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# Standing Committee on Citizenship and Immigration

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**Thursday, November 4, 2004**

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**Chair**

**The Honourable Andrew Telegdi**

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## Standing Committee on Citizenship and Immigration

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• (0910)

[English]

**The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)):** Good morning. Would the committee please come to order.

In some ways it's very fitting that the first witnesses from the community we're going to be hearing will be addressing the lost Canadians issue. I think every one of you on the committee, once we get through this session, will see the very real importance of getting the Citizenship Act up to snuff.

I'm very pleased to welcome Don Chapman. Inky and I have known him over the years as he has made presentations on a very real injustice that occurs to Canadian-born who end up losing their citizenship because their parents took out other citizenship. I very much welcome him to the committee.

I want to point out to you, Don, that we have 12 members on this committee, and each of them has a very interesting background. Six of the members were not born in Canada and two of the permanent members are refugees.

We welcome you to the committee and look forward to hearing your testimony.

**Mr. Don Chapman (Lost Canadian Organization):** Thank you, Andrew.

**The Chair:** Then Charles Bosdet is with you, and we'll be hearing evidence from the two of you.

Mr. Chapman.

**Mr. Don Chapman:** Charles and I talked this morning, and I think, Charles, you were going to go first.

**The Chair:** Go ahead.

**Mr. Charles Bosdet (Lost Canadian Organization):** If I may, I'm going to lead off to give some quick background for the committee as an introduction to what Don is going to speak about.

Thank you, Mr. Chair and honourable members, for allowing us an opportunity to speak in support of Bill S-2. This bill came about as a result of one of those gaps in legislation that crop up occasionally. The basic legislative history is that when the 1977 Citizenship Act went into effect, there were a number of changes made to help citizens born abroad, or born to mothers who were divorced or unwed mothers, to keep their Canadian citizenship. There were a number of changes made to the act, and I roughly divided them up in the chart for you—if you have a chart that looks like this—into basically two groups: those born abroad and those

born in Canada; and between those two groups, those born before 1977 and those born after February 15, 1977.

What this chart is meant to suggest is that the effect of the law was to make it easier for people who were born outside of Canada to reclaim or resume their citizenship, and it also provided for those who were born in Canada from 1977 forward a very protected citizenship right. Somehow the group born between 1947 and 1977 fell through the cracks. Legislators at the time recognized that there were difficulties and loose ends that needed to be tied up, and they were very concerned about this. The advice of the Department of Citizenship and Immigration was to pass the legislation and tie up the loose ends subsequently. The legislation passed, and what we're really doing here is addressing one of the loose ends.

The second chart that you have, a table that looks like this, suggests how the citizenship requirements differed for the lost Canadians group from those of a couple of other groups depicted in the other chart. It is shown at random. You notice that for two of the groups, an oath is not required. It is for the lost Canadians. There was a waiting period required for admittance for immigration for the lost Canadians, not for the other two groups, and so on down through the chart.

I would like to make one note. You'll see there a "Citizenship automatic upon application". That refers to the mechanism whereby a citizen abroad who was a minor could send a letter to the minister saying, hi there, I want my Canadian citizenship, and basically they'd be granted the citizenship without having to go through the resumption process, or at least the resumption process that the lost Canadians are subject to. And of course it didn't apply to people who were born here in Canada already after February 15, 1977.

That's the legislative background in a nutshell, and I'm going to turn it over to Don at this point, if I may.

**Mr. Don Chapman:** Thank you, Charles.

Charles is one of the smartest guys I've had the pleasure to come to know. It's been an interesting deal, the lost Canadian issue, because I guess in many ways as you go through life, you learn and grow. This is one of those issues where you might say, "Why did the man hit his head against the wall? Because it felt so good when he stopped".

I've come to grips with learning and understanding a little bit more about what discrimination is. Along the way I've met some very wonderful people. Charles is one of them. He's not just very smart; he's got a different sense of humour. About a year and a half ago Charles and I were talking on the telephone and he said, "You know, the lost Canadians issue reminds me in some ways of the movie *Casablanca*. We wait and wait and wait".

In the meantime, while I was waiting for my citizenship, my father died. In the 1960s he was told by Citizenship and Immigration that he could always return to Canada. We assumed that meant any time, but that was our mistake. CIC welcomed him only after he was deceased. Like everyone else in my family over the last 200 years, my father has been laid to rest in Canada, with a good part of his estate given to Canadian universities and charities. There could be absolutely no misunderstanding of Canada's actions and loyalty in return to this Canadian World War II veteran.

Sheila Walsh was abducted as a nine-year-old Canadian child 40 years ago, and she was taken to England. She found her father 13 years ago, and for this entire time she has been trying to regain her Canadian citizenship. Her brothers and sisters, her children and her grandchildren—everyone in her family has legal Canadian status except for Sheila.

Her World War II veteran father wanted only one thing from the government in repayment for his services in the trenches of Europe so long ago, and that was for his daughter to be legally given back her Canadian citizenship, which she never renounced. Just like my father, Sheila's dad died about two months ago, never seeing his one dream come true. So much for Canadian compassion and fairness.

You know, you've got to go back and look at 1940s Canada. Morals are morals. I don't care when we talk about it; things were immoral back then that are as immoral today, but the values might have been a little bit different. So in 1940, let's take Vancouver, where if you were Jewish you couldn't live in certain parts of the city. If you were a native aboriginal, Asian, or Indo, you couldn't vote. If you were a minor child, you fell under the 1947 Canadian Citizenship Act. The actual original legislation, the first Citizenship of Canada Act, stated that married women, children, lunatics, and idiots would be classified under the same disability for their national status.

How did the 1947 Citizenship Act come about? Paul Martin's father was walking around the graveyards of Dieppe and noticed on the tombstones that for somebody from Arichat, Montreal, Burnaby, or wherever, it said they were a British subject. He came back and did a very noble and good thing. He said, we have to have a country...[*Technical difficulty—Editor*]...since Canada's a country without any citizens. So they wrote the first Citizenship Act, and reflecting some of those very wrong values of the times, some of the wordings got through.

At age 18, I went immediately to the citizenship offices in Vancouver and said I wanted to be a Canadian. If you look at the Citizenship Act and the language, we at all times, the children of Canada, are supposed to be granted our citizenship.

● (0915)

**The Chair:** There is just one thing, though. I know you've been coming to these meetings and giving us a lot of evidence, but I think it's important that you start off by saying you were born in Canada.

**Mr. Don Chapman:** I was born in Canada to Canadian parents. Had I been born in any country of the world outside of Canada, I would have been a Canadian. That's the Benner case, a Supreme Court decision saying the Canadian Citizenship Act of 1947 was blatantly discriminatory against women and children. Thus, had I been born outside of Canada, I would have fallen under that Supreme Court decision and I'd have my citizenship today, but I was born in Canada, so I'm not a Canadian. I guess that only makes sense in Ottawa, and not to everybody in Ottawa.

But I came up here, and if you look at the Citizenship Act of the 1940s, there is a specific clause that says that, at any time, a child like me or Charles can just go to the immigration minister and we'll be granted our citizenship back. So Canada has been ignoring this for over 60 years.

Also, there is a statement that says that, at any time before age 23, again we'd be granted our citizenship. Well, I was there and they turned me away. I think it became standard in the bureaucracy of the Department of Citizenship and Immigration because somebody at one time said that was the way it was done, and so it just became the practice.

But Charles was turned down and I was turned down. Patrick Forbes was not turned down. Patrick was turned down for four years, but he was finally able to secure his Canadian citizenship. He was 20 years old and he found a gentleman in CIC in Moncton who said, "Of course you're Canadian. Give me \$2, take a vow of Canadian citizenship, and here's your certificate". So he did just that.

Then in 1970, when Patrick was living in Montreal, he heard a knock on his door. It was two RCMP officers. They asked if he was Patrick Forbes, and he said he was. They asked Patrick to come with them. He asked what he had done. They said, "Well, you're an American and you have an appointment with Vietnam".

That's quite shocking to me. Here was Canada rounding up Canadian-born children and sending them to fight in another country's war at the same time as it was allowing U.S. draft dodgers to come into Canada, and today they have citizenship and we don't.

Does Canada have the blood of its own children on its hands? It appears it does, because over 30 Canadians were killed in Vietnam. Their names are on the Vietnam War Memorial.

Two years ago I came before this committee with Magali Castro-Gyr. I'd like to finish her story.

Magali was born in Montreal to two Canadian parents. In 1975, Magali was 16 years old. Only Magali's father, not her mother—her mother comes from the Gagnon family, very staunch French Canadians who go back to the early 1600s in Canada, and she absolutely said "We are remaining Canadian"—just her father took out U.S. citizenship. The children and their mother remained Canadians—or at least so they thought.

Two years later, in 1977, when the new Citizenship Act came into play, Magali went back to Canada, got her Canadian passport and her Canadian social insurance number, and lived her entire life as a Canadian. She did marry a man from Switzerland.

In the year 2000, her father came to Canada, sponsored by the mother, and took out his Canadian citizenship again. So everybody in the family was Canadian except Magali's husband, whom she sponsored to Canada, and the Canadian government, the Department of Citizenship and Immigration, agreed and allowed the husband in.

So what took place? Magali's passport was expiring, so she went to get it renewed, and the Government of Canada, in the Department of Citizenship and Immigration, said it had made a mistake and she was no longer a Canadian. She said, "What are you talking about? I don't have a country of citizenship if I'm not a Canadian. That's all I am". They said it didn't matter, they knew she was not, so whatever happened, they were sorry.

She fought that in the courts. She was in the courts when we came here two years ago. Here is what happened.

Here was this schoolteacher from Kelowna, British Columbia, and her husband, a school principal, and they ran out of money. It was \$59,000. It got to the point where she didn't have the legal right to work here and she had no medical coverage, so she was forced to leave Canada.

At the very last second, Citizenship and Immigration Canada went to her with a settlement, just before she was to leave. I was there the day she left the country. They said they would give her her citizenship, but she had to sign a gag order saying she could never tell anybody what the department had done to her—not the press, not this committee, nobody.

● (0920)

She is one of the best Canadians I have ever met. She said, "No, I can't do it. As much as I want Canadian citizenship, I cannot allow this to continue. I can't set the precedent". She turned them down with the statement, "You are taking away my rights as a woman, you have taken away my rights as a child, and now you want my freedom of speech".

Last February Magali came back to Ottawa and was given her citizenship. I stood with her here as she took the vows, and we stood up and sang "O Canada", and it dawned on me that a third of the entire song is "I stand on guard for thee". It must be pretty important to Canadians, but I don't think they know what it means. I don't really think Canadians know what a Canadian citizen is, let alone what the words "I stand on guard for thee" mean, but it must be important, because it's a third of the entire song. Magali and I sat there and thought, wow, that's what we're doing by sitting in front of this committee. We are standing up for the citizenship and what it means to be Canadian. It is not much different from what my father or Sheila's father did in World War II. We are not doing it in the battlefield per se, but we are doing it in the halls of justice.

You know what? Despite the fact that Citizenship and Immigration have now granted Magali Castro-Gyr her citizenship and admitted, in essence, that they were wrong, Magali's brother is currently stateless and has no country of citizenship. Instead of going to him and saying they're the exact same circumstances, they are

saying, sue us, take us to court. This is not a fair and compassionate country if they are going to act like that.

I had Bobby Brown here with me last February. He was an abducted child. His father also died waiting for his abducted child to be returned to Canada. I remember when Cuba had Ellian Gonzales, and the entire country stood up for Ellian. Whether one likes or dislikes Cuba, at least you have to admire the fact that they stood up for a child of Cuba. I cannot say that about Canada. I am ashamed of Canada.

Farid Sajid was born in Pakistan. He was brought to Canada at age three. This is the only country he knows. He does not today have Pakistani citizenship. He was made a Canadian citizen. He has a hockey scar just above his right eye, and when you talk to him he will say, "How's everything going, eh?" Farid is Canadian, except he is not. When he was 17 and a half years old, his father took out U.S. citizenship, and the United States considered him to be an adult at age 17 and a half, so they did not grant Farid citizenship. The Canadian government, making the mistake that it has made for 40 years, assumed it knew the United States laws and said, "Farid, you are a minor child", so they cancelled his Canadian citizenship, thus rendering him stateless. Today Farid lives in Toronto with no social insurance number, no medical, no right to work. He is just like in the movie *The Terminal* with Tom Hanks. The man is stateless. Is this a fair and compassionate country? This was a child of Canada. I am ashamed.

Henry Sieradzki was the only professional golfer representing Canada on the PGA Tour in Malaysia. He was on a Canadian passport. Citizenship and Immigration Canada called him up and cancelled his passport. He came here to Ottawa and was put before a judge. They ruled against him, took his passport, and ushered him to the border.

Let's take my brother and sister. Citizenship and Immigration testified that they treated everybody the same, but it's not true, just in my own family. My brother and sister are adopted. I am the mistake in the family, I guess, because I'm not and I came afterwards. U.S. law did not recognize foreign-adopted children, so I got my citizenship automatically when my father took out his U.S. citizenship, but my brother and sister did not.

● (0925)

It was over a year later that they eventually had to go to court, stand up, and vow citizenship to the United States, although they were minor children. It was a year after my father did so. But I have never vowed citizenship to another country. I have never signed a piece of paper or been in front of a judge.

The interesting part about my brother and sister is the fact of whether they are Canadians. The law stated that if you got your citizenship on a different calendar day than your father, you remained Canadian. Fair enough.

A year and a half ago they put in for clarification to Citizenship and Immigration Canada, and asked if they were Canadians. A year and a half later, they're still waiting, which absolutely slam-dunks Denis Coderre's idea that lost Canadians would be fast-tracked. I'm rather high-profile in this case. You'd think that if anybody was, my brother and sister would be high-profile. But CIC did what they do best: if they don't like the results, they bury them. I know where the file is on my brother and sister. It's on a desk in Sydney, Nova Scotia, buried, and there it sits.

Canada is guilty of violating a lot of international laws on this one, because if it is ruled that they are not Canadians, then they remain stateless as minor children, against all international law. On the other hand, if they are Canadian citizens, then we have two Canadians being denied the right to come to their own country right now. Fair and compassionate? This is what Canada wants to show the world? I don't think so.

It also brings up another point, because Citizenship and Immigration says it's okay and proper for those of us who are lost Canadians to come here to Canada and have a year's residency. Well, wait a minute. As I told you, my father was a World War II veteran for this country. He was a very proud Canadian. My father just died. My mother is 88 years old. She has no right to come to this country. She too is chattel. So for me to prove that I'm a good Canadian, I have to leave behind my mother, who is 88 and probably doesn't have that much time left in this world. It's like hazing in university. To prove I'm a good Canadian, I have to prove I'm a lousy son. That just shames me.

And if you think splitting up families, a mother and a son, at that age is bad, let's take May Lin DeHaan. When Charles and I testified before the Senate, the Senate threw in just a little tidbit of a statement—and I might have it here. In their usual way of doing business and being very sneaky, they stated that the transitional provision will expire on August 14, but they didn't mention what the transitional provision was about. It's about the Benner case.

Benner was a unanimous nine-to-zero Supreme Court decision saying the 1947 Canadian Citizenship Act was blatantly discriminatory, and Citizenship and Immigration bureaucracy has the gall to say they will not honour the Supreme Court decision. Now, excuse me, but I think you people come above Citizenship and Immigration in the pecking order. You're the ones who should be telling them what to do. And above everybody is the Supreme Court of the land. It takes a lot of guts for them to come out and say they're just not even going to honour the Supreme Court, but that's what they did.

They knew we had them, absolutely. So in gender bias, May Lin DeHaan was born in 1961 in Detroit to a Canadian father and an American mother, but she was born three weeks out of wedlock. The parents were married three weeks after she was born. Had it been reversed under the 1947 act and the mother was Canadian, May Lin would have been Canadian all her life; because it was her father, she was not Canadian. So CIC knew we were watching, and they knew we had them for gender bias.

Six weeks before that August 14 deadline, you had to be watching on their web page, but all of a sudden a little line came up on the screen. It said that if you were born out of wedlock outside of Canada to a Canadian father and a foreign mother, you have the right

of citizenship, no questions asked. Now, that's kind of odd, because here are Charles and I. I have a home in Canada. Charles owns a home and he has a business. But we're not Canadians. We have extremely strong ties to this country that a lot of people don't have, and they have citizenship and we don't. But again, neither here nor there, May Lin DeHaan was immediately offered her citizenship, but it had to come under one of two sections for Citizenship and Immigration, either section 5.2 or section 3.

The one section says you are a Canadian automatically, no questions asked; however, you can't bring your minor-aged children with you. This is fair and compassionate? Come on, Canada, you can do better than that. I am thoroughly ashamed of this country, with Citizenship and Immigration. You don't do this.

• (0930)

Under the other section, she had to sign, no, I am not Canadian, I've never been a Canadian, and I have no right of Canadian citizenship, but please, please, please, Citizenship and Immigration, please rule in our favour, and please let my kids come with me; but if you don't, I have no retribution against you. What kind of a country does that?

As for Ron Nixon, no, he's not a lost Canadian; he was born two weeks prior to the cut-off date. Ron is just as Canadian as anybody sitting around this table. Ron should have the right of citizenship. There are extenuating circumstances, and that is what subsection 5 (4) is about. There are reasons, compassionate reasons, to grant people their citizenship.

Joe Taylor, Sheila Walsh, and Stuart Martin are war bride babies. No, they are not lost Canadians in the pure sense of the word; maybe we have six of them total ...[*Technical difficulty—Editor*]...in the country. They were Canadian children.

Jocelyn Boyce is in an interesting situation. Jocelyn was born in Vermont, but she's no more American.... She's from Quebec, but the hospital in Quebec was 35 miles this direction and the hospital in Vermont was 5 miles in that direction. Her mother was in labour, and they drove to the nearest hospital. She was born in Vermont. That is the extent of her American ties. She just got a letter saying, you can't have a passport in Canada, and we're reviewing your Canadian citizenship.

There are entire towns in Quebec where the children born in that 30-year timeframe are getting these letters.

Then there's this lady, 72 years old. She ran to become a minister of Parliament. Canada wants to cancel her pension account and to tell her that she's not a Canadian.

Bill...[*Technical difficulty—Editor*]...was a World War II veteran. Bill was driving back across the border when they said to him, you're no longer a Canadian.

I could go on and on. As a matter of fact, this is where it's really going to get embarrassing for Citizenship and Immigration. There are probably 100,000 inside Canada who fall under these laws and are not Canadians—including members of Parliament.

I found it quite interesting when Marlene Jennings stood up in Parliament and argued against us on Bill C-343. Marlene Jennings was born in Canada to an American father. I was born in Canada to a Canadian father who eventually became an American. So why is she Canadian and I'm not? This is discrimination. It's blatant.

Martin Cauchon, a year and a half ago, as the Minister of Justice... and this is not any statement about gay marriages. I don't care, on that issue. I am making this statement with regard to discrimination only. The minister was going around saying that we can't discriminate in Canada. I kept writing to him, and calling him, asking, what about the children born in this 30-year timeframe? He refused to answer the question.

One thing I have noticed, because I probably know more lost Canadians than anybody else, is that Canadians do very well around the world. Canada should be proud.

There's Dr. Keith Menzie and his wife, who's also a PhD. David Holt is a lost Canadian and does not have his status, in Vancouver.

This is one of the problems; there are so many lost Canadians living in Canada and they don't know their status. If CIC puts Magali on trial, they're going to have to start putting another 100,000 people on trial. This is going to get pretty embarrassing for Canada.

At any rate, David Holt lives in Vancouver, and his wife is a physician. Canada needs physicians. She'd sure like to practise here. It's probably time to let her in.

There's Dr. Thomas Walsh, PhD, and Dr. Barry Edmonston, PhD. There's an interesting guy. His specialty is demographics. He could probably tell you what every last lost Canadian ate for dinner last night. That's what he does. Barry is a professor at a university in Oregon, but he is also a visiting professor at Simon Fraser in Vancouver and at the University of Toronto. He also happens to be a guy CIC hires regularly to speak for them and do demographics for them.

I brought this to their attention about two or three months ago. I asked them, do you know that one of your own guys is a lost Canadian? And magically, just out of the blue, he got a letter in the mail, and now he's a Canadian citizen.

I found that kind of interesting. Special favours? You betcha.

• (0935)

I happen to know members on this committee, who are not present right now, who have just received and asked for special favours.

I have had MPs tell me that they're only interested in the human rights of people outside of Canada, not in Canada.

I know that the Canadian government, not under this administration, sold citizenship. How do you think I feel when my family member was taken prisoner of war in Hong Kong on Christmas Day, 1941, fighting for this country and willing to die, and there are two Canadian babies...? Well, they weren't Canadian at the time. One was born in 1939 and one was born in 1941: Vivienne Poy and Adrienne Clarkson.

Today they've done very well for themselves. Both go around expounding on the rights of children and women. I went to them.

Vivienne Poy wrote me a letter and said, I'm very sorry you've fallen through the bureaucratic cracks, but good luck. And Adrienne Clarkson had an aide call me a couple of years ago. We talked for five minutes, and that's the sum total of it.

How do you think I feel when Adrienne Clarkson's father, it turns out, is not eligible for citizenship, and he gets a special favour done through the Senate of Canada through Vivienne Poy?

How do you think I feel when the news media in Canada turns a blind eye? I called Rafe Mair and his CKNW producer, Stephen Smart, in Vancouver on Canada Day two years ago and said I was a lost Canadian child. They hung up the phone on me and sent me an e-mail, saying I should get lost.

Or take the Asper family, and Kevin Newman of *Global National* television. He emceed the opening a year and a half ago of a human rights museum exhibit where Izzy Asper spoke, and said, if you don't know about the abuse, you don't know enough to fight it. I was there that day as a guest of the Asper family. That's what Canada wants to be known for, around the world, as being for these human rights.

Well, I call them. I write to them. David Asper never does anything through the *National Post*. Gail Asper writes and says, good luck going forward. That's the most she could say about the lost Canadian issue.

How do you think I feel when I call Theresa Burke of the *the fifth estate* and ask her why they won't do a story on the lost Canadian children, and she replies, we only like exclusives?

Is this about ratings or about morality?

Then there's Malcolm Fox of *W5*. I called him and said, why won't you do the story of the lost Canadian children? He says, well, let me put it in these terms: the lost Canadian children are below our standards. But he does a 40-minute piece on A73, Springer the whale, getting its citizenship?

I called Scott Ferguson of CTV's *Canada AM*. He had given the Khadr family 20 minutes of air time. With Bobby Brown and Magali, I called and said, we'll go on your program tomorrow and show you.... If they get citizenship, who can't? No interest whatsoever.

I could go on and on and on talking about people in the media who have just turned a blind eye. I go back two years ago to what Joe Fontana said, that citizenship is one of the most precious gifts a country can bestow on an individual, but it's a two-way street; you expect things from the government, and the government expects things from their citizens. And this is one where you as a citizen have the right to protection from your own country, particularly when you're a child.

This is so very typical of the response I get when I contact people. This is a letter I got as an e-mail the other day from the assistant to the mayor of Vancouver. I happen to be on the Sunshine Coast Olympic committee; imagine that, a non-Canadian. The e-mail said: "Mayor Campbell is aware of the "Lost Canadian" issue and has sympathy for your fight. However he does not believe that it is a civic issue and so will not be meeting with you."

That was from Stephen Learey, executive assistant to the mayor.

I wrote back. Now, in no way, shape, or form do I ever want to equate myself with Dr. Martin Luther King—he is way above my league—but I wrote this back:

Tell this to Mr. Campbell: “Dr. King, I am aware of the fact that you can't drink out of the white man's fountain, and I do have sympathy. However, as Mayor of Birmingham, I do not believe this is a civic issue and thus will not meet with you.”

Mr. Campbell, there is nothing more civic than citizenship. Vancouver will host the 2010 Olympics, and let me quote John Furlong, the chief executive officer of the Vancouver organizing committee: “The world is watching. We can choose to inspire or not, but we can inspire the government to admit when one makes a mistake. Through the prism of the Olympic Games, Canada will show the world our unity, our Canadian values, and what it is to be Canadian.”

● (0940)

Rounding this thing up, I want to conclude by stating that just the other day in the Senate, Senator Cook, a Liberal, announced that Canada was in fact in violation of section 8 of the United Nations Convention on the Rights of the Child. By the way, Canada sponsored that. It looks awfully hypocritical on this one.

I don't understand, and I will probably never understand, the indifference of Canadians and journalists. I will never understand why Magali had to leave Canada, why the immigration minister took so long that it forced a person out of the country. Under subsection 5 (4), it's immediate. What I would also like to see this committee do is to put a little pressure on the immigration minister. I have maybe 50 or 60 people I'd like to get section 5.(4) citizenship for.

And last, this is really what this lost Canadian issue is about. I mentioned the Canadian Human Rights Museum. It's a \$270-million museum being built in Winnipeg. It's going to be Canada's definition to the world of what we're about. Canada wants to teach the world about human rights, but when it denies native-born children citizenship, defying its own pledge to the United Nations to honour the rights of the child, how can Canada possibly expect Rwanda or Somalia or Iraq or Sudan or any other country to respect their human rights?

The lost Canadian issue is about a country coming to grips with a mistake. Basic to how we teach our children is that when you make a mistake you should admit it, correct it, and go on—and I expect nothing less from Parliament or my elected representatives. Only by correcting the mistake will Canada really be in a position to ask Sudan to do the same. And unlike some other countries, let's show the world that Canada leads by example.

My last statement.... Again, I would like subsection 5(4) citizenship for some individuals; at least let's give them their life back, like Farid Sajid. Let's give him his life back while we legislate this thing. Let's not force anybody else like Magali to have to leave this country.

The same arguments used against the famous five women 75 years ago are now being used against the children of Canada; 75 years ago, Canada corrected it for the women, and I think they added a great deal to Canada. It's high time to recognize the children.

Thank you.

● (0945)

**The Chair:** Thank you very much, Mr. Chapman. Don, you certainly make the point that citizenship is sacred.

I think it's appropriate that the first person who is going to be asking questions is Inky. Inky and I became fast friends over the citizenship issue when we were discussing it in Parliament back in May 2000.

Inky.

**Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC):** Thank you, Mr. Chairman.

Let me welcome both of you to the meeting and also applaud both of you for your commitment on this lost Canadian issue. It's only through your lobbying efforts and your hard work and commitment that things change, certainly in this country, and I think we—not only us but Canadians—will probably, in the long run, thank you for all the work you've done.

I can say that the official opposition certainly supports you wholeheartedly, and as you know, John Reynolds has a private member's bill on this same topic. As well, we are currently going to be looking at Bill S-2, which is a Senate bill sponsored by Senator Kinsella on this same topic.

Because of the nature of this country...and it's interesting that you perceive this from a human rights point of view, and I'm glad you took that path. Unfortunately, Canadians themselves don't really know about a lot of the history of this country. I think maybe this is part and parcel of the same process and the same history. Until Canadians understand there are a lot of bleak moments in their own history....

I know personally some days it's almost embarrassing to say I'm a third-generation immigrant to this country even though my father came in 1922. He was a citizen of this country, yet I feel similar to you. I was born to a Canadian citizen; my father was a Canadian citizen, but I had no status. Again, this was only because of my being Asian and the Chinese Exclusion Act. So certainly the 1947 act was probably discriminating in its own right because it picked and chose who really should or shouldn't come.

You say there may be 100,000 people; perhaps there are more, just because this is a global community and Canadians are abroad everywhere. Even through Andrew, in debate in the House...we discriminate against Canadian citizens in this country. There are two classes of Canadian citizens, not counting the people who were born here or people born abroad of Canadian citizens. That's how ridiculous the laws are.

I know this issue came up even this summer in my own riding with case work. A lady had married an American, moved down to the United States, but her American husband died and she wants to return to this country. She's having one heck of a time getting landed status, even though she owns property in the riding. She comes up here every summer to spend time with her family, and at the same time, she's being kept out.

● (0950)

**Mr. Don Chapman:** This is definitely a bureaucracy that's gone amok.



**Mr. Inky Mark:** It's just irrational and unbelievable.

I'll give you another example. My sister is 56 years old and she's been here since 1955. She's a citizen of this country. She wanted to go down to Seattle to attend the wedding of a niece. She lost her little citizenship card and the system wouldn't give her a visa. She just wanted the visa for crossing the border. It's ridiculous. She's been living in this country for 50 years and she's the principal of a school. She's Canadian. And yet you lose your little plastic card and they can't find it. It's just atrocious the way we treat even people who are citizens in this country. It's just absolutely ridiculous.

I don't think you'll have any argument with anybody around this table that things need to change, so my question to you is, where is the problem? Politicians agree change needs to take place, ministers agree it needs to take place, so what's the problem? Why is it taking this government, or whoever is in government, so long to make the changes and do what's right?

**Mr. Don Chapman:** This is not to me a partisan issue; this is strictly a Canadian issue. If this will facilitate passage, I'd be thrilled to have it go down this way—that Mr. Martin's father started the Citizenship Act, and let's have Mr. Martin finish it and have that the legacy of the Martin family. Just have it so we are proud of who and what we are and that the children and people of Canada are secure in their own land. Citizenship and Immigration has really gone amok. It is a bureaucracy that is fighting in every way, shape, and form for power from within, and you have to tell them what to do.

I have to say to the immigration minister, we should not any longer be sitting on the sidelines. I've been asking for years for subsection 5(4), for people like Farid Sajid, living without a social insurance number and medical. Come on. He lives in Canada. Let's make him legitimate. He was a Canadian child.

Charles, you would be better at answering that one than I would be.

**Mr. Charles Bosdet:** I think we would all readily acknowledge that we live in an imperfect world, we have an imperfect system, and sometimes mistakes are made.

My interest in this is partly that it appears to me that a mistake was made, and rather than just fix it, the department has consistently opposed this remedy, insisting that it would provide some sort of special benefit. It would do nothing of the sort. What we have asked from the outset is that the 1947 to 1977 group be treated the same way as everybody else.

They say, well, you want everybody treated the same way. They're not treating everybody the same way under the 1977 law now. What difference is this going to make? I don't see the downside of it. I don't understand the opposition to it. I've never seen it articulated in a way that makes any sense to me.

As you suggest, in some personal instances I'm acquainted with cases too. In the case of my own grandfather, they wanted me to prove that he was a Canadian citizen by providing his citizenship certificate. On the Nova Scotia website it plainly said in bold letters, we don't have them for this county for this period of years. Nevertheless, that didn't stop the insistence on asking for this birth certificate for nearly two years.

The last time we left off on this issue, the evaluator in Sydney wanted me somehow to cough up some sort of proof from a place called Pueblo, Mexico, that maybe my grandfather was born there. It was a little on the odd side.

What this is intended to do, though, is to basically treat the lost Canadians the same way—and not, by the way, the same way... I want to hasten to make a correction to the chart, if it is not obvious.

I mentioned earlier a letter application. When we pointed this out in testimony earlier, a little while later, approaching Senate testimony on Bill S-17, which died with the election, all of a sudden there was this announcement that what I call the letter application was going to be phased out in mid-August. This is the August 14 date to which Don was referring. I thought, how odd, I don't recall seeing anywhere that this mechanism for reclaiming citizenship had to be phased out on any particular date. I may be wrong on that, but I don't remember reading it anywhere. Isn't it odd that the solution for two groups that are being treated differently is that, rather than just say that we'll treat the lost Canadian group the same way, we'll just eliminate that mechanism for the other group? Now everybody is equally inconvenienced.

• (0955)

**Mr. Inky Mark:** What view do you think the bureaucracy has to make a change?

**The Chair:** We ran over about a minute. I have to follow the rules set out by the committee, so we are going to go to our next questioner.

[Translation]

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Thank you, Mr. chair.

I would first like to thank both witnesses for being here. It is true I live in Quebec and our house was close to the border. I was born in Franklin. It is close to the border but I was born in Canada. However, I know that some people whose parents are Canadians were born in hospitals close to where they lived but in the United States. I may consider myself lucky, because in my riding, people get their citizenship card easily. It may be that the process, the regulations have changed because in my area, the people from Stanstead or from my community do obtain their citizenship card.

We could talk a lot about the 100,000 persons we referred to, who were born outside Canada and whose parents are Canadians. I don't feel this is a problem right now. Yes, it is complicated because we have to get documents from the United States. But I don't know if we found the perfect answer but it does work in our region: people get their citizenship.

The problem we are talking about now concerns the people who were born in Canada to Canadian parents who later renounced their citizenship.

If I understand correctly, you still have your U.S. citizenship.

[English]

**Mr. Don Chapman:** I am a U.S. citizen because they gave it to me, but don't make the assumption that everybody got citizenship. We have a lot of people like Magali. The father took it out, but the mother did not, or the children didn't get it. When I use Jocelyn Boyce as an example, that's what makes it so difficult. Some people have problems and some don't. It's not standardized.

• (1000)

[Translation]

**Ms. Meili Faille:** There are about 10,000 persons in that category. Are these numbers up to date?

[English]

**Mr. Don Chapman:** The problem is nobody really knows. Nobody knows any of these numbers, because it's a guess. So what I do is go to people like Dr. Barry Edmonston and ask what they think. We're guessing, but it doesn't matter to me if it's one, or if it's the entire population of Canada. The fact is that people living here for 72 years shouldn't all of a sudden wake up one day and be afraid that they're (a) no longer Canadians and (b) don't qualify for medical and pensions.

**Mr. Charles Bosdet:** I think one of the difficulties here is that it's hard to prove a negative. You say the system is working fairly well. If that is so, then why do so many people reach pension age and all of a sudden have their citizenship challenged for the first time? They apply for a pension and get back a letter instead saying, that's the least of your problems, we don't think you're a Canadian, prove it.

I know that this has happened in my own family. The only thing that saved him, and this was somebody who was at retirement age, was that he went back to Nova Scotia and, astoundingly, found the priest who had baptized him, got a sworn affidavit from the priest, and finally that got him his pension. He had lived in Canada all his life. He was a Canadian. But the records were imperfect. Up until he applied for that pension, who knew? They knew that they had lost certain records over a period of some 20 years or something like that—those had burned up or something, I don't remember what the situation was.

But there seem to be a lot of people who were born here, who have been working here the whole time, who get a social insurance number, the whole nine yards—they think they're Canadians—who won't know until the day they go for their pension, maybe, whether they're in jeopardy or not.

[Translation]

**Ms. Meili Faille:** I have been told about a situation. Some people who get an early retirement want to come back to Canada. They were born here but have lived the rest of their life outside. These persons who are coming back here say they are Canadians and want to receive a pension.

Let's look at your situation and at the number of years you have lived in Canada. Is it most of your life? As far as I can understand, you spent a long time outside of Canada.

[English]

**Mr. Don Chapman:** I was here on the doorstep at age 18 trying to come here full-time. It's not that it was my choice; I sure tried to be here. So because I was denied and the door was closed to me, I had

no other choice but to spend it outside of Canada. But in fact the pension, the medical, none of that has any bearing to me. I'm here because I'm Canadian.

Charles at one time said that citizenship is an affair of the heart. I think that's how he put it. I'm here because I'm Canadian. It has nothing to do with pension. It has nothing to do with medical. In fact, I'm a landed immigrant, which is absolutely insulting to me. Charles is a landed immigrant. Magali is now a citizen. We could walk. This isn't about us, this is about the other people and trying to make Canada a better country. I see an injustice and I have to come here and try to correct it. That's what this is about.

**Mr. Charles Bosdet:** I haven't heard a rationale. I'm a pretty rational guy. If CIC had laid out somewhere a rationale that explains statutorily and in some fashion that makes rational sense to me why those differences are allowed to exist and why they affect them the way that they do, if I thought it was rational and it was fair, I could live with that. I haven't heard it. And I haven't met any committee members yet who have. We've been at this for a couple of years now. I say let the chips fall where they may, but so far, whenever the department rolls the dice, the chips only fall in one direction and I don't know anybody who knows why. I don't know that they've ever been called to account for it. But maybe they have, and I am unaware of it.

• (1005)

**Mr. Don Chapman:** I think we're calling them to account now.

[Translation]

**Ms. Meili Faille:** I really admire your determination and the energy you devote to getting your Canadian citizenship. In fact, I devote the same amount of energy to becoming a Quebecer. I do understand.

[English]

**The Chair:** Madam Faille, thank you.

Mr. Siksay.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thanks, Mr. Chair.

I want to thank you for being here yet again.

In preparation for the meeting I looked back at the testimony you've given at previous hearings of this committee, Mr. Chapman. I'm sorry you're back here again, frankly. It's embarrassing that this just hasn't moved and hasn't received the attention that it deserves to get it on the agenda and get it dealt with. I know that in the past members of the NDP have supported the concerns you've raised and I certainly want to maintain that position vigorously.

I agree with you. I don't see this as a special benefit that's being bestowed on certain people and I do agree that it is a question of human rights, and the human rights of Canadians are being denied to them. I want to express appreciation to you for personalizing it the way you have. I think it's always important to know that real lives are involved in the kinds of issues that we deal with here. You've certainly done an excellent job this morning of making that so clear to us, that what we're talking about really does make a difference to people and makes a difference to their lives. Thank you for taking the time to share those stories with us.

In some ways it doesn't surprise me that you're getting such a bureaucratic response to this. All of us face that in all of our work with the department, and it's one of our great frustrations. It's not surprising from a department that has such huge backlogs in all areas of its work that it's not willing to expand the workload. We see it all the time here—the department trying to off-load consideration of things. I think most members of Parliament feel that the department has off-loaded a lot of its concerns onto our offices, so that we have to have staff who are almost fully dedicated to immigration and citizenship concerns in our offices. That's a real concern to us. So it fits that they're not willing to take on something that they see as an extra workload for their department.

I am anxious to hear from the government on this issue. Maybe Dr. Fry, as the parliamentary secretary and a representative of the government, will have something interesting to say this morning in response. What is the rationale? Maybe Dr. Fry can present that to us this morning in her capacity as a member of the government.

My one question, though, is on Senator Kinsella's bill, which passed the Senate yesterday or the day before yesterday. Does it address the issues that you're raising? I think you raised some others that you thought needed to be dealt with through subsection 5(4). But generally, is Senator Kinsella's bill an effective way of dealing with the concerns?

**Mr. Charles Bosdet:** Well, it's certainly an effective way of dealing with this aspect of it, and the way it's written appears to me to be sufficiently narrow so as not to have undue, unintended consequences.

**Mr. Bill Siksay:** Okay.

**Mr. Charles Bosdet:** I think there are other loose ends in the Citizenship Act, but I'm addressing this one. My reading of this—and I hasten to add that I have not been around that field for a long time—is that it's sufficiently narrow in scope and addresses the group.

**Mr. Bill Siksay:** Mr. Chapman you've raised the subsection 5(4). Are...[*Technical difficulty—Editor*]?

**Mr. Don Chapman:** There are always going to be exceptions. If you go back to 1947, there was language that said the minister could always take consideration and grant citizenship back to the people who were affected by this. Well, let's do it.

What about the 1960 Canadian Bill of Rights, which Canada has been in violation of in this area for 40-some years? There were only three ways you could get your citizenship taken away back then, and the Bill of Rights was the legal charter, if you will. You had to be able—as, of course, a minor child is not—to make your own

decisions; you had to renounce it, which we did not; and if they took it from you, they had to hold a hearing, which we did not have.

If nothing else, just comply with your own rules.

Why was I turned down and why was Charles turned down when we turned 18 and came to Canada and said we wanted to be Canadians? But we had Patrick Forbes, cadet. The CIC don't know their own rules.

The other day—I couldn't help it—I was coming through the airport, and it said “list your country of citizenship”. So I put “revoked”. Of course, they sent me to the immigration line at the airport. They insisted I was Canadian because I had my Canadian birth certificate. I said no, I'm not. I'm not Canadian. Believe me, I'm not Canadian. I'm going to testify about the fact that I'm not Canadian. “Oh no, you are Canadian”. Then they brought the supervisor, who said: “You are Canadian. You were born here”.

They do not know their own rules, and unfortunately you're looking at two victims of them.

Mistakes? We all make them. We all understand that. Look at my job. I'm a professional pilot. You had better hope I'm willing to admit a mistake if I'm aiming straight at a mountain. Rather than deliver 400 dead bodies on the side, I say “Oops!” and I turn away from it. It really is that simple.

Thank you.

•(1010)

**Mr. Bill Siksay:** Mr. Chair, I'm looking forward to hearing from a Liberal member, so I think I'll defer to them at this point.

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

Let me say that when I first heard about this a couple of years ago, I was quite outraged, and I apologized on behalf of Canadians because it didn't make any sense to me then. It doesn't make any sense to me now, in terms of the rationale.

Mr. Chapman says it transgresses the Bill of Rights. Well, I think it does the same with the Charter of Rights. This is one of the real reasons for my passion for this whole issue of citizenship that's so very important to me—this case, and of course my case, not having been born in this country—that I turned on the Prime Minister, through his parliamentary secretary, so I could be sitting on this committee, and you did me the honour of electing me chair. Let me say this is an issue I'm really hoping very strongly this committee will resolve, or for which I'm hoping it will be a strong part of the resolution.

I'm going to put it over to Ms. Beaumier, because she's next in line. Let me tell you, she's not going to be defending the government. She's outraged like the rest of us.

Colleen.

**Ms. Colleen Beaumier (Brampton West, Lib.):** I think one of your statements that I have to agree with totally—and you really don't even have any idea how true it is—is that Immigration has run amok. I think you'll find this committee, with the exception of one or two people, is probably the most non-partisan committee on the Hill. There's not one area of Immigration that just hasn't got us pulling our hair out.

**Mr. Don Chapman:** We're all Canadians.

**Ms. Colleen Beaumier:** Okay, and...? Obviously we are; obviously.

**Mr. Don Chapman:** This is not a party issue. This is about citizenship, which is about being Canadian.

**Ms. Colleen Beaumier:** I understand that.

**Mr. Charles Bosdet:** You raise an interesting point, though. May I...?

**Ms. Colleen Beaumier:** Sure, go ahead.

**Mr. Charles Bosdet:** It's the distinction between citizenship and immigration issues. Very often we find, even in testimony delivered by the Registrar of Citizenship, that immigration issues get mixed in with questions just of citizenship.

**Ms. Colleen Beaumier:** However, this is what this committee does. It talks about citizenship and immigration.

**Mr. Charles Bosdet:** I understand that.

**Ms. Colleen Beaumier:** Every topic we discuss is frustrating beyond belief.

**Mr. Charles Bosdet:** What I'm saying, or I guess what I wasn't saying, is that it aggravates this when you try to solve a problem and you ask a question—you're addressing, let's say, a citizenship issue—and the answer comes back part citizenship, part immigration, with no distinction made by the speaker between the two.

When you look at it on the page, it looks funny, because if you read it carefully you say, wait a minute, this part's dealing with citizenship here, and in this other part these requirements are from immigration, and these have nothing to do with this. It aggravates the problem you're wrestling with.

**Ms. Colleen Beaumier:** I support you and I'm prepared to speak out.

**Mr. Don Chapman:** I'd love to hear what you have to say.

**Ms. Colleen Beaumier:** I'm prepared to speak out in the House on your behalf. However, you made the comment that you wondered about the indifference towards this issue by reporters and by Canadians in general. I guess one of my responses would be that it doesn't affect them. Young people are indifferent about health care if it doesn't affect them.

What I want to know, and we'll just get to the question instead of a debate on this or a dialogue, is whether we need legislative change or regulatory change. Is this something we have to deal with in a legislative way? Can it be dealt with by an order in council in a regulatory way?

Certainly we need a change of attitude, and how can we best deal with this? I know how we can draw attention to it; however, how do we best deal with it in a practical way so that something will be done other than PR?

•(1015)

**Mr. Charles Bosdet:** Are you talking specifically about the issue Bill S-2 addresses? I think you have to do it legislatively, because without that you can't really rely on the department—and it has no authority—to promulgate regulatory changes that aren't in accord with the legislation. To make the remedy whole, we need to start with the law, which is where the original changes in the 1977 thing started—the disparity, the gap between the different groups. Fix that, and then at that point they can cobble together the regulations to make it work.

In theory, yes, you could go ahead and make legislative changes that, while not directed by the law, augment the law. But I'm not sure how well that would stand up and how evenly or enthusiastically it would be enforced.

**Ms. Colleen Beaumier:** To be really honest, this is the first time this has been brought to my attention. My uncle actually is going through the reverse in the States, and I thought it was completely ridiculous that they would have this happen.

You mentioned there were about a dozen people you would like subsection 5(4) applied to.

**Mr. Don Chapman:** Yes. At least that gives them back their life.

**Ms. Colleen Beaumier:** What percentage of the people out there would this same remedy fix?

**Mr. Don Chapman:** I don't know. That's the problem: nobody knows all the numbers. I went to Dr. Edmonston and asked him this question. He said after 20 years of being gone from a country, those who are going to return are very few. If we added up everybody, I'll bet you we'd be talking about fewer than 500 people. But there are already Canadians who will hit the road running, who have a culture, who have the languages, and who are ready to go, who would be an asset to the country.

**Mr. Charles Bosdet:** There's a practical impediment to their return, which is that if you change the law, that change needs to become known somehow. Right off the bat, how do you do that? The government is not going to send mailings out to people who left long ago. So just as a practical matter I say to myself, those who really care and want to come back will run into that change soon enough, and the rest will never know the difference. Whether that is fortunate or not, I think we can pretty much rely on those for whom it makes a difference to find out soon enough. We just need to clear the path and put the remedy before them so they have it.

**The Chair:** Thank you very much. Now we're going to our five-minute rounds. We were doing seven-minute rounds and are going to our five-minute rounds.

Dr. Fry, do you want to...?

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Yes, absolutely. Thank you, Mr. Chair.

**Mr. Bill Siksay:** On a point of order, Mr. Chair, don't we come back to the opposition side at the beginning of the five-minute round?

**The Chair:** Actually, the rule is that we go back and forth and then we start the five-minute round, then we go back there. That's how we passed the rule on that. I'm willing to look at the rule again, but that is the actual rule we passed when we decided to set it out.

• (1020)

**Mr. Bill Siksay:** By the looks on the faces on this side of the table, that's not our understanding. However, I am anxious to hear from Dr. Fry on this.

I may be willing to let that go this time, but maybe I'd review that.

**The Chair:** Actually, I want to make sure I'm not pulling any fast ones on you. But if the rule—

**Hon. Hedy Fry:** You are right, it should be the opposition—

**The Chair:** It should be the other way, and that's how I operated in the past. But you were also asking for Dr. Fry to come in. But that's a rule we're going to have to revisit. I agree with you, that's probably what we should have done, but we didn't.

**Mr. Bill Siksay:** I know Ms. Guergis is anxious to get on as well.

**The Chair:** But in this case you were putting questions to Dr. Fry. But we'll have time to go back many a time.

I want to see if Dr. Fry has something to say, since you asked her.

Dr. Fry.

**Hon. Hedy Fry:** Mr. Chair, while I would love to speak, I think I tend to agree with Mr. Siksay that we would do seven minutes each and the Liberals would be last, then we would go back and forth. But I'm delighted to speak.

Before I speak, however, I would really like to preface this. It seems to me I would hate to speak, because if I do not agree with the general tenor around here, it would seem that I'm some sort of toady to the government and am going around supporting the government. I like to think I'm a logical person. I'm a physician. I was a physician for 23 years. I look at the facts and I come to conclusions based on those facts, so that is the way I'm going to frame what I have to say.

I'm not rigidly opposed one way or the other to anything. I do want to ask some questions because I think that many things need to be put into some perspective here.

Obviously, between 1944 and 1977 there was a decision not to allow dual citizenship to exist. If you had citizenship somewhere else, you couldn't be a Canadian citizen. That was not an unusual thing at the time. Most countries in the world had that issue. Whether it was fair or not is not the point; most countries did that.

However, that was changed, and people between those years were granted citizenship immediately if they did not take citizenship or if they were not a citizen of another country. So that's what we're talking about, people who were citizens of another country and want to resume Canadian citizenship now.

In 2003 the rule was changed to facilitate children who were born in Canada and who went abroad and whose parents took out citizenship. That was a rule that was changed specifically for this

group of people. The rule said that you were required to have permanent residency status in Canada for a year. The rule also said that you could not suddenly waive the rule because you were born in Canada. If you lived outside Canada for 20, 30, or 40 years, we needed to find out whether you had any criminality that went on outside of here, what kind of person you were. Being born in Canada does not make someone automatically righteous and law abiding. We need to check out the history of the person who lived outside Canada.

It's about security. You can't waive security rules simply because someone was born in Canada a long time ago. So these are very practical and very fair rules and apply to everyone. What was waived, though, was that instead of waiting for three years, it could be one year. What was also waived was medical inadmissibility. In other words, to come to Canada as an immigrant you have to prove you aren't going to be an undue burden on the health care system. For the group of Canadians we are talking about here, that was waived. It didn't matter how sick you were. It didn't matter what your requirements for the health care system was going to be; that would be waived.

Also, one piece of the decision in 2003 was that there would be room on humanitarian and compassionate grounds for people who were suffering hardship and needed to come back to resume their citizenship right away.

So there were three pieces here that facilitated and made special accommodations for children who left the country at a particular point in time and whose parent took out citizenship elsewhere.

I think those are fairly reasonable and logical provisions. What I would like to find out is, what is wrong about coming to live in Canada for a year? Citizenship, as I have heard everyone say...I mean, I think one of the things we have to do is to make decisions that are not only based on emotionalism. I actually feel quite moved by the testimony here. So I'm not unsympathetic toward it, but I do think there needs to be some agreement on why certain rules were put into place for this group of people. They were extraordinary, exceptional rules that waived a lot of things.

I would simply like to know what is the problem, if one wants to have an attachment to Canada and if one feels so strongly about Canada, why not live in Canada for a year? Why not show your attachment to the country, show that you care about Canada? Citizenship is not simply a right; citizenship, as far as I am concerned, has a responsibility, and so on.

I'd like to get some answer on that, because I think what we're talking about here is logical and what we're doing is making it emotional in questioning why we need to have humanitarian considerations. I do think there need to be certain rules for everyone, and the fact that one lives for a long time outside of Canada means that we need to find out what someone's history was outside of Canada before they return to Canada.

I would like to hear your answer, please, sir.

•(1025)

**Mr. Charles Bosdet:** In terms of residency, if I throw a rock across the border into Canada, it satisfies the residency requirement by lying on Canadian soil for a year.

The stated purpose in the CIC manuals, and I believe in the statute, is to demonstrate an attachment to Canada.

**Hon. Hedy Fry:** Yes.

**Mr. Charles Bosdet:** I think by the time anybody has wrangled with CIC for any length of time, they have more than demonstrated their attachment to Canada.

I wonder what it takes to demonstrate one's attachment and what that means entirely. I know some Canadians who seem to take everything for granted; you could move them anywhere and it's six of one and a half-dozen of the other to them.

I don't know what it means. I know that the department, for some understandable reasons, has a series of check boxes. If you don't check off all of the check boxes, then it's a no go.

On the other hand, none of those check boxes at all accounts in any way, shape, or form for the emotional attachment that somebody forms to the country at a very early age. Nobody bothers even to ask about it. Nobody has asked about it, I believe, in committee in the past. I believe we need to be logical about this, but I don't ignore the emotional component either.

**Hon. Hedy Fry:** No, we don't need to worry.

**Mr. Charles Bosdet:** When I left Canada at an early age, for instance, it was with a very strong emotional attachment. I know that coming up on my 21st birthday when I called the Canadian consulate and said, "Is it possible I'm still a citizen?" and, to my mind, I was erroneously informed that I wasn't.... Then six or seven years later I called another consulate, just in case somebody had given me the wrong answer, that they hadn't known what they were doing, and I asked the same question. I had to think long and hard about making that second call, because the first one was a real emotional jolt. The second one didn't feel so good either.

In my own case—I can't speak for anybody else—I thought, well, you know, you're just out of college, you're not God's gift to the world, you don't know a lot; go out and learn something, and when you have something to really contribute, then come back."

In my own case, that's how it worked out for me.

**Hon. Hedy Fry:** I would like to get the answer to my only question.

**The Chair:** Excuse me, we went a minute beyond, so—

**Hon. Hedy Fry:** I still didn't get an answer to my only question, which was, what's wrong with spending a year there?

**Mr. Don Chapman:** I have an answer for that, about requiring people to come back to Canada for one year.

I wrote this up one time, so it might not come out exactly the way I said it.

Children born to a Canadian parent outside of Canada between 1947 and 1977 do not have that obligation—so this is something just for the lost Canadian children, something they want us to do that

nobody else has to—nor do any children born or living inside or outside of Canada after 1977. This requirement would only apply to the lost Canadian children.

Secondly, for most lost Canadians, to fulfill a residency requirement they would have to quit their jobs, as most live and work in the United States. For the middle-aged, these are the most productive years regarding pension contributions. Leaving a job, selling one's home, uprooting children, and moving to another country, quite possibly without gainful employment, is absolutely absurd to me.

Perhaps a better way to look at this is this. What should Canada do in order to prove their commitment to lost Canadian children?

After all, the last time I was a citizen here, Canada cancelled my citizenship. What's to say that Canada wouldn't do that to me a second time?

Again, I will come back to my mother. For me to pack up and move to Canada, I would have to leave my recently widowed 88-year-old mother, with only a few years left in her life.

Canada would be promoting the splitting up of families, and that's something I don't think Canada should stand in defence for.

On your question of dual citizenship, Canada did allow dual citizenship.

**Hon. Hedy Fry:** Not in that period of time, no.

**Mr. Don Chapman:** Yes, they did.

•(1030)

**Mr. Charles Bosdet:** Yes, actually they did. British subjects retained their British citizenship. And it was very common, as you mentioned, for people to hold citizenship in another country simply without informing the country in which they were living. There really wasn't anything governments could do about that. It was a real situation.

When you ask about the residency, I don't have a problem with the residency if I know that it is being applied to everybody equally. When I read through the guidelines, it appears to me that it's not. I don't have a problem with criminal background checks as long as they are being applied to everybody. They don't appear to be applied to everybody. The department has come in here and said everybody is being treated exactly the same way. I don't know which planet we're living on, but all you need to do is to go through the manual of how they apply this, to start making a list of check boxes on who needs to do what. It doesn't look the same at all. That's what that chart was intended to convey. That is not an all-inclusive chart; it is somewhat abbreviated.

As to the criminality, I don't know what it means. In the back of the CIC annual report, in the appendix, in a year that they issue it, there is usually a summary of the ministerial waivers that they have issued. There is a category in there for convicted felons, I believe. It's not labelled as such, you can't see it as such, because when they are reporting the number of people who entered the country on waivers, it simply gives a paragraph number related to the statute and the number of people who entered. If you actually put in between those two that these are the number of convicted felons we allowed in on ministerial waivers, the press would probably have a field day.

So it's not as though criminality is a foremost issue either, because people are admitted on those grounds, too. But since when, when we're talking about a birthright, is it subject to security screening or is it subject to criminal background checks? Everybody has a relative perhaps, unless they are extremely fortunate, who they could easily do without. I don't know what that has to do with citizenship. It sounds a lot like an immigration concern. That I understand.

**The Chair:** Thank you.

Let me stop it there because we have Helena waiting.

**Mr. Charles Bosdet:** I'm sorry.

**The Chair:** No problem.

**Ms. Helena Guergis (Simcoe—Grey, CPC):** First, thank you very much for being here today. I really appreciate your being here. I appreciate the work you are doing on behalf of lost Canadians. As my colleague Inky Mark has said, you do have the official opposition support and you do have my personal support.

In the short time that I've been a member of Parliament, although I'm not new to bureaucracy—

**Mr. Don Chapman:** Unfortunately, neither am I.

**Ms. Helena Guergis:** —it has been very clear to me that the bureaucracy in Citizenship and Immigration Canada is not only completely out of control on this issue, but it is also completely out of touch with reality. It is going to take strong political leadership to change things. It is going to be like turning a huge ship that is headed in one direction and having it go completely in the opposite direction. It's going to take a great deal of strong political leadership to make that happen.

It seems to me that basically we have a situation where we have Canadians who were told all of a sudden that they were no longer Canadians. Now we are telling them that yes, you are, but you are going to have to show us a commitment before we give it back to you. I'm not comfortable with that.

Last, I don't really think you are asking for security measures to be ignored in any way. Am I correct in saying that?

**Mr. Charles Bosdet:** Given the change of times, I can understand it. I find it difficult to argue with. As a matter of law, we don't strip away somebody's citizenship because they commit a felony. Under what circumstances do we strip somebody's citizenship away? It's really under very heinous circumstances of some kind, away beyond the pale. Perhaps I'm wrong about this, but even then it is only in instances where we are talking about somebody who was a naturalized citizen. I don't recall ever hearing about somebody who was a native citizen and who had their citizenship stripped away. That makes them stateless, and that's not going to happen.

**Ms. Helena Guergis:** You've answered my question. You realize that in this day and age there would have to be some consideration for it, but surely common sense would prevail.

**Mr. Charles Bosdet:** I would expect a legal challenge on it, because somebody is going to say, look, this is a condition on a birthright, what do these have to do with one another?

• (1035)

**Ms. Helena Guergis:** I'm just talking about a small process, that's all, about a check. I'm not saying it wouldn't happen if they did find criminal behaviour. I'm talking about a process.

**Mr. Don Chapman:** Can I comment, because this is a difficult issue. I understand it, and I understand Charles' answers.

I'm just going to throw this in for the purposes of argument—not one way or the other. “The Khadr can call Canada home despite their past ties to al-Qaeda leader Osama bin Laden”, and they enjoy the same rights and freedoms as other Canadians. That's a quote from Paul Martin. He goes on to say, “When you break the law or obviously threaten the nation, then there are means to dealing with that and obviously [the government] would exercise those means—but fundamentally, there are rights of citizenship”.

**Ms. Helena Guergis:** I would agree with that.

**Mr. Don Chapman:** I do have a comment for Dr. Fry, if you tell me there's time.

**The Chair:** All right, now we're going back to Lui.

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** First and foremost, I'd just like to say there's no rationale for dumb or ignorant interpretation of any statute or legislation, especially when it divides our own people.

**Mr. Don Chapman:** Our own families.

**Mr. Lui Temelkovski:** Therefore, legislation has to be clear and beyond interpretation. I am in support of moving on this quickly so we remedy it as soon as possible, because it questions my citizenship.

I got my citizenship when I was at university. I was asked some questions like “What's the tallest mountain in Canada?” I said, “I don't know”—as if that would make me a good citizen. Or they ask what is the longest running river in Canada, or point to the Queen and ask if it's your grandmother, or who is it.

I told the judge that I didn't know the answers to some of the questions. She asked why not, and I said I was in the midst of studying for exams and I didn't want to be reading all kinds of stuff. I had lived here for a number of years.

That's just baloney.

I do have a question, because I have family that is split. Maybe you can answer this. An uncle of mine lived in Canada with his wife. He became a Canadian citizen. They had a child here. Then they moved to Macedonia and they had another child there. Are both children eligible for Canadian citizenship? I believe they were both born before 1977.

**Mr. Charles Bosdet:** I'm sorry, one more time?

**Mr. Lui Temelkovski:** Both parents were Canadian citizens. They left the country and lived in Macedonia. They had one child born in Canada, and the other child was born in Macedonia. They were both born before 1977. Are they Canadian citizens?

**Mr. Don Chapman:** Did the father take out citizenship in another country or did he remain Canadian?

**Mr. Lui Temelkovski:** He was born in Macedonia.

**Mr. Don Chapman:** But he became a Canadian citizen and he never renounced that Canadian citizenship?

**Mr. Lui Temelkovski:** No.

**Mr. Don Chapman:** To the best of my knowledge, let me explain how I see this.

First, the mother had no rights to the child, so we can just forget about her right now, because under the old laws, she was a kind of chattel of the husband, too. The children were more his property. He didn't take out citizenship in another country, so both children would remain Canadian. The one in Macedonia...today, despite the fact that, let's say, they had never spent any time, not one day, not one minute, in Canada, they would be Canadian with no residency requirement.

• (1040)

**Mr. Charles Bosdet:** On the face of it, it sounds as though they have their citizenship, but I hasten to add again, neither of us is lawyers. If you have some concern, you might have—

**Mr. Lui Temelkovski:** One of them was born here, lived here two years, and the other one—

**Mr. Don Chapman:** But I can tell you this, if you ask 10 case analysts at Citizenship and Immigration, you're likely to get 10 different answers. And if you follow them like you're 18 years old and your whole life depends on it, you might end up getting the wrong answer and being turned away.

You're looking at two people who.... Not only were we in essence punished back then, but we're still being punished now, because we're still not that welcome here.

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

Madame Faille.

[*Translation*]

**Ms. Meili Faille:** I agree. I reaffirm my support. I agree with you that denying justice too long is a denial of justice.

Among the issues we are discussing, one thing concerns me: some criteria that make you lose your citizenship do not seem justified. I am not a lawyer but I can see that this is very emotional issue for you. One can feel it. The withdrawal of a form of protection, of an appeal process which would allow your case to be reviewed and the citizenship awarded to you. Ever since September 11, whenever security comes into play, this appeal right is removed. Could a deportation order be issued against you?

[*English*]

**Mr. Don Chapman:** I guess in some ways we could be. I don't know, honestly, I don't.

Charles.

**Mr. Charles Bosdet:** I have no idea.

**Mr. Don Chapman:** I have to go back to a comment you made earlier, in a previous question. You said you were a very proud French Canadian. Good for you. I know what it's like to be proud of who and what you are, and nobody can take that away from your heart.

**Mr. Charles Bosdet:** Did you mean a removal order in the sense that it might be levied in an immigration case or a refugee case, something like that?

[*Translation*]

**Ms. Meili Faille:** I meant if he didn't abide by the directions of the government or by the law.

[*English*]

**Mr. Don Chapman:** In that regard, in a general term, Magali Castro-Gyr was put on trial and forced to leave the country.

So I guess in some ways the answer is yes. They haven't been very nice.

[*Translation*]

**Ms. Meili Faille:** O.K.

[*English*]

**The Chair:** We're going to take the next round on this side.

It seems to me, Don, citizenship is a kind of sacred contract between the state and the citizens, whether you're born in Canada or elsewhere. More and more people coming into the country were born elsewhere; something like over six million Canadians were not born in this country.

I think a case that illustrates your point very well is my particular case, and it's important for everyone to understand it.

I came here as a refugee in 1957. I became a Canadian citizen in 1962. Had I chosen, after 1977, to be living outside the country... I have an 18-year old daughter, and if she had been born abroad, had spent no time in Canada—none—she'd be a Canadian citizen. And if she committed crimes abroad, she'd still be a Canadian citizen, so if she wanted to come back to Canada, she could come back to Canada. There would be nothing to stop her.

Now, we have the situation that's in front of us. Don's family goes back, I don't know, 300 years or whatever...

**Mr. Don Chapman:** Magali's was 300.

**The Chair:** Yes.

His uncle was on the Supreme Court of Canada. His father fought in the war. They chose to move to the States for economic reasons. Many people did. Particularly after the Avro Arrow, when the aerospace plant shut down, many people ended up going to the States. They would have been all captured in this situation. But given the fact that we have so many Canadians who were not born here, I think the number of people where the reverse applies, who were not born in this country but came to Canada, became citizens, went abroad, and have children who are Canadian citizens, is probably much larger than the numbers we are dealing with.



I looked at subsection 5(4) of the act, which allows the minister special cases. To me it's very simple. Citizenship should not be handled on the basis of special cases. We have to recognize that in law, because if you don't, the most sacred right we have as Canadians is something you can never take for granted. I think it's imperative that we don't leave a group out because of bureaucratic oversight. I think it is something that would not pass the charter test. It is the Canadian Charter of Rights and Freedoms that makes the connection between Canadians born abroad and born here. The charter applies to Canadians equally.

Helena, you had some strong criticisms of the department. Our job as a committee is to come up with suggestions to the government. Given the nature of this committee, we can do that, particularly when we're united on issues. This is probably the least partisan committee that exists in the House of Commons. Most people have a real interest in these kinds of issues. I wasn't making a criticism.

● (1045)

**Ms. Helena Guergis:** That we are all politicians around the table was my point.

**The Chair:** I'm just saying this is the most non-partisan committee I can think of. We're all very concerned about these issues. I think we have to correct a wrong, and that is the perspective.... It never ceases to amaze me, because whenever you tell your story and people become aware, the outrage just flows forth.

Don, what have you done as a group or individually in respect of the charter?

**Mr. Don Chapman:** Actually, it's kind of interesting, because I've been to the Canadian Human Rights Commission. They said, in fact, you have only one year from the time of the offence to file your complaint, so I guess I had to file my complaint by the time I was in second grade. As a minor child under the law, I was not able to do that, I was disabled. I was kicked out of the country in 1961, or put in exile, or whatever words you want to use. It certainly wasn't my choice. So I never "fell under the charter", because I was no longer a Canadian citizen at the time. Again, Canada is ignoring the 1960 Canadian Bill of Rights.

When you talk, Andrew, of bureaucratic oversight, in fact, it wasn't so much an oversight. The attorney who worked with Benner v. Canada happens to be working with us. He knows the laws very well. He had the legislative history, five volumes, of the 1977 Citizenship Act and what was going on. The MPs were saying we had to bring in the lost Canadians. They absolutely wanted to include us. It was Citizenship and Immigration, the bureaucratic side, that said, we won't let you pass that thing if you include the lost Canadians. Tell you what we'll do: you pass the 1977 act and then legislatively bring in the lost Canadians. That is in the history. We weren't an oversight; it's just that afterwards they forgot.

**The Chair:** Thank you.

Mr. Siksay.

**Mr. Bill Siksay:** Thanks, Mr. Chair.

It's an interesting point, and I'm glad you raised that just now, Mr. Chapman. I think it's been helpful, too, to hear you both making the distinction between immigration and citizenship issues. It's been

very helpful to me as I'll continue working on this. I think you're right, we need a citizenship remedy to this, not an immigration remedy to it, and I think that's very important.

I have two questions. In the event that we manage to get this change made—and we talked about how it becomes known among the people affected—I wonder if you have any thoughts about what you'd like to see done in that instance, looking forward to finally having some success on this issue. What would be the appropriate things to be done in that circumstance?

My other question was this. You had mentioned at one point that Dr. Fry had raised something that you wanted to respond to, so I'd like to give you a chance to deal with that.

● (1050)

**Mr. Don Chapman:** Thank you.

Let me respond first then to Dr. Fry's comments.

As a pilot for United Airlines, I happened to come across somebody a while back in Australia. He was a flight attendant born in Montreal—born in 1946, I think—but guess what? His father had come to Canada and Canada did not require the father to give up his citizenship, so he had something like the right for dual citizenship. But when the Canadian mother wanted to marry the father, at the time she had to give up her Canadian citizenship to get married, and that was the law. So today the citizenship of this Montreal-born flight attendant is in question. Some convoluted things happen here.

Dr. Fry mentioned citizenship and responsibility. It's a two-way street, from the government side to the citizen—which failed in our case—and from the citizen back to the country.

For humanitarian and compassionate reasons? Well, gee, if anything.... Somebody won the Order of Canada for doing something in Vancouver. As it turned out, they won the Order of Canada for doing something that my family did. I think we've proven as a family that we've been very, very good to this country, so if anybody should be able to get citizenship under compassion and fairness, it should be somebody like my mother or father. It's just shameful that my dad died as a World War II veteran who was not welcome in his own country.

For a one-year residency requirement, unlike a three-year residency requirement.... There's a lot of grey in that statement, because as Dr. Fry knows, four years back—I have a home in British Columbia—a boatload of Chinese illegal immigrants landed, I think, up in the Queen Charlotte Islands. Their residency requirement for citizenship started the absolute nanosecond they landed on the shores of the Queen Charlotte Islands, for three years out of four. So today, it's been over four years and they all qualify under the residency requirement for Canadian citizenship. They were here at your expense and everybody else's.

For me, as a former Canadian, my residency requirement started last November 27, when I actually took out my landed immigrant papers. Even though I've spent a good deal more than a year in the last four years in Canada, I don't qualify for my Canadian citizenship. It sounds like it's a fix when in fact it's not.

I'm sorry, there was one other thing you mentioned that I was going to respond to and I forget what it was.

**Mr. Bill Siksay:** How would we like this to become known?

**Mr. Don Chapman:** Oh, yes, the fix. Oh, there's no question.

We have two of the smartest minds that I know of, that I've had the pleasure to come across. One is sitting just to my right, Charles, and another is Mark Yang, who was the attorney in the Benner case. Mark Yang has offered his expertise in this field free of charge. But here's the guy who is the editor of the largest legal newspaper in the United States, he knows the legalese, ins and outs, inside or outside, or outside or inside, however you want to cut it.

This man knows more about how to write a manual...and unlike me, who can get really emotionally involved and say, "Everybody gets in," Charles is the guy to say, "No, wait a minute, Don. You have to look at this from every aspect". Here's a guy who should be helping to write the manual, along with Mark Yang, who was very intimately involved in the 1977 act.

**The Chair:** Thank you very much. You've certainly gone a long way to justify to us our decision to make citizenship issues the number one priority. We certainly look forward to dealing with the act and coming with something, either in the Citizenship Act or with Bill S-2. I want to thank you very much for your participation with us today.

•(1055)

**Mr. Don Chapman:** Thank you, Andrew.

Individually, if everybody could contact the immigration minister and say, please facilitate section 5(4) and let these people get on....

Thank you.

**The Chair:** We'll be talking about this again as a committee because we'll be holding more hearings, probably across the country.

I want to thank you very much for your presence here today. It's fitting that your issue, lost Canadians, was the first real issue on citizenship we have dealt with. Thank you very much.

Now we have to deal with a few issues, and we have to be out of here in five minutes because there is another committee coming in.

One minute, Charles.

**Mr. Charles Bosdet:** Yes.

Concerns were raised about how all of this ties together. You're wrestling with one issue here and there will be others to follow. I guess one thing that has had me thinking over the last four years is the way the department itself is structured.

There's one mindset that you bring to citizenship questions, and there's another mindset—necessarily so—that you bring to immigration questions, and typically it takes something along the lines of a prosecutorial mindset. Sometimes that turns citizenship questions on their head. That goes to what you were talking about, whether it's a class or case by case. In the long run, maybe an examination of how this system is structured is a topic for debate.

**The Chair:** Thank you.

It wasn't the case that citizenship was tied in with immigration previously. It just so happened that they came together.

I tend to agree with you on this and I've been doing some work on it. I think once you're a citizen, you're a citizen. Citizenship applies to everybody. When you're an immigrant, you're an immigrant; but once you're a citizen, you are a citizen. You're exactly right about the different mindsets that apply when you're dealing with different questions. Thank you very much.

Just before we adjourn, I'm going to read you something that is really important in terms of how we operate as a committee. I want to read the section where we decided on the process. It was moved by Diane Ablonczy:

That an organization be given up to ten (10) minutes

—well, of course, in this case we gave much beyond that—

for their opening statement; and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party and that thereafter five (5) minutes be allocated to each subsequent questioner (alternating between Government and Opposition parties until all Members have had a chance to participate, after which, if time permits a new round will commence.

It mentions "at the discretion of the Chair". I have always gone with the opposition when the government finished their seven minutes, but in this situation I used my discretion because you specifically had something for the parliamentary secretary. I think it was very, very important.

I just bring this up because I think it's important that we as a committee understand that I bend over backwards to be fair, and I need your support around the table on that. I just wanted to let you know, to correct that.

We're going to be getting into a briefing on citizenship next week with some of the other really important issues. That will be on Thursday, when we come back. If some of you want to do some research in terms of what has gone on around the issues, there have been extensive debates and we have had all sorts of witnesses, so there's a lot of preparatory work you can do during the break, if you have time.

It's going to be a very exciting issue. If we can fix an act that was drafted in 1977, I think it would be a real accomplishment for us as a committee, but also for us as parliamentarians. I think we can make a huge difference for all Canadians.

Thank you very much. The meeting is adjourned.







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