

THE STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

EVIDENCE

OTTAWA, Monday, May16, 2016

The Standing Senate Committee on National Security and Defence met this day at 1 p.m. for the consideration of a draft agenda (future business) and Bill S-205, An Act to amend the Canada Border Services Agency Act (Inspector General of the Canada Border Services Agency) and to make consequential amendments to other Acts.

Senator Daniel Lang (*Chair*) in the chair.

The Chair: Colleagues, welcome to the Standing Senate Committee on National Security and Defence for Monday, May 16, 2016.

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Transcripts re: Julie Taub's testimony and remarks

Julie Taub, Immigration lawyer, as an individual:

Good afternoon. Thank you for having me here. I have been here before.

I'm taking this opportunity to not support this bill as it exists for totally different reasons. I'm looking at it from the perspective of CBSA mandate, which I hope was handed out. I'm not sure if it was. I provided it in French and English. That is, to protect Canada's security and prosperity by controlling the admission of goods and people into Canada.

In today's climate, with unprecedented levels of security threats and challenges of all kinds, be it cyberattacks, commercial and high-tech espionage, I'm concerned that CBSA is not able to perform its mandate effectively because of a lack of resources, a lack of training and a lack of manpower. Those should be the priorities here right now rather than creating a position of a director general for complaints. The CBSA already has a complaints process in place. It should be with you. They have a section called "recourse" which provides individuals to write a written submission if they disagree with an enforcement action or a program decision made by CBSA or wish to submit a complaint or compliment about services. There are complaint,

a use of force, an incident reporting provisions. It applies to the general public, as well as members of other assisting police agencies. This is already in place.

While it may be advisable to create another position for independent review, this is not the time to do so, not in today's world. For example, just last week, May 11, CBS New York broadcast, entitled [\[MF1\]](#) "Canadian Border Presents Its Own Security Concerns for the United States." "We see alien smuggling, narcotics smuggling, currency smuggling. Our primary mission, of course, is to stop a terrorist. Some spots could be easy points of entry. There are radicalized groups in Canada. That is of tremendous concern to us", said Bradley [\[MF2\]](#) Curtis regarding terrorist threats. They said Canada's more open-door policy towards Syrian refugees is also of concern.

In the last year, American agencies seized more than 10,000 pounds of marijuana and a million dollars in illegal currency coming into the United States. They've also stopped shipments of a variety of illegal guns. We've actually been asked to double the manpower. This is simply the northern border they're talking about. They have 300 agents covering 300 miles, including a large Indian reservation that's an attractive route for smugglers.

We need more CBSA agents on the frontline. We need them to deal with internal fraud, immigration fraud, the threat of terrorism, the threat of cyberattacks, and the importation of goods and services. The list goes on and on. I have provided the table of contents which actually lists all of their duties. They are understaffed. Unfortunately there was a 5 per cent cut in CBSA frontline agent staff under the previous government. Most unfortunate. Instead of cutting it by 5 per cent, they should have increased it by at least 20 or 25 per cent. There are backlogs.

There was another article in the newspaper regarding a former client of mine, marriage fraud. This is way low down on the list for CBSA priorities, but it facilitates immigration fraud. That is a concern to all of us, not just to the duped sponsor.

I was involved with another lawyer, Chantal Desloges [\[M.A3\]](#), from Toronto when we did a class action lawsuit for mandamus against a minister in 2008. We represented a group of 500 duped Canadian or permanent resident sponsors.

CBSA, immigration does not have the manpower, does not have the resources to deal with immigration fraud. Presently there is a two-year residency requirement for sponsored spouses. That will be dropped. The floodgate will open for immigration fraud with sponsored spouses in the near future. The government plans to drop the visitor visa requirements for Mexicans. That will again open the floodgates for questionable refugee claims and drug dealers. They can hop on a plane, come up and set up their business here.

So I believe the CBSA will be overwhelmed with what will be happening in the near future. They're overwhelmed now because it takes them three years to investigate immigration fraud.

Then there was the issue of the Auditor General's report, fraud in obtaining citizenship. That's what she reported. Not enough resources to deal with fraud. People with criminal records were getting citizenship. People who hadn't fulfilled the residency requirements are getting citizenship. Why? Because we don't have adequate resources.

In the alternative, if you're going to create this position of director general, then let it be twofold, one to deal with complaints and one to deal with whether CBSA can adequately deal with all the tasks and responsibilities and duties it has been assigned, whether it has sufficient resources, whether it has sufficient manpower, whether it has sufficient training. At this point it does not for any of its responsibilities.

The Chair: Thank you, Ms. Taub. Mr. Waldman?

[MF1]<http://newyork.cbslocal.com/2016/05/11/canadian-border-concerns/>

[MF2]mentioned in this article. verified <http://newyork.cbslocal.com/2016/05/11/canadian-border-concerns/>

[M.A3]Confirmed. <http://chantaldesloges.ca/>

Le sénateur Carignan

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Ne craignez-vous pas que le fait de donner un mandat aussi large à l'inspecteur général, soit réviser toutes les activités que l'Agence des services frontaliers du Canada peut effectuer, compte tenu des ressources ou du temps limité à consacrer, vienne limiter son rôle ou ses préoccupations par rapport à ses enquêtes ou son contrôle sur la partie détention aux frontières en attente de statuer sur la situation des différentes personnes? Suis-je assez clair?

Ms. Taub: What we're looking at is balancing priorities in this case. Yes, there is the issue of vulnerable people and refugee claimants, but on the other hand, there is the issue of Canada's security against all kinds of existential attacks from terrorism, cyberattacks, human trafficking, and the list goes on. It is endless.

When we are competing for scarce resources, we have to determine where our priorities lie. When we look at it from an objective point of view, I do believe that the priorities should be on Canada's security, protecting citizens and immigrants who are living here, protecting them against immigration fraud, protecting them against criminals, protecting them against terrorist attacks, et cetera, if we are competing for the same resources.

If we have sufficient resources to tackle both issues with this position, then of course we should. If we can only deal with one issue at a time, I come down on the side of security because our lives are at stake; our well-being is at stake; Canada's future is at stake.

It is all a matter of resources.

Ms. Taub: I will make a point of clarification. Would the inspector general be able to deal with complaints from Canadian citizens and immigrants in a matter such as marriage fraud? If they submit a complaint and there is no investigation made because it is so low down on the priority list due to lack of resources, would the inspector general be able to deal with such complaints as well?

The Chair: Senator Moore may have more to say about that, but clause 15 allows a lot of latitude for the inspector general to inquire into any issue and raise that issue, what one might determine is not a priority, but it becomes a priority because it has come to his or her attention to follow up and to deal with a complaint.

That is one of the pluses with this legislation, the way I view it, from the point of view of the way it has been written.

Le sénateur Dagenais : Dans le tableau que vous avez brossé, il y a lieu de se questionner sérieusement. Vous avez dressé un tableau sombre de l'immigration. Selon moi, le gouvernement actuellement qui se montre ouvert à l'immigration à l'échelle internationale. Avons-nous les moyens de nos ambitions en matière d'immigration? En conséquence, est-ce de la fausse représentation envers la clientèle qui souhaite immigrer au Canada?

Mme Taub : Vous voulez savoir si le gouvernement du Canada fait de la fausse représentation en disant que c'est facile d'immigrer au Canada?

Le sénateur Dagenais : En d'autres mots, le gouvernement se montre très ouvert à l'immigration, mais lorsque les gens souhaitent venir chez nous, ce n'est peut-être pas aussi facile qu'ils le pensent.

Mme Taub : C'est très facile d'immigrer au Canada si on se qualifie et que l'on rencontre les critères nécessaires. À mon avis, il est plus facile d'immigrer au Canada que dans n'importe quel autre pays occidental. Ce n'est pas de la fausse représentation, mais il faut répondre aux exigences en fonction des besoins du Canada. Le but de l'immigration c'est que le pays puisse aussi en profiter.

Le sénateur Dagenais : Tout à fait.

Mme Taub : Le pays doit également tirer profit de l'immigration. Il ne s'agit pas ici du système des réfugiés, qui est une toute autre question. En ce qui concerne l'immigration pure et simple, le Canada doit pouvoir bénéficier d'admission d'une certaine catégorie d'immigrants. Pour ce faire, les immigrants doivent par exemple être éduqués, connaître le français ou l'anglais, détenir le savoir-faire nécessaire pour réussir au Canada sans avoir recours au bien-être social. Bien sûr, tous ces critères sont très importants. Mais je ne crois pas que le Canada fait de fausse représentation. Même avec ces exigences, ce n'est pas difficile de rentrer au Canada si on a des habiletés, de l'éducation, des connaissances des langues nécessaires.

Le sénateur Dagenais : En examinant le tableau que vous aviez présenté au début, j'avais l'impression qu'il peut être parfois difficile d'entrer au Canada étant donné le manque de personnel, et cetera, aux services frontaliers.

Mme Taub : De toute évidence, le manque de personnel pose problème en matière d'enquête, de fraude et du parrainage des familles. Nous accumulons des retards en raison du manque de personnel, de ressources et de fonds.

(following French - Ms. Taub cont'g -- en raison du manque de personnel, de ressources et de fonds.)

The Chair: I would like to follow up on Ms. Taub and ask other witnesses to make some observations. Over the course of our hearings over the last number of years, we have learned a number of facts about immigration.

On the average -- and I don't think most Canadians are aware of this -- 500,000 new arrivals come into this country every year from the point of view of immigration, as temporary workers, university students and refugees, if you take all those categories. That's a huge influx of people. Each one is an individual; each one has to be dealt with in a manner that, hopefully, makes this place a great place to work or a great home in the long term.

The fact is that's how many people we're bringing into this country. Knowing that, and knowing there's a public security question that comes with this in respect to the responsibility of the CBSA -- and I don't think anybody can argue this -- my question is: With your knowledge, your backgrounds and your organizations, do you agree that for the job that we're asking the CBSA, the Canadian Border Services Agency, to do they under resourced? If you feel that way, what do you think has to be done in respect to the situation so they can do the job we're asking them to do?

Senator Moore: Thank you, chair to the witnesses for being here.

The CBSA operates at least four prisons in Canada operated by contracted staff. There have been deaths. There was another one just yesterday. These are not reported. Relatives of the deceased have had to go to great lengths to try to find out information about the circumstances. I think they end up in the final announcement going to a coroner's office.

Ms. Taub, you say this is not the time for an independent officer. In view of all that, if not now, when?

Ms. Taub: When we have the resources to satisfy both urgent needs in Canada. I'm not saying that we should not proceed with an inspector general; I am saying it has to be two-fold. One cannot go without the other.

Secondly, I happen to agree with my colleague that if we do combine it with SIRC, it would be a more financially, economically sound approach to deal with this. Since the three bodies -- CBSA, CSIS and the RCMP -- often work together, interchange and exchange information, there could be one body rather than a specific one for the CBSA. Perhaps it would be a better allocation of scarce resources that way.

Senator Moore: I'm obviously advocating that we have an independent inspector general for all the reasons that I've mentioned, particularly that justice be done and appear to be done, that we do have an independent third party looking at the operations and actions of the CBSA.