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# Standing Committee on Citizenship and Immigration

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**Chair**

**The Honourable Andrew Telegdi**

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## Standing Committee on Citizenship and Immigration

Monday, April 11, 2005

• (0830)

[English]

**The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)):** Good morning.

We are starting our meetings here in Vancouver again. Originally we were going to start this morning, and then we found out we had to go back to Ottawa for a vote on Tuesday, so many of the Tuesday meetings were put over for Saturday. So we were here meeting Saturday. We're going to be concluding our hearings in Vancouver today so we can get back to Ottawa for the vote tomorrow.

We very much appreciate you being here. Of course, at this point I'll leave it to the member from the local area to give a general welcome, and that's Mr. Siksay.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Mr. Chair. I appreciate you giving me this opportunity again.

Thank you very much for being here this morning. It's great to have the local input into the issues while we're touring Canada to hear from various organizations and individuals. I really appreciate you coming here today to do that.

Members have been hearing a little bit about some of the particular take we've had on issues here in Vancouver. We heard a little bit the other day about the request for proposal process, which threw the immigration-serving sector in this province into a bit of a mess, actually. It had been a very cooperative sector, and the request for proposal process that the provincial government initiated for settlement funding has really thrown people for a loop and has caused groups that cooperated for many years to end up competing with each other. It's left huge gaps in service across the province and has really cut back the service that some long-established groups were offering.

So it's been a real problem for us, and I hope members of the committee will hear that, since the Department of Citizenship and Immigration is considering implementing that kind of process in Ontario. I think it should be of great concern to us, given our local experience here in B.C.

Anyway, I'm sure all of you have very important things to say, and we should get to that work.

Thank you, Mr. Chair.

**The Chair:** Thank you.

We have five-minute presentations, after which the committee members will ask questions, and we'll go for short questions, short answers, so we can get the maximum amount of dialogue going.

So starting off we're going to have Sponsor Your Parents, which is really an important issue. It's being presented by Ms. Zhang?

**Ms. Evelyn Zhang (Greater Vancouver Branch, Sponsor your Parents):** Our speaker is Peter Li.

**The Chair:** Peter Li, go ahead.

**Mr. Peter Li (Greater Vancouver Branch, Sponsor your Parents):** Good morning.

I'm Peter Li from Sponsor Your Parents. I'm going to raise the issue about recent changes in parental immigration.

People from various ethnic groups across Canada are devastated by endless delays in their parents' immigration applications. I would like to draw your attention to the following facts that are very critical to our parents' immigration applications.

First, admission quotas set by CIC for parental immigration to Canada have dropped dramatically in the last three years. In 2004, 19,376 parents were allowed to immigrate into Canada.

• (0835)

**The Chair:** Could you slow down a little bit?

**Mr. Peter Li:** I was told I only have five minutes. That's why I'm trying to rush. Sorry.

**The Chair:** That's all right. You don't have to get everything in. Just summarize in the timeframe. We have the briefs and we accept briefs. That would be good.

**Mr. Peter Li:** I'll try my best. Sorry.

In 2004 this number has been cut almost in half to 10,233. This year CIC's targets for parental immigration have been reduced even further to only 5,500 to 6,800. It is a 75% decrease over the last three years.

Second, despite the ever-decreasing quota for parental immigration, the processing time for parental immigration sponsorship applications in Canada has increased significantly from less than six months in 2003 to more than 21 months in 2005, and we're expecting an even longer processing time based on the fact that the CIC case processing centre has not processed a single case submitted after June 24, 2003.

Third, the same situation also exists in many overseas visa offices. The waiting time for parental immigration applications is getting longer and longer. There's a simple mess in the parental admission quota for certain countries and cases pending in the respective overseas visa offices.

Fourth, for parental immigration applicants, it takes up to 10 to 15 years to get their immigration visa approved. Technically blocking parental immigration to Canada is morally wrong. Legally, the endless delay in the immigration process, both inside and outside Canada, is a violation of Canada's Immigration and Refugee Protection Act, as the objectives of the Immigration Act with respect to immigration are to see that families are reunited in Canada.

In order to improve the current parental immigration situation, we have the following recommendations for the committee.

First, raise the parental admission quota to the level of 2003, of 20,000 parents.

Second, cap the processing time for sponsorship applications to six months or within a reasonable period of time.

Third, introduce guidelines for balancing the processing time at overseas visa offices.

Fourth, ensure that immigration offices such as the CIC case processing centre provide realistic processing and waiting times for sponsorship applicants.

Fifth, make immigration operations more transparent. The public deserve the right to know the answers to their questions. For example, why has the parental admission quota been dropped dramatically over the last three years? What is the actual processing time for parental immigration applications?

When we left our countries, we assured our parents that we would be reunited in Canada soon because Canada's immigration laws set family reunification as one of its key objectives, but now we cannot keep our promises. While looking at our parents' hopeful eyes, we hate to tell them that they may have to wait up to 10 years before reuniting with their children and grandchildren. We are suffering and they are suffering. Every morning we wake up and we pray that hopefully they will still be alive by the time they are allowed to settle down in Canada.

Parental immigration is more time-sensitive than spousal/children immigration because the parents and grandparents do not have the luxury of a lifetime to wait. Parents are no less important than any other family members. They are important because without them there would be no us, and especially because many of us are the only child in the family. How can we let our aged parents spend the rest of their lives lonely and thousands of miles away?

The South Asia tsunami took away a lot of lives and ravaged thousands of families. We all understand how miserable it is for those families who have no hope of getting their loved ones back. In fact, by delaying the process of parental immigration applications, the Canadian government is taking our parents away from us. However, this artificial disaster can be avoided if the government is willing to streamline the process of parental immigration applications so that the immigration operation can appropriately reflect Canada's basic values and humanitarian aspirations.

Please, don't leave us in despair. Please, don't create a Canadian humanitarian tsunami. Please do not take our parents away from us. Without them we are incomplete.

Thank you very much.

**The Chair:** Thank you very much for a very compelling presentation.

We have Ms. Desil.

• (0840)

**Ms. Junie Desil (Volunteer/Resource Coordinator, Vancouver Status of Women):** Thank you.

My name is Junie Desil and I'm from the Vancouver Status of Women. We would like to respectfully recognize that the preparation of this submission and the standing committee hearings are on Coast Salish territories.

We appreciate the opportunity to appear and present our submission, which will bring forth a feminist and anti-racist analysis of Canada's citizenship legislation. In particular, our focus is on what the appropriate reasons are to remove citizenship, what process would be most appropriate, and what the criteria should be for granting citizenship to newcomers.

We understand equitable access to citizenship in Canada is a right and not a privilege. The Canadian government supports international agreements that allow the free movement of capital, business, and goods across the globe. While businesses are free to move across borders to find thriving economic conditions, these same agreements deny people the same type of free movement.

We're really concerned with the revocation of citizenship. The revocability of citizenship necessarily creates a hierarchy of citizenship, as it applies solely to naturalized Canadians; this undermines the value of equality of all Canadians as enshrined in sections 7 and 15 of the charter. Recent proposals found in clauses 16 and 17 of Bill C-18 have created a revocation procedure for those accused of terrorism, war crimes, or organized crime that mirrors the security certificate provision in the Immigration and Refugee Protection Act. In the current atmosphere generated because of the threat of terrorism, the section is prone to abuse, as history has demonstrated with the Japanese Canadians interned and deported from Canada during World War II.

While we recognize that terrorism and war crimes are extremely serious, those accused of such activities, whether they are born Canadians or naturalized citizens, ought to be dealt with in the criminal justice system and ought to be provided with the minimal protection provided by Canadian law, such as the right to full answer and defence.

Our recommendation is, therefore, that there be no revocation of Canadian citizenship under any circumstances. Further, a discussion about granting citizenship involves participation in a nation-building exercise, to ask the state and the government to reassert itself and make decisions about who is desirable and who is undesirable. The prohibition of criminal activity under which a grant of citizenship can be denied is unjust and places a double punishment on migrants.

Jean McDonald at York University writes that:

Many non-status immigrants and community activists argue that this criterion imposes a 'double punishment' – a non-status immigrant could 'serve their time' in jail, but then face deportation afterwards. Citizens, on the other hand, are only punished once.

Our recommendation is that we eliminate discriminatory criteria for granting citizenship. The current refugee system is plagued with disregard for the rights of migrants. This is seen clearly in the Canadian government's refusal to implement the Refugee Appeal Division approved by Parliament. More systemically, the definition of refugee in the 1951 convention and the 1967 protocol is no longer consistent with the actual causes of flight, in many cases, and these include people fleeing civil war, general political unrest, extreme poverty, and those displaced internally as a result of civil war, ethnic strife, or forced relocation.

This is just a short summary; the rest is obviously in our brief.

Thank you.

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

Next we have Mr. Petriw.

**Mr. Myroslav Petriw (Past President, Ukrainian Canadian Congress, B.C. Provincial Council):** Thank you, ladies and gentlemen. My name is Mr. Myroslav Petriw and I'm the past president of the British Columbia Provincial Council of the Ukrainian Canadian Congress.

Thank you for allowing me the time to make this submission to your committee. The council notes with pleasure recent reports of new-found enlightenment on the part of members of the federal government, especially that of Deputy Prime Minister, the Honourable Anne McLellan, who became well known to us as the Minister of Justice and Attorney General of Canada from 1997 to 2002.

It is with renewed hope that the council expects the enlightened position regarding the deportation of flying squirrels will be expanded to encompass naturalized citizens of Canada. It is also instructive to note that Sabrina, the squirrel in question, was admitted to Canada because of an error on the part of a Canadian official and not any intentional misrepresentation. This goes to the heart of the "on a balance of probabilities" versus "beyond a reasonable doubt argument" regarding denaturalization and deportation provisions of current citizenship legislation.

This committee is well aware of the inequities of the current Citizenship Act in that it creates two classes of citizen under subsection 10(2), namely, first-class citizens, Canadians by accident who are born in Canada; and second-class citizens, Canadians by choice, who obtain their Canadian citizenship after immigrating to Canada, thus becoming naturalized Canadians. It must be aware there is a further injustice, that any alleged misrepresentation when applying for citizenship needs to be proven only on a balance of probabilities, rather than to the stricter standard of beyond a reasonable doubt. To add injury to insult, the courts are not given discretion in sentencing. Denaturalization and deportation is the only possible sentence for any such finding of misrepresentation.

The Ukrainian Canadian Congress, British Columbia Provincial Council, believes that revocation of citizenship is not an appropriate remedy for any misrepresentation that occurred over 50 years ago.

Principles of fundamental justice referenced in section 7 of the Charter of Rights and Freedoms require that the punishment be proportionate to the crime and to the moral blameworthiness of the accused. Stripping of citizenship is not a punishment that is proportionate to the allegation of ordinary fraud, and the judicial standard of balance of probabilities is certainly inappropriate for allegations of criminal activity.

We note that the Canadian Bar Association, in its brief to this committee on November 28, 2002, submitted that "Revocation or annulment of citizenship are amongst the most serious penalties that the state may invoke against its citizens". The government should investigate the fact of and reason for any misrepresentation and begin criminal proceedings against a naturalized citizen just like it would against a citizen born in Canada. To do otherwise creates a two-tiered system of justice and violates section 6 of the Citizenship Act:

6. A citizen, whether or not born in Canada, is entitled to all rights, powers and privileges and is subject to all obligations, duties and liabilities to which a person who is a citizen under paragraph 3(1)(a) is entitled or subject and has a like status to that of such person.

It also violates section 15 of the Charter of Rights and Freedoms:

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Subsection 10(2) creates a parallel and separate channel of legal proceedings and penalty that can be applied only to naturalized citizens. Furthermore, denaturalization and deportation proceedings are a political, not a judicial, process because the Minister of Citizenship and Immigration is given the power to sentence a naturalized Canadian to a loss of citizenship and deportation, stripping the courts of the prerogative of mitigation of sentence.

The Ukrainian Canadian Congress, British Columbia Provincial Council, makes the following recommendations:

The first is that the Government of Canada immediately cease all cases under denaturalization and deportation provisions until such time as the Minister of Citizenship and Immigration reviews the report of this committee and makes the necessary amendments to the act.

● (0845)

Second, in all cases where the underlying accusation of misrepresentation is an allegation of a war crime, a crime against humanity, or terrorism, the Government of Canada can and should prosecute such individuals before Canadian courts in accordance with Canadian criminal law—i.e., Canada's Crimes Against Humanity and War Crimes Act—and Canadian standards of evidence and criminal proceedings.

Three, the Citizenship Act should be amended to reaffirm that all Canadians are equal and to introduce the following amendments: one, a requirement of a higher standard of proof in denaturalization and deportation proceedings, namely, the standard of "beyond a reasonable doubt"; two, the return of discretion over sentencing to the prerogative of the courts; and three, provision of a right of appeal.

In conclusion, the Ukrainian Canadian Congress British Columbia Provincial Council, stands for single-tier Canadian citizenship and a single justice system for all Canadians. Recognizing the painful political reasons for immigration from their homelands to Canada of many of Canada's naturalized citizens, the Ukrainian Canadian Congress, British Columbia Provincial Council, strongly opposes any creation of a Star Chamber type of political justice system in Canada.

Canadians of Ukrainian descent have recently witnessed the battle for the rule of law in Ukraine and will strongly oppose the imposition of anything less than the rule of law in Canada.

• (0850)

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

Next we have Mr. Buchan.

**Mr. Robert Buchan (Executive Director, University Colleges of British Columbia Consortium):** Thank you.

With me today is Barbara Smith, the manager of international education at Kwantlen University College

Why are we interested in this?

The university colleges in B.C. are publicly funded, comprehensive, undergraduate universities that offer a wide range of baccalaureate degree programs, including arts, science, business, and selected graduate degrees. Just as importantly, we offer a full range of trades and technical training.

There are three university colleges in B.C. right now: Kwantlen in Surrey, Richmond, and Langley; University College of the Fraser Valley in Chilliwack and Mission; and Malaspina University-College in Nanaimo on northern Vancouver Island.

Each university college now has more students attending than over half the traditional universities in Canada. Last year we enrolled over 62,000 students and conferred 5,100 degrees, diplomas, and certificates.

We're interested in the act for primarily two reasons. We're an underutilized window to highly skilled potential immigrants. B.C., like all Canadian provinces, is approaching shortages in virtually every category of skilled and professional labour. Through the 2010 Olympics, over 650,000 jobs are going to open up in B.C., 60% of which will require one or two years of post-secondary education.

We'll meet some of this demand through local initiatives, such as increased medical school enrollments, a 30% increase in apprenticeships, and 25,000 more post-secondary seats. But it's clear to us that skilled labour is still going to be required. Human Resources Skills Development Canada says that during the past decade, recent immigrants accounted for 70% of Canada's net labour force growth;

in the next decade, they'll meet virtually all of our labour force growth. So we need skilled immigrants.

To help solve this problem, the new foreign credentials program is going to try to remove some of those barriers through credentialing. But we think Canada already has access to highly motivated, highly skilled potential immigrants who are presently being taught to our academic standards by our courses and are paying full freight for it themselves.

We're a free window on a group of foreign students and potential candidates for immigration, and our international programs should be a key part of HRSDC's skills strategy and should be supported in legislation and policy by our Citizenship Act.

Currently, the act does more to ensure that these students do not approach their studies in Canada with any kind of option to emigrate. In fact, the two primary reasons for study permit refusals are, first, lack of proof of sufficient funds, and second, applicants not demonstrating an intent to return from Canada to the satisfaction of the visa office. So we need changes to the act.

Secondly, we need changes to the act that will allow us to compete for international students. The global international education sector, as estimated by Merrill Lynch, is about \$2.2 trillion. B.C. holds about a 1% share of that. Australia, the United Kingdom, New Zealand, and the U.S. each have a coordinated approach to increasing their share of the international education market. We typically leave the business of international education to individual institutions or as an add-on to overseas government marketing efforts. Accordingly, a study commissioned by Australian Education International, the Australian government's education marketing network, found that Canada's positioning as a desirable destination for international education and training was less clear than anybody else's. The study also found that the most distinctive feature of education in Canada was that we were brand neutral.

Each university college has a thriving program. In total, we have 2,300 students and contribute about \$35 million to the local economy.

We have a couple of problems. We have a lack of a consistent national policy allowing off-campus work. There is currently an inconsistency across Canada, created by deals made with select provinces by Immigration Canada to allow off-campus work for about 20 hours a week during courses and for two years after, providing the international student is in good standing with the post-secondary institution and with their visa. Off-campus work not only rounds out the study experience for international students, but it showcases their talent and training to employers. Without this policy being applied equitably across Canada, employers will not commit to short-term employment, and Canada loses a valuable immigration assessment tool.

• (0855)

As well, approximately 96% of immigrants go to MTV, or the Montreal-Toronto-Vancouver route. How do we get them to consider and settle in the smaller communities that really need their skills? Again, university colleges and colleges are themselves spread out into rural B.C. to encourage local access to post-secondary studies. Accordingly, they're a natural distribution system for immigrants into small rural communities through their international programs. The key is an equitable work policy that lets local employers see the students and, concurrently, that allows the students to put roots into the community.

The second problem is the regulations regarding overseas education agents. Similar to travel agents, education agents are employed by post-secondary institutions to advise and recruit overseas students into Canadian study programs. In a recent review of immigration agents, the federal government added a number of conditions that will be required of immigration agents to continue their practice. Late in the review, and admitting to no consultation with post-secondary institutions, the minister responsible added education agents to that list. Education agents are now subject to such requirements as minimum English language scores; yearly payments; and to being members of the Canadian Society of Immigration Consultants, or a provincial or territorial law society, in order to represent students after their applications for study permits have been submitted. This action has threatened to severely undermine the efforts of Canadian post-secondary institutions to compete and recruit international students.

We have three simple recommendations. First, expand to all provinces the off-campus work allowance agreements that were given to Newfoundland, Manitoba, and New Brunswick by Immigration Canada. Second, exempt education agents from the new immigration agents status and financial requirements. Third, support domestic post-secondary institutions as great gateways to attract, evaluate, train, and employ skilled immigrants, by developing immigration protocols with institutions' registrars. This practice, which is now used elsewhere, allows certified registrars to make selective international student work decisions quickly for local employers, as well as putting a positive face on the whole immigration process.

Thank you.

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

We're going to go to questioning. I would like to start with Mr. Mark.

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

Good morning to each one of you. Thank you for appearing before the committee this morning.

Many of your concerns have been heard, and certainly this past week, as we hear over and over again about the revocation issue and the current Citizenship Act. We've talked about it to death during these hearings, and certainly over the last five years of my involvement with this committee, we've spoken about it, and we've spoken about it in the House. I think the message is very clear that you can't have two classes of Canadian citizens. As a country that believes in the rule of law, I think we have to take it out of the political arena; if we trust and have faith in our judicial system and procedures, then that's where we should go. I don't think you'll have any arguments with any of us sitting here, or with most of the people in the House of Commons.

On the issue of students, I remember the lengthy debate during the Bill C-11 hearings that students can't work off campus. We understand that foreign students make a tremendous contribution to this country, not only economically during the period of time they're students, but also after they graduate, because I think we retain a very large number of them—the best brains in the world, who have come to our shores.

Regarding the students' issue, is there an umbrella organization of universities across the country that looks at the whole issue of recruiting and the problems that arise? I agree with you that there needs to be parity on the issue of work, especially if some provinces are doing that. What seems to be the problem? Why can't this happen at this point in time in B.C., in terms of working off-campus? Isn't there provincial agreement to allow this to take place?

• (0900)

**Ms. Barb Smith (Manager, International Education - Kwantlen University College, University Colleges of British Columbia Consortium):** The three provinces that are currently engaged in the off-campus work program are doing so as part of a pilot project in conjunction with CIC. At this time, CIC has not decided to allow other provinces to participate in the program. I believe it's a two-year project, and until its completion they've told us they won't be extending it to the other provinces.

**Mr. Inky Mark:** You also know that the whole issue of working off campus is really a political one too, because in this country we protect our jobs from the foreign nationals who come here and we protect the jobs of Canadian kids on campus, so it's the same thinking.

Do you have a lot of statistics to demonstrate that it would do no harm to the current level of jobs on or off campus for Canadian students, if foreign students were allowed to work off campus?

**Ms. Barb Smith:** I think what we're looking at is the opportunity for these students to participate in work experiences, either on or off campus, in co-op programs, or in part-time jobs off campus, with the long-term vision of them graduating and then being recruited as new immigrants to Canada.

At a recent education conference, Renaud Gilbert said that CIC was really looking to recruit these types of students, because they already speak English, they're acculturated to Canada, and they have academic credentials that are easily assessed; therefore, they don't require the same types of support services that new immigrants to Canada may require. So it's a more effective way for us to recruit the skilled labour we're going to be needing in the upcoming years.

**Mr. Inky Mark:** Okay.

I'll ask one more question, which has never been answered over the last couple of days. Would you support once-in-a-lifetime sponsorship to this country?

Mr. Li.

**Mr. Peter Li:** Sure, if the government erased all of this, of course, I support all the family members being reunited—but parents should go first.

Thanks.

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

Madame Faille.

[*Translation*]

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

I come from the other end of Canada, where the majority speaks French. For a few days now, I've been the lady with the headphones listening to the simultaneous interpretation.

I'd like to thank you all. You touch on an important point: family reunification. For us, the expression of citizenship includes the possibility of reunifying the family unit, which also includes grandparents. In policies in Quebec, a great deal of importance is attached to regionalization, that is to say settling people in the regions. In many cases, people who arrive will hold jobs in agriculture or other areas requiring family support. Since services are far away, grandparents can play an important role. So we understand your request. The grandparents of a number of farmers in my region were denied visas when they wanted to come for the summer, when crops are harvested and stored.

With regard to citizenship, you touch on the need for a right of appeal. Citizenship and immigration are one of the only legal areas where there is no right of appeal. I'm pleased to hear that that's a need that you express as well.

I have a question about the recognition of credentials. Would you go so far as to say that there's a problem with supply and demand, that is to say that the criteria used to select the type of manpower we

accept do not meet the province's urgent and immediate needs for specialized manpower?

• (0905)

[*English*]

**Ms. Barb Smith:** The provincial governments, particularly in B. C., have what's called the provincial nominee program, which looks to recruit recent graduates in particular categories of skilled labour. However, it's our position that we're not attracting enough of these students to come to study in these types of programs and then to recruit them.

[*Translation*]

**Ms. Meili Faille:** That's all. Thank you.

[*English*]

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

Mr. Siksay.

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

The chair, being Hungarian, likes to revert to the Hungarian pronunciation of my family name from time to time. Thank you.

I want to remind Madam Faille that we have a growing and vibrant Franco-Columbian community here in British Columbia. They may not be here this morning, but they're out there and contributing greatly to our province.

I've got questions for everybody, but five minutes isn't long, and if I talk too much I don't get to hear your answers.

To Mr. Buchan and Ms. Smith, we often hear of an ethical concern around encouraging foreign students to stay in Canada; that having international students here is one way we cause a more diverse and exciting educational environment for our own students and for students generally, but it's also a way we contribute to international development and the development of other countries. If we move to a program where we make international study sort of an adjunct to our immigration program, doesn't it fly in the face of our international development responsibilities as well?

I just wonder if you can comment on that sort of ethical issue around making a special pitch to recruit from the international student group.

**Ms. Barb Smith:** I think there's a lot of discussion on globalization, the recruitment of international students, and brain drain. A lot of research indicates there isn't as much global mobility of high-skilled workers as one would presume, and they tend to return to their home countries.

If you look at a lot of the political leaders in Africa, many of them were educated in Canada and returned to their home countries, obviously to their great benefit. So I think what we're really looking for is choice—to give students the opportunity to come to Canada, to contribute their knowledge and skills to us to benefit Canadians, and to choose whether they want to remain in Canada or return to their home countries.

It's really to the cultural and economic benefit of everyone to give them an opportunity to make those choices.



**Mr. Bill Siksay:** Mr. Buchan, you mentioned Australia, and we often hear that Australia is turning out to be one of our major competitors in the immigration field, and in a number of areas.

I just wonder if you can expand a little bit on what you understand their program and the benefits of their program to be, and why they're doing a better job than we are.

**Mr. Robert Buchan:** Sure. I'll let Barb answer because she's much more....

**Ms. Barb Smith:** Australia is probably the leader in the world in terms of international student recruitment. They are very systematic in their processes, and they're highly integrated with their educational institutions.

At Australian education fairs, they have immigration representatives on site issuing study permits on the spot. We're not quite sure how they do that, given all the concerns about security, but it certainly doesn't take three to six months for them to issue a study permit. That's one of the main concerns in terms of recruiting students—timeline processing.

They are also more integrated with their education agents. We've seen recent legislation changes that have excluded a lot of Canada's champions abroad who are promoting Canada as a destination. They are now being excluded from participating in that process. Australia is much more inclusive in that regard. So there are some issues for us to look at.

• (0910)

**Mr. Bill Siksay:** Mr. Buchan, we have a rather checkered history of immigration consultants in Canada. We've been hearing how a lot of new immigrants who come with a misunderstanding of the situation they're going to find in Canada are people who've worked with immigration consultants overseas who've been primarily concerned with their businesses and recruiting immigrants, and not necessarily with giving them the appropriate picture.

Given that experience, I'm a little surprised to hear that you think education agents should not be subject to the same kinds of criteria. I'm wondering if you can just tell me a little bit more about why they should be exempt from the requirements we've established for others.

**Mr. Robert Buchan:** I'll give you a top line, and then Barb can say a few words.

These are agents who have been set up for some time. It's not like we're looking for a new network. There are extensive networks out there, and over time, like anything else, the good ones have survived and stayed there. They are the ones who have been reasonable, so the students who come here write home and go home and say it was as projected and as predicted.

So we've established a network with the good ones. They're there, they're honourable, they're reputable, and to all of a sudden cut them off at the knees.... If it were a new process and you were just starting again, that would be fair enough, but these people are proven and trusted. It has destroyed a lot of networks that were out there and working quite well.

**Ms. Barb Smith:** I would agree with that. The public institutions, particularly, have an extensive process for vetting our agents—

reference checks, full business profiles. We're quite careful about whom we select to work with, so it was quite a concern to see some of our most trusted allies excluded from participating with us.

**Mr. Bill Siksay:** Mr. Li, we've heard some testimony about the 60-40 split between economic and family class immigrants, which has just been established in Canada. Some people have said there's an imbalance. You have 60% of people coming in as independent applicants, with some expectation of bringing their family members in afterwards. Then these people—this 60%—have to fit family members into the 40% category. Has your organization looked at that 60-40 split, and do you have any recommendations about a change in it?

**Mr. Peter Li:** I haven't done any research on it, but I would say that family class immigration should not have any numbers on it. It's probably an issue for the government, but from my point of view, my family, my parents, deserve everything.

Thank you.

**Mrs. Irina Portnova (Vancouver Branch, Sponsor your Parents):** Last year Canada brought 33,000 refugees into this country. I'm very proud of this policy. But when I compare this number with the 5,500 parents they will allow in 2005, it makes me wonder how reasonable it is. We signed an agreement that we will support our parents for 10 years, so we're not asking the government for any money. Why did they decide to drop the quota from 20,000 to 5,000? A lot of people in our organization want to know the answer.

Thank you.

**The Chair:** Thank you.

Now we're going to go on to Ms. Beaumier.

**Ms. Colleen Beaumier (Brampton West, Lib.):** I'm not sure if these are questions; I just wanted to debate some of the issues.

Ms. Portnova, when you talk about sponsorship for 10 years, you're talking about food and shelter. The Canadian government also has to look at the cost of health care. I'm probably about the age of your own mother, and let me tell you, my health care costs are a lot more than yours. It doesn't mean that I don't think there should be reunification with parents. I'm an only child too, so, Peter, I know how you feel.

Do you think we should inform prospective immigrants of this process? Do you think it would deter people from coming if they knew that it could take up to five years, or even 10 years, for them to get their families here?

●(0915)

**Mrs. Irina Portnova:** Absolutely. I came here four years ago, and it would have influenced my choice of country. When we were living in our country, I told my parents that in Canada there is a program and how much it takes. I personally promised my parents that as soon as we were financially stable, we would reunite and that it wouldn't take eight to 10 years. Right now I have to tell them 10 years. I'm not even sure they are going to be alive by the time they are allowed to come here.

In terms of medical expenses, I think that, first, it's a health system problem, and we should look into it more deeply to see why we have such a problem.

Second, I think there's always a solution to that. When we allow parents, friends, or visitors to come here, they buy insurance. So maybe that is a solution. We already admit that we will financially support them. The government can probably suggest another solution on how to cut the expenses and put them on the family's shoulders. But I don't think that reducing the quotas and telling people they have to wait for 10 years is the right solution. We want the committee and the government to understand how important parents are to us and what they bring to this country.

Let me tell you about the other side with regard to my parents, which I spoke about yesterday. I'm an experienced auditor. That is my field of experience. But I can't go back and work in my specialty. I can't accept the offer I had recently because I cannot leave my family. There are only the three of us—me, my husband, and my child. If my mom were here, she could take care of the child and I could take this job. I could have paid more taxes because that's a wealthy job. It's the same with my husband. He cannot take a better job because of the child. We are the only caretakers here. There are different aspects to that, and I think you have to look at all of them.

**Mr. Peter Li:** Could I add something?

**Ms. Colleen Beaumier:** Yes, you may.

**Mr. Peter Li:** I'm a taxpayer. I've been living and working in Canada for over seven years. I'm a Canadian now. I have the feeling that I'm stuck in the middle because I had to give up my Chinese citizenship. That means I have no way to go back to China. If my parents don't get permission to settle down in Canada, they will have to live by themselves in China. That makes me feel really bad. I think that as a citizen of Canada, I deserve the right to take good care of my parents. I don't think it's fair for me to pay taxes if I can do nothing for my own parents. Also, as Irina just said, I think there can be a compromise with regard to medical insurance. On the other hand, endlessly delaying the processing of the parents won't solve the problem down the road. It will only create a bigger problem.

**Ms. Colleen Beaumier:** I just want to make one statement. I don't disagree with anyone there.

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

Mr. Temelkovski.

**Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.):** Thank you very much, Mr. Chair.

Thanks to all the panellists.

I have a question for Peter. When Mr. Mark asked you about the reunification of family, you said parents first.

●(0920)

**Mr. Peter Li:** Yes, I did.

**Mr. Lui Temelkovski:** How about spouses and children?

**Mr. Peter Li:** Of course, everybody is important, but in my situation it's parents first. Also, in the current practice of the CIC, immediate family members already are the first priority. They can wait in Canada to get the visa. They are on a fast track. For parents, they have no priority at all. They are put at the bottom. As I mentioned in the oral presentation, they have no luxury of time to wait. Time is very sensitive. I'm a very reasonable person. I don't mind waiting one, two, or three years. At least you can give me a timeframe. Let me tell my parents, "Let's wait another three years and count it off day by day. We will be reunited." But the situation is that there is no answer for this question.

**Mr. Lui Temelkovski:** I understand. For you, parents are first. So it should be specific, you're saying. If it's important for me to bring parents first, it should be them first, and if it's my spouse and my children first, then it should be that way.

Are you opening a window of discretion here?

**Mr. Peter Li:** No, actually, I'm just expressing my personal feelings. But as I mentioned in the oral presentation, parents are no less important—everybody is important in family class immigration. What I mean is that we should have a balanced processing time, instead of letting immediate family—spouse and children—get to Canada within six months and parents having to wait 10 or 15 years before they can get here. That's not fair.

Thank you.

**Mr. Lui Temelkovski:** Thank you.

I'll move over to Myroslav.

**Mrs. Irina Portnova:** I'm sorry, can I also add a couple of more things to what Peter just said?

**Mr. Lui Temelkovski:** Of course.

**Mrs. Irina Portnova:** We're not trying to open a window for discretion. Discretion has already been done by government, because right now parents, grandparents, and sponsors are all in the same class; they are family class. We already have this separation; somebody did it for us, right? They've already told us that sponsors go first, and parents and grandparents...welcome to the end of the bus. Right? We don't know who made this decision. We don't really know what they based this decision on.

For some people, their parents are the only family they have, and I think the government should understand that too.

**Mr. Lui Temelkovski:** I understand. Thank you.

Myroslav, you mentioned that revocation is not a proportionate penalty. Can you give us a little bit more on that?

**Mr. Myroslav Petriw:** The penalty of revocation is applied to a misrepresentation. The court does not have control of the sentence. The sentence can be one sentence only, and that's revocation of citizenship.

The transgression of a misrepresentation is not great enough to justify this.

**Mr. Lui Temelkovski:** Just so I understand it, in your view, if misrepresentation of facts has occurred at time of entry or at the time of granting citizenship, should Canada have the right to review somebody's misrepresentation of facts?

**Mr. Myroslav Petriw:** Could you say that again?

**Mr. Lui Temelkovski:** Should Canada be able to review the fact of misrepresentation upon the person's receiving Canadian citizenship?

**Mr. Myroslav Petriw:** Yes. Once citizenship is received, that should be done on the basis of "beyond a reasonable doubt".

**Mr. Lui Temelkovski:** Up front, right, not later on?

**Mr. Myroslav Petriw:** I'm saying after citizenship has been granted.

**Mr. Lui Temelkovski:** Okay.

**Mr. Myroslav Petriw:** Prior to that, I agree with you, we should be reviewing it.

• (0925)

**Mr. Lui Temelkovski:** Is there any timeline we should look at, so there would be a sunset clause of some sort—maybe 5 years, 10 years, 20 years, or one year—and after that it should not happen?

**Mr. Myroslav Petriw:** The timeline is with the granting of citizenship. Once citizenship is granted, any such review should be to the higher standard of beyond a reasonable doubt.

**Mr. Lui Temelkovski:** Which is judicial.

**Mr. Myroslav Petriw:** Yes.

**Mr. Lui Temelkovski:** Thank you.

Junie, you mentioned double punishment. I'm not fully familiar with that. I'm not sure even what context you're using there.

Can you expand on that, please?

**Ms. Junie Desil:** Double punishment is if there's a revocation of citizenship and the intent is that you could potentially be sent back to your country; you're not only stateless, you now also face violence or persecution, those kinds of things. These are things that Canadian citizens don't have to go through.

If I misrepresent or make a statement, or I'm punished for some reason, I go through courts. I don't get sent back to face persecution, as I've said. So it's a double punishment—you're punished twice, not just the one time.

**Mr. Lui Temelkovski:** So if somebody is found guilty, maybe citizenship can be taken away from them and they can stay here, or... what are you suggesting?

**Ms. Junie Desil:** What I'm suggesting is that these kinds of things can go through a regular judicial process, through the courts, just as any offence that Canadian citizens go through. The point is that as a Canadian citizen, one who's been granted Canadian citizenship, you

should get the same rights, due process, and you should have the right to be treated as a Canadian citizen.

**Mr. Lui Temelkovski:** Okay. So with your scenario, I hear you saying that yes, we can re-examine somebody's citizenship sometime later on, and it should go through the judicial system.

**Ms. Junie Desil:** I'm saying that if there is an offence that comes to light, your citizenship should not be at stake.

**Mr. Lui Temelkovski:** Okay. So if there is a fact that is brought forth twenty years later and a person is found guilty, would you not assume that person might not have been granted citizenship had we known that fact at the time of application for citizenship?

**Ms. Junie Desil:** Yes, but I think that's the same with anything.

You are taking the person at their word, and to the best of their knowledge, and to the best of the facts that are presented to Immigration, you go with that. I think innocent until proven guilty is really what we're thinking of. So once you've granted that citizenship, unless something comes to light, I don't think we need to be going through papers to look for these offences. And if such an offence comes to light, again, as I've said and as has been mentioned before, it should go through the court system as it would for any Canadian citizen.

**Mr. Lui Temelkovski:** Thank you.

Thank you very much, Mr. Chair.

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

Ms. Ablonczy, go ahead, please.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC):** Thank you, Mr. Chairman. I do apologize to the witnesses for having to go out to do an interview while my colleagues were asking questions, but I will review the text of your responses, and that will be very helpful.

Five minutes is a short time.

I especially appreciated Mr. Li asking Irina to hold up the paper showing how the numbers have dropped. They say a picture is worth a thousand words, and we have been pushing the minister and the department on this whole issue of parental sponsorships, mostly because there doesn't seem to be candour about what's really happening there. And we heard some very shocking testimony on Saturday about e-mails that hadn't been made known to the committee, regarding directives to hold back or pull back on processing these sponsorships, and that was of real concern to us, so you can be sure we'll be pursuing the matter.

Being a former teacher, I would like to speak particularly to Mr. Buchan. I appreciated your presentation. When I was in Hong Kong with the immigration committee two or three years ago, we were made aware of so-called visa schools, which purport to provide educational services to international students but in fact do not deliver education within any normally accepted meaning of the word in Canada. That was a real concern to me. My question to you is, do you know whether there is any accrediting body or other body that will look at a college or a school and say this is a bona fide school, offering a bona fide body of instruction?

• (0930)

**Ms. Barb Smith:** Are you referring to private institutions or public institutions?

**Mrs. Diane Ablonczy:** Both.

**Ms. Barb Smith:** The public institutions are of course accredited by their provincial governments. In British Columbia, the organization that looked at public institutions was called PPSEC: Private Post-Secondary Education Commission.

There is an organization that does accredit private institutions. I can't speak to how thorough they are, being in the public sector, but that organization does exist.

**Mrs. Diane Ablonczy:** That's helpful, because if we move towards some of the recommendations you're making, one of my concerns would be that students not be disadvantaged or taken advantage of by institutions or schools that are not bona fide in the accepted sense, so I'll look into this institution. Maybe you can get me the proper name in due course.

The expansion of off-campus work makes sense to me: if other provinces have it, why exclude some? The one I'm particularly interested in is the gateway for skilled immigrants through the student population. I think that's a very sensible suggestion. I didn't know about the educational agents being caught under the regulations, and I'll look into that as well.

There have been two objections to that. One is whether it's morally right for Canada to take international students from countries that may need the skills they're gaining in Canada, and the other is just how this would work in practice.

So maybe you could expand on how you see this working.

**Ms. Barb Smith:** Well, I'm not sure I agree with the assessment that we're ripping off countries by taking students. I think we've heard testimony from the other witnesses that people choose to immigrate to Canada. It is the same choice that students make. They choose to study in a country and they choose to remain in a country. I don't think this is a sense of theft from any particular country.

We're certainly giving students the opportunity to return home to their own countries as well. We see a large majority of our alumni who return overseas, and we're developing alumni organizations throughout the world. That is certainly a trend. For example, the University of Toronto Alumni Association has a huge office in Hong Kong. I'm sure you're aware of that.

I'm sorry, what was the second part of your question?

**Mrs. Diane Ablonczy:** How would this work? You talked about some kind of protocol being put into place. Do you have a paper on that? How do you see it working?

**Ms. Barb Smith:** I think it's actually functioning. In fact, we've heard from Citizenship and Immigration Canada that they actually go on campus to the University of British Columbia and recruit graduates from there. There are some activities that are already in place and implemented by CIC to attract these types of students.

We also see students who are applying for immigration. They are eligible to work for up to a year, and in some provinces up to two years, upon graduation. Those students create ties to their communities and then choose to apply for immigration on their own. There are mechanisms in place for these students to be able to access the system.

**Mrs. Diane Ablonczy:** Is it your recommendation to not do anything differently?

**Ms. Barb Smith:** I don't think it's really necessary to create a new infrastructure to attract those students. The infrastructure is there and in place. It's giving them the opportunity to be recruited and to come here in the first place. It's giving them a chance to be students and then to become skilled labour that we can retain.

• (0935)

**The Chair:** Thank you.

Madam Faillie.

[Translation]

**Ms. Meili Faillie:** I have a question on recruitment programs.

Before that, I'd like to comment on what Ms. Portnova said. I might not be here as a member of Parliament if my parents were not here. My mother is Chinese, and my father is a Quebecker. My immediate family network played an important role in my decision to run for office. That was the first thing I considered when I thought about running. I wouldn't be here if my mother were not here and if my father were not here.

It seems to me we have to be consistent. We've advocated the idea of having people come into the country and of family reunification. So people have come here at a very young age, are now naturalized citizens and know nothing about their country of origin. Under current practices and legislation, those people can be removed. I'd like to side with Ms. Desil on this point because I entirely agree that this is illogical in legal and humanitarian terms. Some naturalized citizens are liable to removal.

I don't know whether you're aware of the fact that a number of colleges and universities take part in programs for which they recruit refugees and see to their integration. Those programs have had a lot of success and are attracting highly specialized manpower. Can you tell me about the participation of British Columbia's colleges and universities in that program? I ask the question because I know they're in the process of signing another agreement and that the agreement that had been in effect for 15 or 20 years was suspended.

[English]

**Ms. Barb Smith:** I'm sorry, I'm not aware of any institution in British Columbia that actively recruits refugees. We're all looking to recruit students who are fee payers and will bear the full cost of their education while in Canada.

**Ms. Meili Faille:** There is a program in which the universities receive an amount of money and then they recruit refugees. The community supports them for the first year, but then the refugees start working and pay their own fees afterwards.

**Ms. Barb Smith:** I represent university colleges, and I don't think we're participating in that program.

**The Chair:** Thank you.

Mr. Siksay.

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

Ms. Desil, I was glad you raised the issue of the Refugee Appeal Division. Certainly it's something that I, as a member of Parliament, have been struggling with. Why won't the government implement its own legislation in regard to a merit-based appeal for refugees in the system? Many people around this table have been working on the government to get on with this important task.

When you were discussing it, it sounded like you were asking for a reconsideration of the grounds on which we receive refugees. You included extreme poverty in the list. That hasn't been a criteria, even though I certainly come from a long line of economic refugees, of peasants fleeing Hungary for a better life economically, and farther back there were probably Irish, Germans, and Scots doing the same thing—all folks who wouldn't get in under the current criteria. I'm just wondering if you could talk a little more about those criteria, and if you think extreme poverty should be one of the things we consider in that process.

**Ms. Junie Desil:** I'm obviously not going to go into a huge, extensive discussion about how globalization and all kinds of agreements that we've made contribute to these disparities. I would say that as much as people make choices to come here, many of these choices are forced choices. In fact I wouldn't use the word "choice" because when you are living in conditions of extreme poverty or in war-torn countries or with famine, these kinds of things are conditions that we, as citizens, don't have to face right now. We wouldn't, I think, in all good conscience, expect people to live through these things. I think given the kinds of agreements the Canadian government has made, and other governments, we owe that much in terms of allowing people to make those choices, to come to countries that are much more accessible and have much more privilege.

I don't know if this quite answers your question, but I think that would make more sense and be much more humanitarian.

● (0940)

**Mr. Bill Siksay:** You came to talk about citizenship issues this morning. Are there particular aspects of our citizenship laws that affect women more adversely than men? I wonder if you could comment on that.

**Ms. Junie Desil:** Our system, unfortunately, is gender-blind, as are other countries that are letting people leave. For example, when citizens are experiencing violence and sexism in their countries of origin and come here and face that in other subtle forms—but it's there anyway—it does have an impact. It has an impact on how we, as policy-makers, make decisions and frame our citizenship acts and policies.

Historical evidence has shown things like the head tax or allowing men to come in alone but not allowing women to come in unless they were attached to men. Our current policies as well ensure that women have to depend on men to come here and perhaps face sponsorship violence, which is one of the issues increasingly coming to light in different communities. Women might come in under work agreements like the live-in caregiver program, which disproportionately affects young Filipino women—those kinds of things. I can't summarize it in anything small, but I think those are some of the major concerns that come out through gender analysis.

**Mr. Bill Siksay:** I recently met with two of the families of men who've been held under the security certificate process. Hearing of the difficulties that their families face was quite stunning. In one case, the children haven't been allowed to touch their father for the five years he's been incarcerated. The wife still doesn't know what the charges are, what the evidence against him is. She hasn't been able to witness the trial.

Yet, when we asked how she explained this to her children, she said she told them that sometimes people make mistakes, that in this case the government made a mistake, and that they all just have to hope that someday the government will see the error of its ways. I was overwhelmed with the grace of that response, given what the family has gone through. I think that in this case there really is a disproportionate effect on the family.

I asked the minister about students working off campus, and he said the agreements in place to allow it were a product of the government's hope to address regionalization issues. It was meant to encourage students to go to the regions of the country rather than the big cities. I met with students at Simon Fraser University, in my constituency, and they told me that the issue for them was the high cost of living in the greater Vancouver area. They needed to supplement their funds to maintain an acceptable quality of life. Is that something your students face? I know your institutions tend to be located in rural areas, or the less developed parts of the province. Is that an issue for them?

**Ms. Barb Smith:** It's not the case for all of our students, but it certainly is for most. Quite often we have students in our office asking for extensions on fee payments or asking to pay in installments, because they're waiting for funds to come from their families so they can pay their tuition.

Quite often it's a collective effort. Mom and Dad are saving, grandparents are saving, students are trying to work. There are a limited number of jobs on campus, and they compete for those just like any other student. We're looking to give them other opportunities to support themselves while they're studying.

• (0945)

**Mr. Bill Siksay:** How do costs compare at your institutions between international students and Canadians? What's the fee differential?

**Ms. Barb Smith:** At our institutions it's about one to three.

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

It was a very good panel. This is the seventh hearing, and there's a real commonality that's starting to emerge.

The student issue is critical for Canada. It's almost like part of our international development policy; it has all sorts of great tie-ins to international trade. People come here, and when they return we are left with the benefit of having made those contacts. This is something we must continue and do better in.

As for family reunifications, we have to get the government to think outside the box. In many of the emerging cultures that have been coming here, parents stay with their kids after they immigrate. We can't look at these things through our particular perspective.

The issue of revocation has been a long battle of mine. At one point, under Bill C-63 they were going to make it even more draconian than the draconian system that now exists. We had a professor here from Simon Fraser University who, though she wasn't making a presentation on revocation, managed to get it in there. She asked the question, when do I become a Canadian? The reality is, it's bad public policy. For the sake of a few cases, you end up condemning six million naturalized Canadians to a life of uncertainty. As Robert Frost said, "Home is the place where, when you have to go there, they have to take you in".

I would like to thank you all for your presentation, and we will forward you copies of our report. We'll suspend the hearing now for 10 minutes.

Thank you.

• (0945)

(Pause)

• (1000)

**The Chair:** We're going to start. It's going to be up to five-minute presentations, and then we'll go to questions, back and forth. I will try to signal at the five minutes so you can wrap up.

I would like to start with Ms. Walshe.

Ms. Walshe, you're on.

**Ms. Sheila Walshe (As an Individual):** Thank you.

I'm here today as a 62-year-old war baby from World War II, and also, in a very real sense, as a lost Canadian. My father was a Canadian soldier on active service in England in 1942 when he met and married my mother. I was born the following year. The facts are recorded in dad's war records. He got a certified copy of these to help me deal with this problem now.

He continued to fight alongside the allies, and at the end of the war, repatriation began, and my mother and I travelled to Canada on the troop ship, the *Queen Mary*. We arrived May 27, 1946. I was three years old. It says on my record of landing I was destined to Father Lloyd Cross in Welland, Ontario. I thrived in Canada and had a very happy, ordinary childhood, and I did well at school.

In 1952, my dad was working away, and mom took us to England, supposedly for a surprise holiday, but in reality she had no intentions of returning to my dad, so she had abducted us. He had no knowledge that we were going. My life altered dramatically. My first day in school in England I was nervous, and I went up to one of the girls in the class, put out my hand and said, "Hello, I'm Sheila Cross". The reply I got was, "So what?" It's not what I was used to. It's not the way my Canadian childhood had been.

I missed my dad very much. I recall I cried an awful lot. Then mom told me my dad was dead, at about the same time my grandfather threw me, my mother, my brother, and my sister out of his house because he said he no longer wanted the Canadian bits of dirt in his house. I was nine and a half, and I remember this very clearly.

A dull greyness was over the next few years of my life, and I can't cover that in five minutes. Then I met Jim, and we married and we had our family. I was always yearning for the land in which I'd known happiness as a child up to the age of nearly nine. My brother eventually came to Canada to see if there were any family surviving who were interested in us and would welcome us. He found out our dad was still alive. When Jim, my husband, and I came to meet him, it was quite an experience. We got a taxi from the airport to Surrey in B.C., where my dad was living then. Jim got out to greet him, and I was frozen to the spot; I couldn't move. I'd been 40 years grieving that man, loving him, missing him, dreaming, wanting, wishing—everything—and there I was, frozen. I couldn't undo the seat belt, so dad came out and undid the seat belt and said, "Come on, girl, come home".

I couldn't believe what was happening. I just couldn't. I can't really give the words that convey what I felt then. I don't think there are any. Since that day, I've felt like a new human being. I have a place in the world. I have my own right to be alive. I'm a happy Canadian girl again, albeit I'm now 62—just. I relate to people around me with confidence and ease, I can fill my lungs with Canadian air, and I feel good to be alive. In my heart and soul I know I am home in every sense of the word.

My son is living on Vancouver Island. He's been there seven years now and he has his citizenship. He tried to sponsor us—that's the route we were told we could take for me to regain my citizenship—but the sponsoring of parents seems to have been stalled. It stalled on June 24, 2003, the last time I checked. My daughter and granddaughter are permanent residents in Prince George. My brother is here in B.C., Canadian by right, as is my sister. They were born in 1947 and 1948 respectively.

I also was born a Canadian, but for some reason this is not being recognized at this time. Hopefully, this will soon be addressed. I'll raise my Canadian head high and be able to declare my Canadianness as my right.

My dad died last fall. I'd have loved him to be an active part of the celebrations we'll have when the status is confirmed. It's been a focal point of my existence, a bright memory on the darkest of days, and the one landmark I've clung to all my life. His teachings to me as a child—never lie, never cheat, never steal, unto thine own self be true—stayed with me through all the bad years in England. I live by them still. He was a great man, my dad. He was proud to be a Canadian, and so am I. I live, breath, and will die a Canadian.

• (1005)

Please help make this legal for me. When it's done, I want to contribute to my country. I'm a fully trained RN; there must be something I can do in the workplace. If it means taking a few courses, I'm more than willing to do so. That would be quite interesting.

My dad's second family, my brothers and sisters—Mary's children—are the same age as my children, and it just makes things a bit spiced. I have brothers and sisters who cause me the same sort of excitement my own children did. It adds spice to the relationships of all, and they're very supportive of this. They're behind me every inch of the way and want me to be recognized as an equal Canadian with them. The only thing about me that isn't Canadian is the legal non-recognition at this time of the fact.

If you're in a position to help, please do. Thank you very much for giving me this chance.

**The Chair:** Thank you very much. Next we have Ms. Rosen.

• (1010)

**Ms. Rachel Rosen (Coordinator, Grassroots Women):** Thank you. I'm here today representing Grassroots Women. We're a British Columbia-based women's organization with a sister organization in Manitoba. We do education, advocacy, research, and community organizing with working class women about issues and concerns we're facing, such as the lack of a national child care program in Canada, the need for universal access to health care, as well as issues of immigration, human rights, and civil liberties.

We had the opportunity to present to the standing committee back in February 2003, and we'd like to comment on some of the positive recommendations we felt came out of the committee's report at that time, such as its discussion about addressing whether criminal charges that have been placed on people in foreign countries are valid. One of the concerns we had raised at that time was that many people who are politically active in the struggle for human rights that's recognized and supported here in Canada may not be

supported in other countries. We'd like to thank the committee for that.

However, we would like to raise the question of what has resulted from that consultation process concretely since this standing committee released that report in 2003. From our experience and perspective, since that consultation and report there have been more deportations; there's been a widening application of anti-terrorism legislation, including the well-publicized and horrific case of Maher Arar.

As well, in our discussions with our members and contacts leading up to this consultation, it has become increasingly clear to us as an organization that is active in policy engagement regarding anti-terrorism measures that there has been little public discussion or consultation regarding the review of the Anti-Terrorism Act and similar legislation in Canada. Yet anti-terrorism policy is a critical issue for Canada, for Canadians, and it's playing a role in defining Canada, including a role in terms of citizenship and immigration policy.

That's the first point we'd like to make regarding citizenship, that there's a need to de-link citizenship and terrorism. What's happening now is there's a climate of suspicion and anti-immigrant hysteria and sentiments. There's racial profiling. Based on both real and manufactured fears of terrorism, policies regarding immigration and citizenship and other areas of our life are being developed that are unrestrained in their attacks on purported Canadian values, including the Charter of Rights and Freedoms, and the events of September 11 continue to be used as justification for these things.

What happens is that connecting immigration and terrorism exacerbates the climate of racial profiling and harassment and suspicion of immigrants and refugees, and in fact entire ethnic and religious groups are now suspected of terrorism.

In light of principles of equality, of human rights, and due process, it is essential that citizenship policy in Canada should not perpetuate this suspicion and persecution of migrants, immigrants, and refugees by linking citizenship to terrorism. What this linking does is heighten a mentality of "us and them", which deepens the citizenship divide. In the world of "us and them", migrants, immigrants, and refugees are condemned to never leave the category of "them". These migrant, immigrant, and refugee groups continue, even when they reach citizenship status here in Canada, to be segregated and economically marginalized because of this mentality. Yet we recognize the historic and continuing contribution of immigrants and refugees to building Canada and the Canadian state.

There are a few specific points we'd like to make surrounding the question of Canadian-born children of non-citizens. These Canadian citizens by birth are also being increasingly consigned to second-class citizenship.

•(1015)

For example, there have been cases of Canadian-born children of domestic workers under the live-in caregiver program who have been denied medical coverage if the mother's status as a temporary worker runs out. These are Canadian citizens. In other cases, these Canadian children are effectively deported if their mothers are deported because they have no one else to look after them in Canada. The rights and best interests of Canadian children are essentially being denied.

Proposals to expand the definition of Canadian-born children who will not qualify for Canadian citizenship will only exacerbate this problem. Constricting the rights or guarantees of citizenship for naturalized citizens, including some proposals on the table to increase opportunities to deny or revoke citizenship, will only aggravate and increase the citizenship divide and devalue citizenship for all Canadians.

We'd also like to address the denial of citizenship in the application procedure. We've seen examples where permanent residency and therefore citizenship is being denied to migrants, immigrants, and refugees who have already actively been contributing to Canada. These include domestic workers under the live-in caregiver program who are required to complete 24 months of work in a three-year period, but because their employer died in the last month, they can't complete their 24-month period. There are examples of trafficked persons, people with refugee status who are being deported to countries where they are then facing persecution. This contravenes the very principles of comprehensive human rights that are held in such high regard by Canadian people.

Finally, we'd like to make the point that in terms of citizenship, Canada has a role to look at internally in terms of developing our citizenship policy, and also a role to look at Canada's role globally in creating and really addressing the conditions that force people to migrate abroad.

As a women's organization, we'd like to say that for all of the points we've raised, because women are already more vulnerable in society, they are particularly aggravating and amplified for women.

Thank you very much.

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

Next we have Ms. Rakotonaivo.

Hold it. She isn't here. I apologize.

Mr. Khaki.

**Mr. Aziz Khaki (President, Committee for Racial Justice):** Am I supposed to go now? It's me, is it?

**The Chair:** Yes.

**Mr. Aziz Khaki:** Mr. Chair, members of the Standing Committee on Citizenship and Immigration, we are indeed very pleased to appear before your committee to submit our views on citizenship and immigration.

The Committee for Racial Justice is an umbrella group made up of community, religious, and service organizations. CRJ has been

working for 22 years to promote respect for human dignity, fairness, and equality for all.

Canada is a country of immigrants. Aboriginal people have been here for thousands of years. To give legitimacy to our settlement, the concept of Canadian citizenship was introduced. It was confined to a select few in the beginning, mostly the Europeans. Only in recent years have we opened our doors to give citizenship to others.

It is recognized that citizenship comes with certain rights and responsibilities. Those applying for citizenship are required to familiarize themselves on the rights and responsibilities attached to their citizenship. We therefore feel it is appropriate to include a preamble setting out the rights and responsibilities of citizenship in the new citizenship legislation.

We cherish with honour and pride the possession of our Canadian citizenship. We attach great value to it, and we definitely do not want to see two classes of citizenship: one for those who are born here and another for those who obtain it through naturalization.

Under Bill C-18, which died on the floor of Parliament, clauses 16 and 17 provided for the revocation of citizenship for those accused of terrorism, war crimes, and organized crimes. Those proposals lacked basic protection of procedural fairness.

First of all, we are against the provision of revocation of citizenship. In very rare cases, if deemed necessary, it should be under the full protocol of procedural fairness. The revocation of citizenship for terrorism, war crimes, and organized crimes must meet the standards of fundamental justice without violating the rights of the person. In cases where national security is a legitimate concern, a balance must be struck with the legitimate expectation of a fair and open hearing.

Citizenship is our Canadian heritage. It is our identity. Canada has not repudiated its beginning as a nation of immigrants. Immigration is an integral part of our tradition and should continue as such.

Professor Julius Grey, in his report, "Equality for All", stated that the objective of the immigration policy should contain standards of admission that do not discriminate in a manner prohibited by the Canadian Charter of Rights and Freedom. The charter of Canada under section 27 states, "This Charter should be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians".

Canada is a pluralistic society. We are proud of our Canadian multicultural heritage. Section 15 of the charter recognizes equality rights—"equality before and under law and equal protection and benefit of law".

Former Chief Justice of Canada Brian Dickson, in his introduction to the "Equality for All" report, stated:

...while the courts are the guardians of the Constitution and of individuals' rights under it, it is the Legislature's responsibility to enact legislation that embodies appropriate safeguards to comply with the Constitution's requirements.

We must be vigilant against the use of power. We should guard against the surrender of part of our liberty for security needs. We should work for open and fair process and justice for all.



•(1020)

I would like to say a few words here. In this forward for the Charter of Rights and Freedoms, our Prime Minister, the Right Honourable Pierre Elliot Trudeau, used these words:

The difference is that now they will be guaranteed by our Constitution, and people will have the power to appeal to the courts if they feel their constitutional rights have been infringed upon or denied.

Further, Chief Justice Bora Laskin, on May 14, 1972, stated:

Our society is anchored...on openness of our courts, and of our Legislative Assemblies, underpinned by a universal franchise, on fair procedure before adjudicative agencies, be they courts or other tribunals which, at least, means a right to be heard or to make presentations before being condemned criminally or made liable civilly.

We submit that while we are an independent nation, we have Queen Elizabeth II as our queen, and the text of a new citizenship oath should also incorporate our loyalty to the Canadian monarch.

We celebrate July 1 as Canada Day. On this day almost everywhere in Canada citizenship ceremonies take place. We need to hold a number of hearings to reaffirm the dignity of our citizenship, and this should occur at an organized level to remind people of their responsibilities to uphold and celebrate their citizenship.

I would like to say just a few words on family reunification issues. We have heard that there are long delays, especially in the developing countries, on the verification of documents presented for processing. With regard to delays in reuniting the families of refugees who have been granted Canada's protection following the Immigration and Refugee Board determination process, there have been cases where the children got their landed papers in their own countries before conventional refugees got their papers in Canada.

We hope our views presented this morning will assist your standing committee in making the final recommendations for the new bill that will come before Parliament for discussion.

Thank you, Mr. Chairman.

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

Now we're going to go to Ms. Rakotonaivo.

**Ms. Michèle Rakotonaivo (Fédération des francophones de la Colombie-Britannique):** Thank you.

•(1025)

[Translation]

Ladies and gentlemen members of the committee, thank you for this opportunity today to take part in your thinking on the Citizenship Act.

Allow me to start my presentation by providing you with a brief description of the Francophone community of British Columbia. According to Statistics Canada's 2001 Census, the Francophone community of British Columbia is 63,600 strong. However, including bilingual persons who expand the Francophone area of our province, 270,000 people can speak French, some seven percent of the population of British Columbia.

I represent the Fédération des francophones de la Colombie-Britannique, which was founded in 1945. So we're celebrating our

sixtieth anniversary this year. The Federation is recognized as the mouthpiece of Francophones in our province. It carries out its mandate with the support of its 37 member associations, which represent Francophones of the various regions and operate in various sectors of human activity, such as economic development, cultural development, youth, justice, education and, of course, immigration.

The Francophone community in our province is not a monolithic block consisting solely of transplanted Quebeckers. Like Canadian society as a whole, the members of our community come from around the world. These people are shaping a modern community that is open to the world. You need only consider a few statistics from the 2001 Census to understand the importance of immigration in the development of British Columbia's Francophone community. More B.C. Francophones were born outside Canada than were born in our province. Fifteen percent of British Columbia's Francophones are immigrants.

Like immigrants in general, Francophone immigrants mainly settle in the Vancouver area, as a result of which 20 percent of Francophones in the Greater Vancouver area are immigrants. In fact, outside Quebec, this is the number three destination for French-language immigrants, after Toronto and the Ottawa area.

This reality of a community that both has an official language and is multicultural has led us to take a very active role in immigration in Canada's Francophone communities. In fact, we play a very active role with Citizenship and Immigration Canada's steering committee for Francophone minority communities, on which I sit as a representative for British Columbia.

Immigration plays such an important role in our community's development that we've also established a regional steering committee to consider the best possible ways to attract the most Francophone immigrants, to provide them with intake and settlement services in their language and to facilitate their integration into our community.

In recent years, we've therefore considered the issues inherent in immigration. Access to Canadian citizenship is of course an important part of the continuum experienced by immigrants. Obtaining Canadian citizenship is one of the greatest possible privileges for an immigrant. I know something about that, being an immigrant myself and a Canadian by choice. When I acquired Canadian citizenship in 1992, I understood that, at that point, I was becoming a full-fledged participant in the society I had chosen. For me—and I know the same is true for all immigrants who become citizens of our country—the moment we acquire citizenship is in a way the moment when Canada's fundamental values become our own, if I can put it that way, and when we formally accept its unique characteristics.

Talking about those characteristics leads me to make certain comments on what a Citizenship Act should include. Our suggestions will obviously focus on certain aspects of the act so that it better reflects Canada's linguistic duality and can serve as a tool to raise new citizens' level of knowledge about Canada's Francophone communities and their place in Canada today.

Our recommendations concern three matters: the citizenship examination, citizenship ceremonies and the oath of citizenship.

It is currently provided by regulation that the Governor in Council may take measures to determine citizenship applicants' level of knowledge of Canada. The citizenship examination includes sections on a host of subjects related to life in Canada. It of course contains a section on official languages, but it should be modernized in order to better reflect the existence of our communities. We think the present exam merely perpetuates the perception that the French fact is, to all intents and purposes, limited to Quebec. The act or the next regulations made thereunder should provide for the citizenship exam to have two objectives: to measure citizenship applicants' knowledge of Canada's linguistic landscape as regards official languages and to inform new citizens about Canada's official language communities. The exam should therefore ask questions that enable people preparing for it to gain a better knowledge of the Canadian Francophone community outside Quebec.

• (1030)

As regards the citizenship ceremonies, they are an excellent way to make linguistic duality an actual reality. The ceremony is a moment of great celebration, a solemn step in the acquisition of citizenship. It affords a unique opportunity to mark Canada's attachment to the principles of linguistic duality. If the government tables a new bill, it should stipulate that citizenship ceremonies should be conducted in both official languages and that they must be an occasion to advance linguistic duality. For example, if a citizenship ceremony is conducted in British Columbia, it should be an opportunity to inform participants about the Francophone community of that province. This recommendation is consistent with that made by the House of Commons Standing Committee on Official Languages in May 2003.

We also take the liberty of recommending that bilingual citizenship judges be available in each province. It seems hard to hold ceremonies in French in our province with judges from British Columbia.

Lastly, the oath of citizenship should be amended so that people who take the oath swear to adhere to Canada's fundamental values and to the principles of the rights and freedoms set out in the Canadian Charter of Rights and Freedoms.

Those are the three changes we propose in the context of an eventual bill on citizenship. I believe they are consistent with the traditions and values of Canada, our country. They are based on the great understanding that the components of our society have of one another. These few measures would have the effect of solidifying the links between our official language policy and our multiculturalism policy. In our view, Canada is what it is in the eyes of the world in large part as a result of those two policies. Moreover, our extensive experience in conciliation...

[English]

**The Acting Chair (Mr. Bill Siksay):** Madam Rakotonaivo, it's way past our time, unfortunately. I gave you a little extra time, but I'm sorry, I'm going to have to cut you off. Merci.

We'll go to our five-minute question and comment period, and maybe we can catch up on what folks missed in their presentations through the questioning.

Madam Ablonczy.

**Mrs. Diane Ablonczy:** Thank you, Mr. Chairman.

Thank you, presenters. We'll give you lots more time to speak as we ask questions.

Ms. Walshe, I don't think I've ever heard a more heart-wrenching tale than yours. What a family situation you had. Goodness sakes, I can only imagine how a young child would feel. Then to learn that the truth was something different must have been a terrible shock. I applaud your courage. You must be a very strong individual to be here today fighting for some kind of equilibrium on all of this.

We had a good presentation too from Ms. Rosen, talking about some of the excesses that this anti-terrorism, some might say hysteria, has led to. As you know, Parliament is looking at that at the moment, and we'll be very interested to see what the recommendations are.

Mr. Khaki, as you rightly point out, this is the only country in the world that was built by immigration. So your plea for us to build and maintain our tradition of recognizing human dignity and equality is very well taken.

Ms. Rakotonaivo, tell me how to pronounce your name, please.

• (1035)

**Ms. Michèle Rakotonaivo:** Ra-ko-to-na-ee-vo.

**Mrs. Diane Ablonczy:** Ah. I wasn't even close, was I?

We appreciate your intervention as well. Congratulations on your 60th anniversary. That's older than any of us on the committee are, so that's very good.

[Translation]

I'm sorry, I don't speak French. Well, very poorly.

[English]

I'll continue, unfortunately, in English, but we are working to become more bilingual. Your example is good.

I grew up, actually, in French-speaking communities in Alberta, in Lac La Biche and Plamondon. There are a lot of French-speaking Albertans, so that's been part of my tradition as well. It's a good reminder that not all French-speaking people are in the province of Quebec, and we need to recognize that.

I have so little time to ask questions, but I wonder, Ms. Rakotonaivo, if you could tell us whether there's a school system in the province of British Columbia that would be accessible to francophone students. How is that educational system here in the province?

[Translation]

**Ms. Michèle Rakotonaivo:** We have a Francophone school board.

Section 23 of the Canadian Charter of Rights and Freedoms states that parents whose first language learned and still understood or who received their primary school instruction in French may have their children educated at a Francophone school. This section has been complied with since 1995. I don't know whether I've answered your question.

[English]

**Mrs. Diane Ablonczy:** No, that's good. I did wonder what the availability was.

[Translation]

**Ms. Michèle Rakotonaivo:** We have 38 French-language schools in British Columbia and 17 homogeneous schools.

[English]

**Mrs. Diane Ablonczy:** I wanted to ask Mr. Khaki this. What would you say is the most pressing issue, the largest problem, that is faced by the people your organization speaks for?

**Mr. Aziz Khaki:** It's not one issue. We deal with issues of immigration, employment equity, and media. You talk of racism, but I don't like the term "racism" per se in that sense. I say to build better race relations so there is that respect for people who have different origins and a different colour of skin, accepting that we are first and foremost human beings rather than classifying us according to a different colour, faith, or identity.

**Mrs. Diane Ablonczy:** That's a good summary. Thank you very much.

Thank you, Mr. Chairman.

**The Acting Chair (Mr. Bill Siksay):** Thank you.

Madame Faïlle.

[Translation]

**Ms. Meili Faïlle:** Thank you everyone.

Those who don't understand French can listen to the simultaneous interpretation.

I want to thank people for their evidence. I missed the first presentation, but I heard it was very touching. I'll read the evidence. First of all, I'm greatly affected by the people who are excluded by the present legislation and the lack of legislative harmonization.

I'm tempted to give the Fédération des francophones de la Colombie-Britannique a little more time. I quite agree with what you say. I'm from Quebec, where Francophones are in the majority. However, we have to realize that we are in the minority in Canada. When you consider all the Canadian provinces and territories, we Francophones are in the minority. Consequently, our fight in Quebec

is similar to that being carried on in each of the provinces. So I encourage you and completely support you.

Let's talk about the necessity of conducting the ceremony in both official languages and the possibility of having a bilingual judge. We Francophones are often faced with this kind of situation. There are a number of us in Ottawa, as a result of which there's greater awareness with regard to services.

This matter of fighting and seeking recognition for linguistic duality also has its limits. However, we mustn't limit ourselves either to the question of Quebec and the rest of Canada. The Francophone question arises all across Canada. If you consider Canada as a whole, Francophones are in the minority. Our fight is very similar to yours.

I'd like to leave you the rest of my time so you can finish your presentation.

• (1040)

**Ms. Michèle Rakotonaivo:** Thank you very much, Ms. Faïlle.

I just wanted to mention that, based on our experience, it's very important for there to be a rapprochement between Anglophones, Francophones and Aboriginal peoples. We want to welcome people who come from the four corners of the earth and to respect the cultural diversity they bring to Canada. It's mainly that.

I'd like to make a brief comment on what you said a little earlier. We're very much aware that we Francophones are in the minority in Canada in overall terms. We're working very hard. We consider Quebec the leader in promoting La Francophonie. We work hard on the basis of what's been done in Quebec. However, you have to look at the situation square on. That's not easy for us in particular, because the farther away we are, the harder it is. Canada's a big country.

Let's talk about bilingual citizenship ceremonies. Quite frankly, this was only the second ceremony since 2002. That's a bit sad. I should emphasize that, on both occasions, judges came from Ottawa. We have candidates here who are available. All that's unfortunate.

As for immigrants, Ms. Ablonczy talked a bit about education earlier. It's quite hard for immigrants to gain access to the Francophone school system if they don't have the necessary information before they arrive in or enter Canada.

**Ms. Meili Faïlle:** Do I still have some time left?

[English]

**The Acting Chair (Mr. Bill Siksay):** About thirty seconds.

[Translation]

**Ms. Meili Faïlle:** Thank you, I'll stop here.

[English]

**The Acting Chair (Mr. Bill Siksay):** Thank you.

Mr. Temelkovski.

**Mr. Lui Temelkovski:** Thank you very much, Mr. Chairman, and I'll take the 30 seconds, Madame Faïlle. Thank you.

I have a question for Ms. Rosen. Ms. Rosen, you mentioned in your deposition that children have to leave because of the status of their mother. Can you tell us a little bit more? That's under what circumstances? What are some of the numbers, and what is the legislative obstacle we can remedy?

**Ms. Rachel Rosen:** The example I was giving of Canadian-born children who are effectively deported along with their mothers comes from the live-in caregiver program, which is a program of Citizenship and Immigration Canada and HRSD. In this program over 95% are Filipino women who come into Canada to provide live-in domestic work, including elder care and child care. As part of this program they're required to complete 24 months of live-in work within a three-year period. When they're here in Canada under the LCP, they have only temporary worker status. After completing this, they can apply for permanent residency and follow it up by citizenship here in Canada.

Cases have been coming forward where these workers—I'll just say women because the majority are women—these women are unable to complete their 24 months of work within a three-year period for a number of reasons. They become ill while working and have to take some time off. Then they have to find a new job, so they're unable to complete 24 months of work within that three-year period because they were ill. There are other cases where women become pregnant and, again, are unable to complete that 24 months within the three-year period. There are other cases, like the example I gave, where they're no longer able to work for their employer. The employer was elderly and has passed away, or there is a change in employment and they have a hard time finding a new employer within that three-year period.

So these women are being deported because they're not completing this 24-month requirement. We have seen cases where women have completed 23 months within a three-year period and then must go through the whole process of applying—

• (1045)

**Mr. Lui Temelkovski:** Is it considered deportation at that time, or is it that the term of their agreement finishes and they must return? I see that as two different things, but I'm not sure how you see it.

**Ms. Rachel Rosen:** Effectively they're deported because they have no status here in Canada. They become non-status at that point.

What happens with those women who have had children while they're here in Canada—which I think we all believe is a fundamental woman's right, to have children as we desire—is that their Canadian-born children, who are Canadian citizens, effectively end up being deported from Canada because there is no one here to take care of them. Family reunification and the best interest of the child, I think, need to be considered with respect to these Canadian-born children.

**Mr. Lui Temelkovski:** Thank you very much.

Madame Rakotonaivo, you mentioned that judges often don't speak both languages and that this creates a problem or an imbalance. Do you have any idea how many judges are bilingual in your province, here in B.C.?

[Translation]

**Ms. Michèle Rakotonaivo:** No, we don't know. We know there is one citizenship judge who does a number of ceremonies. To date, as I told you, there have been two bilingual ceremonies, one in the presence of the minister himself. The judges came from Ottawa because there are no available bilingual judges in British Columbia.

[English]

**Mr. Lui Temelkovski:** You're not aware of any vacancies in British Columbia for citizenship judges or of the length of time it takes to become a citizen in B.C.

[Translation]

**Ms. Michèle Rakotonaivo:** From the message we receive and from what we see, there aren't any. I don't know whether there are any, but, from what we know, there aren't.

[English]

**Mr. Lui Temelkovski:** Thank you.

Mr. Aziz Khaki, you mentioned citizenship revocation. Do you think there is a time when citizenship revocation should not take place?

**Mr. Aziz Khaki:** First of all, I am against the whole concept of revocation of citizenship; that's our bottom line. But I qualified it by saying that in some extreme cases, if it becomes necessary, then there should be a fair process—

• (1050)

**Mr. Lui Temelkovski:** Judicial.

**Mr. Aziz Khaki:** Judicial and others.

For example, for Bill C-36 I appeared before the parliamentary committee. There is absolutely no respect for civil liberties. The government, the politicians, and the bureaucracy have even failed to define who is a terrorist.

I come from Africa. Nelson Mandela was detained for 27 years as a terrorist, and then all of a sudden he was released and became a national figure. The whole concept of labelling people as terrorists has to be looked at very carefully and must not be used as a political football.

**The Acting Chair (Mr. Bill Siksay):** Thank you, Mr. Khaki.

Our time is up for that round.

Mr. Mark, for five minutes.

**Mr. Inky Mark:** Thank you, Mr. Chairman.

That's an excellent response you made about this whole business of labelling and terrorism, and I'll follow in the same vein of questioning. In fact I'll ask each of you one question, which relates to the whole business of Canada's multicultural diversity.

In this community, as in a lot of the larger urban communities in this country, my opinion is that sometimes the ethnic communities get to be very concentrated in different areas. I'd like to hear your honest opinion as to what the state of race relations is in the community of Vancouver and area.

**Mr. Aziz Khaki:** Racism has been with us since the first human being came on the face of this earth. In our role in Canada, racism is not as prevalent as we are trying to.... But there is definitely an element of racism.

When we started the Committee for Racial Justice 22 years ago, there were fire bombings of Indo-Canadian homes in Surrey, graffiti on Jewish homes, and torchings of some Afro-Canadian restaurants. There were many unsatisfactory acts leading to human acts of violence. We came together—religious groups, service agencies—to try to see how, through education, through talking to each other, we could create a better understanding of the pluralistic society of our nation. We have, to a large extent, made some progress, but we have a very long way to go.

I believe, and this is my view, we cannot entirely eliminate racism, but we can create an environment of better race relations and respect for the diversity we have and of how we can use that diversity as a strength.

**Mr. Inky Mark:** Please, can you respond?

**Ms. Rachel Rosen:** In Grassroots Women, our experience is compounded, of course, because we are women as well as women of colour, so we're experiencing sexism as well as racism. I'd just like to point to a few examples, because I think there are numerous examples that demonstrate the level of racism, and particularly systemic racism, in Vancouver.

To point to a few numbers, for example, the Filipino community has the highest level of education and the lowest income in the area. Immigrant communities in general and communities of colour in particular have much lower incomes, much lower access to employment equity than white communities. From our experience at Grassroots Women, this is connected to a variety of factors, including citizenship and immigration, as well as some of the anti-immigrant sentiment, as we discussed, that's being perpetuated by the media through public discussions. Also, in British Columbia there is a largely unceded indigenous territory, so the conditions of indigenous people both on reserve and in urban areas is most dire. The levels of poverty and of unemployment are massive for indigenous people. Again we point to systemic factors such as the underdevelopment of traditional lands.

For women we also talk about the experience of accessing social programs, social services, and how that's connected. An example is the live-in caregiver program in which largely women, and largely women of colour, are working as really modern-day slaves here in Canada. They're working on-call, mostly 24 hours a day, doing, you name it, child care, health care, cooking, cleaning, accounting, whatever their employer requires of them, based on the conditions of this program of Immigration Canada.

So we always connect those personal experiences back to the systemic policies and procedures that impact women's lives.

•(1055)

**The Acting Chair (Mr. Bill Siksay):** The time has expired for that round.

Ms. Beaumier.

**Ms. Colleen Beaumier:** I'm going to be a little controversial.

Rachel, you made a comment that it's a fundamental right for these women to bear children. However, with rights come responsibilities, and must a society be responsible for the rights of children who are born for immigration purposes only? That's one question.

The other thing is the exploitation of domestic workers. You have to understand that I come from a very high immigrant population constituency, so I get all sorts of people. At one point I decided that actually bringing nannies over here was for the spoiled middle-class white women who couldn't afford to pay for decent wages and were exploiting these women. So do you think that perhaps the government should be investing more money in a comprehensive national day care program and scrap the nanny program?

For Mr. Khaki, I personally feel that Bill C-36 was a very pathetic mark on us as politicians to jump into the paranoid fever of what had happened. However, we also have the security certificate that is issued to immigrants, and Bill C-36 covers Canadian citizens as well now. Without mentioning names, I was just in a Metro west detention centre two weeks ago, visiting someone who has been in prison for five years—no charges, everything's secret—and he's not seen his children, or been able to touch his children even, for five years.

At one point you say that no one should be denied Canadian citizenship when they're landed. On the other hand, we're saying there should be no revocation of citizenship. So where do we come in a balance with all of these things?

**Mr. Aziz Khaki:** I did not make an absolute statement. I did say I was against the concept of revocation, but I did say that in some very special circumstances we need to look at it with the full protection of the civil liberty of the person. You don't do it because you feel you cannot prove the guilt of a person. You cannot prove the criminal activity of the person and you want to hide behind your legislation in order to say no, this is for security purposes.

Since September 11, there has been unfortunate, complete targeting of certain groups. As a Muslim I have experienced it first-hand, and this is where I have my problem. On the entire question of how do you deal with the security of a country, the safety and the security of a country is paramount for all of us, but it does not help to make an excuse to deny the civil liberties and freedom of others. There are ways and means of dealing with it. We have seen historically in Europe before the Second World War what happened when people's civil liberties were taken away, and we still have that fresh in our memory. We cannot allow that to occur again.

**Ms. Rachel Rosen:** To respond to your question, there are two points. Yes, on the second point, we absolutely believe that the Canadian government should implement a universal child care program. That's one of our number one calls for all working-class women, and we encourage this committee to also support, within your different parties, implementation of that.

Our experience from a year-long research report we've just completed is that it's clear that, not just for middle-class women but for working-class women, the reality is that child care is entirely unaffordable, inaccessible. There's only one in ten spaces for children who need it, and if women are able to access child care, they end up paying up to two-thirds of their income on child care.

We absolutely believe there's a need for a universal child care program to help women achieve their equality, and in the absence of that, the live-in care program is the de facto national child care program of Canada, which, as you said, serves the interests only of those who can afford to pay for that type of program.

We believe that those who are coming in under the live-in caregiver program should still be allowed to come to Canada as permanent residents, because they have a great deal to contribute to Canada, and in fact are contributing a great deal.

• (1100)

**The Vice-Chair (Mr. Inky Mark):** Thank you very much.

We'll move on to Bill.

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

I just wanted to say that I appreciated all the presentations this morning.

Ms. Walshe, I appreciate that it's often very difficult to share a personal story in this kind of circumstance, so I appreciate your taking that risk this morning and sharing your story with us. It's something that's new to me. I just heard about the situation of folks like you last weekend in Victoria, and I'm very concerned about it and do want to pursue this issue, because what happened to you shouldn't happen to anyone. I do want to see some action on that front.

**Ms. Sheila Walshe:** Thank you very much for that. I have to say, I agree with you 100%.

**Mr. Bill Siksay:** It raises the whole question of abducted children as well, which is something this country has taken very seriously in recent years. Given your experience of that, I think it's the extra piece that merits swift attention to your case. You haven't had that yet, and I hope we can help ensure that it happens.

I wanted to ask Ms. Rosen a couple of questions. You mentioned the situation of children born in Canada who are Canadians but are facing deportation with their mothers. I've actually heard of folks in that situation being told that they have a choice: they could give up their children to the Ministry of Children and Families and let them become wards of the state... That's the option presented to them at that point in their lives. It's beyond belief that someone would make this suggestion to a family at that point in its life here in Canada.

You mentioned the situation of trafficked persons, and I wonder if you could just expand on that, tell us about those circumstances and what your experience of that group of people is.

**Ms. Rachel Rosen:** Sure.

I just wanted to comment on your first point because it's also following up on what Ms. Beaumier said. For those refugees who have children here in Canada, for those workers under the live-in caregiver program who have children here in Canada, obviously it's

not a choice to leave your child to become a ward of the state if you are being deported. It's not a choice

I think we need to look at the fact that, in our experience, these people are contributing to Canada. They're not coming here to Canada just to have children. They're here, living in Canada. They're contributing to the economy, to the development of Canada, and we do believe it's a fundamental right for them to be able to have children.

In terms of your second question regarding trafficked persons, I think there have been cases, whether it was those refugees from Fujian province who were trafficked to Canada in container ships, whether it's the trafficking of women as mail-order brides here to Canada.... I think from our experience, there needs to be a recognition of the living conditions of these people in their home countries, first of all.

Again we come back to what Canada's role is globally in helping to create some of these conditions, which do cause people to risk everything. I mean, to travel in a container in search of some kind of economic stability, a person has to be in pretty dire circumstances to start with. However, these trafficked persons were detained, and many were deported from Canada. So again, we really ask that the conditions of those people be considered, that the horrific situations they were experiencing be considered.

**Mr. Bill Siksay:** Thank you.

I have a question for Madam Rakotonaivo. Mr. Temelkovski was asking the question about unilingual citizenship court judges, and I appreciate the circumstances of there not being a francophone citizenship court judge or a bilingual citizenship court. I agree that citizenship ceremonies should recognize the linguistic duality of Canada.

Is there a way of accomplishing this other than insisting that a citizenship court judge be bilingual? As a unilingual Canadian, I wonder if that affects my ability to have an expectation of someday being a citizenship court judge, for instance. Are there other ways of ensuring that this duality is presented at the time of the ceremony that don't necessarily mean the judge, himself or herself, must be bilingual?

• (1105)

[*Translation*]

**Ms. Michèle Rakotonaivo:** I'd say it's a right. I wouldn't even ask myself the question. It's entirely normal for a citizen to be able to ask that his or her citizenship ceremony be conducted in one of Canada's official languages, English or French.

[*English*]

**Mr. Bill Siksay:** But is there not a way of accomplishing it that doesn't presume it has to be a bilingual citizenship court judge? For instance, this meeting accommodates both French and English speakers, with the interpretation. Is there not a possibility for that kind of event?

[Translation]

**Ms. Michèle Rakotonaivo:** As I told you earlier, becoming a Canadian is a solemn moment for an immigrant. We're talking about a citizenship ceremony here. I can't conceive, and I believe new citizens think as I do, that one should have to follow the ceremony with earphones. I've organized a number of citizenship ceremonies myself. Great emphasis is placed on values. Furthermore, it's the ideal moment to prove that Canada is bilingual.

[English]

**Mr. Bill Siksay:** Can you just explain to us which countries the francophone immigrants in British Columbia come from, the ones you work with in your organization?

[Translation]

**Ms. Michèle Rakotonaivo:** They come from virtually all around the world, but mostly from North Africa and Europe. I'd briefly like to go back to what you said earlier. There are 270,000 French speakers in British Columbia. I believe that number alone warrants a Francophone judge in this province.

[English]

**Mr. Bill Siksay:** Thank you.

**The Chair:** Thank you.

Madame Faille.

[Translation]

**Ms. Meili Faille:** Ms. Rosen referred to child care services, and I'd simply like to add something on that subject. We have a very generous program in Quebec that is the envy of many women. I see some here nodding their heads in approval. Before becoming a member of Parliament, I helped to build that system and I've actively worked within women's groups to obtain that right. The fact that I had a child while pursuing a career was also a factor in my decision. It encouraged me.

In the case of immigrants who have access to these services, we note that they are a factor of acceptance and inclusion. The parents can socialize through their children. This helps with integration, but also in getting over certain things. Many people who come from Francophone countries have been affected by war or other very difficult situations in their countries of origin. When they arrive here, they can socialize and talk about their situation. This has the twofold effect of helping people welcome these immigrants and helping them put their pasts behind them and continue with their lives.

That's why I'm pleased to hear that. I encourage you to demand it loud and long. It's a right.

[English]

**The Chair:** Thank you.

Mr. Temelkovski.

**Mr. Lui Temelkovski:** Thank you very much, Mr. Chair.

Just to follow up on the citizenship, I think it's great to have a judge who would be able to perform the duties in both languages. What's your thinking on other languages?

For example, in Vancouver it wouldn't be a bad idea to have a judge who could perform the citizenship proceedings in Chinese

Mandarin, or in Hindi, or Punjabi, or in Macedonian, or in Hungarian. We heard somebody—I believe it was in Victoria—who was recommending that maybe we should have the native people involved in the citizenship ceremonies.

• (1110)

[Translation]

**Ms. Michèle Rakotonaivo:** We're mainly talking about Canada's official languages here, so English and French. We in the Francophone community feel a lot of work remains to be done in other areas than citizenship, as regards the language problem. In British Columbia, when you go to a hospital or other places, basic services are offered in Punjabi, Chinese and all kinds of languages, but not in French, at least very few. This is one of the questions we're working very hard on. It's important that we talk about Canada's official languages here, since we're talking about the citizenship ceremony and since people become Canadians on that occasion.

[English]

**Mr. Lui Temelkovski:** You should be a politician. You didn't answer my question.

[Translation]

**Ms. Michèle Rakotonaivo:** Yes, I did answer it.

These are two very difficult questions. We're talking about official languages here.

[English]

**Mr. Lui Temelkovski:** Okay.

How about Mr. Khaki? You might have some comments on whether we should have it in other languages.

**Mr. Aziz Khaki:** I subscribe to the view of the previous speaker. I have always advocated that if we are bilingual, it is our duty and our obligation to be able to communicate in those two languages. If you bring other languages, it's fine to have your heritage within your own circle, but when you are dealing at a national level... If tomorrow you politicians decide you want to make it "ten-lingual" instead of bilingual, then we will put ten languages in. But given the fact that you have called us a bilingual country, I think it is fundamentally right for us to be able to make the full use of those facilities that are available to us. Otherwise, what will happen is eventually we will even lose the focus on English and French and will not even know how to communicate with each other.

I come from a certain part of the world where I recognize that diversity of languages, if not properly structured, can literally lead to loss of meaning.

**Mr. Lui Temelkovski:** Thank you.

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

I would like to thank the panel for coming forward and giving us your views. We will be collecting all this and incorporating it into a report. We will make sure we send you all a copy.

Thank you very much.

We'll suspend for 10 minutes.

•(1110) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1125)

**The Chair:** We're going to start this session. The way we do it is that everybody makes a five-minute presentation, after which we engage committee members in questions and answers.

Thank you very much for being here. We're doing cross-Canada consultation on citizenship, international credentials, and family reunification. We have heard a great deal of input. We look forward to your presentation.

I would like to call on Ms. Manvell to start off the presentation, and that's for five minutes. When you get close to the time I'll give an indication.

Ms. Manvell.

**Ms. Kate Manvell (Mediator and Immigration Practitioner, Member of Canadian Society of Immigration Consultants, As an Individual):** Thank you very much. If I have the reading glasses on I won't be able to see you waving; however, I'm always very brief. I may not even take up my five minutes.

Good morning. I'm not going to apologize to any of you coming from the east, which most of you have, for this embarrassing outbreak of summertime that we have in west Vancouver, because it's like this, of course, 12 months of the year.

My name is Kate Manvell, and I am an immigration practitioner. I've done that work for the past 11 years. Prior to that, between 1989 and 1994, I was a full-time citizenship court judge based here in B.C. and the Yukon region. Prior to that—because now all of you are going to ask, how did she get that Privy Council appointment—I was a parliamentary spouse. My husband at the time was a member of the PC Party of Canada and a member of Parliament for Nanaimo—Alberni, Nanaimo—Duncan, or whatever the riding was at the particular time.

I tell you all those boring facts because for the past 16 years my work has been solely to do with immigration to and citizenship in Canada. For the record, this is the third or the fourth time I have appeared before a standing committee for citizenship or immigration.

We do not have a new Citizenship Act to look at, but we have been asked, in our notes from Mr. Farrell's office and on your guidance, about a few things you'd like to hear from us on. I'm going to speak this morning briefly on the criteria for granting citizenship to newcomers, because this is something that has, in my opinion, for 16 years been lacking in the Citizenship Act. It has to do with the residency requirements of citizenship.

I agree that all the other criteria that are in place right now, such as to do with the language requirements, the knowledge—paragraphs (a) through (f), I believe it is, other than paragraph (c), of subsection 5(1) of the Citizenship Act.... It's paragraph 5(1)(c) I would like to speak about, in regard to residency.

The current requirement is that a landed immigrant must have resided in Canada for three out of the past four years when applying for citizenship. At the time I was a citizenship court judge, there was a flexibility. A judge could approve people who had not remained in Canada for that whole physical time. That has now changed, with the

immigration and citizenship departments coming together eight or nine years ago. The citizenship court judges do not have the same flexibility or the same free will they had before. They are very influenced by the grantor's end result. As you all know, the grantor must approve the judge's decision in order for someone to be granted or to receive citizenship in Canada.

Now we have seen, for many years, that it has been virtually impossible for our international business people, whom we also refer to as our astronauts, to gain citizenship. In hundreds of thousands of cases their families are all Canadians and they are not; they are landed immigrants. That wasn't too bad until IRPA came into play a few years ago, where the residency requirement is that you must live in Canada for two years out of five—for 730 days.

I'm now seeing in my work thousands of landed immigrants who are losing their status in Canada because of this requirement under IRPA. Not only, as before, would the international businessperson landed immigrant who didn't remain in Canada be unable to get Canadian citizenship like the remainder of his family, but we're now finding that he or she is losing the existing status, so there is a total divide in the families.

The irony is, those people I'm referring to are business immigrants, under the business category, and it's their hard-earned money that they've brought to Canada and invested in Canada. They've brought property and furniture and have educated their children, and their families are here. They are the ones who are now literally being thrown out of Canada, because they are being served with orders of removal. Fortunately for me, that's great for my business, but it's sure not very good news for a lot of law-abiding, permanent residents.

•(1130)

If IRPA is not going to be changed, that could be changed by the Citizenship Act allowing people to maintain and establish a home in Canada. If they cannot physically stay here, they could also get citizenship waiving that physical requirement.

Are you waving your arms yet, Andrew?

**The Chair:** No, but I will be soon.

**Ms. Kate Manvell:** I know, and I'm just finishing.

I've gotten off the bit of the script that I was going to say, but basically that's what I wanted to share with you this morning.

I would like it if you would consider what I have said in regard to the current requirements of paragraph 5(1)(c) of the Citizenship Act in whatever new act there is. We live in a world of international travel and that's only going to continue. If we are to continue to encourage business immigrants to come to this incredible nation of ours, then we will have to make some changes so they are not removed from Canada three years later because they have not been able to fulfil the requirements of immigration.

**The Chair:** Thank you.

Next we have Lilian To.



**Ms. Lilian To (Chief Executive Officer, Success):** Honourable members, my name is Lilian To. I'm the chief executive officer of Success. This is Ansar Cheung, director of immigrant services for Success.

On behalf of Success, I'd like to thank the parliamentary standing committee for this opportunity to present our views and to propose changes to the citizenship legislation.

Success is a community-based, non-profit service organization. We're about 30 years old, and every year we service around 500 clients, most of them immigrants. Actually, half of these are new immigrants who have been here for less than one year, but the rest may have been here a bit longer. We have 12 locations to service immigrants, with a staff of about 350 and about 9,000 volunteers.

I am very pleased to let the honourable members know that Success was granted a citation for a citizenship award from the Minister of Citizenship and Immigration in recognition of the organization's achievements in exemplifying Canadian values and the principles of Canadian citizenship.

Again, thank you very much.

We'd like to respond to the proposed changes to the Citizenship Act. Maybe Ansar could start.

• (1135)

**Ms. Ansar Cheung (Program Director, Public Education and Settlement, Success):** We are indeed encouraged by the government's determination to reform and improve Canada's citizenship legislation and policies. However, we wish to submit concerns regarding provisions for obtaining citizenship and loss of citizenship in four major areas: one, residency requirement; two, power to refuse and prohibitions for granting of citizenship; three, revocation of citizenship; and four, the ministry's authority to annul citizenship.

I'll talk briefly about the first one: residency requirements. We would support a proposal under Bill C-18, the previous proposed Citizenship Act, for a permanent resident to be granted citizenship if he or she has accumulated at least three years of physical presence in Canada out of a total of six years. However, we are concerned that this provision under clause 7 of the proposed bill does not provide sufficient discretion or feasibility to take into consideration permanent residents who are students or business people who may not be able to comply with the above requirement.

Canada prides itself as a country built by people from around the world. In a global environment, where mobility and travel are becoming more important to business people and students, the ability to travel is becoming a necessity in order to function competitively in the world market. We must not penalize business immigrants, immigrants who are employed overseas, and students studying abroad. We submit that Canada should not limit and restrict employment, business, and educational opportunities for qualified and talented immigrants.

Our recommendation is that the proposed changes in the citizenship legislation include provisions for discretionary recognition of residency for spouses and employees of Canadian companies abroad. We also recommend that the minister be authorized, in compelling cases, to exempt citizenship applicants, such as students

and business immigrants, from compliance with strict residency requirements.

**Ms. Lilian To:** I'd like to briefly go over how to review prohibitions for granting citizenship. Initially, under Bill C-18, the government would be given the power to refuse citizenship on the basis that a person has "demonstrated a flagrant and serious disregard for the principles and values underlying a free and democratic society".

We have a concern that if any new changes in the Citizenship Act go along with that kind of proposed change, it could lead to inconsistencies and possible abuse, which could arise from undefined and broad powers. With a lack of definition of the principles and values, any decisions made would be inconsistent. In addition, with a lack of due process and right of appeal, this is unfair and would be subject to abuse, given the state of uncertainty the world is now in.

Our recommendation is that any proposed changes in the refusal and prohibitions for granting of citizenship should include an expanded list of prohibitions against the granting of citizenship and allow a person who has been denied citizenship to have access to due process and to be treated fairly under the law.

On the other issue of revocation of citizenship, we believe that citizens are entitled to a transparent and fair hearing for revocation of citizenship. As well as knowing the case against them in revocation proceedings to determine misrepresentations or inadmissibility, there should be a review committee to investigate the source of evidence and the individual should be given a fair hearing.

Our recommendation is that in the case of revocation of citizenship, a review committee should be given the mandate to investigate evidence of inadmissibility against a citizen. We also recommend that citizens who are alleged to be inadmissible should be granted entitlement to appeal with leave by the Federal Court of Appeal and the Supreme Court of Canada.

The third is on the minister's authority to annul a decision. Under any of the new changes in the Citizenship Act, if the minister is given the authority to order citizenship to be annulled, there should also be independent hearings or judicial determinations if he or she believes that citizenship is acquired by false representation or under prohibited grounds.

The minister's new power to annul citizenship may be deployed without regard to the principles of justice and the procedure of fairness. Individuals wrongfully accused of acquiring citizenship through illegitimate means may be caught by this particular provision because of political reasons. Then they will have no opportunity to prove their innocence or to confront their accuser.

We recommend that when the minister is given the authority to annul citizenship, there should be provisions for an independent hearing and procedural fairness. People whose citizenship has been annulled should be entitled to the right of appeal and judicial review to the Federal Court.

The community generally welcomes improvements in the proposed citizenship legislation that comply with the principles of natural justice and procedural fairness. We hope the committee will carefully consider our observations and help build a country that is open and welcoming, as good citizenship legislation is vital to the interests of Canada.

This concludes our remarks. I will be pleased to answer questions from the committee.

• (1140)

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

Next we have Mr. David Choi.

Mr. Choi.

**Mr. David Choi (National Congress of Chinese Canadians):** Mr. Chairman and honourable members of the committee, I'm a national director of the National Congress of Chinese Canadians. The congress is represented in every region of the country—the Atlantic provinces, Ontario, Quebec, the prairie provinces, and the Pacific region.

By profession, I'm an entrepreneur. I'm the president and CEO of the Royal Pacific Real Estate Group. Our group does real estate and export of Canadian building materials. I was selected as a “forty under 40” entrepreneur by business in Vancouver. I'm also an adviser to the dean of education of UBC, to the dean of graduate studies of UBC, and a founding and current council member of the Centre for Dialogue for Simon Fraser University.

I'm appearing before you here today to speak about citizenship revocation. I have spoken on this issue before, as a matter of continuing concern for the last several years, and through the various evolving bills, with Bill C-63, Bill C-16, Bill C-18, and now the proposed Bill C-29.

I came to Canada when I was nine years old. I went through elementary, high school, and the University of British Columbia here, and I became a contributing member of the Canadian community. I was interviewed by CBC two years ago when your predecessors on this committee were here in this room. There was also a rally by the multicultural community in Success at the Choi Hall, and the chairman was present at that meeting.

I have said that because I have been here since I was nine, have been educated and have considered myself a Canadian, I take offence to now finding out that I would be treated any differently from any other Canadian in terms of my legal rights just because of where I was born.

Canada prides itself on being a fair and just society, and it's high time we look at our history and the mistakes we have made, which must be corrected under the terms of the current proposed Citizenship Act.

I would like to make the point that we must not politicize citizenship. That is why we have the judiciary. In order to prosecute the few, we should not terrorize the many—the many being the six million Canadians who were not born in Canada. This would simply make bad public policy.

Today, as many as 40% of our sitting members of Parliament were not born in Canada, so I do not understand why, on the subject of revocation, we cannot make the necessary corrections. Indeed, among the six million Canadians who were not born here are the spouses of many MPs sitting in Parliament today.

The governing party, the federal Liberals, in at least four regions that I know of, and those are B.C., Ontario, Alberta, and Quebec, have made a priority resolution on this subject matter.

I would also like to address the current proposed Bill C-29 on citizenship revocation.

• (1145)

**The Chair:** Bill C-29 is the existing bill.

**Mr. David Choi:** Yes.

**The Chair:** Unfortunately, we don't have a bill right now, because we haven't received one, so we're doing consultation. We're hoping they'll use that consultation in drafting a new bill.

**Mr. David Choi:** Okay. I'd like to point out that under the current system, on the subject of revocation, the matter is referred to a federal court judge on the balance of probability, and the judge does a report and then it goes to the minister. And really, what this means is that it's taken to a committee of the cabinet to make a decision in secret.

The person in question for revocation has no standing; that is, he has no legal representation and no lawyer to represent him. This is really a decision that's made in secret star chambers, and I think this is wrong, under Canadian values.

I want to point out in particular that as we are a society that believes in the rule of the law, Justice Reilly of the Ontario Superior Court ruled last January 2004 that as far as citizenship revocation is concerned, section 7, on the legal rights of Canadians and under the Charter of Rights and Freedoms under our Constitution, must apply.

Thank you very much.

**The Chair:** Thank you.

Next we have Mr. Andrew Jakoy.

**Mr. Andrew Jakoy (Vice-President, Hungarian Cultural Society of Greater Vancouver):** Honoured Chair, esteemed committee, ladies and gentlemen, on behalf of the Hungarian Cultural Society of Greater Vancouver, Mr. Les Szanyi, our president, I would like to make a presentation. We would like to make the following comments.

My first point is about the recognition of international experience and the credentials of immigrants. We would like to see that immigrants who have desirable credentials and would be useful for Canada would receive a smooth transition into Canadian life, that is, the process of their immigration to Canada would be speeded up.

My next point is about the treatment of citizenship obtained through birth and naturalization. We would like to see these two forms treated as equal.

The third point is that revocation of citizenship should be decided through court procedures and not follow a political process.

The family reunification issues were covered, so I'll leave them out.

The following two comments are not entirely related to Canadian citizenship, but they are rather important. First is the visa issue. The treatment of Hungarian citizens as citizens legally equal with others in the European Union is important. Since Hungary is a member of the European Union, the same rules should apply to Hungarian citizens as apply to, for example, Austrian citizens, when a Hungarian decides to travel to Canada. A Canadian who tries to travel to Hungary is not required to have a visa, but Hungarian citizens, if they want to come to Canada—for example, if I want to bring my sister out—have to arrange for a visa.

The last point is a general comment. We would like to see the Canadian judiciary system and judges enforce the law. If a citizen is convicted, then the law should not be lenient towards that person. I'm thinking of impaired driving charges and commonly occurring problems.

Thank you very much for letting us speak.

• (1150)

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

Our first questioner is Ms. Ablonczy.

**Mrs. Diane Ablonczy:** I thought you forgot my name there for a minute, Mr. Chairman.

I want to thank you for these good presentations. Mr. Jakoy, as you know, I was married to a Hungarian refugee until his untimely death. So I have a very warm spot in my heart for Hungary and Hungarians.

That includes you, Mr. Chairman, of course.

I want to start with a question for Mr. David Choi.

You talked about, and others have talked about, the offensiveness of revocation, and particularly the secret ceremony by which that happens. I completely agree with you. The problem, I guess, is how to deal with people who obtain Canadian citizenship under false pretences. If there's no revocation in the new act—whenever that might come forward—do you believe it would be appropriate to have, then, much greater scrutiny of citizenship applications, which would slow down the process, of course, and would perhaps be tougher in granting citizenship?

The second question I have for you is this. We, of course, are anxious to uphold the equality of both naturalized citizens and citizens by birth. The problem is that citizens by birth have one citizenship; they have one allegiance. But others have mentioned—two other witnesses—that many naturalized citizens have dual citizenship. So their loyalty and allegiance is not as clear cut, shall we say, as in the case of Canadian-born citizens. I would particularly like you to address those two issues because I know you've given both a lot of thought.

**Mr. David Choi:** First I'd like to say, as a naturalized Canadian, that I only have one citizenship. I'm a Canadian, and I would like to be treated equally with any and all other Canadians.

I am not opposed to stricter scrutiny. I think that would be good, but you've mentioned equality, and that is what's at issue with me. It

is very important that Canada be a welcoming home to all Canadians, whether they were born here or they are naturalized. One does not feel welcome if one does not receive equal treatment.

For those who enter the country under false pretences, I'm advocating that in the revocation process they be entitled to legal rights, just as other Canadians are entitled to legal rights, when they're being accused of wrongdoing that has infringed on Canada. Why would we exclude certain Canadians from these legal rights just because they were not born here? Does that not set Canadians into two classes of citizenship?

I was born in Hong Kong, which is, as you know, a British colony. The reason why I now only hold a single citizenship, and that is Canadian, is because I felt I was a second-class citizen. I understood it in my early teens when I qualified to become a Canadian. I chose to be, and I gave up my Hong Kong citizenship. That is because with my British Hong Kong passport, in order to travel to Britain, I had to apply for a visa. That was second-class citizenship.

Now after all this time of having been in Canada and being recognized here as a contributing member of society, I and others would not like to feel we are second-class citizens. That is very easy to understand if certain of our rights are being alienated, and I don't understand why in this process, when we are a country of the rule of law, we would deny certain legal rights to certain Canadians.

I also want to bring up the issue of extending revocation to kids. You have children here in Canada. We accepted these children as part of us, as Canadians. You can take a case where children come here, and some 50 years later, for instance, we discover that their father entered the country under false pretences. The children are innocent, but now you expel these children. Expel these children to where? They don't have any other citizenship. Do they become international refugees, when we are a compassionate country that in fact has made it a policy to take in refugees? That to me is inconsistent treatment—inconsistency in terms of the legal rights of our citizens.

• (1155)

**Mrs. Diane Ablonczy:** Excellent points. Thank you for them.

I did want to talk to Ms. To as well and ask her the following questions. When you were talking to the committee about residency requirements, you mentioned that you felt that a proposal of three years out of six would be acceptable. Did I hear that correctly?

**Ms. Lilian To:** Yes, it would be an improvement to what we have now with the current Citizenship Act, which requires you to be here three years out of four. So it would be an improvement, but there are concerns, because even in the current legislation there are provisions recognizing that some people on business, or who are away for other reasons, are not able to be physically present. If they're employed by a Canadian company abroad or something, they would be considered physically present and be able to acquire citizenship. But if any of the new changes, like Bill C-18, were enacted, there would be no provision for people who are on business, or for students, to be away.

We have a lot of immigrants who may be studying abroad. Some may have a scholarship to study at Harvard, which might take six years, meaning they will not be able to be physically present for three out of six years. There's no provision for this in the proposed bill. So we're hoping that any new changes in the citizenship legislation will take into consideration people who are studying abroad or who are on business.

We actually have a global village now, and with the encouragement of trade with different countries, it is very likely that an immigrant would actually stay in different countries for several months. They may have difficulty accumulating three out of six years of physical presence. Again, these people may be Canadian citizens, pay taxes, and fulfil all the obligations of a citizen, but then they should not be penalized because they're doing business for Canada or because they're studying abroad.

**The Chair:** Madame Faïlle.

[Translation]

**Ms. Meili Faïlle:** Thank you, Mr. Chairman.

I'm going to speak French. We'll need interpretation.

I believe we're lucky to be able to hear a person like Ms. Manvell, who has worked in this field and has come to explain it to us.

Certain elements must be in place for natural justice to be done. It must be possible for the citizenship judge...

• (1200)

[English]

**Ms. Kate Manvell:** Oh, I am so sorry. All those three years of French in Ottawa, and other than hearing my name...I wasn't getting anything. Thank you.

[Translation]

**Ms. Meili Faïlle:** We're talking about natural justice. For there to be natural justice, it must be possible for the judge to interpret the law. There must be a possibility of appeal to ensure a certain uniformity and true justice. Does the fact that there is no citizenship appeal section make the judge's role harder?

You also referred to a grantor, who comes and sees the work the judge has done. First of all, should the judge have more power to grant citizenship?

**Ms. Kate Manvell:** Thank you.

[English]

I'll answer the second part of your question first because I want you to clarify the appeal.

When I was a judge—it sounds like a fairy tale story—all of our decisions were looked at by the grantor, and that must stay in place because you have to have an executive senate; you have to have that sober thought. But we had free will not to approve or to approve a residency case, for example.

The grantor generally, 99.9% of the time, agreed with the judges unless they found they were way out of line. Then they would refer it to Ottawa and they could then appeal that judge's decision, but that was really rare. Out of hundreds of cases we did in Vancouver every year, I think maybe once in my five years was one of my fellow

judges appealed. Now it isn't; it is the grantor who looks at all of the applications.

I would say in my business now, as an immigration practitioner, I'd probably have about 80% or 90% of my astronaut clients who would be approved. Now you're lucky if people are here less than 730 days out of their four years...maybe 4% or 5%...to the point where citizenship now has become a very small part of my business.

Your other part was about appeal. If someone is not approved by a judge, they can appeal to the Supreme Court. Could you just clarify what your question was?

**Ms. Meili Faïlle:** They can appeal to the Supreme Court, but there's no lower....

**Ms. Kate Manvell:** Do you mean an adjudication level like the one they have with immigration?

**Ms. Meili Faïlle:** Yes.

**Ms. Kate Manvell:** No, there isn't.

[Translation]

**Ms. Meili Faïlle:** In the context of the review of the act, I am sensitive to the contribution of business people. We considered that important because it's a modern reality. We have an increasing number of businesses working in various countries. We find ourselves with people who have come through immigration and are in a process of becoming Canadian citizens. In the meantime, they have to earn a living here, but elsewhere as well.

I hope we'll find a solution to that. Could you make a recommendation or proposal in that regard?

[English]

**Ms. Kate Manvell:** I would love to. Again, my basis, as Ms. To has already spoken about with the residency...that there could be part of that residency requirement where the physical aspect is waived in lieu of either study or, on a business person's level, where they would have to show.... I'm not talking about people landing and leaving and then coming back four years later, but where, say, two-thirds or a large majority of their family actually stayed here, which is generally the case...and that perhaps they had to fulfill returning to Canada two or three times a year for a minimum of two or three weeks. There would have to be some guidelines that could be followed with that, and they would have to prove they had established and maintained a home and bought a car and paid their taxes and everything else.

It's not brain surgery. It's quite doable and it's way overdue.

• (1205)

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

Mr. Siksay.

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

I wanted to say that Mr. Jakoy and Mr. Szanyi were explaining to me before we began our session that they're both from the Sopron School, which was relocated here to the University of British Columbia after the Hungarian revolution. As the chair has taken pains to point out to us and has shared with us, I think, both in Victoria and here on Saturday, that really was a glowing and triumphant moment in Canadian immigration policy, where Canada responded in a very dramatic way to the situation folks were experiencing during the Hungarian revolution.

It's great to have you here as representatives of that moment in our history, so thank you very much for being here.

**Mr. Andrew Jakoy:** We're very grateful for that. Thank you.

**Mr. Bill Siksay:** I appreciated all of your presentations, and I hope folks on the committee know that Ms. To's organization, Success, is an incredibly important community agency in Vancouver and the greater Vancouver area. She mentioned that there were 350 employees and over 9,000 volunteers. It is an amazing organization that has been of absolutely crucial importance to our community and continues to be. This is an important group here in the Vancouver area.

I wanted to pursue the issue of the residency requirement a little further. I'm wondering, how else do we prove attachment to Canada? The issue is attachment to Canada, not whether you've put up money here to buy a house, or whether you've bought a car. How do you prove attachment to the values of Canada? If you're outside Canada for a long time, it becomes even more of a question. So I'm concerned about the issue of attachment to Canada.

It also seems to me that we're going out of our way to accommodate wealthy people. In our immigration process, people of modest income can have real difficulty. For instance, when a family member comes for a visit, and we have a question about the legitimacy of that visit, we immediately go to financial requirements. We see if they have the ability to sponsor them, as if they were sponsoring for permanent residents. Families of modest incomes lose out. We haven't been doing very well at accommodating such people. I'm just worried that we are making this a system that accommodates the wealthy and leaves other folks out of the equation. With regard to family reunification, parents and grandparents are way down the list. Comments?

**Ms. Kate Manvell:** Now you're talking immigration. It's immigration policy or the act that lets them in, not the Citizenship Act. You better get your bureaucrats in Ottawa to change the immigration policy, so that it accommodates lower income levels. We are talking about business, refugees, skilled workers, family reunification—it doesn't really have to do with citizenship.

**Ms. Lilian To:** I fully agree with you about family reunification. Financial considerations should not be a deterrent to it. That's really important because family is the cornerstone of our immigration policy. I know we're addressing citizenship at this point. But when we talk about business immigrants, we're also talking about students, who may lose their citizenship if they're away more than three years out of the six.

About 70% of the B.C. businesses are small and medium-sized. There are only a few huge businesses. Many people employed by Canadian firms may also, out of necessity, have to work elsewhere.

There are others who engage in very small businesses. They're not necessarily wealthy people. This is related to the issue of not being able to get accredited or get jobs. Some of these people have connections overseas and use their skills to run small businesses. We should have provisions for these people. Self-employment is a legitimate form of employment. They should not be penalized for doing this, especially when we're encouraging international trade.

It's important to have an open policy. I agree with you that sometimes there's abuse. People take advantage of the system. I think there has to be some way to deal with it. People who actually work overseas or who have businesses overseas should pay taxes. There should be ways to make sure that they're not abusing the system.

● (1210)

**Mr. Bill Siksay:** So in terms of attachment, we're talking about houses in Canada, paying taxes in Canada. What are the criteria for attachment?

**Ms. Kate Manvell:** To that I would add, what other greater attachment, Bill, than that your family lives here? That was my point. And family should be as in the spouse or children, or something to that level of...whether it's two-thirds of your immediate family who live here, but not your great aunt or somebody. That's a huge attachment to a country. You can tell them you want memberships and everything else, as well as their buying a house, but anybody can go out and get a membership in their library. It doesn't prove anything. But if the family is living here....

That also, then, keeps the status equal. They come. They land. They become permanent residents together. And at the end of three years, they can apply for citizenship. That's the end of the process. They're now citizens. They're now attached to the country, rather than having their landed immigrant status ripped away, which is what we're doing now under IRPA.

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

Mr. Temelkovski.

**Mr. Lui Temelkovski:** Thank you very much, Mr. Chair.

Thank you to the panellists.

Madam Manvell, you've been a citizenship judge. What a great honour and privilege it must have been. Now you've moved on to being an immigration practitioner.

Can you give us some of your thoughts about the job of the immigration practitioner—the licensing and what's going on with that issue? That issue has come up for us.

**Ms. Kate Manvell:** I'd be happy to.

For my first 10 years as an immigration practitioner I was very involved with what was then OPIC. We were great supporters and were the pushers behind getting us regulated. Unfortunately, it was probably too little, too late—too late, too little. It's now in place. It's cost us a huge amount of money. Our membership dues are exorbitant. Our liability is also high, exorbitant, compared to that of other societies I'm affiliated with.

I don't know at the end of the day what difference it's going to make, because we hear through our worldwide community that there are still the unscrupulous practitioners who will not put their names on application forms. At the end of the day, the best thing the Government of Canada has done is that you've done it, and you've put the word out there. So if people still hire a consultant who is not a member of either the bar association or CSIC, then buyer beware again.

Yes, it was a long time coming. We were glad it was here. It's a little more heavily top-sided than what we'd like, but that possibly will change in the future.

**Mr. Lui Temelkovski:** I have another question.

There are two issues: citizenship and immigration. I would say they may be somewhat different.

**Ms. Kate Manvell:** Yes, entirely.

•(1215)

**Mr. Lui Temelkovski:** Would you be in support of having two departments? What's your thinking on splitting those two from one department?

**Ms. Kate Manvell:** It was for so many years. There were such huge changes when they did come together, eight or nine years ago. Immigration, about nine or 10 years ago, became very enforcement minded compared to what it was before—a facilitator. Now that huge group of...I think in some areas, like Victoria, 70% of the immigration department has now left to be in the Canada Border Services Agency. Immigration had grown to be huge enforcers rather than facilitators.

I hope Immigration will get back to being able to welcome people to Canada, rather than keeping them out, telling them to stay out. From that, then, to me it's only natural that citizenship is that very happy ceremony. I know for members of Parliament it's probably one of your finest joys to go to a court and officiate or speak, be part of that. To me, that should be a happy time for people, not something that is perhaps as stringent as it's become.

**Mr. Lui Temelkovski:** Now, we've also heard there's been some delay in the processing of citizenship applications. Where in your view would that delay come from?

**Ms. Kate Manvell:** I think it was Diane who mentioned that if we went back to the old system.... In the old system, when I was a judge, you had citizenship officers who interviewed every applicant. So they physically touched them, physically met them, and they looked at the passport. Then we got rid of all of those people—hired them into enforcement, probably—and then everybody just mailed in their applications.

That's where it all started. They didn't ask for passports. So now people can just lie like crazy, because they have nothing to prove. The courts are now asking for passports afterward.

The big delay was with the RCMP. I used to have, say out of 100 files a year, maybe five clients who were fingerprinted. Then after 9/11, the RCMP...now it's maybe two-thirds of your clients who are being fingerprinted—wives, little children. Never, ever has anybody.... It's just the same name.

The RCMP have this huge backlog. Fingerprints used to take three months; now it's six to eight months. Citizenship is now running into two years, even for straight files. When I was a judge, we could put them through in three to five months, with nothing changed. It was actually a heavier system, because you had to make an appointment with the citizenship officer.

**Mr. Lui Temelkovski:** Having seen somebody's face after they have received their citizenship, could you envisage somebody's citizenship being removed, and under what circumstances?

**Ms. Kate Manvell:** I still think it's probably such a small percentage.... I had not even heard that it was actually happening, and to enforce it is going to be.... If we're going to be taking citizenship away, because we feel someone's lied about their absences, for example, we can't prove it; we can't prove they weren't in the country. So until customs starts to stamp those passports on re-entry, this is not going to be enforceable, unless you're going to put the RCMP outside everybody's house for three years, which we're not going to do.

I think, again, probably 99.9% of the applicants are very proud to be citizens and have gained their citizenship honestly.

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

Mr. Mark.

**Mr. Inky Mark:** Thank you, Mr. Chairman.

Thank you for being here, and thank you for giving us all that information, because you do present other viewpoints.

I think one of the problems we have today is what you indicated, Kate, that we're so paranoid about terrorism and security, it has really bogged down the whole system. As you know, we all agree that 99% of the time people are pretty honest, especially when their lives rest on their applications to come to this country.

When we hear of the backlogs, especially on the family side, we are overwhelmed, and they themselves are wondering why. In my own riding, I have constituents who are trying to get landed, yet the officials check back.... This is in England, where the individual had a drunk driving infraction. Well, the individual didn't know; it's all based on the context at that time of application. We hear this constantly throughout our own constituencies, the fear of visas. That's why even with the numbers.... In fact, one of the members asked about the numbers—1%. We know that the greater the number of immigrants who come to this country, the more pressure it puts on every component of immigration. We know that 60% are skilled labour, which leaves very little for the protected class and the family class. So if the demand is continuing to increase, how are we ever going to get to the bottom of this, really? We never will.

I guess my first question is, should the department be split? Would it help if it were split, so that citizenship had a separate department from immigration?

Maybe all of you can respond to this.

• (1220)

**Ms. Kate Manvell:** I think it should be, because they're entirely two different things, but a lot of the backlog has been created because of the huge downsizing of both departments many years ago, or eight or nine years ago. It's a human resources aspect.

The trouble with it when it takes so long is that it just adds to it. Rather than having an application for immigration being processed within 12 months.... And I think they physically walk through how quickly they can land this person, and it's something scary, like it takes three days. If someone could take you physically from the moment you apply, through all your security clearances, to issuing the visa, it's frightening. But when people are not processed quickly, their circumstances change. So a year later maybe a baby has been born or somebody got married; then you have to add supplementary applications to it, which slow it down. It's the cause and effect that creates it as well.

A lot of the requests are unreasonable compared to the way they used to be, as they'll ask.... I've just finished with one client where it's taken us 12 months to get a student visa through New Delhi. The visa was for a very nice young man who's already been here and already had his visa; we were changing something, and it was a nightmare. They kept asking three or four times for something from UBC, and it took weeks and months between requests. Well, they already had it the year before. So it's the little, tiny things, whether it's communication or the foreign nationals hired in overseas posts or the human resources; it's a whole combination.

**Mr. David Choi:** To me, this issue really lies in effectiveness and efficiency. Part of the problem is how we look at immigration. We look at it as a cost. What is the sustaining model?

It's time in the review that we must look at the goals. I can't understand why we cannot set the benchmark and look at the mega-goals. If the mega-goal was to process 200,000 or 250,000, then I understand that cannot be done overnight. Based on our situation in Canada, we need these immigrants. So if we set those mega-goals and say there is a process to get up to those numbers....

I don't think it's a matter of whether to split the department, because you could end up with the same kind of bureaucratic jam we're facing right now, and the problems will continue to exist. The problem, really, is setting the benchmarks and setting the goals. We could even set, for instance, a benchmark, that we must process a certain percentage of the numbers within a certain period of time. I think that's the job of the politicians, to set those goals. It's up to the bureaucrats to tell you what resources they need to reach those goals.

We should ensure a fair system in the first place. That was my point in the presentation. Next it's a matter of management, but in management we can't keep dealing with the bits and pieces of it. We have to deal with the overall setting of those goals, and reaching them, and demanding that certain benchmarks be reached. I think that's the way to go about it. I don't think we start with splitting or not splitting departments if the problems are not resolved.

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

I'm going to go to Ms. Beaumier.

**Ms. Colleen Beaumier:** Thank you, Mr. Chairman.

On Friday, these questions would have not even have occurred to me; however, on Saturday we had a gentleman here doing a presentation, and along with his presentation he brought some pretty horrific photographs. I don't think the intent was to have the effect it did on me, but I'm going to pose these questions to you based on new questions and new concerns that have come to me.

You're talking about not ever being able to revoke citizenship. I really don't understand, David, when you talk about your citizenship being a second-class citizenship. Unless you were a warlord somewhere, I can't imagine why you would feel any more at risk of losing your citizenship than I would at having been born here.

I'm going to describe these photographs to you.

• (1225)

**The Chair:** They're horrific photographs.

**Ms. Colleen Beaumier:** Horrific photographs, people grinning with human heads on things.

We know that in Toronto a couple of years ago there were Rwandan refugees, citizens, who on the bus saw warlords that they had been involved with or had seen in their country of origin. How do we protect those who have fled here for safety and security from those who caused the terror from their country of origin without having some provision for revocation of citizenship?

**Mr. David Choi:** First, I'd like to clarify something on revocation. I'm not saying you cannot ever revoke someone's citizenship. I'm saying that in the process of revocation you must afford people equal rights and not decisions made in secret star chambers, with no legal representation for the accused. I think that's very important. I think in revocation we must also address issues relating to it, to innocent victims.

I give the example, again, of innocent children. For instance, if the father was expelled for false pretenses when entering this country 50 years ago, then we ask the question, could that child, who at the time may have been one year old, or three or six, have been assisting the father in that false pretense? Where do you now expel this child to? Do you expel this child to become an international refugee? These are the kinds of inconsistencies.... In order to prosecute the few, do we prejudice the many, those of the six million Canadians who were not born in Canada?

**Ms. Colleen Beaumier:** You've just cited the child case. Has this occurred?

**The Chair:** Actually, that was the proposal under Bill C-63, that if you took away the citizenship under the present, what I consider fraudulent, process, then cabinet at its discretion could make the determination as to whether they would take away the citizenship of that child. It would be totally a political decision. That was enough to scare the hell out of everybody.

**Ms. Colleen Beaumier:** So basically we take the politicization out of this and leave it to the courts in an open judicial process.

**Mr. David Choi:** Why can't we set firm rules regarding the revocation of the citizenship of children? If we say in society that a five-year-old cannot possibly have assisted the father in false pretences, then we should set some firm rules. I'm not here to say what they should be. I think it's your job to determine whether someone is old enough to be part of that scheme. But I don't think leaving it to the political process is the best way.

**Ms. Colleen Beaumier:** I don't disagree with you on many of these issues. But when someone tells me that they feel their citizenship is second class, it makes me feel very bad.

**Mr. David Choi:** How would one not feel like a second-class citizen when one's legal rights are different from those of other Canadians? Put yourself in those shoes. Canadians born here are entitled to legal rights for whatever accusations are made in this country. Then there are a certain number of Canadians who, when they're accused under false pretences, are not entitled to legal rights. And they're not the few. That's why we're here and you're having the hearings. There are six million of them.

• (1230)

**Ms. Colleen Beaumier:** Point taken.

Thank you very much.

**The Chair:** In terms of wrapping up, I know we've had a great deal of discussion around residency requirements, and I have what I

believe to be a fairly simple solution to the whole thing. If you require that somebody be present in the country for, say, 1,000 days, then you keep counting until you get to 1,000 days. If it takes you six years, so be it. I never did understand what was so artificially compelling about saying you had to be here three out of six or three out of four. If the requirement is that you serve a certain number of days, you do that. What I saw as a horrific possibility, as you pointed out, is challenging people's citizenship on the basis of, "You took that weekend trip down to Florida and we found out, and now we're going to revoke your citizenship". To me it was so simple when I looked at it, but for some reason the bureaucrats over at the department advised the minister against it.

The other issue—and I think it's important that we've been talking about this a fair amount—is the whole area of revocation and what it means to naturalized Canadians.

I'm glad to see there are some people here, such as Mr. Andrew Jakoy and Mr. Szanyi, who went through the same experience I did. When you leave a particularly bad regime, which we did—we left a Communist dictatorship—quite frankly, you don't trust politicians and you certainly don't trust the president of the country when it comes to your civil liberties and human rights, because you have seen them abused time and time again.

When you look at this current citizenship revocation process, you see that it's a very abusive process. It does not comply with the Charter of Rights and Freedoms. At some point in time, surely to God, we should be the same as all other Canadians, equal before the law, and have the charter apply to something that is so very important to us.

We had before us a professor from Simon Fraser. She was making a presentation on credentials, but she got into this whole issue of citizenship revocation, and she said, "When do I become a Canadian?" Well, I think you become a Canadian as soon as you become a Canadian citizen. That's what the charter is about.

I would like to thank you all for your contribution. When we finish the report, we will send you each a copy. I think in a way you're talking about good citizenship by becoming part of this process. Thank you.

We'll reconvene in one hour.

The meeting is adjourned.









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