

16 members of refugee board have Tory ties

Revelation contradicts Kenney's claim of only two

BY DON BUTLER, OTTAWA CITIZEN DECEMBER 1, 2011

At least 16 current members of the Immigration and Refugee Board have ties to federal or provincial Conservative parties.

The revelation came one day after Immigration Minister Jason Kenney told the House of Commons that only two out of nearly 150 IRB members he has recommended for appointment had "any association" with the Conservative party.

The question of the IRB's autonomy from government emerged as an issue after the Citizen reported this week that former IRB chair Peter Showler believes the board is no longer operating in a fully independent way. The IRB rules on refugee claims and immigration matters.

Tuesday, Kenney said the Conservatives, unlike past Liberal governments, have respected the IRB's role as an independent quasi-judicial body. Only two people he has recommended for appointment had Tory ties, he said.

But Wednesday, NDP immigration critic Don Davies challenged that claim, saying NDP researchers had documented at least 15 current members with Tory party connections. The Liberals quickly released their own similar list.

The Citizen cross-referenced the two lists with current IRB members and tallied 16 who either ran for the Tories federally or provincially, worked for the party or donated money.

Five - Rose Andrachuk, Douglas Cryer, Gilles Guénette, Atam Uppal and Harriet Wolman - have run unsuccessfully for federal or provincial Tory parties in the past. One, Ken Atkinson, was a Conservative MP from 1988 to 1993. Another, Normand Forest, worked for Harper cabinet minister Jean-Pierre Blackburn. Nine others donated money to the party.

As well, three other party donors identified by the NDP received appointments to the IRB in 2008 or 2009, but no longer appear on the IRB's list of members.

As he did earlier this week, Kenney emphasized the "rigorous pre-screening process" in place for IRB appointees since 2007, when the Conservative government revised the selection process, creating a seven-member Selection Advisory Board.

Kenney said it was unfortunate that the NDP was "denigrating the independence and the integrity of this important quasi-judicial body."

Wednesday night, Kasra Nejatian, a spokesman for Kenney, said the minister stood by his claim that he was aware of only two out of about 150 members appointed during his tenure with connections to the Conservative party.

Most of those on the NDP list, Nejatian said, were either appointed prior to the implementation of the current screening process, had a prior affiliation with a provincial party or were people who made "one or two small party donations.

"Making legal contributions to a political party should not disqualify someone who has been recommended following the new screening process," Nejatian said. "The reality is the rigorous process adopted in 2007 ensures that IRB members are appointed based on competence, not political affiliation."

But Showler, who now heads the Refugee Forum at the University of Ottawa, told the Citizen Wednesday Kenney's claim that the IRB appointment system is based on merit is untrue.

"It is a hybrid system with an initial merit-based screening process that eliminates some candidates," Showler said. "The second and critical phase is political and secretive, where a relatively small number of candidates are chosen from a much larger candidate pool."

These, Showler said, are cabinet decisions shepherded by Kenney. "There is no public accountability and political factors are not disclosed."

Even the initial screening process may not be as arms-length as it first appears. The selection board includes the IRB chair and four senior IRB officials, all appointed to their positions by cabinet. It also includes two "external members," one of whom is Paul Beaudry, a former senior policy adviser to Maxime Bernier when he was minister of industry.

Showler said Kenney's power to reappoint IRB members is even more significant. While the IRB chair sends a one-paragraph recommendation to the minister of immigration, the recommendation is secret and the minister and cabinet are under no obligation to follow it.

"Exceptionally bad members are reappointed and good members are allowed to lapse," Showler said, adding: "I assure you that the appointments secretary of the PMO will have a heavy fingerprint on every reappointment."

That's why Kenney's public comments in 2009 criticizing Mexican and Roma refugee claims offended fundamental principles of natural justice, Showler said.

"Every Canadian can understand that if the boss says that he does not like something, any employee up for renewal will think long and hard before making a contrary decision. That is not justice."

Davies said the NDP will keep pressuring Kenney on the issue. "This is a quasi-judicial process. It's not something Canadians can allow to be tainted by ideology or non-judicial considerations."