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# Standing Committee on Citizenship and Immigration

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EVIDENCE

**Monday, April 28, 2014**

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**Chair**

**Mr. David Tilson**



## Standing Committee on Citizenship and Immigration

Monday, April 28, 2014

• (1530)

[English]

**The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)):** Good afternoon. This is the Standing Committee on Citizenship and Immigration meeting number 22.

Today we are starting to study Bill C-24, pursuant to Standing Order 108(2). Bill C-24 is an act to amend the Citizenship Act and to make consequential amendments to other acts.

To help us with the start of our study, we have the Honourable Chris Alexander, who is the Minister of Citizenship and Immigration.

We have with us the usual people who help us out with many things: Robert Orr, the assistant deputy minister of operations; Catrina Tapley, the associate assistant deputy minister of strategic and program policy; Nicole Gerard, the director general of the citizenship and multiculturalism branch; and Mory Afshar, a lawyer.

It's good to have you. Thank you and welcome to the committee.

Minister, thank you for coming. You have the usual 10 minutes to make your presentation, and then the committee will have some questions for you. Thank you, sir.

[Translation]

**Hon. Chris Alexander (Minister of Citizenship and Immigration):** Mr. Chair and dear colleagues, thank you for the opportunity to speak today about Bill C-24, the Strengthening Canadian Citizenship Act.

[English]

As you all know, since 2006 Canada has enjoyed the highest sustained levels of immigration in our history, an average of 257,000 newcomers per year. As a consequence of this achievement, demand for citizenship has increased over that time by 30%. Furthermore, Canada continues to have, and by a widening margin, the highest rate of naturalization in the world. Of eligible permanent residents, 85% become citizens.

Last year CIC received more than 330,000 citizenship applications, the highest volume ever in one year.

So far in 2014 Canada has welcomed more than 75,900 new citizens at 759 ceremonies held across the country in this first quarter of 2014, from school gymnasiums to CIC offices to city halls and hotel conference rooms. This is something of which we can all be very proud. If we compare this to 2013, when we welcomed—it's still a high number—35,320, we're well over twice the rate of last

year so far in 2014. So we can say with confidence that we're off to a great start in offering citizenship to those many who want it, and the increasing numbers who qualify for it.

These high numbers demonstrate the system is becoming more efficient. The backlog of citizenship applications is decreasing, helping more people realize their dream of becoming a Canadian sooner.

In the Speech from the Throne, our government committed to strengthening and protecting the integrity of Canadian citizenship by introducing the first comprehensive reforms to the act in over a generation.

[Translation]

The changes in the Strengthening Canadian Citizenship Act mean more newcomers will be able to acquire Canadian citizenship faster. These reforms are taking place after decades of neglect by previous governments.

We are now taking action to deliver better services to Canadians. Our government is restoring the great importance Canadians place in their citizenship and deterring citizens of convenience.

[English]

These significant, necessary, and long-overdue reforms fulfill our government's commitment in four specific ways. First, they improve processing efficiency. Second, they reinforce the value of citizenship. Third, they strengthen integrity. Fourth, they protect Canadian interests and honour service.

Let me begin by describing some of the improvements in the act that enhance efficiency. One of the most important changes, as you all know from our debate in the House and from public discussion, is that there will be a streamlined approach to citizenship processing that will offer faster and better service standards for applicants.

[Translation]

The Strengthening Canadian Citizenship Act changes application processing from a three-step to a single-step process, reducing the current duplication of work and wait times.

A common reason for long processing times is incomplete applications. Under the old system, each application received had to be processed, regardless of whether or not all required forms were properly filled out. Now, however, applicants who have delivered complete applications will not wait behind those who failed to do their due diligence. Incomplete applications will be returned and not processed until all documentation is present in one complete package.

Taken together, these and other measures will significantly reduce the backlog and average processing to less than a year by 2015-2016.

● (1535)

[English]

We want people to show their connection to Canada by ensuring they have a physical presence here. That is why we're lengthening the residence requirements from three out of four years to four out of six years before applying for citizenship. This will ensure new citizens are better prepared to participate fully in Canadian life.

Citizenship applicants will also be required to file income taxes for four years out of the previous six if required to do so under the Income Tax Act and make the commitment up front that they intend to reside in Canada. Taxpaying Canadians should not be left on the hook for those who have no intention of becoming active members of our communities or living in Canada. We want new citizens to earn their passport and stay to be part of our great Canadian society.

Many immigration lawyers, consultants, and observers of the system to date agree with us. As Raj Sharma said in a CTV program, "immigration fraud is rampant and you did see ghost consultants and unregulated consultants counsel individuals to embellish or exaggerate the time in Canada". He, as most immigration lawyers know, went on to say, "the Canadian passport is an incredibly valuable commodity and individuals are willing to lie, cheat, and deceive us to obtain that benefit".

Obviously not every one but a considerable number of cases have had to be investigated. Measures contained in this bill will help us to ensure that this kind of abuse doesn't arise in the future. Because Canadian citizenship is so valuable, many people are prepared to misrepresent facts to make it appear that they qualify.

Several recent RCMP investigations clearly showed that the citizenship program was vulnerable to fraud. Our government is putting an end to this abuse, and we're cracking down on crooked citizenship consultants by designating a body that regulates them.

The current penalty for citizenship fraud, such as misrepresentation, is a maximum fine of \$1,000, or one year in prison, or both. This penalty has not increased since 1977. Our government takes this form of fraud very seriously. We won't let crooked consultants or those who misrepresent themselves cheapen our Canadian citizenship. That's why the penalty will rise under the provisions of this bill to \$100,000, or five years in prison, or both, in the case of an indictable conviction.

In addition, our government will streamline the revocation process and bar people whose citizenship was revoked because they obtained it fraudulently from reapplying for citizenship for 10 years.

[Translation]

Our message to foreign fraudsters and criminals is clear: Canadian citizenship is not for sale. We will revoke Canadian citizenship from dual citizens who were members of an armed force or an organized armed group engaged in armed conflict against Canada, and deny citizenship to permanent residents involved in the same actions.

Dual citizens and permanent residents convicted of serious offences such as terrorism, high treason, treason or spying will be

denied citizenship. These are serious crimes that will not be tolerated in Canada.

[English]

Those who betray our country and take up arms against our armed forces will forfeit their right to hold Canadian citizenship. As a result, they won't continue to enjoy the privilege of calling themselves Canadian citizens. We also expect those who hold Canadian citizenship to obey the law. We'll bar individuals charged with or convicted of serious crimes outside Canada or serving a sentence outside Canada from becoming Canadian citizens. As we bar visitors to Canada for these reasons already, this seems like a common sense extension of that principle. The security of Canadians is paramount, and we won't compromise the safety of our country.

Our government will also reward those who have served Canada honourably in the Canadian Armed Forces and have a strong connection to Canada by fast-tracking citizenship for permanent residents serving or individuals on exchange with the Canadian Armed Forces.

We'll extend citizenship to more lost Canadians. In 2009 our government restored citizenship to the majority of lost Canadians, and now we're extending it to first generation children born abroad who were not eligible under the old system.

Our government will also ensure that children born or adopted outside of Canada to serving crown servants or members of the Canadian Armed Forces are not adversely affected by their parents' service and are able to pass on citizenship to any children that they may have or adopt outside Canada.

[Translation]

Overall, our changes to the Citizenship Act will protect the value of citizenship and ensure that new Canadians have a stronger attachment to our country. The changes will safeguard Canadian citizenship against fraud and abuse, and ensure that the process to become a citizen of this great country is faster and more efficient for eligible applicants.

[English]

Canadian citizenship continues to be the envy of the world and something all Canadians can be proud of. It is our duty to protect the integrity and strengthen the value of Canadian citizenship. The reforms we're proposing today attack all important issues of integrity. They will deliver better service for Canadians very much in the spirit of older reforms we've undertaken across the board to immigration and citizenship programs over the past eight years.

We will show by so doing that the value of Canadian citizenship continues to rise, continues to draw unprecedented numbers of people to this country as visitors, ultimately as immigrants and permanent residents, and gives them that unique opportunity that no other country affords on this scale to become citizens once they show the knowledge, achieve the language abilities, and prove they can live under our laws in a way that so many new Canadians are proudly able to do.

Mr. Chair, I'm happy to answer any questions committee members may have, and as always, I'm grateful for the opportunity to be here with you.

• (1540)

**The Chair:** And we with you, Mr. Minister. Thank you for your presentation and for appearing with us to help us with this bill.

Mr. Menegakis will have some questions for you.

**Mr. Costas Menegakis (Richmond Hill, CPC):** Thank you, Minister, and thank you to the officials who are here with us today.

We are on day one of starting the study on this very important bill. As you know, Minister, since 2006 Canada has welcomed the highest sustained level of immigration in our country's history. The current Citizenship Act is 37 years old. It certainly needs amendments to reflect the reality today, and to certainly assist us in processing the demand for immigration that this country continues to have, which continues to increase, and that we've been able to sustain since our election as a government in 2006.

Minister, in your opening remarks you stated that Bill C-24 aims to strengthen the value of Canadian citizenship. Could you explain exactly how the bill does this, please?

**Hon. Chris Alexander:** One way we aim to do this is by a slightly longer residency requirement. As you know, Mr. Menegakis, and as other members of the committee know, before 1977 there was a five-year residency requirement, and indeed for many peer countries it remains so. We went down to three years.

As I mentioned in a quotation in my opening remarks, it became obvious to many observers that there was abuse even of the three-year requirement. In other words, people received citizenship, not just a few people, but hundreds, even thousands—and investigations are now under way—without actually spending that time here. We have heard from new Canadians, Canadian citizens across the board, that there is no substitute for that direct experience of Canada, so the residency requirement will go from three years to four years, out of a total of six. There's still flexibility for those who have global businesses, have global lives, have other parts of their family outside the country, but we expect those four years to be fulfilled. We also expect new Canadians who seek to acquire citizenship to meet basic, predictable knowledge tests of language ability, English and French, or French, ideally both, and a knowledge test about Canada. The "Discover Canada" guide has proven to be extremely popular. New Canadians who use it are extremely successful in gaining that knowledge and showing it in the exam.

We're also strengthening the value of Canadian citizenship by going back to this issue, once again, of lost Canadians and making sure that we haven't missed any of those who really deserve to have

Canadian citizenship from the beginning when the first act was passed in 1947.

**Mr. Costas Menegakis:** Minister, the demand for citizenship is up and it's up for a lot of reasons. As we all know, our Conservative government has welcomed over 1.4 million new citizens since 2006. As Canadians we're all proud that there's such a high demand for Canadian citizenship. Our government recognizes that backlogs and processing times however need to be tackled.

Minister, how will the changes in Bill C-24 result in faster citizenship processing?

**Hon. Chris Alexander:** Thank you for that question.

First, the bill will give us a new decision-making model. Instead of going through three steps, we will go through one decision-maker who has all of the data, all of the tools, and indeed exit-entry control starting next year to help validate the residency requirement. They will be able to take the decision and it will go faster.

In addition to that, we are putting more resources, and we have put more resources, into citizenship processing. Already in economic action plan 2013 more resources went in. They are at work today giving us those higher numbers of new citizens in 2014.

I draw the committee members' attention to something we distributed earlier in English and French, which is a simple graph of what would happen if we did nothing, as some urge, to processing times, and then what is happening with the new resources that we put in through the budget last year, which is the red line, and what will happen with the new bill, which is the blue line, that will bring down waiting times even faster to one year by the end of the fiscal year 2015-16. This document is called "Strengthening Canadian Citizenship: Shortening Processing Times".

• (1545)

**Mr. Costas Menegakis:** You held up the graphs, Minister.

Can you give us an indication of what the backlog of applications will look like when the changes to Bill C-24 are made and fully implemented?

**Hon. Chris Alexander:** Toward the end of fiscal year 2015-16, average citizenship processing times will be less than one year, and the backlog will be reduced by 80% from what it is today.

**Mr. Costas Menegakis:** Perhaps I could get some assistance from the officials here as well.

Could the officials or the minister tell us other ways that CIC has already modernized the citizenship program to improve service standards and citizenship processing times?

**Hon. Chris Alexander:** There have been a huge number of changes, including the requirement that people turn up for their tests, turn up for the ceremonies, and not have the option of being no-shows.

We have given the option to citizenship applicants to retake the test when they don't meet the necessary requirement, but they can't take it over and over again forever.

We've also come to grips with the residency requirement. We distributed residency questionnaires when it was necessary to uncover those cases where people have simply not been here. Now we are distributing residency questionnaires to a much smaller number of citizenship applicants, and that is giving us faster processing times.

**Mr. Costas Menegakis:** That's very good.

Could we get a sense of how many incomplete citizenship applications we receive on average?

**Mr. Robert Orr (Assistant Deputy Minister, Operations, Department of Citizenship and Immigration):** Currently it is quite high but we are bringing it down dramatically. It is around 30% at the moment but we are putting measures in place to make sure that the instructions are very straightforward for our applicants. This is having some impact as well.

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

Madame Blanchette-Lamothe, please.

[Translation]

**Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP):** Thank you, Mr. Chair.

I want to thank the witnesses for joining us today.

I think it's important to say that the NDP welcomes a number of the changes proposed in Bill C-24. However, since we have very little time, I will focus more on the changes that worry us a bit.

Many people said they thought several measures set out in Bill C-24 were probably unconstitutional, such as the provision on the intent to reside. That is a new measure introduced by the bill, and it may be contrary to section 6 of the charter, which concerns the mobility rights of Canadians. Moreover, the revocation of citizenship could violate section 15. Major associations such as the Canadian Association of Refugee Lawyers and the Canadian Bar Association are raising important questions regarding the bill's constitutionality.

I hope that, following the testimony we will hear during this committee's meetings, the committee or the minister will be willing to make the necessary changes in case of serious doubts about the constitutionality of Bill C-24.

I have a few questions about the intent to reside in Canada, and I would like you to keep your answers brief.

For instance, can an individual who acquires Canadian citizenship and then accepts a contract abroad have their citizenship revoked?

**Hon. Chris Alexander:** Of course, my colleague the Minister of Justice and I revised the bill with regard to its constitutionality. We think this bill is fully compliant with the requirements of our constitution. In our opinion, it is reasonable to insist that a permanent resident who wants to become a Canadian citizen express the intention to reside in Canada. Spending three out four years in Canada is one of the citizenship requirements.

• (1550)

**Ms. Lysane Blanchette-Lamothe:** Pardon me, minister. If I have understood your point of view correctly, you feel that the bill is constitutional. I think that is strange because the Canadian Bar Association expressed some doubts about this legislation's constitutionality. That makes me think about the way Bill C-23 was presented, but regardless, my question is about the intent to reside in Canada, which is covered in Bill C-23.

If someone accepts a contract abroad shortly after becoming a Canadian citizen, could they have their citizenship revoked, yes or no?

**Hon. Chris Alexander:** Absolutely not because, as soon as a permanent resident becomes a Canadian citizen, they can decide to live wherever they want.

**Ms. Lysane Blanchette-Lamothe:** I assume that this is what you would want, but Bill C-24 poses a risk when it comes to the intent to reside in Canada. If an individual leaves Canada owing to unforeseen circumstances—if they have to take care of an ailing relative for a certain period of time, if a job often takes them abroad, if they have to accept a job abroad because they are unable to find one here and they receive an offer, and so on—they could be accused of fraud for having made a false statement, since they expressed an intent to reside in Canada. Is that not a possibility, minister?

**Hon. Chris Alexander:** That person must intend to reside in Canada until they become a citizen.

**Ms. Lysane Blanchette-Lamothe:** Therefore, once citizenship...

**Hon. Chris Alexander:** The individual could then change their intent.

**Ms. Lysane Blanchette-Lamothe:** If I have understood correctly, once they become citizens, even if they leave the country, they do not run the risk of having their citizenship revoked for making a false statement.

**Hon. Chris Alexander:** We, as Canadian citizens, have the right to go work or reside wherever we want. Permanent residents can also leave Canada when they want, but if they do not spend four out of six years in Canada, they will not have the right to Canadian citizenship.

**Ms. Lysane Blanchette-Lamothe:** Thank you very much.

Let's talk about the discretionary power to grant or revoke citizenship. Under what circumstances can you grant citizenship? Can you give us some examples?

**Hon. Chris Alexander:** We can do so in exceptional cases where it is in Canada's interest that Canadian citizenship be granted—for example, for the so-called lost Canadians. We already have to publish in our annual report the number of citizenships we grant every year. We mean to continue that fine tradition.

**Ms. Lysane Blanchette-Lamothe:** Do you have to provide the reasons for granting citizenship?

**Hon. Chris Alexander:** The reasons are already set out in the bill.

**Ms. Lysane Blanchette-Lamothe:** You say that you report the number of citizenships granted. But do you also justify your decisions?

**Hon. Chris Alexander:** The criteria for special grants are provided in detail in the bill.

**Ms. Lysane Blanchette-Lamothe:** So you do not need to....

**Hon. Chris Alexander:** If you want to know what the exact wording used is, we could find that for you.

[*English*]

**The Chair:** Excuse me. You each have to wait until the other finishes.

Proceed.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Minister, if I have understood your answer correctly, the criteria is already set out in the bill, and you have no further obligation to justify your decision whether or not to grant citizenship. I think that harms your intention to strengthen the value of Canadian citizenship. If that citizenship has so much value, I see a problem with a minister being able to grant it to individuals without necessarily having to explain why or under what conditions. A minister is a minister, of course, but they are also a member of a political party. The Conservative government tends to use its bills to give more discretionary powers to its ministers. That opens the door to partisan influences in the granting of Canadian citizenship or to a lack of transparency in ministerial decisions. We think that is a reason for concern.

My next question is about lost Canadians. A few experts have told us that the bill does not go far enough, that lost Canadians have been forgotten and that their situation will not be resolved through this bill. If experts came before our committees and proved that some lost Canadians will not be able to regain their citizenship despite Bill C-24, would you be able to broaden the measures related to lost Canadians in order to ensure that justice is served for everyone?

**Hon. Chris Alexander:** That's why—

• (1555)

[*English*]

**The Chair:** I'm sorry, you haven't given the minister enough time. Your time has expired.

Mr. McCallum.

**Hon. John McCallum (Markham—Unionville, Lib.):** Minister, thanks for being here.

I have limited time and some concise questions, and I would appreciate fairly concise answers.

First of all, foreign students are going to be deprived of any credit for their time spent in Canada for purposes of citizenship. I think we all agree international students are potentially very good citizens, so would you give any consideration to restoring some credit for the time international students spend here as counting toward citizenship?

**Hon. Chris Alexander:** As we all saw in today's question period, and we have realized in recent years, it's very important to distinguish between the two different broad categories of status that

non-Canadian citizens can have here. One is temporary resident status and the other is permanent resident status. We are saying that the time that will count toward citizenship is permanent resident status. We don't want those lines to be blurred. It has been very unclear up until now what qualifies. A lot of people who were here as students didn't know they could apply at that time. That seemed to us to be unfair. The new measures will make it much clearer, and also will strengthen the residency link that we want new Canadian citizens to have. We want them to have been here for four years as permanent residents, not as temporary residents who can come and go.

**Hon. John McCallum:** I think the time a student spends here contributes to his or her Canadianness, and I'm disappointed in your answer, but thank you for clarifying.

On the issue of intent to reside, it seems to me the answer you gave means there's no purpose in having that provision in the bill at all. While the person is a permanent resident, they have the four out of six rule. After they become citizens, you say the intent may change. All these constitutional concerns people have are of no value if the intent may change and the law does not pertain, so why have that in the law at all?

**Hon. Chris Alexander:** Because in the current law, which was brought in by the Liberal government in 1977—

**Hon. John McCallum:** I'll take the credit. Thank you.

**Hon. Chris Alexander:** —which led to unprecedented levels of fraud and abuse with regard to the residency requirement, it became hard to question the determination of people to not be here for three years when in fact they claimed to be here for three years, because we had never required them to declare their intent to be here. We think it is reasonable to ask citizens who are expected to reside in Canada for four years to simply declare their intention to reside.

That intention had never been made clear before and unfortunately some permanent residents took residency, physical presence in Canada, to be optional. We don't want it to be optional. That was a Liberal policy of neglect which we want to do away with and replace with a clear rule. If you want to be a Canadian citizen, you have to live here for four years under this new bill.

**Hon. John McCallum:** I would still say given your answer that this rule is redundant because the rules are clearly set out for permanent residents, and you say that rule does not apply post-citizenship.

The next question I have deals with a person having dual citizenship. The law puts the onus of proof on the individual. That is very difficult to prove sometimes. It could lead to abuse. Why do you not put the onus of proof on the government to prove the person is a dual citizen, rather than the other way around?

**Hon. Chris Alexander:** The onus of proof for what? If the person is a dual national?

**Hon. John McCallum:** Yes.

**Hon. Chris Alexander:** The onus of proof begins with the government. It obviously can be disputed by the person affected. Every case we are talking about here that I think you're referring to—terrorism, treason, espionage, working with an organization that is fighting the Canadian Forces—will involve some judicial standard of review or judicial process. It's not just the government acting alone. It's certainly not just the claim of the individual. There is going to be due process to different degrees with regard to these different crimes.

• (1600)

**The Chair:** You have 15 seconds.

**Hon. John McCallum:** Since I don't have time to refute that, the chart you held up, the down time for processing time is a prediction. The up time historically, which doubled over your period in office, is a fact. Why did you allow it to double? You acknowledged in your document it was due to lack of resources. Why is there a lack of resources? Is any of the money from the 2013 budget going to be spent in the current fiscal year? It was not in the estimates.

**Hon. Chris Alexander:** We're proud of the fact that citizenship is more popular than ever. We're proud of the fact that last year the largest number of applications in history was received. We're proud of the fact that the naturalization rate continues to grow—

**Hon. John McCallum:** I'm talking about the doubling—

**Hon. Chris Alexander:**—and we're proud of the fact that we had 75,000 new citizens accepted in the first three months of this year, thanks to the resources we gave to this process last year.

So we won't apologize for the fact that more people want to come to Canada than ever before because there are more jobs in Canada than in many other places.

**The Chair:** Thank you.

Mr. Leung.

**Mr. Chungsen Leung (Willowdale, CPC):** Thank you, Minister and staff, for appearing.

I wish to share a little bit of my experience of attaining citizenship in Canada.

I came here as an international student in 1968. You're quite correct in that at the time, I wasn't quite sure whether I was going to stay in Canada or obtain my education and do my graduate studies in the United States. The point that the new act is looking at where you have to declare your intention to stay I think is quite correct in that very often many foreign students who come here do not know whether they're going to do their undergrad here and graduate studies in the United States. Anyway, I did acquire my citizenship before the change in 1977, so there was a total of five years of residence required.

Having been here as a Canadian citizen since 1976 to the present, I have seen many cases of people who come here who don't show that intention to stay, who don't show that they're here to help us build this country, and who have moved on.

What I wish to address more specifically is the language requirement. I understand from when we did previous studies that people who have a command of one of the official languages do very well in terms of job acquisition or in being a fully participating member of society. Often I hear from the opposition that we're

making the language test harder, that we're barring more people from attaining citizenship, and that we're also making it harder for youth and seniors to become citizens.

Minister, perhaps you could share with us some of the facts, some of the reasons, and some of the logic behind why it is necessary for attaining citizenship to have that language skill in order to survive in this country. You yourself, as I understand, have been a diplomat in various countries, and you know that language itself is a very important tool for business, for government, and to be able to live comfortably in another society.

**Hon. Chris Alexander:** Yes, many of us who are born here are still working on our English and French, and that is a process that never ends.

But let's be clear, language requirements have been part of citizenship and were first introduced in the Citizenship Act in 1947. This is nothing new.

All the studies that we have from within government, from outside government, and from other countries show that tests that test people's knowledge of the country of which they're becoming a citizen, and official languages knowledge, help with successful integration. There are better outcomes for those who have this kind of knowledge. We're quite confident that the measures we're taking are moving us in the right direction.

Moreover, new Canadians, permanent residents who are becoming citizens, are responding to this challenge. Over the whole period from November 2010 to September 2013, almost three years, the pass rate for the citizenship test was 80.8%. In January 2014, this year, it was 87%. In February 2014 it was 92%. As these measures have been introduced, as people have become used to the predictable assumption that they will have to take these tests, they are making the necessary preparations and they are having success. That serves Canada well, and it serves new Canadians very well.

• (1605)

**Mr. Chungsen Leung:** In the new form of English testing, do we go to an independent third body to get uniform testing results, or is this handled internally by the department?

**Ms. Nicole Girard (Director General, Citizenship and Multiculturalism Branch, Department of Citizenship and Immigration):** Thank you for your question.

There's information on the department's website. You're quite correct in that a citizenship applicant can go to one of the third party test bodies that meet our criteria for tests to be equivalent with the Canadian language benchmark, CLB, level 4, which is a basic official language capacity. There is a range of other forms of evidence that the department accepts, such as academic evidence, evidence that the person has been through language instruction for newcomers, settlement training that the government funds, which is free and the person has obtained a certificate indicating that the CLB level 4 has been obtained.

Applicants do have a number of types of evidence that they can either pay for or get for free at their disposal.



**Mr. Chungsen Leung:** Can you share with us whether level 4 is out of a scale of 10 or a scale of 12? Regardless of what age a person is, I think in a society like ours, which requires a reasonable level of language competence in filling out income tax forms, giving directions in case of emergency, or even going to hospital, we need to have that language skill. Could you share with us where level 4 is on the total scale?

**Hon. Chris Alexander:** It is on a total scale of 12. It is a low to middle level of mastery of our official languages. One would be expected to be able to formulate simple sentences, fill in a form, perform the basic tasks of life. Obviously most new Canadians go well beyond that level very quickly. We're also very conscious of the fact that with regard to certification by third parties this can be open to abuse as well.

A British colleague told me just yesterday about a very large case in their country of a third party language validating authority that somehow was giving out this certification to people who hadn't achieved the level. Even this criterion for citizenship requires constant review and supervision to make sure it's being applied uniformly and met by all the new Canadians who want to become citizens. The vast majority obviously achieve it, and achieve it honestly. We want that to become the firm and expected practice.

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

Ms. May, you may speak very briefly.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Thank you, Mr. Chair. I appreciate the chance to ask a very brief question.

I want to thank the minister for doing some work on the lost Canadians issue. It has taken a while to get that sorted out.

I'm baffled by the attention being given to the idea of fast-tracking citizenship for people serving in the Canadian Armed Forces. On the website for the Canadian Armed Forces, it says that to apply to the forces you must be a Canadian citizen. I understand there's a rare exception. The Chief of the Defence Staff can appoint someone who is not a Canadian citizen if it's necessary, "if he is satisfied that a special need exists".

How many people would possibly be in the Canadian Armed Forces who aren't Canadian citizens? Why are we essentially making such a thing of this particular fast-tracking of citizenship?

**Hon. Chris Alexander:** We currently have 15 permanent residents serving in the Canadian Armed Forces, and 140 other nationalities serving on exchange with Canada. Of those exchange officers or soldiers, about 30 would have at least three years' service with the Canadian Armed Forces. Those would be the people who qualify. It's a very small group.

Traditionally, as you say, we've had recourse to it when a permanent resident has a competency, a form of expertise that other Canadians don't have in the Canadian Armed Forces. It recognizes the fact that all those who have the right to work here in principle have the right to work in the private sector or the public sector.

It's not a widespread practice in the Canadian Forces, but it's certainly not prohibited by law.

**The Chair:** Thank you.

Mr. Sandhu.

**Mr. Jasbir Sandhu (Surrey North, NDP):** Thank you, Minister, for being here.

Minister, you talked about these reforms taking place after decades of neglect by previous governments. I just want to make it clear for this committee that it's your government that's been in place for the last eight years, so obviously, these neglects and abuses, if there are any, are taking place under your government.

There seems to be quite a trend of a lot of abuses going on under your government, whether it's temporary foreign workers, the Senate expense scandal, or the inability of this government to go after the tax cheats.

If you're so concerned about some of the abuses that are going on—you brought this bill to the House in February—why not bring it up for second reading?

• (1610)

**Hon. Chris Alexander:** We have had debate on second reading. We would be delighted at the end of the next time in the House devoted to second reading to vote all together to bring it to committee for study. That would be a great breakthrough on behalf of the many Canadians waiting for a speedier processing of their citizenship applications. We will take your suggestion on board and look forward to the NDP's support at second reading for an early move to committee.

The point we made about decades of neglect doesn't refer to our government. We're grateful if you predict that we will be here for a decade or more. We certainly look forward to renewing our mandate with Canadians and earning the confidence of Canadians at the next election, but we've only been in office for eight years. The neglect and the failure to address fraud with regard to the residency requirement, the issue of lost Canadians, the issue of revoking citizenship for those who engage in extreme acts of betrayal of their Canadian citizenship really belong to the Liberal Party, which brought us the last version of this bill in 1977.

**Mr. Jasbir Sandhu:** Bill C-24 proposes to change the Citizenship Act to extend the requirement of successful completion of official language and knowledge requirements to those in the age group of 14 to 18 years. These requirements compromise the rights of the child under the age of 18 by violating the child's right to family reunification under the UN Convention on the Rights of the Child.

What is the rationale behind this change, Mr. Minister?

**Hon. Chris Alexander:** We have the utmost respect for the UN Convention on the Rights of the Child and the optional protocols to which we are a party. We will uphold our international obligations in every way.

At the same time we, as you do, recognize that 14-year-olds are generally in high school. They generally take many more tests, and harder tests in fact, than the citizenship one that is being proposed for them right now, starting at the age of 14. We think that's fair.

The test results for younger people show that they are almost certain to do as well or better than adults, and it seems reasonable to us that children of high school age and pre-retirement adults of working age should be subject to the language and knowledge tests.

To give you an example, more than 57,000 students participated in the Historica Canada Citizenship Challenge in 2014 and wrote a citizenship test based on "Discover Canada". Of those in grade 9, 70% passed the test. This means that they achieved a score of 75% or better, which is the same pass grade as that for the official citizenship exam, and they weren't getting citizenship. With that added inducement, we would count on people of that age doing even better.

**Mr. Jasbir Sandhu:** Another area of concern to me is in regard to foreign convictions. Citizenship can be denied if those charges were laid outside of Canada. You talked about this in the House in regard to having some sort of judicial review.

Can you please describe the criteria and the process whereby such a review of foreign convictions would be done by CIC?

**Hon. Chris Alexander:** This is the type of review that we are very accustomed to doing with our delegated decision-making model. Highly trained, independent public servants make these determinations on the basis of solid information provided to them with regard to visitors to Canada.

Those convicted of criminal acts outside of Canada in democracies with the rule of law are inadmissible to Canada. The same should be true for citizenship.

•(1615)

**The Chair:** Thank you.

Mr. Shory.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Minister, thank you to you and your department for appearing here today.

I am not surprised by the line of questioning from the NDP, because that is the party that supports the left-wing groups where no one is illegal, but let me talk about something else today.

I want to talk about the provisions in Bill C-24 that strengthen and protect Canadian values.

**The Chair:** Stop the clock for a minute.

Mr. Shory, I have to keep order here. There is a lot of antagonism going on here, picking on the Liberals and picking on the NDP. They're going to pick on you next, so I would just ask that everybody refrain from picking on each other.

**Mr. Devinder Shory:** Thank you, Mr. Chair.

Let me go back to talking about the provisions in Bill C-24 that strengthen and protect Canada's values. I had a private member's bill, as everyone knows, that dealt with protecting Canadian interests and promoting integration. These two provisions would fast-track citizenship to those who serve in the Canadian Armed Forces and would strip citizenship from those convicted of terrorism and treason. I know, Mr. Minister, that these provisions enjoy broad support across a broad spectrum of Canadians and I am very thankful to you for adopting the contents of my bill in Bill C-24.

Would you please share with the committee the reasons behind protecting and promoting the values of Canadian citizenship through these two provisions?

I have a second question. You have been criss-crossing Canada to discuss Bill C-24 with stakeholders and constituents. Could you also

tell us what you are hearing from local constituents, stakeholders, and the Canadian public on Bill C-24?

**Hon. Chris Alexander:** Thank you so much, Mr. Shory.

First, on the second part of your question, we're hearing uniformly across the board from Canadians, those born here and those who immigrated and in many cases are new citizens, that the residency requirement and all the other measures to back up the integrity of Canadian citizenship, to make sure that the rules are followed for obtaining Canadian citizenship, are the right moves for today. Almost everyone we speak to emphasizes that we shouldn't just have these rules, that they should be enforced uniformly, and any failure to enforce them undermines the value of Canadian citizenship.

Second, on your mention of permanent residents serving in the Canadian Forces, lost Canadians, we rightly celebrate those who choose to serve our country so soon after choosing to live here. That's what this is about: honouring those who serve, honouring those who serve the crown abroad, not penalizing them for being in the Philippines or South Africa as defence attachés or RCMP liaison officers or foreign service officers when they have children there, and also resolving the issue of lost Canadians, which should have been dealt with much earlier.

To conclude an earlier part of our conversation, the special grants of citizenship have to meet two very firm criteria. One is for unusual hardship. That has been the case of lost Canadians. That's what we used to resolve their cases. If there are new cases that anyone around this table wants to bring to our attention, please do so. That's what this special award of citizenship is for service to Canada. Believe me, the standard for determining what service to Canada is must be a very high one. We need to be able to defend it as a government, defend it in public. The people who receive citizenship are proud of it. They will talk about it. They have the right to privacy, obviously, but these criteria are high standards.

This tool of special awards of citizenship is not unusual. It exists in every similar jurisdiction around the world, governed by slightly different criteria in each case, but it's essential to meet the kinds of challenges that we have found through the history of the development of our citizenship.

**Mr. Devinder Shory:** You may want to comment on what you are hearing from local constituents, stakeholders, and the Canadian public on Bill C-24 during your Canadian tour.

**Hon. Chris Alexander:** They like the residency requirement. They also like the measures that you proposed initially, which have been taken up in this bill. There are those we want to honour and historical injustice we want to correct by awarding citizenship to lost Canadians, to those who serve in the Canadian Forces, but there are also those who betray the trust that citizenship represents. Most of us receive our citizenship at the moment of our birth by being born in Canada. Many others receive it by earning it through residency, by following the law. Now there will be a few, only dual nationals, who, if they go to the absurd length of spying against this country, committing treason against this country, fighting the Canadian Forces with an enemy formation, will face the revocation of their citizenship for those reasons. These are measures that other democracies have, often in an even more robust measure. It is right that we should be able to expect that basic level of loyalty to Canada from dual nationals.

•(1620)

**The Chair:** Thank you.

Mr. Daniel.

**Mr. Joe Daniel (Don Valley East, CPC):** Thank you, Minister, for being here. As always, it's a pleasure to have you here.

My question is about some of the revocation issues. In particular, we've noted that the Liberals and the NDP, not surprisingly, like to defend serious criminality and pretend that those convicted of six months in jail or more are not serious criminals. The leader of the Liberal Party, Mr. Trudeau, has said he would repeal—

**The Chair:** Stop the clock, please.

I guess you didn't hear me before.

**Mr. Joe Daniel:** Chair, what do you expect me to call them?

**The Chair:** We're here to study the bill, not take shots at each other—

**An hon. member:** It's not a shot.

**An hon. member:** We're just making a statement.

**The Chair:** If you start aggravating these people, they're going to start going at you. I'd rather you didn't attack, and didn't take political shots at the opposition.

Ask your question.

**Mr. Joe Daniel:** Thank you. I will do that, Chair.

Minister, can you tell me what the impact is on the victims and the law-abiding Canadians if we do not remove citizenship from those serious foreign criminals before they commit more crimes and victimize more innocent Canadians?

**Hon. Chris Alexander:** The simple answer is there is an inconsistency in our laws at the moment.

Under the Immigration and Refugee Protection Act, someone convicted of a crime or someone who committed an act that would have been a crime in Canada is inadmissible to Canada as a visitor. At the moment, our Citizenship Act does not make that person ineligible for citizenship for having committed the same crime. That's an inconsistency, and we're cleaning that up. It stands to reason that those who have met all the requirements of citizenship,

who have the skills, the language, the competencies, the education to come here should meet the basic criteria of not having a criminal record as determined by a jurisdiction that we respect in a fellow democracy with the rule of law. That, I think, is common sense to Canadians. In the case that you mentioned, of a war crime, we have a particular responsibility both for visitors and for those applying for citizenship to screen people for just that.

As we start to have permanent residents and citizens coming from all parts of the world, often regions or countries that have had terrible conflict where atrocities or war crimes were committed, we have a responsibility to the Canadian people under our laws to make sure that the perpetrators of those crimes do not become our immigrants or our citizens.

**Mr. Joe Daniel:** Thank you.

How fair is it to revoke citizenship for a foreign offence? What will the assessment or the equivalence between the foreign and domestic offence include? Will this include equivalence of a judicial process?

**Hon. Chris Alexander:** As I mentioned earlier, a conviction in a country that is totalitarian or doesn't have the rule of law, is not a democracy, a conviction that was political in nature, would not be grounds for refusing citizenship in Canada. We would have the ability to make that determination.

A conviction for terrorism, a sentenced of at least five years' imprisonment for terrorism, will not only prohibit someone from becoming a Canadian citizen, but in the case of a dual national could lead to revocation. For these serious crimes, we think there is a need to send a very clear message that citizenship is a responsibility that we all have, and in the case of dual nationals they can lose the privilege of being a citizen if they engage in these signal acts of disloyalty.

For all of these offences, there is some level of judicial review or proof that is required either in the Federal Court or in a foreign jurisdiction where an equivalence with our system is recognized.

•(1625)

**Mr. Joe Daniel:** Okay.

Along that same line, how fair is it to revoke citizenship without a hearing? What criteria will the minister use for determining whether to hold a hearing?

**Hon. Chris Alexander:** The decision is certainly not taken lightly. In a case of criminality, if a person made a written declaration that they had no criminality to declare when in fact they had been charged or convicted prior to taking the oath of citizenship and that comes to our attention, that should be grounds for revocation. In the case of identity fraud, if a person impersonates a deceased family member and that is found out beyond a shadow of a doubt as part of the review of the application, that's grounds for revocation. In the case of residency fraud, if someone declares that they've met the residency requirements for citizenship when in fact conclusive evidence shows that they have not lived in Canada during the relevant period, that should lead to revocation. If I'm not mistaken, all of these decisions can be appealed to courts of law, but these are objective criteria that must be met. When they're not met, revocation follows.

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

Ms. Blanchette-Lamothe.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair.

I would like to come back to what you said about the intent to reside in Canada.

Someone who states that they intend to reside in Canada, becomes a citizen and leaves Canada to live abroad could not be accused of having made a false statement to acquire their citizenship. Their citizenship cannot be revoked because they left Canada shortly after acquiring it. Did I understand correctly?

**Hon. Chris Alexander:** Absolutely. Under the new bill, the declaration of intent to reside in Canada applies to the period of four years out of six when the individual must live here to be eligible for Canadian citizenship.

**Ms. Lysane Blanchette-Lamothe:** So that does not apply after they become citizens.

**Hon. Chris Alexander:** That's correct.

Of course, we will continue to promote residing in Canada, as that is the objective of our immigration system and our citizenship program. However, we recognize the global nature of our economy and we know that a Canadian company could offer a new citizen a job in Berlin, Hong Kong or Kinshasa.

**Ms. Lysane Blanchette-Lamothe:** Thank you.

That's not what I had understood, and it would appear that a number of lawyers, and perhaps even the Canadian Bar Association, do not have that understanding of the bill as it is currently worded. We will probably have an opportunity to hear from lawyers, and we will see whether the bill should be improved to better reflect your intent.

I would now like to talk about the fact that the time people spend in Canada as non-permanent residents will no longer be taken into consideration. If Bill C-24 is passed, students will no longer be able to use the time they spent in Canada while they were non-permanent residents. Even if they have worked and paid taxes for a number of years, they could no longer use the time they spent in Canada to become permanent residents.

[*English*]

**The Chair:** You're running out of time. Go ahead and finish.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Will this change apply only to students who arrive in the country after the bill has been passed, or will it apply to current students, thus delaying their application for citizenship? Can you explain this decision?

**Hon. Chris Alexander:** The new measures will not come into effect until the bill has been passed.

I must point out that students now have much more opportunities to immigrate to Canada than they had in the past thanks to the Canadian Experience Class and the Provincial Nominee Program, which are aimed at students and temporary skilled workers.

**Ms. Lysane Blanchette-Lamothe:** Thank you.

[*English*]

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

You have been here an hour, and a lot of issues have been raised. We thank you for coming, sir. You are excused.

**Hon. Chris Alexander:** Thank you very much.

**The Chair:** We will suspend.

● (1625)

\_\_\_\_\_ (Pause) \_\_\_\_\_

● (1630)

**The Chair:** We're going to reconvene.

We have the staff from the ministry with us. I gave their names earlier.

We're going to take the position that we're starting round one again, so Mr. Opitz, you have the floor for seven minutes.

**Mr. Ted Opitz (Etobicoke Centre, CPC):** Thank you all for being here. It was good to see the minister here as well.

This has a lot of meaning for me, especially on the Canadian Forces' side, having served before, because anybody who is a Canadian citizen and commits an act of war against our Canadian Forces personnel, like those gentlemen in uniform back there, should definitely not be tolerated in this country.

I think the standards of citizenship should be high. The bar should demonstrate the integrity of what citizenship is. Our friends in the Liberal Party had most of the last century to put that in place, and they didn't do that. Our friends from the NDP, although very nice people, are somewhat unrealistic about some things regarding citizenship. Certainly when my parents arrived here after the Second World War they took it all very seriously.

What are some of the factors that lead to longer processing times? I'm not sure who would answer this right away. Would that be you, Mr. Orr?

**The Chair:** Nobody listens to me anymore.

● (1635)

**Mr. Ted Opitz:** It's a fair question, Mr. Chair.

**The Chair:** Stop the clock.

You are the third government member I've commented on. This isn't the place to take shots at other—

**Mr. Ted Opitz:** Mr. Chair, it's not your place to edit my comments.

**The Chair:** It is my place to make sure there's order, and I don't think it's appropriate to attack other members of this committee.

**Mr. Ted Opitz:** I was asking my question, Mr. Chair. It's true. I'll challenge you.

**The Chair:** All right, you go ahead, but you heard my objection.

**Mr. Ted Opitz:** I heard it, but again it's not your place to edit my comments, if we're fair.

**The Chair:** It is my position. You have the floor.

**Mr. Ted Opitz:** I disagree.

What are some of the factors that lead to longer processing times?

**Mr. Robert Orr:** A number of factors have influenced processing times over the last few years.

First is the increased levels of immigration over a sustained period. Inevitably that leads to greater numbers of citizenship applications a few years down the road. There has been a direct correlation between those two things. In the last few years as well we have put greater emphasis on integrity in the program, and that has also meant that sometimes processing has been slowed. Sometimes there have also been issues of citizenship judges' positions being vacant, which has slowed some processing as well.

I think we have taken a very large number of measures to try to increase the speed of processing in recent years. A considerable amount of money, \$44 million from economic action plan 2013, was given to the department to look at processing. Some other things we have done is that applicants must supply evidence of their language ability up front. In other words, one step of the process is already done before we get the applications now.

Second, since June 2013 we have allowed those who do not pass the knowledge test on the first go-round to take it a second time. That's been very successful with over 50% of those people who have taken it a second time succeeding on the second occasion.

The third way we have tried to increase processing is that sometimes family members were held back because we used to process a family all at once. Now they have the choice, if certain members of the family wish to go ahead because one individual is not ready for citizenship for one reason or another—nothing to do with program integrity—the rest of the family can proceed.

We have taken a number of measures to try to improve processing times.

**Mr. Ted Opitz:** All right, sir.

You mentioned integrity a couple of times. How do the changes in Bill C-24 affect the integrity of the citizenship program and the fraud that has been seen in the citizenship application process?

**Ms. Nicole Girard:** Thank you for your question.

A number of proposals in this bill will significantly help reinforce our efforts under way to improve the integrity of the citizenship program.

You heard the minister speak earlier about changes to the requirements. For example, residence is one of the main areas where we have fraud. Now we're moving to a more objective test backed by objective evidence. When the government has the entry-exit tool starting next year, that will help the decision-making process to be much more clear-cut and to identify those cases right up front in the process when someone is saying that they meet the residence requirement, whereas we may have objective evidence that may not be the case. Those cases will be identified much earlier on now, which will be to the good.

The bill itself proposes a range of other measures to reinforce integrity. One of the ones the minister mentioned had to do with new authority to designate a body to regulate citizenship consultants, similar to what exists under the Immigration and Refugee Protection Act, to hold these consultants to similar ethical and professional standards of conduct, and at the same time bring the offences and

penalties for citizenship fraud up to date to provide some additional deterrents, as well as some of those measures around the revocation process which the minister spoke of earlier.

**Mr. Ted Opitz:** Staying along that line, at the present time approximately what percentage of the CIC caseload is related to residence fraud? Do you have an approximate number?

**Mr. Robert Orr:** I believe about 85% of the revocation cases at the moment are related to residency fraud. That gives you some indication in that particular area, but it is one of the key areas where we would go to hearings over residency questions with judges as well.

• (1640)

**Mr. Ted Opitz:** Getting to the Canadian Forces for a second, if a person has committed an act of war somewhere in the world, or even here, against Canadian Forces and their citizenship gets revoked, can they reapply for citizenship at any time?

**Ms. Nicole Girard:** A person who is subject to a decision by the Federal Court, an individual whose citizenship is being revoked on the grounds of being a member of a foreign armed force that is engaged with the Canadian Forces in armed combat, if the Federal Court makes a decision to revoke citizenship on that basis, such a person would be barred permanently from applying for Canadian citizenship on the basis of the seriousness of the circumstances that gave rise to the revocation in the first instance.

**The Chair:** Thank you.

Ms. Blanchette-Lamothe, please.

[*Translation*]

**Ms. Lysane Blanchette-Lamothe:** Thank you, Mr. Chair.

Ms. Girard, I have a few questions about citizenship judges.

They currently hold hearings and make decisions. Those judges are independent from the department. Is that correct?

**Ms. Nicole Girard:** Yes.

**Ms. Lysane Blanchette-Lamothe:** Who will make those decisions instead of the judges under Bill C-24?

**Ms. Nicole Girard:** Under the bill, our decision-making system will change from a three-step to a single-step process during which the minister or the citizenship officers designated by the minister will make decisions on the vast majority of citizenship applications. The only exception will be cases where an officer cannot approve a citizenship application because they are unsure whether the applicant meets the residency criteria.

Those cases will always be referred to citizenship judges, who will make a decision for a five-year transition period. If necessary, that period could be renewed by the minister once the five years are up. So judges will be in charge of those specific cases. Decisions relating to all other cases will be made by the minister or the citizenship officers designated by the minister. Of course, citizenship judges will still have the very important task of presiding over all citizenship ceremonies, which are the final step in becoming a Canadian citizen.

**Ms. Lysane Blanchette-Lamothe:** Currently, since citizenship judges are making rulings on citizenship, the minister or his delegates can appeal the judges' decisions. Right?

**Ms. Nicole Girard:** Yes.

**Ms. Lysane Blanchette-Lamothe:** Who could appeal a decision rendered by the minister or his delegate? Is the possibility to appeal or the appeal process being eliminated, in a sense? How is this going to work?

**Ms. Nicole Girard:** The option to review a negative decision is not being eliminated. You should keep in mind that Canadian citizenship is granted to the vast majority of applicants. However, should the minister or a delegate make a negative decision, the applicant could ask the federal court to review it.

**Ms. Lysane Blanchette-Lamothe:** Who could appeal?

**Ms. Nicole Girard:** The applicant.

**Ms. Lysane Blanchette-Lamothe:** So the applicant could appeal, but that right is currently limited to the minister or his delegate. If the decision is rendered by one of those two, the applicant could appeal. Correct?

**Ms. Nicole Girard:** Exactly.

**Ms. Lysane Blanchette-Lamothe:** No one else would be able to do that. For instance, if citizenship is granted, no one else could appeal the decision. I assume that the minister would not appeal his own decision.

**Ms. Nicole Girard:** Exactly.

• (1645)

**Ms. Lysane Blanchette-Lamothe:** Thank you.

As for the power to revoke citizenship, was the recommendation to empower the minister to grant or revoke citizenship made by the department itself? Could you tell us that?

**Ms. Nicole Girard:** The minister and the government make their decisions based on the advice provided by the department and based on other considerations the government may want to take into account in those cases, but I could not comment any further on this issue.

**Ms. Lysane Blanchette-Lamothe:** My understanding from the discussion earlier is that the minister could grant citizenship without having to provide his reasons for doing so.

**Ms. Nicole Girard:** Actually, under the bill, the minister could grant citizenship only in exceptional circumstances and according to the prescribed criteria. As the minister mentioned, two criteria must be satisfied in order to grant citizenship in exceptional circumstances: the individual must have provided services of an exceptional value to Canada or suffered exceptional hardship.

**Ms. Lysane Blanchette-Lamothe:** Who determines whether the service provided to the country qualifies as exceptional? Is it left to the minister's discretion?

**Ms. Nicole Girard:** Yes, but it is up to the individual to establish the specific circumstances that apply in their case.

**Ms. Lysane Blanchette-Lamothe:** Nevertheless, there is a subjective dimension involved. The minister could attribute the decision to one of the criteria, without necessarily stating publicly what service warranted that the person be granted citizenship.

**Ms. Nicole Girard:** Indeed, the decision is discretionary.

**Ms. Lysane Blanchette-Lamothe:** Thank you.

I'd like to discuss the language requirement for young people between 14 and 18 years of age.

What happens when the teenager fails the test, but their parents and other family members pass it? Could that cause problems when the family travels, for example? Is the 14 year old automatically granted citizenship even though they failed the language test?

Could you kindly provide some insight as to the procedures or safeguards provided for in the bill to ensure that children aren't separated from their families or prevented from obtaining the same travel documents as their families, say?

**Ms. Nicole Girard:** That's an important question that we are giving serious consideration as we prepare for the possible passage of the bill.

Regardless, as the minister mentioned earlier, certain patterns have emerged through the project undertaken by the Historica-Dominion Institute. The institute administered the test to 57,000 students from grade 7 to grade 12, and the majority passed the test. That tells us that high-school students should have a good degree of knowledge in that regard.

However, as part of our preparations, we are going to pay special attention to the knowledge test administered to young people as compared with the one given to adults.

**Ms. Lysane Blanchette-Lamothe:** So it will be tailored to young people? It won't be the same test?

**Ms. Nicole Girard:** Possibly. That's one of the options we're considering as we work out the implementation.

**Ms. Lysane Blanchette-Lamothe:** Very well.

You said the majority of students should pass the test. While I appreciate that the test should not be a problem for the majority of students, the issue lies with the minority who won't be successful.

So I will repeat my question. In the event that a 14 year old fails the test when the rest of their family has passed, could it cause problems when the family travels abroad or in other situations?

**Ms. Nicole Girard:** I would add this to my answer. As mentioned earlier, the current system gives people who failed the test the first time a second chance to write it, and at least half of them pass the second time around.

I think the scenario you are describing would be extremely rare.

[English]

**The Chair:** Thank you.

Mr. McCallum.

**Hon. John McCallum:** Thank you, Mr. Chair, and on your instructions I'll be very polite to Conservatives. I won't mention them.

I'm a bit confused over this intent to reside provision. As you know, there have been quite a lot of concerns expressed by lawyers about the constitutionality of it, and the idea that a person could have his citizenship revoked if, having expressed an intent to reside in Canada, he then lived elsewhere. Now the minister has just told us it doesn't apply at all after you become a citizen that your intent may change, and before you're a citizen, when you're a permanent resident, it doesn't really matter what your intent is, you're legally required to be here four out of six years.

What purpose does it serve to have it at all since it doesn't apply after you're a citizen and it is not needed before, other than perhaps to frighten people into the mistaken belief they could have their citizenship revoked?

• (1650)

**Ms. Catrina Tapley (Associate Assistant Deputy Minister, Strategic and Program Policy, Department of Citizenship and Immigration):** Mr. Chair, our intent certainly wasn't to frighten people. We looked at this as something that would reinforce the expectation that citizenship is for those who intend to make Canada their permanent home, and it was seen as another tool to reinforce that message.

**Hon. John McCallum:** But does it have any effect? It doesn't apply post-citizenship.

**Ms. Catrina Tapley:** That's correct.

**Hon. John McCallum:** The rules are in place pre-citizenship, so would anything be different if that provision were not there?

**Ms. Catrina Tapley:** If you declare that you have no intent to live in Canada post-citizenship or after your ceremony, then we could refuse the citizenship in that case. It's an attestation on the part of the individual.

**Hon. John McCallum:** You mean you could revoke it post-citizenship?

**Ms. Catrina Tapley:** I think that would be exceptionally rare. This is a hypothetical situation so I'm treading on thin ice here, but if it were absolutely crystal clear that someone had no intent to reside in Canada before they were made a citizen, and it was made clear to the government and clear to the ministry, then it could be something we would pursue, but I would say that would be a very exceptional case.

**Hon. John McCallum:** But the minister said you could always change your intent after becoming a citizen.

**Ms. Catrina Tapley:** That's correct.

**Hon. John McCallum:** If that's the case, your pre-citizenship intent wouldn't matter, would it?

**Ms. Catrina Tapley:** This is an attestation on your part that you intend to stay in Canada. What happens after you become a citizen and those opportunities are a completely different thing. That

provision is not meant to apply to that. If you had no intent to reside in Canada post-citizenship, you did not intend to make Canada your home, and you were untruthful in your attestation, then that's something different.

**Hon. John McCallum:** I'm as confused as I was at the beginning. Are you saying effectively, in theory at least, that a person's citizenship could be revoked post-citizenship if that person did not have the intent pre-citizenship of residing here?

**Ms. Catrina Tapley:** Yes, if that were very clear, and it were clear that the person had misrepresented themselves, then yes.

**Hon. John McCallum:** I think there's a difference between what you said and what the minister said, but I'll leave it at that.

On this question of expenditures of money to reduce citizen waiting time, in budget 2013 the government committed certain funds, but according to the estimates there weren't any funds for the year 2013-14.

Does that mean you're in the gearing-up phase and the money was all spent in the subsequent year? How do you explain the commitment in the 2013 budget and the lack of money in the estimates for the current year, 2013-14?

**Mr. Robert Orr:** For the year 2013-14, Mr. Chair, the department was able to cover a lot of the ramping up in the citizenship program through lapses in other areas of the department. This year, in 2014-15, I believe \$28 million will be spent to improve processing time in the citizenship program. As you recall, \$44 million was assigned to the department for citizenship through the economic action plan.

**Hon. John McCallum:** So you're saying you did have expenditures in 2013-14.

**Mr. Robert Orr:** We did have expenditures.

**Mr. John McCallum:** Through lapsed funds?

**Mr. Robert Orr:** That's correct, which we covered through lapses.

**The Chair:** Thank you.

Mr. Daniel.

**Mr. Joe Daniel:** Thank you, Chair.

Thank you, folks, again.

I want to explore the role of the citizenship judges in the process, and how they're used to improve it.

Can you confirm the role the citizenship judges will have in the faster processing model in Bill C-24?

**Ms. Nicole Girard:** Under the new processing model, we're going from a three-step to a one-step decision-making process, where in the vast majority of cases, the minister or a delegated citizenship officer would decide on the vast majority of citizenship grant applications. However, there would be a minority of cases where citizenship judges would continue to decide. Those cases would be the ones where the delegated citizenship officer is not satisfied that the applicant is meeting the residence requirements. Those cases would continue to be referred to citizenship judges for a transitional period of five years, which could be renewed by the minister at the end of five years, if deemed necessary. The citizenship judges would also continue to maintain the very important role of conducting citizenship ceremonies, which of course they do now, and which is the final step that applicants complete before becoming Canadian citizens.

• (1655)

**Mr. Joe Daniel:** Okay.

Maybe you could expand a little on the role the citizenship judges would play, apart from dealing with the residency cases.

**Ms. Nicole Girard:** Other than deciding on those residency cases that are referred to them and conducting citizenship ceremonies, of which there are many hundreds across the country over the course of a year, citizenship judges would also fulfill the important role of citizenship promotion, which is part of their duties now. That would continue.

**Mr. Joe Daniel:** Okay.

Approximately what percentage of applicants use non-PR time towards their citizenship?

**Ms. Nicole Girard:** In actual fact, not very many applicants take advantage of the ability to use non-permanent resident time. Now it's less than 15% of applicants overall.

**Mr. Joe Daniel:** I have just one of these residency questions that affects a few people, obviously, but not a huge number of people.

What about the residency requirement for people whose jobs require extensive travel, such as, for instance, those in the airline industry, or those whose work requires constant travel? Will there be any exceptions to the rule that four years of physical presence will be required to meet the requirements for citizenship?

**Ms. Nicole Girard:** There wouldn't be an exception to the requirement for four years of physical presence under the bill. That is a requirement under the bill; however, it would be four years of physical presence out of a six-year window. Those who have to travel quite a bit for their work or for family reasons would have the flexibility to use the full two years out of the six-year window however they choose over that six-year period for times that they may need to be away. That would accommodate people in all kinds of lines of work.

**Mr. Joe Daniel:** I still don't see how somebody who may be an airline hostess who's travelling three or four days a week and wants to keep their job can actually meet the residency criteria. Is there anything you or anybody else can add to that?

**Ms. Nicole Girard:** It will depend on the individual circumstances. As I mentioned, people can be away for a full two years and that period of time can be staggered at any time over the six-year

window. The time the individual is in Canada counts towards the physical presence requirement, and the time the person is away doesn't count.

**Mr. Joe Daniel:** Okay.

I think those are all the questions I have, Mr. Chair.

**The Chair:** Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP):** Thank you to our officials.

I have a few questions. I'm going to jump around a little and change topics.

My first question is about the minister's comments when he spoke of the reforms to the Citizenship Act and the decades of neglect by previous governments. Then in answer to a question about the current government, he said that the Conservatives have only been in government for the last eight years.

I'm wondering if you can give us statistics on the wait times for citizenship applications over the last eight years, and also on the wait times on the residency questionnaire. I have many, many, many people contacting me directly about their residency questionnaire wait times and their wait times in general for citizenship. They've been permanent residents for many years and want to be Canadians, and they are stuck in the queue, waiting.

**Mr. Robert Orr:** Perhaps I can talk first of all about the residency questionnaire. There was a great increase in the number of residency questionnaires that were sent out 18 months ago or so. We have tried to reduce that significantly. We've gone through a real blitz to try to reduce the number of residency questionnaires and have moved about 71% of those who had residency questionnaires into straight processing and on to testing. That's been very significant indeed—

**Ms. Rathika Sitsabaiesan:** Do you have the actual statistics on how many and on how long they've been waiting over the last eight years?

**Mr. Robert Orr:** On how long they've actually been waiting, no, I don't. There are about—

• (1700)

**Ms. Rathika Sitsabaiesan:** Maybe you could provide that.

**Mr. Robert Orr:** Yes, we can follow up with specifics on that. It becomes a somewhat complicated story, but yes, we can deal with that.

**Ms. Rathika Sitsabaiesan:** Maybe you could provide that to the clerk for us. Thank you, Mr. Orr.

I'm going to switch gears a little bit, to the official language knowledge requirement.

Madam Girard, when you were answering, I think you were talking about how this is actually a good thing and it shouldn't be too difficult. I'm wondering if for children with learning disabilities there's an exception for the language requirement and the test.

**Ms. Nicole Girard:** Thank you for your question.



Whether it's an adult now or a younger person, as proposed under the bill there is the ability now under the bill to apply for a waiver if someone is unable for some reason to meet a requirement like this, whether it's because of a disability or a health condition. That's something that exists now, whereby people can request that consideration, and it would be under the bill as well.

**Ms. Rathika Sitsabaiesan:** Okay. My question is with respect to children especially for undiagnosed disabilities. I've been trying to find the statistics on the number of undiagnosed disabilities, especially learning disabilities and other non-visible disabilities in children.

I was looking at HRSDC's website, actually, which had Statistics Canada details from the 2006 participation and activity limitation survey. It states that as of 2006, among children ages 5 to 14 years who have disabilities, 72.7% of boys had learning disabilities, and 63.3% of girls have chronic.... These are just the diagnosed children. We know that this is on the rise. We're realizing that there are a lot of children who haven't been diagnosed and are going through the system and having difficulties because of learning disabilities or chronic illness or whatever it might be. There's some sort of disability that hasn't been diagnosed.

What happens to those children who are now 14 years old and can't pass the test because they have a disability that's not diagnosed? Do they just not get to be Canadians with their parents and their family members?

**Ms. Nicole Girard:** Whether it would be an adult or a young person, under the bill, with an undiagnosed learning disability, as you rightly point out, not everyone may self-identify up front. We will be looking closely at our implementation preparations to ensure that people in those circumstances will continue to be able to get access to a waiver, whether they self-identify from the get-go or whether they perhaps have sat one test and haven't been successful, when we may then need to identify them as people who may potentially need waivers.

**Ms. Rathika Sitsabaiesan:** How is that going to be done? The minister also said earlier today that people won't be given an unlimited number of attempts at these tests. How is that identification going to happen?

**The Chair:** I'm sorry. I'll stop the clock.

We have a point of order, Ms. Sitsabaiesan.

Mr. Shory.

**Mr. Devinder Shory:** Mr. Chair, I want the member opposite to give us a clarification. For the number she mentioned from HRSDC, does she have a clarification on how many of these numbers are immigrants to become citizens?

**The Chair:** I think she has the floor. I don't know whether that's a point of order—

**Ms. Rathika Sitsabaiesan:** It's not.

**The Chair:** —but it might be an opportunity for you to ask that question.

Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan:** Thank you, Mr. Chair.

He will have a chance to ask his question.

With respect to the intent to reside—

**The Chair:** You have about two seconds, so make it quick.

**Ms. Rathika Sitsabaiesan:** Okay.

The Library of Parliament analysts have identified that this change is actually going to the pre-1977 era of citizenship legislation in this country. Why is this change happening?

**Ms. Nicole Girard:** For the intent to reside, as others on this panel have commented, it's the purpose of communicating that citizenship is for those who intend to make Canada their home.

**The Chair:** Mr. Shory.

**Mr. Devinder Shory:** Thank you, Mr. Chair.

Let me start with my point of order. I would like the officials to confirm or not confirm the numbers from the HRSDC website that my colleague mentioned. Do you think or do you know that these numbers are 100% immigrants who are to become citizens?

**Ms. Catrina Tapley:** Mr. Chair, I'm sorry. We're not familiar with the numbers the member mentioned, so we would have no way of knowing at this point how many of those children were immigrants.

**Mr. Devinder Shory:** Would you please look into this and get back to the committee to confirm or advise the committee of whether these numbers are 100% immigrants?

**Ms. Catrina Tapley:** Mr. Chair, we'd be happy to get back to the committee.

**Mr. Devinder Shory:** Thank you.

• (1705)

**The Chair:** If you don't have it, maybe you could tell us you don't have it, but that's an undertaking.... We would appreciate getting that. Thank you.

**Mr. Devinder Shory:** Thank you.

Now let me ask something about consultants. Why do citizenship consultants need to be regulated? Why do you think they should be regulated?

**Ms. Nicole Girard:** Well, unfortunately, as the media has reported, there are several thousand individuals across the country who are under RCMP investigation for citizenship fraud. It's in the range of 3,000 citizens and 5,000 permanent residents who are under investigation for fraud, related in most cases to residence. Unfortunately, as the media has also reported, in some of these instances there are consultants who have been involved and who have allegedly counselled applicants to falsely represent whether they were indeed meeting the requirements for the purposes of citizenship.

Under immigration legislation, there is a framework for the designation of a body to regulate citizenship consultants...sorry, to designate immigration consultants, to hold them to professional and ethical standards of conduct, and that authority is missing in citizenship legislation. The bill proposes to remedy that gap to provide similar authority to hold citizenship consultants to ethical and professional standards of conduct as well.

**Mr. Devinder Shory:** I believe residency fraud was discussed before. I'll ask you to inform us again if it was answered before.

How many cases involve residency fraud? Could you give us some examples of ways people commit residency fraud?

**Mr. Robert Orr:** The number, I believe, is 85 where there's been revocation as a result of residency fraud.

Residency fraud can take a variety of different fashions, but essentially it is people who are claiming to be in the country when in fact they are abroad. At the moment, without exit controls, we have no objective way of identifying this. We're often required to go through passports to look at stamps and so on. Starting late next year we will start to have more effective information about people's entry into and exit out of the country.

**Mr. Devinder Shory:** Can you also talk about some examples of those who try to hide their absences from Canada? Some people try to hide their absence from Canada. How do they hide their absence from Canada? If they are gone somewhere, I understand that right now we don't have that entry-exit stamp.

**Ms. Nicole Girard:** Some of what has been reported as part of these large-scale investigations into residence fraud has to do with a fairly sophisticated pattern of fraud that unfortunately the department is seeing, whereby third parties are involved to help establish a fraudulent pattern of residence, with real bank accounts, and real phone records that are being used by someone else who is being paid to make withdrawals or phone calls to establish a pattern of documentation to support a person's fraudulent claim that they're here.

We also have other circumstances where people have declared on their application that they're meeting...and that they are physically present in Canada or so they say, and we discover evidence after the fact, whether it's through passport stamps, whether it's through entry-exit data from other countries, employment records from other countries, school records from other countries, that shows the opposite.

This is the nature of the fraud that the department is seeing.

**The Chair:** I'm sorry, Mr. Shory, but unless Mr. Leung lets you go on, it's his turn.

**Mr. Chungsen Leung:** Go ahead.

**Mr. Devinder Shory:** Thank you.

Now I'll talk about one of my favourite topics. Bill C-24 also provides the ability to strip citizenship from convicted terrorists who hold dual citizenship, or deems an application for citizenship to be renounced. Have you done any comparative studies with other western countries that have similar legislation? My understanding is that all western democratic nations have this power, and for some of them, the requirements for revoking citizenship are far less stringent than what is being proposed in Bill C-24. Could you please comment on that?

• (1710)

**Ms. Nicole Girard:** Yes, that's absolutely correct. Canada is one of the few countries, as part of our study, that we identified that don't have this ability to revoke that's proposed in Bill C-24. For example, like-minded countries like Australia, the United States, the United Kingdom, and New Zealand, all have such authority, as do most European countries that we looked at.

Many of these countries have broader, less defined powers than what is proposed in Bill C-24.

**Mr. Chungsen Leung:** I wish to move back to the question of language requirements. If the applicant has a speech impairment, are there exceptions in certain cases where individuals are allowed to do this by written exam, or is there a special dispensation for exemption on language?

**Ms. Nicole Girard:** We certainly have now and would have under Bill C-24 accommodations for persons who may experience different difficulties, whether it's a learning disability, whether it's a speech impairment, whether the individual may be deaf. Those people can self-identify now at the start of the process, and they do.

We will continue to take on board the comments of the committee and stakeholders in terms of best practices on any other measures that we may need to look at in this area.

**Mr. Chungsen Leung:** Let's say for seniors, is there an age at which there is an exemption, say at 54 or 55? Where would that age threshold be?

**Ms. Nicole Girard:** Under the bill, the requirements for language and knowledge would apply to those up to the age of 64. From 65 and up they wouldn't apply.

**Mr. Chungsen Leung:** They wouldn't apply.

With respect to the language requirement in Bill C-24, how do we compare to other English-speaking jurisdictions, for example the U.K., Australia, New Zealand, and the United States? Are we comparable or are we even more stringent?

**Ms. Nicole Girard:** That's quite right. In fact the measures proposed in Bill C-24 would make us more comparable with those like-minded countries. For example, the U.S. requires those requirements to be met for up to age 65. For the U.K., it's up to age 64.

**Mr. Chungsen Leung:** What is it for Australia?

**Ms. Nicole Girard:** For Australia it is 59.

**Mr. Chungsen Leung:** I asked this question previously and I need to get a feel for the technical aspect of it, regarding examples of the language skills necessary to pass the citizenship test.

For example, if a person comes in as a skilled worker, for example, he's a psychiatrist, obviously that level would require a much higher threshold versus someone who comes in as a general labourer. Do we have a uniform level for the citizenship test, and then allow those special professions to be tested otherwise, or is that handled at the citizenship level?

**Ms. Nicole Girard:** Thank you for your question.

You're quite right. The level for citizenship is uniform. It's CLB 4, which is basic language proficiency in English or French. However, as you mentioned, many skilled workers come in with a significantly higher level. I referred earlier to that list of acceptable evidence that applicants can provide for citizenship purposes, and that includes a test that a skilled worker may have already completed as part of their process of immigration to Canada. They could reuse those results for the purposes of applying for citizenship because their level was already significantly higher coming in.

**The Chair:** Thank you.

Ms. Sitsabaiesan.

**Ms. Rathika Sitsabaiesan:** I would like to talk about people with temporary residency status. Under Bill C-24 periods of temporary residence will no longer be applied toward the meeting of the physical presence requirement for naturalization to become Canadians.

There are higher numbers and growing numbers of international students who come to Canada and are taxpaying members of our society while they're students because they're able to find work and then they, the lucky ones anyway, will find work on a temporary basis as they apply for permanent residence. We're seeing a growing trend toward a two-step migration process, especially with international students where they first come as students temporarily and then transition into permanent residents.

What is the rationale for this change, where it's inviting students from all around the world to come here and then saying the time they spent doesn't count?

• (1715)

**Ms. Catrina Tapley:** Mr. Chair, I think as the minister explained earlier, the intent behind this is to look at that time as permanent resident as your time toward citizenship. The time that you have decided to become a permanent resident of Canada, you have embarked on a journey that we hope will lead to citizenship. It's that time that you've made that decision to stay in Canada as a permanent resident that should count toward that time as citizenship.

As the member indicated, the numbers of international students have been growing, but quite a small percentage of those students stay in Canada. I think the number of people who had applied some of their time as a temporary resident to their citizenship application is quite low. I think Mr. Orr indicated this earlier. It's less than 15%. I think it's about 13%.

The other point I would make is on comparators with other countries. For example, the U.S. doesn't include any of your time as a temporary resident toward your citizenship. That would have to be permanent resident time as well. That's consistent with some of our comparator countries.

**Ms. Rathika Sitsabaiesan:** Thank you.

Switching gears again, I may have misunderstood the concept, and if so, I'd like the analysts or somebody to correct me. Under Bill C-24, I think individuals who have been accused of or charged with committing certain crimes in their country, with or without a trial, and who have maybe been jailed for whatever reason, can now—I don't remember which one it is and somebody can correct me—either be denied citizenship or have their Canadian citizenship revoked. It doesn't matter which one of those two it is; my question is about the fact that these individuals are being judged in Canada for what they may or may not have done in another country. They may or may not have had a fair trial or due process, because I know many countries where individuals don't have due process.

My understanding is that one of our honorary Canadian citizens, Nelson Mandela, would not be able to become a Canadian citizen after Bill C-24 passes, because he was charged with, I think, terrorism or treason in his country and was jailed for that. Does that mean he wouldn't be able to be a Canadian citizen? I want to know

the rationale behind why we're...and who? Is it a Citizenship and Immigration Canada official, a bureaucrat, who would be given the task of being the judge, of assessing whether said country has due process and fair trials, and of making that decision? Is it going to be one CIC official who makes that decision on another country's judicial processes?

**Ms. Nicole Girard:** I'll start with your last question first.

In line with these other like-minded countries that already have these powers, it would be the minister who would decide, or a delegate if the minister decides—

• (1720)

**Ms. Rathika Sitsabaiesan:** So, more discussions with the minister. Thank you.

**Ms. Nicole Girard:** —to delegate that decision on revocation.

**Ms. Rathika Sitsabaiesan:** Right.

**Ms. Nicole Girard:** The minister did make the point earlier that for any overseas terrorism conviction where a five-year sentence or more has been imposed and the person is a dual citizen, which may give rise to revocation consideration, the department will have to do a two-step equivalent process. First of all, there would be a check to see whether the foreign offence is equivalent to a Canadian Criminal Code offence. If it's not, then we wouldn't be proceeding. If it is equivalent, then the second part of the assessment would be done based on the credible evidence available, which would look at if there are any concerns about the fairness of the process by which the conviction was achieved. If there are concerns about the independence of the judiciary or about a political prosecution, that evidence would be before the decision-maker, and he or she could make the reasonable decision not to proceed.

**Ms. Rathika Sitsabaiesan:** Is the decision-maker the minister?

**The Chair:** No, I'm sorry. We'll have to move on.

Mr. Menegakis, go ahead.

**Mr. Costas Menegakis:** I want to go back to the change in the decision-making process the minister spoke about, going from the three-step process to a one-step process with respect to granting Canadian citizenship.

Could you give us a percentage of the number of people who would be expedited by having the decision made by a senior public servant as opposed to its having to go through the citizenship judge process?

**Ms. Nicole Girard:** Thank you for question.

We anticipate that if this bill passes, we would like to be in a position, and we are working to be in a position, to implement the streamlined decision-making provisions of the bill at the earliest opportunity in order to benefit those significant number of cases in the backlog that the minister mentioned. Under the measures proposed in the bill, it's anticipated that the vast majority of those would benefit from this new, more streamlined decision-making process.

Rather than going to a judge for a decision, they would go to the increased number of officers who are being hired with some of the new monies the department has received and who are being trained to complete this function.

I would invite my colleague, Mr. Orr, to add to that if I've missed anything.

**Mr. Robert Orr:** To add to that, I think the impact is going to be very significant in bringing down processing to under a year, estimated by 2015–16, with the new decision-maker model. With the new money, if we kept the current system, we would be down to only 14 months by 2017–18. I think that's on the chart that was distributed. It gives you some indication of the very significant efficiencies that would be accrued through Bill C-24.

**Mr. Costas Menegakis:** Thank you.

I understand that with respect to the existing backlog, but going forward what percentage of applicants do you think could be decided on by the public servant and not be referred to the citizenship judge? The citizenship judge would only be dealing with cases where there was a question regarding residency, and therefore I would imagine a significant percentage of people would be processed through the system by the public servants and would not be referred there.

Do you have a sense of how high that number could be, roughly?

**Ms. Nicole Girard:** We would anticipate that the vast majority of applicants would be dealt with by a citizenship officer under this model that's proposed. It may be in the order of a couple of thousand cases that the citizenship judge may need to look at on an annual basis because the officer, on the face of the evidence that is there, may not be satisfied that the residence requirement is met. It's in that range.

**Mr. Costas Menegakis:** Thank you.

Do you have any concerns about the independence of public servants as decision-makers? Will there be a training process for some people?

**Ms. Nicole Girard:** Citizenship officers are independent decision-makers now. They decide in the range of about 100,000 citizenship applications that deal with certain matters, including proofs of citizenship, adoption cases, and grants of citizenship to minors. They already make those decisions guided by criteria under the law, as they would be under the measures proposed in the bill. Certainly they would have additional training to take on these new functions that are proposed in Bill C-24.

**Mr. Costas Menegakis:** I certainly can understand your previous comment that it would be nice to implement it as soon as possible, because obviously it will be making life a lot easier for pretty much every MP in the House who deals with citizenship, particularly citizenship and immigration issues.

How does this new practice of going from a three-step to a one-step process compare with other countries, particularly such peer countries as the U.S., the U.K., Australia, and New Zealand?

**Ms. Nicole Girard:** It's more in line with what these other countries do. Canada's the only country that has this three-step process, which results in the vast majority of applicants being accepted at the end of the day. Most of those have a more streamlined process in line with what's being proposed in this bill.

• (1725)

**Mr. Costas Menegakis:** Thank you.

I have a question with respect to the discretionary grants of citizenship.

Am I taking somebody's time?

**The Chair:** Mr. Opitz's.

**Mr. Costas Menegakis:** Oh, I'm sorry.

**Mr. Ted Opitz:** I'll let Mr. Menegakis finish his question.

**Mr. Costas Menegakis:** No, no, I'll pass it on to you. I'm fine.

Thank you.

**Mr. Ted Opitz:** Okay.

We talked about people in the CF being given the opportunity to become citizens, but what about folks like police officers and crown servants? Is there a reason they're not being included in this?

**Ms. Nicole Girard:** The proposed measures in the bill are limited to permanent residents and individuals on exchange to recognize their extraordinary service to the country. It doesn't extend to others. This is a function of the fact that when we did our homework and our comparative research on what other countries do, in the U.S., Australia and New Zealand they offer a fast track to individuals who work in their military only. Canada's proposed approach under Bill C-24 is in line with what those comparator countries do.

**Mr. Ted Opitz:** As I think we talked about earlier, it also extends to folks who are on attachment to the Canadian Forces basically. I know we don't want to be accused of poaching from other country's militaries, but definitely some people want to change where they live.

That's one of the reasons my father came to Canada. He served alongside Canadians in the Second World War. He had to go somewhere, because he couldn't go home, and he decided that those Canadians were pretty good guys. That's one of the reasons he decided to make his new home Canada.

That's in line with all our allies in terms of what they do with people who are on attachment to foreign serving militaries. If they state that they would like to remain in Canada, would we fast-track that?

**Ms. Nicole Girard:** The fast track for individuals working in the military is broadly in line with the allies. The proposal under Bill C-24 to extend that not only to permanent residents but also to individuals on exchanges is the most closely aligned with what they do in the United States, where they don't require you to have permanent resident status in order to have the opportunity to be fast-tracked for citizenship.

**Mr. Ted Opitz:** Great.

**The Chair:** Ms. Sitsabaiesan has one brief question.

**Ms. Rathika Sitsabaiesan:** I'm going to pass my time to Madame Blanchette-Lamothe.

**Ms. Lysane Blanchette-Lamothe:** Thank you.

I have a question for Madam Afshar.

[Translation]

If my understanding of the bill is correct, individuals who only have Canadian citizenship and who are accused of terrorism are liable to sentencing by the court. But dual citizens accused of the same charge would be liable to the revoking of their citizenship and removal from Canada.

In your view, is that measure constitutional and is it consistent with human rights? Two Canadians could receive two different sentences for the same offence. That doesn't seem constitutional to me.

I'd like to hear your thoughts on that, given that you're a lawyer.

[English]

**Ms. Mory Afshar (Senior Counsel, Department of Citizenship and Immigration):** Thank you for the question.

As you know under the Department of Justice Act, the Minister of Justice is required to examine bills that are to be presented to the House in order to ascertain whether or not they are inconsistent with the purposes or provisions of the charter. This examination process has taken place, and the bill wouldn't be before you if the Minister of Justice had determined that the provision was inconsistent with the charter.

In terms of your question with regard to the revocation provision on the new grounds, which would apply to dual citizens only, it raises a question of section 15 of the charter, which protects individuals from discrimination on certain grounds. A charter analysis is very contextual. Courts will look at a non-exhaustive list of factors. Very important are the policy objectives behind the proposed provision, in this case to reinforce the values of citizenship and to protect the security and safety of Canadians.

The provision applies equally to all dual nationals whether they were born in Canada or they were naturalized. The distinction is between those who are dual nationals and those who have only Canadian citizenship. As you may know, Canada has ratified the Convention on the Reduction of Statelessness. This convention prevents state parties from taking away citizenship from a person if that would render them stateless. There are limited exceptions, for example, if the citizenship was obtained by fraud. It's by virtue of Canada abiding by its international obligations that this distinction is part of this provision.

● (1730)

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

Mr. Orr, and your colleagues, thank you very much for appearing before us. It has been a big help. Thank you kindly.

This meeting is adjourned.

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