We're offering only level 3 language training for new immigrants. So people who have professions and so on just who do not need this level of language training, they need higher level. And it's part of the settlement fund that we get out of B.C.. Out of \$45 million there's \$23 million that's allocated for settlement services. And out of \$23 million most of it's given out to different organizations and colleges as well to provide language training to new immigrants. These are for adults. And of course there's reduction. We don't get \$23 million now. We get more immigrants but we get fewer dollars from the federal government.

**Mr. David Price:** But I guess what I'm getting at is if you were saying that right across Canada everybody should have funding to reach level 6, let's use that just as an example, and should funding be tied to make sure that you have —

**Ms. Lillian To:** Yah. I think there has to be some kind of accountability that when the federal government funds the province to make sure that they will administer the funds in such a way that level 6 or 8 language training is available to immigrants.

**The Chair:** Just finally. On the consultants. As I said before we're hopeful that April or May we'll be done. The same could be said about this jurisdictional problem with regards to accreditation. Australia had exactly the same problem with its provinces until such time as the national government said enough is enough with regards to accreditation and then set up the national accreditation board and worked with the professions to make sure that people understood before they applied where their expectations was--here's the levels, here's what you got to do to achieve these levels of accreditation.

Even if you come people know that they're going to have to write a test. They may need experience in a hospital. They may have to work as a nurse. They may have to work in a mechanic's shop to become a welder and get... .

**The Chair** But people ought to know that. Right now it's all over the place and nobody's. So hopefully, I think the committee has taken this on that the provinces and the feds will do something. If not, the option is always there to be able to set those kinds of national objectives or whatever in order to achieve it.

I wonder if I could--just one question. All of you have talked to me, you know, because we have heard across the country that there is a new national funding level review going on with the department in terms of what should be those settlement dollars.

What we also have heard is that there isn't one program that fits every refugee or immigrant that comes here, even though everybody has also said that the kinds of programs that we have, the host, the ISAP, the RAP program, those basic programs are very, very good. Money obviously is required and there needs to be a lot of work with HRDC and other government levels that are horizontal basically in order to bring some other stuff to the table, training and so on.

So I know that that's going on but I want--I have asked this of other groups in other provinces because I'm trying to understand--I know that you can't put one dollar because one immigrant as an example may have all the attributes of language and so on and so forth and settlement may not be a real big issue, because this is a continuum as we understand, pre-arrival to citizenship, and some people will take more, some people will take less time, money and so on.

I'm just wondering whether or not anybody has thought about the model that needs to be constructed. Then it will give us an opportunity as policy makers to say, well, how much money is it going to take to establish this thing. If you're in the front lines and it's a client-based system--I mean, I'm going to talk to Eyob. I'm going to find out from Eyob that you need language, you need some of this, some of that, some of this. Lillian may only need this, David might need a whole bunch of stuff because he comes from wherever.

But my point is that what's the model, the success model? Has somebody ever given it any thought to ensure that if we invest in people, pre-arrival to citizenship that you're bound to do it, because it's people and it's money but I know--has anybody looked at a model and if you have then perhaps maybe you can share some of those ideas with us. Let's face it, you all work on the front lines so you would know that. I don't know if it's somewhere where we can see it and take a look at it.

Lillian or Ken or Eyob, any comments?

🕒 (1455)

**Mr. Eyob Naizghi:** I think that probably coming up with one more, though, will be very difficult for the same reason, Mr. Chairman, that you alluded to earlier on, because it is within the continuum. Everybody is starting at a different level so it will be very difficult to come up with a model that fits all.

However, the only one I do remember is the JFC from Toronto from the early eighties. I do remember they had a model when they were accepting quite a few or assisting quite a few of the Jewish community immigrants from Poland and a number of other places.

But one of the things that we know that works is the follow up.

**The Chair:** But let me ask you then in reverse because maybe I'm making it a bit more complicated, because I think you are getting there.

But when you assess a person if in fact once that person arrives, or in fact pre-arrives, you are sitting down with that person and you are assessing their language capabilities whether or not it should be at level 6 and not a 3 or whatever and if they are going to need some job training, some other stuff, orientation issues, surely within that model you are then able to know how much time it's going to take, how much money it's going to take in order to get a person fully oriented into the system. I'm a business guy. I think I can measure that.

**Mr. Phil Rankin:** There is a huge gulf between say someone with a background in Asian languages and someone comes with a romance language from France or from Germany or--

**The Chair:** Italy. Italy, Phil, Italy.

**Mr. Phil Rankin:** Oh, Italy, Italian.

**The Chair:** Yes, the romantic language.

**Mr. Phil Rankin:** Depending on the culture of what you are dealing with or the language it just seems to me there is a big--the language needs for certain cultures are going to be much more intense and different than for people who have had the same

alphabet and the same sort of romance languages than if you say come from the cirilic alphabet from eastern Europe. There isn't going to be one model that is going to deal with it.

**to be determined à être déterminé** I think you point out a very good objective. I think from different agency, different area varies from Vancouver to Prince George. But I think we would like to see the difference between even a single immigrant or family immigrant--we need family and youth services--some other elements as well I think that is important to reflect. But I think our organization do have a wider range to support those different area. Maybe Lillian you can...

⊕ (1500)

**Ms. Lillian To:** First of all, the ideal is an integrated model. What we call an integrated case management model which should include a number of components. But that actually depends, as Eyob was saying, depends on the level of their need. Someone come in with higher language needs, some come in with lower language needs. Some need housing assistance some don't need more employment programs and some need family counsel. It's the different needs and different levels.

But the ideal is an integrated model where they can access settlement services. There are a whole range. From the initial like we offer airport reception to an immigrant and then coming in it's settlement services, information referrals, some adjustment counselling and helping with housing or education or medicare and all of that.

And then if they need employment services, it's employment counselling and job training or language training the whole set. But if there are family problems, they need to have a stable social support network and where they help them resolve their family difficulties and--

**The Chair:** but I think we're all, Lillian, I think we're all saying the same thing. We all know what the ingredients are. But I'll tell you and then I'll go to Richard.

But no wonder you're having so much trouble telling the government how much money you need because you can't tell me. I'm sorry to be so critical because I know what you want to provide all of these people but surely to God you should be able to say it's going to take \$2,000 a person. And if you can't tell me that no wonder CIC won't give you any money or the federal government won't give you any money. I mean, I wouldn't give you any money if you came to me. I know what you want do. But if you said how much money do you want , because what you're giving me is not enough. You know what, I'd say well maybe I'm just going to keep it at the same level until somebody can tell me. Richard.

**Mr. Richard Kurland:** The treasure box you seek is in Ottawa and Sophia knows this. It's at the Privy Council Office. I think it's still called the Social Affairs Committee and

the economic desk. There, all this strings of government go in, the per capita analysis you seek, from all departments by cultural community. How much per person. It's there--

**The Chair:** Well it may or may not--Trying to get into that PC box is--PCO is something else. My point is, that I know what everybody knows what needs to be done. And surely to God that there is a model and one could say on average or whatever. 'Cause right now you're getting \$575 'cause the B.C. government isn't giving you the rest. But unless you can say that it's going to take this amount of money, per immigrant on an average, and there's going to be some that are going to take more and everything else, governments are going to turn around and not do anything.

**Ms. Lillian To:** Yah. Mr. Chair, I think you have a very good point and I think we must be more specific. However I don't think we can give a ballpark figure. We could say for the initial settlement, our orientation settlement, it cost that much, We can give that figure. For language training at some level, up to whatever level, we can give you that figure or for job training. Like we can give specific figures--

**The Chair:** Well that's what I want you to do. I want you to get specific. I don't want you to be hairy berry and all that sort of stuff. I get enough of that b.s. all the time. I mean we're getting specific.

**Ms. Lillian To:** We certainly can come up with those figures and I just don't--

**The Chair:** I've been here too long. I must be getting tired. Okay, all right. Any other questions? No Andrew. Thank you very much. Important information and obviously settlement is a very important part of making sure that immigrants become successful citizens is what you were doing. Thank you so much. Thank you.

**The Chair** Colleagues and guests, we're at that part of our session where we're looking at the national identity card issue and look forward to your presentations.

We have with us today the B.C. Civil Liberties Association and have Jason Gratl and Craig Jones. We have Electronic Frontier Canada, Professor Richard Rosenberg, and welcome back, Wesley Pue, from the University of British Columbia, speaking for himself, but it's from the law faculty. So welcome, all.

Just to give you a bit of background, you probably heard or didn't hear, but we've got a blank piece of paper. Somebody said do we need a national identity card in this country? And if you were to have a national identity card, then start thinking about what it would be, what the purpose would be, how it would function, who would get this access online, offline, data systems? And there's a big debate about the difference between privacy, on the one hand, and security on the other hand, and also whether or not it would facilitate people's life or protect their identity. So we've got a blank piece of paper, and the minister says let's have a debate.

Well, we're having a debate, and so far a debate across the country--I don't know what our colleagues out east are doing, but people--while there has been some polling and Canadians, generally speaking, are not opposed to a national identity card. The problem is that when you start talking about what its purpose is and what will happen if you have one or don't have one in your possession, who's going to require one, then people start to get awful nervous.

⊕ (1505)

**The Chair** Therefore, a lot of people have come forward and said scrap the idea; forget it; don't even go there. Other countries have or have not.

So we would like to thank you for coming and invite you to give us your comments with regards to a national ID card, and we'll start with Jason and Craig. Welcome.

⊕ (1510)

**Mr. Jason Gratl (Director, B.C. Civil Liberties Association):** I would ask the Chair how much time we have to speak?

**The Chair:** If we could, five to eight minutes in terms of a presentation--we have yours--so that we can, in fact, dialogue and question your premises or your point of view, if we could.

**Mr. Jason Gratl:** Thank you.

Mr. Jones has a few comments to begin.

**Mr. Craig Jones (Director, B.C. Civil Liberties Association):** Thanks.

I think you've touched on the biggest problem we have putting our presentation together here, which is the nebulosness of exactly what's being proposed. We're as confused as you are.

**The Chair:** I'm not sure that we're confused.

**Mr. Craig Jones:** Oh no? Perhaps you should take the five to eight minutes and explain exactly what's going to happen.

**The Chair:** I'm leaving it to you.

**Mr. Craig Jones:** So we want to express, and I'm sure it's been expressed before--we've read Mr. Loukidelis' submissions. We're going to try not to duplicate those, but we're going to try to outline some of our objections.

I would just start by saying that it is a question of balancing security and privacy, and obviously there's many aspects in which we do this in our day-to-day life, but the first thing that has to be established, the foundation that has to be established, in our view, is the scope of the problem.

The problem, as we understand it, is sort of twofold. One is identity theft and the second is terrorism at large and terrorism exploiting identity theft perhaps, on the one hand, or simply methods of using central identification to provide enhanced security to prevent terrorism in a more sort of global sense.

But what we're missing in that equation is any quantification of the problem itself. We don't know to what extent terrorists take advantage of false identities. We think of the greatest terrorist incident in Canadian history, for instance, the Air India bombing, and it wouldn't have mattered whether the terrorists involved had national identity cards or otherwise. So we're not sure exactly what the problem is from the terrorism perspective, and we're concerned, and I think Jason will address this more, that the flag of terrorism is being waved for something that really isn't going to help that problem.

For identity theft, essentially our concern is the same. We've had nothing from the government, and this information may exist, but we haven't received anything that actually quantifies the extent of the problem of identity theft in the government realm as opposed to in the commercial realm, which I take it this card is not being proposed for.

So with those opening comments, I would just turn it over to Jason who will discuss our concerns with national identification in general.

**Mr. Jason Gratl:** The committee will appreciate this perhaps, but making comments on this proposal is a little bit like wading into a room filled with smoke and trying to clear it out, but I will identify a few of the concerns that the civil liberties organization has identified, specifically with reference to some of the possibilities about what an ID card might look like.

Our first concern is that an ID card might involve the mandatory carrying and production of ID. We're opposed to any requirement that Canadian citizens carry any particular form of ID and would be required to produce it on demand in any circumstances exceeding those in which it's required now to produce identity. We're concerned that the ID card might become an excuse for routine identity surveillance on demand. It would open up the possibilities for harassment, for investigation based on suspicion rather than reasonable and probable grounds. The Civil Liberties Association, I think I can say, hears echos of the jack boots from behind the iron curtain. It's a real concern that this ID card proposal might be proposing something like that.

**Mr. Jason Gratl** Secondly, the Civil Liberties Association is concerned with the possibility of total surveillance. On one hand, biometric indicators might be used in combination with face recognition software and possibly closed circuit TV to allow for

secret tracking of citizens so that a computer database would process the location and identities of citizens without them knowing.

On the other hand, the Civil Liberties Association is also concerned that less secret tracking might be made possible; that is, with the use of thumb prints or retinal scans. In circumstances where people are required to pass through the portals, for example, entering into a building giving a thumb print is mandatory under those circumstances. Surveillance might also be possible, although that type of surveillance would be less secret, slightly less nefarious but still nefarious in our view.

Thirdly, the Civil Liberties Association is concerned that an identity card of this type might be used simply for the purpose of obtaining, collecting and storing biometric data of citizens such as measurements of the distance of various parts of their faces, of mandatory fingerprints and thumb prints for everyone, mandatory retinal scans for everyone. Certainly, this isn't permitted now under our present system and we have no justification as to why the government requires that type of biometric data. We are concerned about the mere collection and storage of that data.

We are also concerned about commercial synergies, that this type of card might be linked in addition to transactions with public officials, might become just as the SIN card has become a gateway to credit checks, a gateway to rented accommodation. This national ID card might become a gateway to all commercial transactions and in that way the possibilities for combining public data such as medical data, personal data, police, information computer data with things like credit card data, telephone data and so forth, that possibility of those commercial synergies in the collection, storage and manipulation of data looks very ominous from the position of the Civil Liberties Association.

Seriously, we are concerned about function creep. The accuracy of the data plus the fact that the information that would be collected would have no boundary set upon it by the nature of that information, that it could be used for many other purposes, that it would be accurate, that there would be a flexibility of use, sets up the spectre of function creep.

An identity card of this nature containing biometric data might become a technological foothold which would allow for all other types of--many other types of uses, some of which we have canvassed already.

The sixth point is that there are many possibilities of abuse for a card of this type. Just offhand we have considered three types of potential abuse. One is that the data collected could leak out into the wrong hands. It could lead out possibly for non-government usage, it could lead out for other criminal uses or things like that. Moreover, there might be abuse of the data by law enforcement officials and other public officials. In particular, the requirement for a mandatory ID card, the presentation of a card or the requirement to present a card on demand might lead to certain types of harassment, particularly of disenfranchised groups by public officials.

There is a concern as well that data that has no bearing on the public official's decision in a particular context might get into that public official's hands. A person's income assistance status, for example, might get into the hands of a police officer who might make a decision regarding arrest on the basis of that information which of course has absolutely no relevance to the question of arrest.

Moreover, there is a question of abuse of the better form of ID, that a better, more accurate form of ID allows for a better, more dangerous type of exploitation if ID cards become stronger than the masks and disguises of people that have false ID also becomes stronger. That's a concern that I think might just--it might come full circle in terms of the security threat to which this form of ID is supposed to answer.

⊕ (1515)

**Mr. Jason Gratl** And lastly is a more general concern that insofar as this ID card is being proposed to answer to the question of terrorism, the B.C. Civil Liberties Association is very concerned that general proposals of this nature which have no specificity to them are being coupled with general threats of terrorism that have no specificity to them either.

The concern is that the government might perceive a threat of terrorism, might attempt to answer it, and might thereby feed the threat of terrorism in the mind of the populace. Terrorism it should be said feeds on terror. And so one should be very cautious.

Our government, we would suggest, ought to be cautious before proposing answers to nebulous threats that might make fear feed on fear. Those are the specific concerns we have for the committee.

⊕ (1520)

**The Chair:** You just added another 20 or 30 questions to the questions that we have.

Professor Rosenberg, welcome.

**Prof. Richard Rosenberg (Vice-President and Professor of Computer Science, University of British Columbia, Electronic Frontier Canada):** Thank you. The organization I represent today, Electronic Frontier Canada, has been in existence almost nine years. On its web page the following statement of purpose appears:

Electronic Frontier Canada, EFC, was founded to ensure that the principles embodied in the Canadian Charter of Rights and Freedoms remain protected as new computing, communications and information technologies are introduced into Canadian society.

I'm sure this committee has heard many arguments on the issue at hand. Nevertheless it's my intention--and I won't do it here, I do it in my document--to review the recent history of attempts to introduce ID cards in a number of countries and the associated arguments challenging these attempts.

It is inevitable that in the aftermath of crises such as September 11 concern for the security of the nation will seem to over weigh individual privacy rights. This government has introduced a number of bills that raise serious privacy issues. And in the context of such legislation as well as the Canada Customs and Revenue Agency database on foreign travel activities, the lawful access discussion paper, the current proposal for an ID card strikes many that the government is clearly overreacting.

Simply put, Canadians neither need nor desire a national identity card. It's being advertised as a solution to identity theft and as a means to ensure with as much certainty as possible that terrorists can be identified and apprehended. In addition, the convenience of a single piece of identification for facilitating the multitude of transactions that Canadians must deal with, is also being promoted as an advantage.

Finally, warnings are being issued that without an ID card Canadians will have difficulty entering the United States. It should be noted that in spite of efforts shortly after September 11 to introduce a national ID card in the U.S., no such system has been implemented and none is on the horizon. Furthermore, many conservatives and liberals voiced public opposition to this idea.

For example, the conservative columnist for *the New York Times* William Saphire expressed his opposition as follows:

However, the fear of terror attack is being exploited by law enforcement sweeping for suspects as well as by commercial marketers seeking prospects. It has emboldened the zealots of intrusion to press for the holy grail of snooper, a mandatory national ID.

Why then should Canadians be required to carry an ID card? In what follows I'll attempt to survey--necessarily briefly--a variety of positions on the introduction of national ID cards, concluding that only under very special technical conditions can they be effective for certain purposes. However, it must be emphasized that in principle ID cards can be dangerous devices inimical to the basic tenets of a democratic society.

They contribute to the loss of anonymity because they will encourage law enforcement officials to demand their presentation anywhere and any time. It's also inevitable that their purpose and application will expand so-called function creep, not because it's necessary, but because it's possible.

Witness the history of the social insurance number in Canada. The availability of an apparently unique identifier resulted in a host of mundane uses beyond any initial expectations. And parliament seemed to be unable or unwilling to curtail such extraneous applications.

I go in in this document to examples in other countries and that I'm not going to mention here. But you can find these examples of people who in a variety of countries including in this example countries like Greece and Singapore and Brazil and Portugal and on and on.

**Prof. Richard Rosenberg** What I would like to talk about now is very briefly some issues which will have to be taken into account.

So for example, last year about a year ago, a number of organizations both conservative, liberal, sent a letter to President Bush expressing their concern about the issue then was whether or not one could convert state driver's licences to a uniform format which would serve as a national ID card. Among their concerns were a national ID would not prevent terrorism, a national ID would depend on a massive bureaucracy that would limit basic freedoms, a national ID would be expensive and direct resources away from other more effective counterterrorism measures, it would both contribute to identity fraud and make it more difficult. This is in the submitted document.

Finally, a national ID could require all Americans to carry an internal passport at all times, compromising our privacy, limiting our freedom and exposing us to unfair discrimination based on national origin or religion.

I have provided some examples in this document of what is on the identity cards of different countries around the world, expressing their concern and their needs to identify certain categories of citizens, whether by religion, whether by social status, whether by a whole bunch of characteristics which find their way onto the national ID card. For these reasons and for many more I think one should certainly limit these.

I also tried to provide some technical and professional concerns. Given that I am a computer scientist after all, I suppose I have some knowledge about the kinds of technologies underlying these cards but, again, difficult to discuss these in the context of this presentation.

But let me mention there were hearings held in the U.S. about a year ago or late 2001, I think, in November, on the question of a national ID card which ultimately led to nothing. But in those hearings a computer scientist testified and representatives of the ACLU, American Civil Liberties Union, and others, all arguing against it. One of my colleagues, Professor Ben Schneider of the University of Maryland, a member of the ACM, which is the major professional organization for academic and research computer scientists, presented arguments against the card and he made the following note:

Proponents of the national ID system suggest that cards will authenticate the identity of individuals. However, the positive identification of individuals does not equate to trustworthiness or lack of criminal intent. A national ID system requires a complex integration of social and technical systems including humans to enter and verify data, plus hardware, software and networks to store and transmit. Such socio-technical systems are always vulnerable to error, breakdown, sabotage and destruction by natural events or by people with malicious intentions.

The committee would be wise also to look at a report issued by the national research council in the U.S. in 2002 after it had been asked by the government to look into this issue. It's rather short but it has, I think, some very interesting issues raised about the use of such cards. Of course, they mention many of the same things that you have heard already and are hearing today. For example:

Given the potential economic costs, significant design and implementation challenges and risks to both security and privacy, there should be broad agreement on what problems a national identity system would address. Once there is agreement on the problems to be solved, alternatives to identity systems should be considered as potential solutions to whatever problem is identified and agreed upon.

They have a lot more to say and the committee that actually made this proposal consists of computer scientists, social scientists, all very prominent given the importance of the National Research Council in the U.S.

Let me go directly to some conclusions.

Let me clearly state in conclusion Electronic Frontier Canada is opposed to the introduction of the national ID card both in principle and in practice. Such cards will not work for the purposes enunciated by Minister Coderre; namely, of identity theft and ease of crossing into the U.S. In addition, they will not deter terrorism as the mere possession of the card cannot supply the information needed to apprehend a suspected terrorist. Among the other concerns are the potential loss of a major right in democratic society, is the right to be anonymous, the right to be let alone. The existence of an ID card would see an increase in a demand to see the card by law enforcement wherever and whenever they see fit.

⊕ (1525)

**Prof. Richard Rosenberg** Let me just mention here the five reasons against the national ID card proposed by the American Civil Liberties Union, which should reinforce our local Civil Liberties Association.

A national ID card would not solve the problem that's inspiring it. It will lead to the slippery slope of surveillance and monitoring of citizens. It would require the creation of a database of all Americans--Canadians for these purposes. ID cards would function as internal passports that monitor citizens' movements. ID cards would foster new forms of discrimination and harassment.

The call for discussion and debate on ID cards is premature. Parliament has not done its homework. This submission, and many others I'm sure, have raised a host of serious questions about the need, purpose and dangers associated with an ID card.

I include in this proposal some of the work by Dr. Stefan Brands, a former scientist at Zero-Knowledge Corporation, a privacy company, and now for his own company, an author of a very well-known book on encryption who argues that on the face of it, such cards violate privacy. He makes arguments about some technical means that could limit that if implemented.

If there remains a serious interest in national ID cards after this series of hearings, then the House must undertake a serious study of associated technical, political and social issues. However, challenges mounted in this submission, and no doubt in many others,

including the results of studies in other countries as well as historical evidence, should provide convincing reasons to terminate further consideration.

And as I mentioned before, indeed the U.S., the primary target of international terrorism on September 11, has decided yet again not to proceed with the introduction of a national ID card system. In this context, Canada should follow suit. Thank you.

⊕ (1530)

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

Another professor, Wesley Pue. Thank you.

**Mr. W. Wesley Pue (Professor of Law, Law Faculty, University of British Columbia):** Thank you.

Well, I'm delighted to hear the presentations of my colleagues, all of which I endorse.

I think when we all confront the common problem, what is this we're talking about, and it's a bit imprecise. On the other hand, I think it's not a bad idea for a minister to float an idea and see what kind of reaction it generates. It's one way of getting information. So I applaud the opportunity to participate in that.

**The Chair:** One element is damned if we do and damned if we don't in the sense that usually we get accused of stepping up to the plate after the fact as opposed to, as I said before when we started, having a blank sheet and having Canadians debate a concept or a view before a government or anybody puts something on the table. So I think I rather like this idea a heck of a lot better than having sometimes to respond to legislation that's preconceived, pre-designed, pre-everything.

**Mr. W. Wesley Pue:** And may be very hard to get off the table once it's introduced.

**The Chair:** Precisely.

**Mr. W. Wesley Pue:** Well, let me go back to what parliament should be thinking about then with regard to this particular problem.

When parliament considers introducing a new program, I think it should keep three questions in mind. First of all, what problem is in need of being fixed? Secondly, is the possible proposed solution to that problem economically feasible and cost effective? And third, is it desirable in a social and political sense?

My tentative conclusion on all of that is we don't know what the problem is that an identity card might fix, and that in itself is a good reason to perhaps back off the idea. And as to the second and third question, the answers are pretty clearly, I think, no and no.

The British conservative government under John Major contemplated introducing a national identity card and backed off the idea very quickly when they concluded that it would not produce the kind of benefits that common sense seems to suggest it might.

Crudely, the problem of crime or terrorism is not one of people concealing identities but of people concealing intentions until it's too late. Police officers tend not to have trouble confirming the identity of somebody who's been arrested. If people declared themselves as a terrorist intent on great evil, then it would be one thing, but they tend not to do that.

The cost of a national identity card is hard to estimate. Figures produced by the privacy commissioner of Canada suggested something like \$3 to \$5 billion dollars to implement a program. Ontario's smart card was estimated to cost something like \$500 million in setup and then annual costs after that. In Britain, estimates are between \$1 and \$3 billion to set up a program and hundreds of million pounds each year. Sorry, that's one to three billion pounds and hundreds of millions of pounds each year to sustain it. So it's not inconsequential on the financial cost side.

Pardon me?

**The Chair:** It's like the gun registry, right?

**Mr. W. Wesley Pue:** I thought it would be impolitic to mention the gun registry in any forum such as this. I'll let you folks do that later.

**The Chair:** I can.

**Mr. W. Wesley Pue** Now, is the card useful? An identity card that you carry around with a fingerprint on it could presumably be fairly easily forged by a sophisticated criminal or terrorist. It becomes useful only if the card that one carries around is linked to some kind of permanent database which contains information that aids in identifying the individual. This requires application level access to that database by a large number of low level functionaries if they are to confirm identity. If you don't have that kind of access you have a severe problem with forgery; if you do have that kind of access you have a severe problem with privacy.

My colleagues have mentioned the problem of function creep. I would like to add another problem and that's data creep.

A card that has minimal information presents minimal danger to privacy but a card that has minimal information is of minimal utility to anybody. The more useful a card is from a point of view of security or identification of individuals or anything else the more information it must contain. There is a mutually reinforcing circular relationship between the demand for data and the demand for functions. As the new function is envisioned new data will be required to be maintained on the card or the central database it links to, as new data is added to the card or the central database more functional demands will be

made of it. There is indeed a downward spiral of greater and greater intrusions on privacy as times goes on.

The question of access to international travel and, in particular, the United States has been the background of this debate. I think it's important for Parliament to bear in mind that there are two relationships that Canada wants to deal with. One is the relationship of Canadian citizens to their own government, and that's a sacred relationship, a very special one that should be respected with a great deal of privacy. The other is a question of what relationship foreign governments might have with our own citizens as we travel abroad. That is a different question. If the United States or another country makes privacy invasion demands of us as we travel we have a choice whether to go to those places. We don't have a choice as to whether to stay in our country or not. The Canadian government should be very reluctant to engage in a course of conduct that threatens our privacy domestically for the purpose of providing greater access to international travel.

The only other thing I would add about that is if we are indeed concerned about access to travel to the United States it's worth bearing in mind that other countries will require parity over the course of time with whatever arrangements are made with the United States and there are other countries, frankly, that are not as nice as the United States, that have governments that are not as trustworthy as that of the United States, that do not have traditions that respect civil liberties in the way that we do and where it might be very, very dangerous to share detailed data about Canadian citizens as they travel.

Thank you very much.

⊕ (1535)

**The Chair:** Thank you. I should point out to you that we also had a submission from the privacy commissioner from B.C. as well as this morning we heard from Frank Work who is the privacy information commissioner of Alberta. Both are on the record of being against it but I thought the commissioner for Alberta had a great line in his submission that says don't leave home without it as to the potential of problems that some of you have indicated.

Anyways, let's get to some questions.

Lynne, David? Andrew?

**Mrs. Lynne Yelich:** Well, actually, I'd like David to tell them why he thinks the ID card is a good idea and then I'd like to hear all four of them say what they would answer him in their defence.

Yes, let's start with David and then I'll ask my question. Then I would like each of you four answer why you think his reasons--

**Mr. David Price:** Well, first of all, my idea on it was definitely not tied to a database. What I was looking at it and the idea that I thought had a possibility is identity theft. That's what bothered me most. I have had my credit cards stolen twice and gone through that hassle. So I think what I had in mind was something more that would be biometrics on it, on a card.

But as I say, I'm looking a little more at it. First of all, I think it would have to be provincial. I don't think we can do it federally. It would be something that would tie in my driver's licence, my medicare card and probably my birth certificate which right now is done by the same operation in Quebec. I'm from Quebec. As we speak right now it's one operation there but it's three separate cards. I would like that on one card and some type of biometrics on it in the sense that the reader is not tied to a database.

**Mr. David Price** It's just to prove that I am that person. That's an overall view of what I have in mind.

⊕ (1540)

**The Chair:** Okay. Do you want to respond to that?

**Mr. Craig Jones:** Maybe I'll answer for the civil liberties and I'll turn it over to my friends.

I think when we debated this at the BCCLA I think I probably had more sympathy for that position than most of the members of the board. So, let me tell you why I've changed my mind.

We have a lot of types of ID. And I went through my drawers in my wallet and actually collected--this is just government ID. I have my social insurance number, which of course has a unique identifier and an early--well not really unique, no--and an early biometric identifier which is in the form of a signature; my American social security number from student days; my Canadian citizenship card again; two biometric identifiers, a photograph and a signature; a pair of passports; and then of course, the foundation of them all, ironically is my birth certificate which is probably the most easily forged and certainly easiest to get a copy of. And this is the foundation... What's that?

**The Chair:** You can get money from that you know. You can get big money for that if you're travelling.

**Mr. Craig Jones:** I'll keep that under advisement. What I take your proposal to be is simply a self-contained card with sufficient biometrics, harder biometrics than currently exist in the form of a photograph or a signature to prove that the person in front of you is in fact the person on the card. The difficulty with that is the same I think as the difficulty with the current biometrics. And that is, anyone with sufficient sophistication can forge them and given the level of sophistication in computers in the private sector now, I think there's probably at least as much sophistication there as there is even in the government.

So, I don't think that a truly hard independent identifier can be created and I think that once that's realized if that sort of regime was put in place, once the flaws in it were realized they would say, oh well we just have to go one more little step, and that's to have the central data base where the guy in the field can simply hit the button and the biometric can be compared with the centrally stored biometric. And then you open up of course all the world of problems that we've been talking about.

So it's not that conceptually I have a great deal of difficulty with the idea of a stand alone biometric. It's simply that it won't work and once that's realized then they're going to have to creep up as it were.

**Mr. David Price:** I would go a bit further and say that one of the reasons I look at... My wife is an immigrant and has a nice citizenship card that I can't have. And with that card I actually become the second class citizen because I don't have that card. I mean she uses that. She doesn't need a birth certificate. She doesn't need anything. But if I go to apply for a passport I have to have my original birth certificate. She doesn't need that. All she needs is that card.

**Mr. Craig Jones:** Yah. There's nothing on this card that is concurrent with the government's present proposal.

**The Chair:** Don't keep referring to it as a proposal. There is no proposal.

**Mr. David Price:** After having my card stolen twice, I now have a credit card that has a picture and my signature imbedded in it, not just the one that you write on the back.

**The Chair:** Maybe the question could be that David has, is there an existing document that can be used as a national identity card which was proposed or which was thought of before a SIN, a passport, a citizenship card, a maple leaf card, a provincial card that can serve the purpose? And I think that's the other side of the argument. Is there a particular card now in existence that can also function as a national identifier?

**Mr. David Price:** And I think Mr. Chair one of the things that the minister had in mind also was we didn't want to talk about passport because it actually shows the place of birth. And we wanted to eliminate that to stop racial profiling or at least to help out in that situation.

**Mr. Jason Gratl:** One of the specific problems that has been identified is the question of credit card fraud.

**Mr. Jason Gratl:** In this case, so far as I know, every company in the world requires a signature on the back of that card and the purpose of that signature is signatures are generally very unique, difficult to copy. The purpose of that signature is for security purposes. They are essentially biometric. One body can produce them, other bodies can't. So a person who can duplicate that signature is to a high standard of probability the same person whose signature is on the back of that card.

I think what we have in this situation is widespread failure to use that biometric identifier. What we have is a lot of transactions that are processed, credit card transactions that are processed without reference to that signature. A security system is already well in place but it's not being employed. The answer to this problem is not a national identity card. The answer to the problem is verifying the signature on the back of the card. What proportion of credit card fraud relies on the failure to use the existing security system? I don't know. I'm not convinced that there is any reliable data that I'm aware of.

I think issues like this keep coming up, that there are problems that are existent, but the answer is not to flee to this draconian measure eliminating effectively the privacy, mounting total surveillance against the population. The answer is to look on the micro level. Where does the system break down? How can we answer to that specific problem? In the case of credit card fraud the answer is obvious. It rests with the failure.

⊕ (1545)

**The Chair:** I have got to move along because I have got other people that want an answer.

**Mr. Jason Gratl:** Certainly. Richard?

**Prof. Richard Rosenberg:** Well, it's not quite that simple because it requires--there are people involved in these systems and one of the breakdowns in credit card is people don't look carefully at the signature and even so people don't sign the same way twice. So there is enough variance in a signature that a lot of flexibility in deciding whether the signature or not.

There was a report in the U.S. which came down last week from the National Institute of Standards and Technology, which formerly was the National Bureau of Standards, in which they looked at two forms of identification, biometric identification, pictures and fingerprints, and they discovered or reported in their report that neither one is sufficient to uniquely identify anyone and combined they work okay if the database doesn't get too big.

One of the problems is that we have limited time in doing this. You go and you want to get a service, you can't wait around while they run through large databases of individuals. These are pictures and the trouble of course is the pictures, to verify a picture you have got to take a picture of someone and match it against another picture, and it depends on how the picture is taken. The current one had to be done extremely carefully. Too much sunlight--I mean, there is a whole bunch of things.

Now, this is the state of the research now. In my former life in computer science I did artificial intelligence which is where some of these techniques are coming from. I wish I were back there now because the funding is extremely good for facial recognition, fingerprints and any other thing you care to look at, but these are all difficult technologies

to work at large levels. Now, we're not as big as the U.S. We only have a tenth of their population so we are better off, but we are not that much better off in the current state of the technology.

So the forging of documents, the difficulty to match appropriately, make this whole area quite problematic.

**The Chair:** Lynne? Oh, I'm sorry.

**Mr. W. Wesley Pue:** Oh, I actually think I might be happier giving my thumbprint to my bank than I am to the Government of Canada.

**Mrs. Lynne Yelich:** And function creep. I would just like you to say--that's really an interesting buzz word, from bracket creep and now we are going to function creep. I would like you to tell us what you mean by function creep, like how many functions do you think can creep into this card?

**Prof. Richard Rosenberg:** The social insurance number, why was it necessary to give my card to rent shoes at a bowling place? Is that the only way? I moved to Nova Scotia where I lived for a couple of years. When I got there I wanted to get cable TV so I could watch movies. They said what's your social insurance number? I said, why do you need my social insurance number for me to watch television? They said, oh, well, we want to make sure in case you take away the equipment we can get you. Can I leave you a deposit? I mean, would that work? No, we need your social insurance number.

A few weeks later there was a visit from the CRTC exploring some of the companies there. I sent a letter saying I would like to appear before the CRTC to talk about the licence for the cable company. I got a letter from them saying we actually don't need the SIN number.

**Prof. Richard Rosenberg:** We can get by with your health card. Well, some places the health card has the SIN number, and at some point, oh, well, give us a credit card number, which is what most places do when you rent--you go rent a car; you give them your credit card number so they can recover in case you split with the car. Well, that's a personal experience of mine. What happens is the card is--what was the SIN card produced for? For health reasons. Well, of course, it was mandated to be used for the Wheat Board as well if you were in the prairies, and a colleague urged me to introduce this famous statement of Prime Minister Pearson in the House, when asked by former Prime Minister Diefenbaker, to assure him that this card, the SIN number would be used only for the purposes for which it was introduced, and Prime Minister Pearson assured him and the House and the nation.

⊕ (1550)

**Mrs. Lynne Yelich:** Yes, good example. Any other examples?

**Mr. Craig Jones:** Well, I think you can look at any form of identification and see how it or close alternatives to it are demanded in any host of circumstances. The driver's licence purpose was obvious at the time it was introduced, but because it has a particular series of linkages, because it links the name with the face and also with an address, then it's of particular use, especially commercially now. Again, when you rent a video, maybe they're not going to ask for your social insurance number, but they're sure going to ask to see your driver's licence. They're going to want to know your address, and anyone who wants to know your address is going to ask for this particular bit of information. You're going to be entered into a database. You're going to get junk mail and who knows what they're going to link it with.

But I think you can look at any piece of identification and find that whatever it links to that is of interest or value to someone, then those are the areas where the creep is going to occur, and it's not just government, obviously, that we have to worry about, but there's huge commercial interests. Information is money.

**Mr. W. Wesley Pue:** I'd like to take that to another point which is to recognize that civil servants are not necessarily bad people, and that most people working in government bureaucracies and police forces and security forces and customs and immigration and passport control think they are doing good things, and indeed they are doing good things for the most part.

The problem of function creep to me occurs purely from recognizing that, and then to imagining once we have this technology, what are the reasonable demands, bit by bit, incrementally, that well-meaning good people will put upon the system.

So let us go from the point we now have an ID card. For it to be useful, it has to be linked to a central database. Otherwise, it's too easily forged. Now there's a central database that has my name, my age, some physical characteristics and a thumb print. The very next thing that's bound to happen is police are going to start asking for proof of identity whenever they have to stop you. Police have lots of good lawful reasons for stopping people and asking who they are and what they're about. They also stop them for bad reasons, but they have lots of good reasons. When a cop stops somebody for a good reason, it will be natural to ask for a national ID card if such a thing is in existence. Well, when the police have that, they're going to go and ask the next question, how come, when we access this card, we can't find out whether somebody's a convicted pedophile or a rapist, or the rest of their criminal record. So there will be data linkages immediately, and at every stage along the process, as very well-meaning good Canadian public servants do their jobs, they will add a little bit of information here and a little bit of information there until you have a mega database, the accuracy of which can't be guaranteed entirely. The accumulation of these multiple additions and small functions that I think is the very slippery slope you're on. At each stage it's logical. The technology seems to mandate that you add the function.

**The Chair:** Okay. Andrew.

**Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.):** ...to lower the volume of their wallets. Many of us have sore backs, but this is not the way to do it.

I disagree with the Chair; I think that before the minister floats an idea out like this and takes a great deal of time across the country, we have more put out there, and the criticism, I think, came from one of the privacy commissioners.

The incredible problem with databases, on a smaller scale, we saw what happened with Co-operators Insurance, Saskatchewan. Yesterday in the *National Post* I see somebody gained access to 3.4 million credit cards, 100,000 Canadians involved. Credit cards are a problem, and some of them are really stupid.

I know about six months ago or something, I didn't get my receipt of a...

**Mr. Andrew Telegdi** ...gas station where I put my credit card in. The next thing you know I was buying flowers in Montreal and all over the place while I was some place else. And when I looked at the problem I said why the hell did you guys put the whole number on it? And I phoned up the bank and I told them it was stupid they were doing it and they actually fixed it ultimately. So they don't give out your whole number now and I guess maybe I had something to do with it.

You mention the Civil Liberties Association and I'm glad to see Craig you pulled out your citizenship card. And of course your colleague there mentioned echo of jack boots behind the iron curtain and particularly disenfranchised groups. And I happened to have heard echos of the jack boot behind iron curtain. Having coming from there it's interesting to know that Hungary which under the iron curtain used to required a national identify card once they became democratic there was no national identify card.

But getting into those particular comments and also the role of the Civil Liberties Association, I really hope that you take a look at the Citizenship Act and give us some feedback because there really are jack boots echoing on revocation of citizenship and you might be surprised as to how vulnerable your citizenship card is. And I think I doubt if there's good intent behind those people when they made those rules up or proposals up for the existing act. I agree with you it's a frightening thought. We're going back to 1984 in the future as to what this represents.

⊕ (1555)

**Mr. Craig Jones:** if I could suggest that very briefly because early on in the question you identified something that we haven't talked much about. Professor Pue identified the problem of well-meaning people using this card for unintended purposes. But of course there is another problem which is people using it illegally for abusive purposes.

And then there's the third problem that you've alluded to in the second part of your question which is we can't necessarily ensure that 10 years, 20 years, 30 years down the road, the people working in the federal government are always going to be the well-

meaning people. Governments change, people can come into power who have access to this information that in retrospect we would not give them. And I wish I knew more about the present Citizenship Act and would be pleased to make submissions on that in another day.

**The Chair:** I like the way Andrew worked it. No No I know that I'm just being joking but yah you might be interested in and I know that the Civil Liberties Association was supposed to show up on a couple of occasions and didn't and therefore you might want to take a look at that.

**Mr. Craig Jones:** Was that the BC Civil Liberties Association or Canadian? Do you know?

**The Chair:** No I think it was the BC. Anyways look at--

**Mr. Craig Jones:** I can't imagine we passed an opportunity to talk.

**The Chair:** I know and you might want to take a look at it and give us your opinion on it. Sophia?

**Ms. Sophia Leung:** Thank you Mr. Chair. So far I haven't heard any positive comments really for the ID card. I assume that's your consensus. Let's start this way. Suppose someone for business reason or personal reason have to go travel around the world or so many places including U.S. and without any control and easily being pulled on the side and say we want your fingerprints. It's really insult, right? But how, in this process how we have any preventive measure to protect the Canadian in a global travel, that's one. Another thing Professor Rosenberg, in your paper you cited other five countries as use. Can you also comment is any positive sort of reflection from using the ID card.

**Prof. Richard Rosenberg:** The examples I gave were taken from a survey done by privacy international a British organization similar to our local one. I think obviously the case they were making they wanted to provide quotations from individuals, different countries who were unhappy with the way their countries function. We know that Singapore is not the most democratic country in the world. And clearly the use there of an ID card is used for purposes that are not terribly benevolent.

**Prof. Richard Rosenberg:** And none of the examples given both there and an organization which follows which is very concerned with genocides and when they occur. And there are many countries that include on their card information, racial information, religious information, and I would guess that any card that came in Canada wouldn't have such information.

But the question would be--and I think it's right--in times of great stress, times of great difficulty, there's a real temptation to put on that card information that at that time is seen to help identify or control or access or movements of people belonging to certain

nationalities, certain groups, certain colours, certain religions. That would appear on such a card. How would you resist and say no, we can't do that? Canadian principles don't allow this. But we're in a different situation now. We have to do something.

And I think that that concern that the implementation of a card and following up from what Professor Pue said, it's also the population that will change in a generation. The existence of a certain kind of card at one stage may be objectionable, may be difficult to live with. But if you live with that card for one generation, the next generation--that's a way of life. That's not something particularly to be concerned about. We've always done it this way. And that's the concern I have.

🕒 (1600)

**The Chair:** But on the fundamental question that Sophia asked, would a card serve the purpose of better protecting Canadians?

**Prof. Richard Rosenberg:** I'm not sure why it would be better than the passport. I don't know what...

**The Chair:** But that's a good point.

**Prof. Richard Rosenberg:** Yah. Well I'm not sure. I hadn't thought about that. But it seems to me, I've travelled many times overseas. The passport has been my basic identification. That's all anybody wants to see. Hotels want to see it when you register. And that seems to be sufficient. And that's used for that particular purpose at that time, not as a universal identifier.

**The Chair:** Very quickly on the same point and Wesley and then we have to move on.

**Ms. Sophia Leung:** There are several incidents our Canadians being pulled away, required. This is where my concern.

**Mr. Craig Jones:** That's what I'd like to address because the suggestion was that perhaps a national identification that was strong and secure but did not identify for instance place of birth might actually allow people to pass more freely between Canada and the United States without having to identify that. The problem with that is what the United States is interested in right now is the place of birth because that's one of the filters they're using for terrorism. So if that isn't on the card or if it isn't in the data base being provided to the U.S. authorities, then they're going to want to collect it anyway. They have the right to control their own borders. So this card doesn't provide any solution in our view to that problem.

**The Chair:** The recommendation brought about two or three times was to change the passport and get rid of the place of origin or birth as not required and therefore not causing anybody any problems.

**Mr. Craig Jones:** I think that would be an excellent idea but they would still be free to try to collect that information on their own.

**The Chair:** Sure. But you see that gets to my point if I could in terms of question. It goes to the three tests. What's the motivation behind this? And if in fact it is to deal with this so-called terrorist threat, because this country has debated a national ID card before for different reasons. One, it was to try and get control of--it was the SIN number--essentially it was supposed to be. Let's face it, the federal government doesn't have national ID on a lot of things--mostly are provincial.

Their foundation documents are mostly provincial. We have the SIN. And we have a citizenship and a passport. Not everybody is a citizen so how do you deal with that? We now have maple leaf. And not everybody's got a passport. So the whole notion, what is the prime... Is it about identity theft? And if it is about identity theft, will a card achieve that objective? And if the answer is no, because it can be done in so many other ways.

I'll give you an example. Right now Joe Fontana has 14 cards in his pocket--that identifies me as Joe Fontana. If I could throw all those away and only have one card, is that going to make it easier or more difficult to steal my identity? I'm afraid it would probably make it easier. When one person has to duplicate that one card, all of a sudden they don't have to worry about trying to replicate 14 cards as inconvenient as that might be. But is that the ultimate protection?

Having so many cards obviously linked to different data bases but forcing someone to have to do more than one function. And that's what the commissioner said. Boy that one card's going to be worth an awful lot of money somewhere in the world if they want to steal your identity for all kinds of criminal, commercial and who knows whatever threats. So what is the motivation? If it's identity theft, how can we deal with it if it's a real problem?

**The Chair** Secondly, is this all about the United States causing us some difficulties? Because any national identity card would have to be accepted internationally or else, you know what, they're going to ask you not only for your national ID, but they're going to continue to ask, as Richard said, for your passport because that is the international travel document that is accepted by everyone. So is it to essentially deal with a trans-border situation to appease the Americans, who may want to ask everybody in the world to have national identity cards, but ask them, and they'd say of course not; you're not going to invade our privacy, because that's what they've already said, so a rather sort of oxymoron. Have everybody in the world have a national identity card, but not us. Rather peculiar.

So I wanted to deal with those issues of what really do you think are some of the problems, if we do have any problems, or is it a question of fear? And I think most of it in this era of post-September 11 that everybody's talking about, that we're reacting as opposed to being a little more proactive.

And maybe you can tell me, Richard, in your estimation, what has been the failure rate with some of those biometric identifiers?

🕒 (1605)

**Prof. Richard Rosenberg:** It's hard to say. The first major test was done about three years ago at the Super Bowl in Florida, where they photographed everybody going into a stadium, 80,000 people. They had a database of 10,000 photographs of people, suspicious people, possible terrorists, criminals and whatever. They didn't have one hit. So it could be that no one was there who was there, or someone was there and it didn't work. That was highly publicized and it was seen to be an example of the technology not being as good.

Since then, because of September 11, there's been an enormous amount of money that has been put into this area, and the systems are getting better. The computers are faster. The techniques aren't that much smarter.

In the NIST test, I said, was something like if you used both fingerprints and faces, you got something, at best, in the order of 70% accuracy, which is not bad. It could be a lot worse.

**The Chair:** If you're looking for a terrorist, 30% is a big margin; isn't it?

**Prof. Richard Rosenberg:** That's right, a third of the people you don't hit. And it only gets the good ones, I said, if the photograph is taken of people, because what it is is a camera that photographs a person, and that picture is compared against a stored picture and the fingerprints are then taken in. By the way, if it turns out the fingerprints, which a lot of the criminal prosecutions rely on, are not that good either, if you look at some of the ways fingerprints are matched, there's an enormous amount of personal opinion involved. You can't match fingerprints solely by computers. What computers do is to narrow the possible range of fingerprints to look at, and then somebody has to look at them and say, they match under a certain number of points or they don't match. A personal decision is made.

**The Chair:** If you could quickly--one, do we have any problem whatsoever and therefore don't need--I think, Wesley, you started to talk about--if there's a problem, what's the fix in terms of a couple of things, the existing foundation documents, both provincial and federal have to be fixed in order to be the answer to identity theft or better identification? Can you comment on that, Wesley?

**Mr. W. Wesley Pue:** I guess we've all watched those old movies where the bad guys go to the graveyards and find a baby born in the same year they were and steal the identity. So I think proven identity is actually something that we need to be concerned about, but the idea that there's an easy fix to it is another one.

In response to Ms. Leung's question, I think it is really important to distinguish what we do for our purposes domestically in Canada in relation to our government from what we do to satisfy another country, be it the United States or somebody else. And the slippery slope of the identity card is as we add that to pre-existing international document, the passport, and layer more and more information upon that, we end up sharing that not just with the United States but also with France and Saudi Arabia and Pakistan and other places we may not want to. So I would think from the point of view that there may be a problem with cross-border travel in North America where we've had privileged access in the past, we need to confront that question square on and we may, as Canadians, have to accept the fact that we may need to have passports in the future to go to the United States, hopefully not visas, but if we do, we'll have to live with that, and it may be there will be international pressure to increase and improve the security features around passports, but I think all of that must be dealt with in the international arena and with knowledge it's not just the United States you're creating a document for.

If we go the other step in creating something just for the United States and then find it being in demand in much nastier countries, I think we've done a great disservice not only to our relationship with our government amongst ourselves, but also of our citizens' relationships with other places where they may travel.

**Mr. Craig Jones** I'd just add that the clumsiness of the passport like the clumsiness of the multiple ID system itself does have some value. If you actually have to staple the visa into the passport, put a physical stamp in a passport, there are advantages to that.

First of all it disappears when you renew your passport. In five years you can go to a country and that country can't see the complete history where you've been. Now if you're using a single card as a substitute for the passport, well you've got to take it some way. You've got to tag it with the visa information. You've got to tag it with the history of travel information. You might want to match it with the airline information that we're now collecting.

And who is that information going to be available to? And I think Professor Pue has outlined some real concerns because you're going to have to make that available at least on a limited basis to the security forces of other countries. And that could be a very dangerous proposition.

🕒 (1610)

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

Again, this is only the start of the debate. The debate may not last long at all depending on... It might shut down fairly quickly. It might go on. We might want to look at the experiences, positive and negative, of other countries.

But obviously we want to totally canvass the issue and the idea and make some sort of report. And I thank you very much for your thoughtful input and for providing us with some guidance and more importantly with some questions. Thank you so much.

Colleagues, I believe we just have one more witness. Okay. He's gone. For our reference on C-18. Okay.

Thank you very much. We're adjourned. Thank you, Vancouver. See you tonight and tomorrow.