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Chair

Mr. David Tilson

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• (1530)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): This is the Standing Committee on Citizenship and Immigration, meeting number 23.

We are studying Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts.

This meeting is televised.

We have three representatives from the Canadian Bar Association: Christopher Veeman, Barbara Jackman, and Kerri Froc. Good afternoon to you, and thank you for coming. We also have Robin Seligman, a lawyer—this is lawyers' day—and we have, from British Columbia by teleconference, Richard Kurland, who is well-known to this committee and also a lawyer. You will all have to be very careful with what you say today.

Ms. Jackman, are you speaking on behalf of the Bar Association?

Ms. Barbara Jackman (Member, National Immigration Law Section, Canadian Bar Association): Yes, I am.

The Chair: You have up to eight minutes.

Ms. Kerri Froc (Staff Lawyer, Law Reform and Equality, Canadian Bar Association): Thank you, Mr. Chair and honourable members.

The Canadian Bar Association is pleased to appear before the committee today to address Bill C-24, the Strengthening Canadian Citizenship Act.

The Canadian Bar Association is a voluntary association of 37,500 lawyers across Canada, whose primary objectives include promotion of the rule of law, improvement of the law, and improvement to the administration of justice. It's in the spirit of this mandate that the members of our immigration law section have made the comments we've submitted to you in writing and we will speak to you about today.

Chris Veeman, an executive member of the CBA's immigration law section, and Barbara Jackman, a member of the section, are here with me today. I will now turn things over to them to address the substance of our comments on the bill.

Mr. Christopher Veeman (Executive Member, National Immigration Law Section, Canadian Bar Association): We all share the goal of strengthening Canadian citizenship. In the CBA's view, a full public debate on this topic is very important.

We understand that the last time there were significant amendments to the act in 1977, the government published a white paper and cross-country forums were organized to make sure that all citizens of Canada were able to be involved in the discussion. We would encourage the government to consider a similar approach in this case. Many of the proposals in the bill come out of the blue in some respects, and we're reacting without knowing the true rationale.

I'm going to talk about two of the topics that we covered in our submission: the grants of citizenship, and a particular aspect of that, the intention to reside in Canada.

In general, the CBA is of the view that this bill, which is entitled the Strengthening Canadian Citizenship Act, proceeds on the assumption that by making something harder to obtain you increase its worth. The CBA takes the view that citizenship is a bundle of rights that should be assessed on the rights that it gives to the holder. Simply making it harder to obtain doesn't make it better.

Bill C-24 does make it harder for people to become citizens of Canada, but in the CBA's view, it doesn't enhance the rights that accrue to citizens. The CBA takes the position that the bill diminishes Canadian citizenship by focusing solely on administrative efficiency in determining citizenship applications, reducing appeal rights for people involved in citizenship matters, and the topic that my colleague's going to discuss, permitting the possibility of banishment of Canadian citizens.

In terms of grants, Bill C-24 focuses on efficiency in the handling of citizenship applications. Unfortunately, in the CBA's view, this efficiency is achieved at the cost of the Canadian values of discretion and compassion. The only residency that's recognized under the bill is physical presence in Canada. In our submission we point to a number of examples that are published in the CIC's citizenship processing manual *CP5*, which shows the types of situations that, in the CBA's view, merit consideration for citizenship applicants. As an example, consider a young permanent resident who wins a Rhodes Scholarship and is off to study at Oxford. Bill C-24 might force such a person to forsake either the opportunity offered by the scholarship or their citizenship application.

I want to talk briefly about the “intention to reside” requirement. As you'll see in the submission, the CBA has concerns with this provision. First of all, contrary to the rest of the thrust of the bill, it's the CBA's view that this will complicate the adjudication of citizenship applications. Trying to determine someone's intention at the time of application is next to impossible.

The other problem that this provision creates is discrimination between natural born citizens, who have no obligation to reside in Canada, and naturalized citizens.

I'm realizing I'm already almost out of time, so I'm going to turn it over to Barbara.

• (1535)

Ms. Barbara Jackman: I'm going to cover the revocation of citizenship. Someone will have to tell me when I'm out of time.

There are three points I want to make. Taking away citizenship from someone born in Canada because they may have dual citizenship and have committed an offence proscribed by the act is new. That's a fundamental change. For people who are born here and who have grown up here, it can result in banishment or exile. It's a step backwards, a huge step backwards—and it's a huge step being taken without any real national debate or discussion about whether Canadians want their citizenship amended in that way.

When we teach our children in our schools that section 3 of the Charter gives a citizen the right to vote in an election and section 6 gives citizens the right to live, to enter, remain, and leave Canada freely, we don't tell them that it's just a matter of statute—that when Parliament's upset about something young Canadians may do, because this is directed at young Canadians who've committed offences in other places, and that because it doesn't like what young Canadians do, it is going to change citizenship and take it away from people. That's fundamental.

That's a fundamentally different concept of citizenship that needs to be addressed. It needs to be discussed and debated. We think that it could raise serious human rights concerns. It does raise serious human rights concerns. It may well contravene the Charter. The Supreme Court of Canada has already ruled in the past that we can't exile Canadians. By redefining who a Canadian is, you achieve exile. That's not right. It's against the Charter. It appears to be against the Charter, and I expect there will be significant litigation.

Another problem with it is that it's retrospective, and then another problem with it, yet again, is that it only affects those persons who may have citizenship in another country. People will have to prove that they don't have citizenship in another country, even if they don't actually have a passport from that country, so people who can't claim citizenship through a grandparent are safe from being exiled. People who may be able to claim citizenship through a parent or grandparent aren't. They'll be exiled from Canada. It may also breach the Charter in that it discriminates against people based on the nationality laws of another country.

One of the other problems is the grounds for the loss of citizenship.

Am I over the eight minutes?

The Chair: You've got one minute left.

Ms. Barbara Jackman: Okay. One minute.

The grounds for the loss of citizenship are very broad. You just have to look at the Canadians that took the Greenpeace boat, who acted for Greenpeace, and climbed on the Russian oil platform. They were charged with piracy and hooliganism, carrying seven- and fifteen-year sentences. They could be stripped of citizenship if they

had access to another nationality. That's not sufficiently serious to take away citizenship.

• (1540)

The Chair: That's it?

Ms. Barbara Jackman: Well, I thought my time was up. If I have more minutes, I've got one other point.

The Chair: No. You've got about 30 seconds.

Ms. Barbara Jackman: Okay, well then, on the minister's decision; you shouldn't take decision-making away from the courts. There's no independent and impartial decision-maker in this process. To take citizenship away from someone is a fundamental change, and to give it to a minister or a politician to make that decision without any kind of fair process is simply wrong.

The Chair: Thank you.

I've never seen a lawyer waste 30 seconds.

Ms. Seligman, you are next, and you have up to eight minutes.

Ms. Robin Seligman (Barrister and Solicitor, As an Individual): If you could give me some warning, that would be great.

The Chair: I'll do my best.

Ms. Robin Seligman: Thank you very much.

I very much support the Canadian Bar Association's position. I'll try to elaborate on some of the points that we were not able to because of time constraints.

We're very concerned—and I'm very concerned—about this serious change in direction of citizenship. It makes citizenship more vulnerable and totally insecure.

Once again, please remember this impacts people born in Canada, so people who have never lived in another country but might, through relatives or grandparents, have a claim to citizenship.

Looking around at the names in this room, I can tell you that most people here probably have a claim. It affects people that have Italian parents, British parents, U.K. parents, Chinese parents, and of particular concern is that every Jewish person in Canada has the right to move to Israel and claim Israeli citizenship. In effect—and I've provided materials on the right of the law of return—every Jewish person in Canada can be impacted by this legislation, because they could claim status in Israel.

Of particular concern to me as well is the reverse onus that this legislation puts on a person to prove that they would not become stateless, so I ask that you look at proposed section 10.4 that specifies this.

Also, there are no appeal rights. It only talks about a leave for judicial review, and if I have time I'll talk about what that means.

To be honest with you, if a person gets a parking ticket in the City of Toronto, or probably anywhere in Canada, you would have more judicial rights and appeal rights and the right to a fair hearing than you would under the Citizenship Act as proposed under Bill C-24. As a parking-ticket holder you have a right to a fair hearing. Under the Citizenship Act, as proposed, there is no hearing. It is up to the minister to decide whether there's a hearing or not. This can be very political, and these decisions should definitely be taken out of the hands of a minister.

As well, there's no discretion. There's no humanitarian and compassionate review, or allowing a decision-maker to review the full circumstances of a case. The legislation appears—as Barb said—to be focusing on young Canadians who have committed acts that seem to be heinous. However, if you look at the definition of terrorism under the Criminal Code, it's very broad. It includes funding, giving money, giving a donation. For example, right now we see Mohamed Fahmy, the journalist, who is in Egypt in jail. He would be caught under these provisions. He's been charged with terrorism in Egypt for helping put the Muslim Brotherhood's position by reporting through the news. This would be covered under our legislation. Do we really want this type of thing to happen? Is this what we want citizenship to be valued at? Or not valued at?

I respectfully submit that if you've read the legislation, read the details, you may not fully comprehend how broad the provisions are and how many people they'll capture. And I clearly don't think that most Canadians would understand this, so I fully support proper debate and discussion across Canada about this legislation and its broad ramifications.

As I said, almost everyone in this room, or their children or grandchildren, would probably be affected because they might have a claim to citizenship in another country. So it doesn't only affect those who are citizens of other countries now. If they have a claim based on the laws of another country, then they would be affected by this legislation. Once again, it's very broad in terms of terrorism and the offences that would qualify under this act.

Do I have more time?

The Chair: You have five minutes.

Ms. Robin Seligman: The proposed grounds for citizenship revocation can be grounded in the political context. In many countries, allegations of terrorism are used to punish political opponents. They are facilitated by low thresholds for convictions and unfair trials, and harsher sentences can be applied. All you have to do is equate these to Canadian law—under which, as I said, Mr. Fahmy's charges would be equatable to a Canadian charge under our legislation—and you're caught by the legislation. Once again, the minister may have a hearing or may not.

I said I would discuss the appeal rights. Under the legislation as proposed, you would have to get leave to appeal to the Federal Court, which means permission to go to court. I would like to explain the difference between what an appeal is and what leave for judicial review is.

A leave to appeal, which is a very difficult test—and only 15% to 20% of the cases in Federal Court are granted leave—is a very legalistic test based on errors of law and judicial oversight. The

Federal Court judge cannot substitute their decision; they cannot receive new evidence; and they can't make any findings on humanitarian grounds, so it's a very legalistic paper process. It has nothing to do with the full appeal based on new evidence or other circumstances surrounding the case. There is no in-person hearing. The lawyer or the person concerned can only make in-writing submissions on leave to appeal.

I think it's very important that this committee understand there is no review, because I've heard government workers say, “Well, it can be reviewed at the Federal Court.” It's leave to appeal, which is very limited in scope and doesn't allow for any substantive review of new evidence and doesn't allow a substituted evaluation, whereas an appeal would allow those. As I said, a parking ticket would give you more rights in court than these provisions do.

Today, for example, in the newspaper, the *Toronto Star*, Ottawa has declared a charity organization to be a terrorist organization. It's called IRFAN, the International Relief Fund for the Afflicted and Needy. This is an example. Many Canadians have donated to that charity. If you donated to that charity, to take a broad perspective of what terrorism is in Canada, you could be caught under the provisions of section 83 of the Criminal Code for having funded an organization.

The humanitarian wing of this organization provided money to help children and the needy. Again, this is an up-to-date example of the type of activity this minister might categorize as being under these provisions, but we don't know if somebody else in the future may consider this type of activity. Funding and donating money would be covered under the provisions of terrorism under the act. This is an example out of the paper today.

As well, the five-year sentence is specifically for terrorist attacks—all other sentences under the legislation talk about life sentences—inside Canada or overseas. As we can see from the cases of many Canadians who are overseas dealing with these types of situations, usually the penalties would be much greater than five years. So five years is almost a slap on the wrist for this type of activity, and that should be seriously reconsidered.

Thank you.

• (1545)

The Chair: Thank you, madam.

Mr. Kurland, welcome back to the committee. I'm always pleased to hear your presentations. Whether we like them or don't like them, they're always very good.

You have up to eight minutes, sir, to make a presentation to us.

Mr. Richard Kurland (Lawyer and Policy Analyst, As an Individual): Thank you, Mr. Chair, and I'm delighted to appear, if remotely, before the honourable committee with apologies that I could not be physically present.

Having said that, I'd like to focus on and highlight the dramatic and pragmatic positive changes to the citizenship act and point out a systemic design failure in a portion of the act that may have unintended consequences.

What is most pleasing is the requirement to file a tax return. This is a game changer. Families can plan in advance economically what it means to receive and maintain Canadian citizenship. The duration of six years, given the lifetime commitment to Canada, is reasonable and overdue.

Requiring four years on six years with a minimum of 183 days in a year for four years on those six years cuts a Gordian knot. For the first time, we have a pragmatic, transparent threshold to access Canadian citizenship. That is long overdue.

There is an issue, a design flaw, that I would like to point out in proposed paragraph 10(3)(a). I'll read the relevant portion: "Before revoking a person's citizenship or renunciation of citizenship, the Minister shall provide the person with a written notice that specifies a) the person's right to make written representations".

That's insufficient.

How is it that to revoke refugee status, the person is entitled to an oral hearing? How is it that to revoke the status of permanent residence, the person is entitled to an oral hearing? A citizen has no right to an oral hearing when faced with revocation?

That's a design flaw and I would respectfully point out that Ms. Jackman, Ms. Seligman, and others may not be too far off point when they illuminate the strength of the charter to defend individual rights when confronted with this situation.

So that's really the heads-up. It is an easy fix, it is a quick fix, but on the whole, we got it right on this bill. And I'll donate the time to questions subsequently.

• (1550)

The Chair: Here they come, Mr. Kurland.

Mr. Opitz is first.

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Mr. Chair, and to our witnesses, thank you all for appearing today. I truly appreciate it.

Richard, I'm so used to seeing you sitting at the end of the table, not on a TV screen. I don't know how I'm going to manage, but we will, I think.

Folks, thank you very much again for your submissions. But Christopher, you gave some examples at the beginning.

Listen, my parents came here at the end of the Second World War, from very trying circumstances, and it wasn't easy for them to get citizenship. Back in the day, you had a two-year contract. You were given a job for two years and you had to do it. And oftentimes, especially Allied veterans were taking over jobs that were previously vacated by former prisoners of war. It was rather galling, quite frankly. But they managed, they stuck it out, and they carried on. And, quite frankly, my parents have valued Canadian citizenship. They're 94-years-old and 87-years-old, respectively, and they've never been prouder to be Canadian citizens, which they've imparted on us all. Yes, I was born in this country, and I'm very proud that I was born in this country, and I've served this country for many years in the military.

So when we have provisions, by the way, that allow those members who are permanent residents serving in the Canadian Forces to fast-track their citizenship, I think that is just the absolute right thing to do for people who are prepared to put their lives on the line for Canada.

So I think putting in provisions that allow people to earn their citizenship and understand the value of being a Canadian makes a lot of sense. To use Richard's words, it's pragmatic, it's dramatic, and people have to understand that value.

We have a *Discover Canada* guide that tells people. First of all, we talk about people committing offences in Canada. They shouldn't come to this country to commit offences in the first place. It's in the *Discover Canada* guide. You don't immigrate to be a criminal in somebody else's country. Sometimes people do, and maybe with that intent. But this is something that very clearly we should take to heart. And we built up that *Discover Canada* guide, our Conservative government, to clearly tell people what is acceptable and not acceptable in this country, how to vote, what our procedures are, what our democracy is like. It's a very clear guide, I think, for people to follow.

When this bill was created, by the way, it was vetted very clearly through the justice department, by our lawyers. But, Richard, I take your point on proposed section 10, and that's obviously now part of the record and I think that's going to get examined by us. But here are a couple of questions to you, so I don't go off on a tangent and eat up all of my time.

Listen, a common misconception of the bill is that the "intent to reside" provision is unconstitutional. And on Monday, we had Minister Alexander before us, and he confirmed that the bill had been checked not only with the legal team at Citizenship and Immigration Canada, as I just said, but, of course, with the justice department. And I know that you particularly support the aspect of defining "residence" in the bill, in the law.

So do you believe that by defining "residency" in the bill, that this not only strengthens the value of Canadian citizenship, but also ensures that residency fraud is reduced, if not eliminated entirely?

Your comments, sir.

Mr. Richard Kurland: That, in spirit, is precisely the direction to be taken. I have some concerns regarding the process. It has been pointed out that the shortcomings of the absence of an appeal is something to be seriously considered as well. Intent to reside is one heck of a slippery phrase. At what point is it measured? What if circumstances change? Who will be making this decision? Will the person concerned have the right to make representations in written form and orally before the decision-maker?

I would just point out the value of having Ms. Jackman present. That's the lawyer who was unsatisfied with the absence of an oral hearing for refugee determination. And we know what happened after that in the Singh decision. So yes, we're on the right path, we have the right spirit, the intention is good, but the purpose of a standing committee is to fine-tune the letter of the law, to meet those objectives, and that's what we're doing now.

• (1555)

Mr. Ted Opitz: I've also discussed in public the new decision-maker model going from three steps down to one step. How will this drastically improve processing times, in your view? And the second part of that question is, is it therefore important that this bill gets passed as soon as possible in order to ensure that those in line get those faster processing times?

Mr. Richard Kurland: I think those in line should abandon their applications and apply under the new system, where they satisfy physical presence requirements. Be first in, first out.

Yes, the tools needed to expedite citizenship processing are now present in the proposed legislation. I can see, operationally, processing times reduced from the present four-year zone to under 18 months.

As well, people forget. Because of the elegant simplicity of the residence calculation, you're entitled to use, as human resources, individuals at, with all due respect, a lower-pay grade to do the math in particular applications, so we can do more files faster, for less money.

The Chair: You have one minute, Mr. Opitz.

Mr. Ted Opitz: We've cleaned up a lot of the messes of past years. Of course our Liberal friends in 1947, when the act was introduced, over the decades had a lot of ineligible Canadian citizens. But I think we've fixed a great deal of that.

Will part of this legislation also ensure that the remainder of the lost Canadians are granted citizenship? Do you have a comment on that?

Mr. Richard Kurland: People who are stuck and truly believe in the democratic process we have in this country should bear in mind, by way of example, the lost Canadians. It took time. It took resources. Justice has been done. Congratulations to the lost Canadians!

The Chair: Thank you, Mr. Opitz.

Madame Blanchette-Lamothe.

[*Translation*]

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

I thank all of the witnesses for being here with us today. I would like to go back to what the minister said before the committee last Monday. He said, and I quote: We think this bill [C-24] is fully compliant with the requirements of our Constitution.

The minister seems convinced that this bill is constitutional. I wonder if you have any reservations or doubts concerning that statement by the minister.

Since there is no answer, I want to ask the representatives of the Canadian Bar Association if they have any comments to make on this.

[*English*]

Ms. Barbara Jackman: I am sorry, I have to answer in English, if that's all right.

Ms. Lysane Blanchette-Lamothe: Of course.

Ms. Barbara Jackman: I would remind the committee that they've passed other legislation that, again and again, the Supreme Court of Canada has struck down just recently. So the fact that the Department of Justice and the minister say it is constitutional doesn't mean it is. I think that you really have to question, when the Supreme Court in a case called Chieu, in one of its more recent decisions, questioned whether or not it was fair to have a single official taking away a significant right.

You have the minister, who is going to act on political grounds, take away citizenship from someone born in Canada, because of an offence. It will be selectively used, and it will be used in an unfair way. You can't expect a fair, impartial, and independent hearing in front of a minister who is the political advocate of this kind of stripping people of citizenship. He's not going to be a fair decision-maker. You must have a court.

• (1600)

[*Translation*]

Ms. Lysane Blanchette-Lamothe: Ms. Seligman, do you have something to add to that?

[*English*]

Ms. Robin Seligman: I fully agree with that. I think you will find that this, if passed in its present form, will obviously work its way to the Supreme Court.

Again, I'd like to remind this committee of the following, because I think one of the members just said that people read our guide and we tell them that if they come here and commit crimes, they shouldn't be allowed to stay here, please be aware that this affects people born in Canada. It affects your children, your grandchildren, and you.

By looking at some of our names, probably 75% of the people in this room have ancestry from abroad and may automatically have citizenship in those countries without doing anything. You're affected. So please, that can't be compliant with the charter, notwithstanding the advice that the minister is getting.

Thank you.

[*Translation*]

Ms. Lysane Blanchette-Lamothe: Thank you.

Mr. Kurland, do you have anything to say about the minister's statement concerning the constitutionality of this bill?

Mr. Richard Kurland: Yes.

Notwithstanding the claims made by the minister and the Department of Justice, I think there is indeed an issue. The absence of an appeal process is very egregious and you can be sure that judges are going to consider that seriously. I do not share the legal opinion of the Department of Justice. I think the minister is not a member of any Canadian bar association. His mandate is limited to political decisions.

Ms. Lysane Blanchette-Lamothe: Thank you.

As for exile, I think you spoke about this, Ms. Seligman, as well as the Canadian Bar Association.

I would like to ask Ms. Jackman and perhaps also Mr. Kurland if it is true that under Bill C-24 a person born in Canada could be exiled to a country where he or she did not speak the language, nor know anything else about the country.

Is that true?

[English]

Ms. Robin Seligman: Absolutely. Proposed section 10.4 shifts the onus to the Canadian-born person to prove that they would not be rendered stateless. That's the test. It doesn't talk about dual citizens. It says the onus is on you to prove that you will not be rendered stateless. And as I told you, there are many countries that if your parent is from that country and you're born to that parent even in Canada and even if your parent's a Canadian citizen, you automatically have citizenship, for example, the Egyptians, Chinese, Italians, etc. Many people of this country automatically have a right to get citizenship in another country. They would be exiled.

Ms. Barbara Jackman: I think we have to be careful in what's going to happen here. I've represented Chilean refugees through the years. The Chilean government had an exile list. They kept citizens out of the country, exiled them from Chile, and other dictatorships have done the same thing.

What we're doing here is more dishonest. We're redefining so that we're pretending they're not Canadians even though they were born here, grew up here, may have lived nowhere else and have no connection to any other country, and then we're going to kick them out. That's the same as what Chile did under the dictatorship. I'm sorry, it's just too extreme. We got rid of banishment and exile in the Middle Ages. This is not the time to add it.

[Translation]

Ms. Lysane Blanchette-Lamothe: Thank you.

Mr. Kurland, I apologize, but I am going to ask my last question before I give you the floor.

Ms. Jackman, is it correct to say that our current legal system has provisions to deal with such serious offences as high treason and terrorism?

[English]

Ms. Barbara Jackman: We do. We punish people through the criminal justice system. We didn't add additional sanctions by exiling them, until now.

The Chair: You have one minute.

[Translation]

Ms. Lysane Blanchette-Lamothe: My question is for all of you. If I understand correctly, you suggest that the provisions involving the possibility of exile for persons targeted by Bill C-24 simply be withdrawn.

Is that what you are proposing?

Ms. Jackman, I yield the floor to you.

[English]

Ms. Barbara Jackman: The Bar Association has recommended that the provision be deleted.

[Translation]

Ms. Lysane Blanchette-Lamothe: Ms. Seligman, you have the floor.

[English]

Ms. Robin Seligman: Yes, I would agree with that, and as well, the particular focus on children or people born in Canada. It's never been contemplated before in Canadian legislation to deport Canadians born here.

• (1605)

[Translation]

Ms. Lysane Blanchette-Lamothe: Mr. Kurland, you have the floor.

[English]

Mr. Richard Kurland: I'm not in favour of introducing the medieval law of banishment into our Canadian legal system, so on general principle, I have serious concerns. Also the door is open in future to parliaments of other countries getting their hands on Canadian citizens. A citizenship bill is now before the Spanish Parliament that will extend Spanish citizenship to people claiming to be Sephardic Jews, and that means that in Canada, following Ms. Seligman's train of thought, if a person is Jewish and has a certificate of being a Sephardic Jew, they get Spanish citizenship. There are unforeseen, unintended consequences here that truly have to be studied at great length before going forward.

The Chair: Mr. Hsu.

Mr. Ted Hsu (Kingston and the Islands, Lib.): Thank you.

[Translation]

Thank you, Mr. Chair.

[English]

Ms. Seligman brought up the contrast, the difference, between a judicial review and appeal before the court, and talked about the limits that a judicial review has compared to an appeal before the court. Considering that this bill does deal with a very fundamental status, namely Canadian citizenship, isn't that enough to say that this bill should not rely so much on judicial review, and that Canadians should have access to the full power of an appeal before the court when their citizenship is being questioned?

Ms. Robin Seligman: Yes, clearly. Again I tried to set out what a judicial review is and again it's permission to appeal, and it goes through the Federal Court. They have very limited jurisdiction. It's an administrative review. They're looking for errors of law. Was the proper procedure followed? They're not looking at the substance of the decision unless it's absolutely perverse and doesn't make sense.

Other than that, it's extremely hard to get judicial review. Again, it's not an in-person hearing, you don't introduce humanitarian factors or new evidence. Under this legislation, if you were convicted, you are done, with no right of review. You can't add all the circumstances of your case, so judicial review would be totally inappropriate under these circumstances. There would have to be a full and fair hearing as Mr. Kurland and the bar have mentioned. And again, I can reiterate, a parking ticket has more rights than Bill C-24. You get your day in court. I've provided you with the materials.

Mr. Ted Hsu: My question is perhaps for Ms. Jackman.

The intent to reside requirement could create two classes of citizens: one class of citizens who are natives and can leave the country freely, and another class who are naturalized and whose citizenship perhaps could be revoked after it's awarded, because the evaluation of the intent to reside could be re-evaluated.

On Monday, Minister Alexander seemed to suggest that this was all blown out of proportion and that this requirement wouldn't result in any revocations because it doesn't apply after one becomes a citizen. But I think, from what I just said, that this intent could be questioned after citizenship was awarded. The officials from the ministry seemed to disagree with the minister later in the meeting on Monday.

I'm wondering about this. Could this intent to reside requirement really be only a symbolic measure and not put a new Canadian's citizenship at risk?

Ms. Barbara Jackman: It puts their citizenship at risk. The thing that I think you have to understand when officials come before you and say they don't intend for it to be applied in that way is that they have no control over what people do in the future. If the legislation permits it, it can happen, and in fact it does. We've received so many promises from officials in the past that legislation wouldn't be interpreted or applied in a certain manner, and then it was.

Take the membership clause, for example. It is so broad that it covers women who raised their children to help their husbands who were members of Parliament, and those members of Parliament were considered to be too close to a terrorist organization. I mean, you shouldn't cover the wives, but they do now. That's how broad it is. They promised that it wouldn't be like that, but it is now, so you can't bind anybody by that.

Mr. Ted Hsu: Okay.

I have a very different question. *The Globe and Mail* recently raised something that I think is a pretty serious concern. There have been several occasions where the United Kingdom has had citizens stripped of their citizenship, and subsequently they were killed in U. S. drone strikes. Officials have admitted that they were perhaps using the same intelligence, the same information and data. What concerns do any of the witnesses have about the mixing of intelligence for military use and use in citizenship decisions?

• (1610)

Ms. Barbara Jackman: I think to be fair to the British system, the minister there can take citizenship away in the absence of a conviction, so they are acting on intelligence. As I understand our legislation, it will be taken away if there is a conviction, although they could still be acting on intelligence.

But it's a real concern that they are sharing intelligence if they're sharing it in a way that allows the Americans to think that if we've taken citizenship away, just like with the United Kingdom, they can then turn their drones on people. That is what has happened.

The Chair: You have less than 30 seconds.

Mr. Ted Hsu: I understand that there are certain organized armed groups that one can be connected with. You don't require a conviction, right? So there's data there on citizens in operations—

Ms. Barbara Jackman: You're right: engaging in armed conflict against.... You're right. It doesn't necessarily require a conviction, so it can be as broad as the British one. That's a real worry, because it has happened that a number of people have died.

The Chair: Thank you, sir.

Mr. Daniel.

Mr. Joe Daniel (Don Valley East, CPC): Thank you, Chair.

Thank you, witnesses, for being here.

As you know, the minister was here in the last session on Monday. The minister was quite clear to not take the revocation decision lightly. He would take into consideration other factors and evidence. I also note that criminals are the only ones being revoked of citizenship; it is not every citizen whose citizenship is being revoked. Criminals are obviously not welcome in this country, particularly those who commit acts of terror or treason against this country. Please also note that some 86% of the cases for revocation are residency fraud. It's not the terrorism or any of those sorts of things.

On Monday, Minister Alexander discussed with us what he was hearing from stakeholders, local constituents, and Canadian citizens across Canada. He explained that they like the residency requirements because it strengthens the value of Canadian citizenship. He also said that Canadians appreciated that those who committed acts of terror or treason against this country would have their citizenship revoked on the grounds that they are dual citizens.

Can you tell me what you've been hearing about this, Mr. Kurland?

Mr. Richard Kurland: For the discussion to be forward-looking and not backward-looking via the rear-view-mirror, I need to underscore the practical importance of the Canadian income tax return when it hits residency fraud. People will be AI-Caponed instead of processed within an intent to commit fraud case. The reality is that given that it's going to take six years for eligibility, and given how highly motivated and well-resourced the Canada Revenue Agency enforcement staff are, if there is a residency fraud issue, on receipt of the application, the next send button pushed will be over at CRA. That will take care of the large volumes of residency fraud cases, I anticipate. For residency fraud in the past that was an issue. Don't forget we've upgraded the technology. There's now a matrix of information-sharing agreements between departments, agencies, and governments foreign and domestic, so now we have the tools to lay this issue to rest.

I do have concerns when it comes to intent. It's expensive, case-specific adjudication that's time-consuming and burdensome to the taxpayer. The same result can be achieved with a letter from the CRA and postage.

Mr. Joe Daniel: Indeed. So do you agree that the value of Canadian citizenship will be strengthened through this important legislation?

Mr. Richard Kurland: Yes, exactly, and that's why we need to strengthen the importance of Canadian citizenship when it comes to the process of detaching a person from Canadian citizenship. If it's hard to get, it should be hard to take away.

Mr. Joe Daniel: Okay, thank you.

The minister also explained on Monday that by adding these provisions of revocation to the Citizenship Act, it will better align with the Immigration and Refugee Protection Act, the IRPA. 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. What's being said? Why should these criminals be allowed to become Canadian citizens?

• (1615)

Mr. Richard Kurland: Well, we have a criminal justice system to provide case-specific adjudications and to determine whether a criminal sanction should be imposed. What does that have to do with immigration and citizenship, unless you move the clock back several hundred years and tinker with the banishment process? Punishment, incarceration, and criminality concern offences separate and far away from citizenship and immigration.

Mr. Joe Daniel: Okay, thank you.

Increased processing times over the years are clearly because of some of the decisions made by other governments left in the CIC portfolio, and that's for some 13 years. Not only has this Conservative government introduced numerous measures to strengthen the integrity of the immigration system and protect Canadians but now we're doing the same through the citizenship bill. On Monday, Robert Orr from Citizenship and Immigration Canada explained that processing times went up because of the increased levels of immigration over certain periods. How important is it that this bill get passed quickly with the support of all members of the House to ensure that processing times are decreased while the number of new Canadians increase? For anybody else?

Ms. Robin Seligman: I'm happy to make a quick comment.

I've seen that the massive increase in processing started in the last couple of years, and that's because the government is so focused on dealing with fraud, which is their prerogative, but it's caused delays in all applications. Applications, a few years ago before they started investigating all the cases, used to take about a year. Now what's happened is that they've now sent out residents questionnaires to everybody who's applying, even if they're short a day or two. The previous process was that they'd allow 30 days a year for holiday, and you never got into these issues. So I'd say, contrary to the information that you're talking about, it appears that the delays started in the past few years just because of the focusing on catching the residency fraud, not the other fraud.

With respect to your other comments that most of the cases have been residency fraud, it doesn't mean.... Clause 10 under this legislation is very broad, dealing with any types of convictions without any types of appeals, so what has happened in the past will not be what happens in the future.

Mr. Joe Daniel: Thank you.

The Chair: Thank you, Mr. Daniel.

Ms. Sitsabaiesan.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you, Mr. Chair.

I want to thank all of our witnesses today. A lot of issues have been highlighted by you folks, so thank you.

I want to start with the intent to reside. It's my understanding that this new/old requirement about the intent to reside was actually in our legislation in the pre-1977 era, was gotten rid of, and is now being brought back.

First of all, maybe one of you might know why we got rid of it. As well, what would be a sound reason to bring it back, if there is one? You did speak to the fact that it creates two tiers of Canadian citizenship. I believe that's unfair, and I don't know if it passes the charter or constitutionality test.

Perhaps you could touch on those briefly before we move on to other topics.

Ms. Barbara Jackman: You know, I don't know why it was taken out, but it probably had to do with the fact that we live in a global community. We have Canadians all over the world doing important work, engaged in important study. There are things that you can't study in Canada. If you want to be the best nuclear physicist or you want to be the best surgeon, it may be that you have to go to the United States to do that study. This legislation prevents you from doing that. Frankly, it does. What's the point in time that you're able to leave and say, "Oh, I didn't have the intention"?

I'll tell you what they're doing with permanent residence, which they changed in terms of people going back to their home countries. They're taking away permanent residence from people who have lived in the country for 15 years because they've returned to their home countries.

• (1620)

Ms. Rathika Sitsabaiesan: Could we do a case study here? I am a naturalized Canadian citizen. I wasn't born in this country. For example, in a few years, if I decide to go to live in the U.S. for five years to do my Ph.D., does that mean that I technically could have my citizenship revoked?

Ms. Barbara Jackman: No. They're caught between a rock and a hard place, because you're that permanent resident, you want to do the five-year residency in the U.S. to give you some skill that you're going to bring back to Canada, and you can't do it when you're permanent resident because you'll lose your residence. You have to live in Canada for two out of five years.

Now you can't even do it after you've become a citizen. If you become a citizen and then you go do it, you'll lose your citizenship because you've gone outside of the country.

Ms. Rathika Sitsabaiesan: So it's because I said I had an intent to reside but I didn't.

Ms. Barbara Jackman: If that student either emigrates to the United States, which means they get the physicist and we don't, or they don't go and do the studies....

I don't know why they're doing this. We're in a world that is smaller and smaller, and they're making it more and more rigid. There is no flexibility in it—none.

Ms. Robin Seligman: They're providing the residence requirement of four out of six, and that's a decision. Isn't that enough—four out of six, 183 days per year in four years, and tax returns? I don't think you need to look at the intent.

What if the person applies for citizenship and they get accepted into a Ph.D. program around the same time? Does that mean that when they swear their application they're lying if they say that they intend to reside in Canada because they might want to, in the future, go and pursue that education?

It just seems very inappropriate in this global economy. Why would we want to limit someone to not doing that?

Ms. Rathika Sitsabaiesan: The only problem is that the minister, the one who is getting all those extra discretionary powers with this, when he was here said that no one would lose their citizenship because they left the country after having been granted their citizenship.

I don't know who to believe. Do I believe the minister who is pushing this law through, or do I believe legal experts who are saying that they would—

Ms. Barbara Jackman: You can believe this minister. He might not do it, but the next minister will, and if not that minister, the minister after him. For every single promise that I've ever seen, in the 30 years practising, where they said that they would not apply it in a certain way, they've turned around and done it.

Ms. Rathika Sitsabaiesan: Right, and it's our job to make sure we are looking at the long run.

Ms. Barbara Jackman: You're looking at the long run in terms of what it says in the law and not what the minister says.

Ms. Rathika Sitsabaiesan: In the actual law.

Ms. Barbara Jackman: A good case to remember is the motor vehicle reference case. Barry Strayer was involved in determining principles of fundamental justice. He told everyone that it was just due process. The Supreme Court of Canada said, sorry, you're wrong; this is what it says, and we don't agree with you.

It's up to what the courts and the other officials do in terms of reading the legislation, and not this particular person.

Ms. Kerri Froc: Just to pick up on the issue of constitutionality, section 15 prohibits discrimination on the basis of national or ethnic origin. The intent to reside applies only to naturalized Canadians and not to Canadians who receive their citizenship because they were born here.

It's difficult to see how that distinction would survive a section 15 challenge.

The Chair: Thank you.

Mr. Leung.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Chair. Thank you to the witnesses.

Actually, I do not quite share that the courts in the future will interpret it differently because all you have to do is look at the Supreme Court's decision on our constitutionality on changing the Senate. They went back to its original intent of seven provinces and 50% of the population.

So I think if the people who are charged with interpreting our laws are consistent, I think these substitutions will not happen. I appreciate what Mr. Veeman said. What happens if you have a

permanent resident who came here to study and then goes to the United States or goes to Oxford to study?

As long as he intends to come back to Canada to be a Canadian citizen, which in my case I did.... I went to the United States for my graduate studies and I came back and it was not an issue, but then that was under a different immigration law prior to 1976.

My question, actually, I'll speak about a corollary to this. You know, in the current bill, as with the previous one on Bill C-31, what we did was we started to regulate immigration consultants and we started to make sure that immigrants in Canada receive sound and proper advice. Now we're proposing a similar request in the Citizenship Act to also regulate citizenship consultants.

I was previously in the public accounting area and I said great, the more legislation that the government comes down with, the more there is for us to work on and to be interpreted. It becomes sort of like a work creation for us.

When I listened to Richard I asked how regulating both the immigration consultant and the citizenship consultant would benefit Canadians overall. How does this benefit the industry overall or are we just creating another avenue of business for all these consultants? Perhaps you can share your thoughts on this and how you would strengthen our immigration and citizenship acts.

● (1625)

Mr. Richard Kurland: Well, having an authorized third party intervene creates added value operationally to the citizenship determination process. So on the one hand the federal government has created a professional organization that is subject to regulatory oversight. That's a good thing.

And on the other hand it has created in effect a privatized voucher system paid by the user. So, procedurally, I see advantages to having authorized third parties. You were mentioning immigration consultants. This would include members of the bar and Quebec notaries as part of the package.

In connection with the overall, what we have perhaps omitted in our discussion in the last hour is what's not in this proposed legislation. What we do not see here is the issue of revocation of citizenship by birth. In other words, there's no attack on "visa babies" and "anchor babies".

And kudos to the parliamentary system for not including that aspect in this law. That, I suspect, was the missing piece of the puzzle connected to the intent to reside provisions. Gladly, happily, the citizenship by birth issue is not before us today and I will maintain the fight against such an introduction now, as I have in the past, as I will in the future.

Mr. Chungsen Leung: On that same issue, Mr. Kurland, the birth on soil, the intent say a hundred years ago was that it was very difficult to arrive in North America. So, therefore, once you made that arduous journey to be here, then your citizenship was sort of a natural grant, a grant of right.

The Chair: You've got 30 seconds left.

Mr. Chungsen Leung: In current society, I mean the current world, transportation is instantaneous. You can fly 15 hours from Asia to here and then you can give birth and go back. But I also share with you that this isn't an issue.

In conclusion, is it your thought that the third-party vouching by a citizenship consultant, by an immigration consultant, is a good feature for this act?

Mr. Richard Kurland: Yes, it is a good feature. Many professionals choose between two paths, one being that their client has the right to a process, and the other involving standing and examining the contents of the client's application.

But, yes, indeed, sir, I see no harm here, only benefits to Canada, the applicant and, of course, the business case for the consultant.

The Chair: Thank you very much, Mr. Kurland.

Our time has expired. I'd like to thank the representatives of the Canadian Bar Association and Ms. Seligman.

Mr. Kurland, don't ever change.

Voices: Oh, oh!

The Chair: Thank you very much. You've all been very helpful, and we appreciate your comments.

We will suspend.

• (1625) _____ (Pause) _____

• (1630)

The Chair: All right. We have Mr. Matas here from B'nai Brith Canada. I guess he's a lawyer too. We have Debbie Douglas, who is with the Ontario Council of Agencies Serving Immigrants. Finally, by teleconference from British Columbia, we have Mr. Martin Collacott, who is with the Centre for Immigration Policy Reform.

All three of you have been here before, and I welcome you on behalf of the committee. You each have up to eight minutes to make a presentation.

We'll start with you, Ms. Douglas.

• (1635)

Ms. Debbie Douglas (Executive Director, Ontario Council of Agencies Serving Immigrants (OCASI)): Thank you very much. It's good to be back to speak with you about Bill C-24. As you know, the bill was introduced on February 26, 2014, and the Minister of Citizenship and Immigration at the time said that the bill is meant to reduce citizenship fraud, increase efficiency of the system, and reduce backlogs.

At OCASI we believe that the bill is likely to exclude more people from citizenship by making the process more difficult. We are especially concerned that the bill diminishes the value of Canadian citizenship by treating differently those who have dual citizenship and those who don't between Canadian-born citizens and naturalized citizens, and between immigrants who do not work in the Canadian armed forces and those who do.

The bill gives more power to the minister to revoke citizenship and reduces judicial oversight.

We are particularly concerned about the impact on racialized immigrants and refugees and on immigrant and refugee women and children.

I wanted to remind us that this year marks the 100th anniversary of the *Komagata Maru* and the 75th anniversary of the *SS St Louis*, reminders of Canada's history of shamefully racist immigration policies.

Changes to the Citizenship Act must work to undo the racist policies of the past by welcoming newcomers, bearing in mind that the majority of new immigrants and refugees today are people who 75 or 100 years ago would have been deliberately excluded from Canada.

We believe that, in discussing this bill and moving forward with our discussions, there are certain principles we must pay attention to. The act lays out citizenship rules and thus defines who is Canadian and who we are as a country. This important legislation must therefore incorporate the following principles:

a) Respect for the principle that all citizens are equal.

b) Respect for the principle that citizenship is a status from which rights derive, and is thus similar to our status as human beings. It is not something that can be lost through bad behaviour.

c) We must ensure that the legislation is consistent with the best interests of the child.

d) And we must recognize that some permanent residents face systemic barriers to full participation, including refugees who have suffered persecution and long years of deprivation.

I am going to touch on a number of clauses in the bill that we wanted to respond to.

The first involves longer periods of residence in Canada before applying. Bill C-24 would require applicants for citizenship to have lived four out of the last six years in Canada, compared to three out of the last four under the current law. It will no longer allow applicants to count time in Canada before becoming a permanent resident. The change will result in making people wait longer before they can qualify to apply for becoming a citizen, undermining Canada's stated commitment to integrate newcomers.

Becoming a citizen is particularly important for refugees who have no other country they can turn to. Until they are citizens, they have a sense of insecurity and face practical problems, such as difficulty travelling without a passport.

Certain permanent residents will be disproportionately affected, such as refugees and live-in caregivers. Racialized women are over-represented among live-in caregivers, and many typically endure years of exploitative working conditions. Not being allowed to count time spent working in Canada to qualify for permanent resident status will further disadvantage these individuals. Other permanent residents such as those who qualify for the Canadian experience class, including international students graduating from Canadian universities, will also be disproportionately impacted by this change.

And in Ontario, over and over I've been hearing from international students that part of the drawing card to come to Canada for school is because there is a pathway to permanent residency and then to citizenship.

We have two recommendations here: keep the period of residence to three out of the last four years and keep the rule allowing applicants to count at least one year in Canada before becoming permanent residents.

The intention to reside in Canada. I know the last panel spent some time on this, the fact that applicants for citizenship have to swear an intention to reside. The provision will apply only to naturalized citizens, thus creating a different and less inclusive category. Their mobility rights will be in jeopardy for fear that their citizenship might be revoked for misrepresentation or fraud, while those born in Canada will have the ability to travel freely and pursue education or work opportunities overseas.

OCASI has heard that a growing number of immigrants return to their country of origin or travel to another country for employment because systemic barriers in the Canadian labour market have made it difficult to find suitable employment here at times.

• (1640)

Many others have returned for a period of time to meet other obligations such as looking after aging parents, a practice that will likely increase as it becomes increasingly difficult to reunite with parents and grandparents in Canada.

There is a serious risk that these Canadians would be seen as engaging in misrepresentation simply because they have to go elsewhere to make a living or to fulfill family obligations. We have one clear recommendation here: delete this new provision.

Regarding language acknowledgement, the bill greatly expands the group of individuals who must meet language and knowledge requirements in order to become citizens of Canada. Under the current law, individuals between the ages of 18 and 54 are required to meet these requirements in order to become Canadian citizens. Bill C-24 will require applicants between the ages of 14 and 64 to pass the citizenship test.

There are a number of other issues. Older refugees may be able to learn enough English or French to function but may nonetheless have difficulty passing the legislated language test.

Older permanent residents must be encouraged and supported when learning one of the official languages and acquiring knowledge about Canada. However, given the greater difficulties in learning a new language at an older age and in passing tests, expanding the requirements to include those up to age 64 will result in excluding a

significant number of individuals from citizenship. Older people are generally recognized as vulnerable members of our society. Creating more barriers to citizenship will make them more vulnerable.

The rationale for extending the test requirements to applicants aged 14 to 18 is not clear. Youth at this age will be in high school and must have been in Canadian schools for the past several years. If they do not speak French or English or know about Canada, the fault surely lies with our schools. Furthermore, with respect to language testing, it is not known what proof of language ability will be accepted. The proofs currently accepted will not work for youth—completion of high school or government-funded language classes—and there is no standardized documentation across school boards throughout Canada. The fear is that adolescents will face significant administrative hurdles to prove their language ability or face the cost of an approved language test, which can run up to \$200, a cost that is often beyond the capacity of families. By adding new requirements for youth aged 14 to 18, we risk producing a new category of youth who have spent most of their formative years in Canada but are denied citizenship and thus the possibility of participating fully in society.

Our recommendation: keep language and knowledge test requirements to the existing age group of those who are 18 to 54 years of age. I want to add here that we've been successful in having Citizenship and Immigration Canada also recognize that passing a speaking and listening test does not work for deaf and hard-of-hearing immigrants, and so we were able to have an exception made under which an audiology report will be accepted as an exception. We want to applaud that move, but we also want to see this done.

The Chair: Thank you, Ms. Douglas. We have to move on. I'm sorry.

Mr. Matas.

Mr. David Matas (Senior Honorary Counsel, B'nai Brith Canada): Thank you for asking me to be here today on behalf of B'nai Brith Canada.

I'm going to talk only about the revocation provisions in the bill because B'nai Brith Canada has a lot of experience with them.

The proposed changes to the Citizenship Act in this area are a mix of good and bad news. The good news is that the government proposes to remove the defects that had hampered the effort to use revocation as a remedy for international criminal fugitives in Canada. The proposed law is better than the present law because it removes the cabinet from the process, it allows for an appeal, and consolidates revocation and removal proceedings.

The old law required cabinet approval. That meant that the government's legal arm could win in court, and then the political arm, cabinet, could reverse the result. This is what happened in the cases of Wasyl Odynsky and Vladimir Katriuk, who the courts said both entered Canada by hiding their Nazi past.

The cabinet, nonetheless, without reason said they could stay. The League for Human Rights of B'nai Brith Canada, which I represented, went to court to argue that cabinet could not do that, that cabinet had to revoke citizenship.

However, the court said cabinet could do that, could let those who the court found had lied about their Nazi past on entry remain in Canada. It's a relief to see the proposed law takes away from cabinet this power, which has been so badly used.

The absence of an appeal meant the courts could reach inconsistent decisions on the interpretation of the law, and nothing could be done about it. There was no way of straightening these inconsistencies out. The proposed law, by allowing for an appeal, means the courts can speak with one voice instead of several.

The Nazis in Canada who hid their past on entry were brought to court decades later when they were much older. Their strategy was litigation to death, which mostly worked. Even those who lost their cases in court at every stage had to go through so many steps that the process was never completed before they died natural deaths. The proposed law, by cutting down on fragmentation by providing for consolidation of two steps—revocation of citizenship and deportation—into one, combats this strategy of endless litigation. It is a welcome change.

So that's the good news, but there's bad as well. The bad news is it makes citizenship all too easy to lose in cases that have nothing to do with international crimes. Right now citizenship can be revoked on only one ground, false representation, or fraud, or knowingly concealing material circumstances. The bill proposes expanding the grounds for revocation.

One new ground for revocation is convictions for treason or terrorism offences. A second new ground is reasonable grounds to believe the person served as the member of an armed force of a country or an organized armed group, and that country or group was engaged in armed conflict with Canada.

For terrorism offences, convictions can be abroad as well as in Canada. Yet, terrorism is a charge that repressive regimes use against their opponents who resort to violence to attempt to dislodge them.

The Universal Declaration of Human Rights provides in the preamble that "...it is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

The Universal Declaration of Human Rights recognizes that tyranny and oppression can lead to rebellion. When tyrants and oppressors convict their rebellious opponents of terrorism, and the opponents are Canadian citizens, Canada should not legally be able to revoke the citizenship of those citizens merely because the oppressors and tyrants label that rebellion terrorism.

There needs to be a caveat so not any foreign conviction for terrorism can lead to loss of Canadian citizenship. The foreign conviction, if it is imposed in disregard of accepted international standards, should not be recognized in Canada. This concept of taking into account accepted international standards for convictions is already employed elsewhere in the legislation, the Immigration and Refugee Protection Act.

Despite the possibility of revocation for commission of offences, the bill is under-inclusive. It has been an anomaly that you could lose citizenship for hiding on entry to Canada Nazi crimes against humanity, but not for actually having committed those crimes. Often lying on entry is easier to prove than the commission of crimes, but not always. Immigration records may have been lost, but the proof of the crimes themselves may be readily available. Revocation for commission of the major international offences found in the statute of the International Criminal Court—war crimes, crimes against humanity, and genocide—should be possible.

The crimes that allow for revocation, though, should be committed before the person becomes a citizen. Revocation for acts committed after a person is a citizen is problematic, even if one limits revocation to dual citizens, as the proposed law does.

● (1645)

A person can be a dual citizen from birth. A person can be a dual citizen without even knowing he or she is a dual citizen because he or she is unfamiliar with the citizenship laws of the other country.

We should not be revoking the citizenship of Canadians for crimes committed after the acquisition of citizenship, no matter what the crime. Once a person becomes a Canadian citizen and commits a crime, then he is our criminal. We should not pretend otherwise.

The bill also proposes a new procedure for revocation and then allocates the different grounds of revocation amongst the two procedures. I have a relatively lengthy section on this, which I'm going to skip over. The government has introduced a new procedure on grounds of simplification, amongst others. At least one point I would try to make is that it actually complicates matters quite considerably, which you'll see if you read through this material. It also runs the risk of the government losing cases against international criminals that it could otherwise win, simply by choosing the wrong procedure.

In conclusion, let me say that we commend the government for its consolidation of revocation and deportation, its introduction of an appeal, and its removal of cabinet from the process. We deplore the possibility of revocation for crimes committed after one is a citizen, the impossibility of revocation for the commission of war crimes and crimes against humanity and genocide, and the introduction of a less fair procedure for revocation in some cases.

The possibility of revocation of citizenship for crimes committed after one is a citizen should be dropped. The possibility of revocation of citizenship for commission of war crimes, crimes against humanity, and genocide, where the crimes were committed before the acquisition of citizenship, should be introduced. The possibility of revocation for a foreign conviction of terrorism committed before the acquisition of citizenship should be limited to convictions that conform to international standards. The less fair procedure of revocation through ministerial decision, subject to a judicial review in some cases, should be replaced by the more fair procedure of Federal Court decisions in all cases.

Those are my remarks. Thank you very much.

• (1650)

The Chair: Thank you very much, Mr. Matas.

Mr. Collacott, it's your turn. Welcome again to the committee. You too have up to eight minutes.

Mr. Martin Collacott (Spokesperson, Centre for Immigration Policy Reform): Thank you, Chair and members of the committee, for inviting me to speak before you today. I'm pleased to be able to contribute my views on this comprehensive overhaul of Canadian citizenship legislation, which in my view is long overdue.

I might mention in this regard that, prior to my careers overseas with the Canadian International Development Agency and the Department of Foreign Affairs, I served as citizenship adviser to the Ontario Ministry of Education, and therefore, I've had a long-term interest in matters related to this topic.

My comments on specific provisions of the proposed legislation are as follows:

I support the extension of the residency requirements for citizenship applications from three out of four years to four out of six years. I would have preferred that it be extended to the five-year residency requirement, which had been in effect prior to 1977, and which I had recommended in a paper published in 2008, but I understand that compromise may be required to get agreement on this.

It should be noted that no other immigrant-receiving country—at least none I'm aware of—has as short a residency requirement as Canada does at present. Australia has a four-year requirement, it's five years in the United States, the United Kingdom, New Zealand, and Ireland. The last time I checked it was seven years in Norway and eight in Germany and Switzerland, so we will still have among the shortest residency period required.

The argument has been made that the sooner a newcomer can get their citizenship the more attached they will feel to Canada. While this may be true in some instances, one hears far more often of cases of those who are interested in acquiring citizenship as quickly as possible and wish to do so to move back overseas as fast as possible and regard their Canadian citizenship primarily as little more than an insurance policy.

If anything, I think newcomers will value their citizenship more if they know it is not something that can be acquired quickly or without meeting certain standards.

I strongly support the provisions of Bill C-24 aimed at ensuring that residency requirements are actually met, particularly in view of evidence that thousands of people have obtained their citizenship fraudulently by claiming they had spent time in Canada when they had not.

Bill C-24 includes greatly increased penalties for such fraud as well as requiring the filing of income tax returns in Canada and a commitment to living here. While these are all useful measures with regard to ensuring that residency requirements are met, I believe it is also important that Canada proceed as quickly as possible with plans to introduce comprehensive screening and recording of the entry and exit of all non-Canadians into or from our soil. In this way we'll have a much more accurate picture of whether residency requirements have been met.

By the same token, I am glad to see that the bill includes measures to speed up the processing of citizenship applications and to reduce the large backlog of applications that has developed. Once someone has met the residency and other requirements for acquisition of citizenship, it is important that they receive it without delay.

In other areas, I fully support those parts of the bill designed to enhance the value of citizenship, such as expanded language requirements. Ability to communicate with some fluency in English or in French, if you're going to Quebec, is clearly one of the key factors in enabling a newcomer to become a contributing member of Canadian society and to feel at home here, as well as crucial to their employment opportunities in this country.

I am therefore very pleased to see that the provisions of Bill C-24 recognize the importance of having a basic command of one of Canada's official languages as an essential skill for newcomers who are going to be able to contribute to Canadian society and the economy, as well as be able to realize their own dreams and aspirations as immigrants.

I would add, however, that the level required—Canadian language benchmark level 4—is still quite low, and that for immigrants hoping to find employment in many different professions and in managerial positions, significantly higher levels of competency are necessary.

I equally support those sections that provide for the revocation of citizenship for those who obtained or retained citizenship on the basis of providing false information in such areas as residence fraud, concealing criminal inadmissibility, or identity fraud, as well as those who commit acts of terrorism.

•(1655)

As I mentioned before this committee in April of last year, there is strong public support for tougher measures for revoking citizenship. A survey in 2012 found that 8 out of 10 people polled agreed that Canadians found guilty of treason or terrorism should lose their citizenship. A poll taken some years earlier by Ipsos Reid found that three out of four Canadians would support revoking the citizenship of people who had obtained it and went on to commit serious crime, and also found, interestingly, that 35% of respondents supported such measures, even in cases where the offenders were born in Canada. That's unlikely to happen, but that gives you an idea of public support.

I understand that birth certificate is not dealt with in the current bill and is a complicated issue that involves the provinces and territories, inasmuch as they're responsible for health care facilities and registration of births. Birth certificate, however, is an issue that should be dealt with with a minimum of delay. What it provides for now is that any infant born on Canadian soil can get Canadian citizenship. It is known to be widely abused by people who have no connection with this country, but arrange to give birth here so their children will be able to enjoy all the benefits of Canadian citizenship when they're older.

The concept of birth certificate, by the way, was developed in the United States after their civil war, in order to ensure that former slaves born in the U.S.A. would not be denied American citizenship. It's no longer needed for that purpose, however, and has been abolished by virtually every country in the world except Canada and the United States. Efforts have been under way for some time to eliminate it in the United States.

Chairman, this completes my opening comments, and I'll be glad to answer any questions.

Thank you.

The Chair: Thank you, sir.

Mr. Menegakis has the floor.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Mr. Chair.

Thank you again to our witnesses for appearing before us today and for your informative testimony.

I'm going to make a few comments and ask a couple of questions. We've heard from the witnesses today, both in the first session and in this session now, some commentary on the residency requirement and language requirements and the application of those potentially moving forward when this bill is passed by Parliament.

On the issue of residency requirement, a question came from a member of Parliament to a witness in this committee, asking, "I am a naturalized Canadian, basically, and if I wanted to leave the country and take my Ph.D. studies for five years outside the country, could my citizenship be revoked?" Nothing in this bill would prevent any Canadian citizen, naturalized or otherwise, from leaving to study in the United States or somewhere else around the world for fear of their citizenship being revoked. There is no such thing written in any clause in this bill, and it would be a tremendous stretch for someone to suggest, whether the person were a legal expert or not, that yes, it could be applied in the case where somebody left the country and decided to do a Ph.D. at Columbia University in New York. You became a Canadian citizen 15 years ago; we're not going to revoke your citizenship.

It is just so out there, so far-stretched, that I think we have to be very cautious when we're reviewing this bill—all of us here on the committee, and certainly all parliamentarians—that we don't use extreme examples that have no basis in law or no basis in substance for determining how we move forward in our assessment of this bill.

On the question of language requirements, I have this now back to the necessary residency requirement going from three years to four of the last six years and achieving a level of language requirement, and the language requirement age changing from 18 to 54 to 14 to 64.

We firmly believe that allowing more time in Canada for all aspiring Canadians to develop language skills will give them a better opportunity. They will be more integrated into Canadian society, and it will give a better opportunity to have much more potential for successful outcomes moving forward, and what we want for newcomers coming to Canada is for them to succeed. We want them to do well and we want them to have every tool at their disposal moving forward as Canadian citizens, and that's the spirit in which Bill C-24 was drafted, and that certainly is the intent of the bill.

I believe it was Mr. Collacott who said that it is in line with, in fact, even more generous than some of our peer countries around the world in terms of their requirements for residency and language. There is no country that we could point to that we would consider a peer country that would have only a three-year requirement for residency, and then you automatically can apply for Canadian citizenship.

I want to talk about a few things in the bill because mention has been made on the backlog of Canadian citizenship. I believe one witness we heard over the course of the discourse here said that the backlog has been created over the last few years because we're focusing more on fraud. Well, let's just be abundantly clear about that. If we need to take more time to do due diligence to ensure there is no fraud in the system and that only law-abiding people want to become citizens of our country, we are going to do that, and 90% of our applications get processed, and there is no issue.

• (1700)

If we're going to focus on that 10% to make sure that only people who are in the same bracket as those 90% can come into Canada and become Canadian citizens, then that's exactly what we're going to do. We want law-abiding citizens coming into Canada. We certainly don't want anybody who's perpetrated fraud in any way, shape, or form. If they have, then they're not welcome to come here.

In addition to that, I might add, the best way for someone not to have their citizenship revoked is not to commit the crime. It's very easy. It's very simple. One of the witnesses exercised the option of pointing to the names of the people sitting around the table at one point, and said that, look at the names around the table, she could be talking about us. Well, guess what, none of the people around this table are perpetrating crimes. We're not worried about being kicked out.

My name is Menegakis. It's clearly not a native Canadian name. My parents came here from Greece. If I don't perpetrate the crime, my citizenship is not going to be revoked, nor is my children's or anybody else's in my family. That is the best way to avoid having it revoked.

Let's just go back a little bit to reality here. I have one question.

Do I have any time left here?

The Chair: You have less than a minute.

Mr. Costas Menegakis: I'm going to ask this question of Mr. Collacott.

Mr. Collacott, we're going from a three-step to a one-step process in decision-making regarding citizenship. Can you comment on that, please?

Mr. Martin Collacott: Yes. I think that makes a lot of sense. As I said in my presentation, it's a priority that we reduce the backlog and reduce waiting time. There will still be, I think, a provision for some kind of an appeal to the Federal Court in complicated cases. But I think the government has found that the vast majority or a large majority of cases could be dealt with expeditiously and effectively through the one-step process. I find this a rather sensible solution, which doesn't exclude some system of appeal in more complex cases.

• (1705)

The Chair: Thank you, Mr. Collacott.

Ms. Sitsabaiesan.

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

Thank you to our witnesses who are here with us today.

Ms. Douglas, you mentioned in your presentation that "citizenship is a status from which rights derive". That's very, very true. Thank you for saying that, because it is so true, and I think sometimes we forget this.

You mentioned that the intent to reside creates two tiers of citizenship, naturalized Canadians and born Canadians. You spoke specifically about mobility rights and about how mobility rights of naturalized Canadians come under question.

Can you expand a little bit on that?

I know that the Canadian Bar Association, in the brief they sent us, also spoke about that. We didn't get a chance to talk about it, so I'd like you, if you could, to expand a little bit on it.

Ms. Debbie Douglas: That has been one of our biggest issues. By having naturalized citizens take an oath swearing to reside in Canada, any movement away from that subjects them, we believe, to charges of fraud. They can be told that they lied to become a Canadian citizen, and now they've left the country, whether to study or, as we have found in our experience, as many folks are doing, to return to their country of origin to take care of parents and grandparents. As I said in my remarks, we have made it more and more difficult for families here in Canada to reunite with their parents and grandparents. We have a 5,000 per year quota, in terms of applications as well as all of the things that you, as parliamentarians, know about. We believe that expecting naturalized Canadians to swear to reside in Canada when Canadian-born Canadians do not have to do that creates two tiers of citizenship. I absolutely agree with my colleagues from the Bar Association who, when they spoke before, talked about this not surviving a section 15 challenge.

Ms. Rathika Sitsabaiesan: Thank you.

That's exactly what the Bar Association mentioned in their brief, as well, that Canadian-born Canadians don't have that requirement. They don't have their feet basically shackled inside the country, whereas naturalized Canadians do.

You also spoke about the citizenship test and the language requirements. I know that OCASI works with newer immigrants, and you do a lot of servicing for them. I'm not sure if you have any studies that you can point the committee to with respect to older Canadians or elders in the community, because the age requirement is going up as well. Maybe you have statistics on your own clients, I don't know. With respect to language retention success for older individuals, do you have anything that you can point us to?

Ms. Debbie Douglas: I don't have a study I can quote you off the top of my head but I will gladly send information once I get back. But we do know—

Ms. Rathika Sitsabaiesan: Send it to the clerk.

Ms. Debbie Douglas: Yes, we will. We do know that there are many refugees in particular, and many older refugee women, who have spent a generation in the camps and have had no access to formal education. Canada has granted them protection. We believe that they have as much right as anyone else to become citizens of this country. Expecting someone 60, 61, or 64 years old to not only learn the language, to be functional in English and French—and I think we all support wanting people to be able to participate in their communities and to be able to speak the language, which is very different from reaching a CLB 4, which Mr. Collacott, I know, thinks is too low a threshold—but to write formal tests, to be able to retain enough language to be able to write a citizenship test, we believe is unfair to older folks, particular those who have had no formal education.

Ms. Rathika Sitsabaiesan: Thank you.

Mr. Matas, I think you spoke about revocation mostly in your presentation. My question is with respect to proposed subsection 10 (2), the changes that are in the new legislation with respect to revocation of citizenship for an individual who may have committed a crime of terrorism or treason in another country where they were charged in another country for such acts and they could have their Canadian citizenship revoked. It's very clearly articulated that it could be whether it was before or after this person was granted Canadian citizenship that they committed this and were charged in another country. I can rhyme off at least five countries off the top of my head whose judicial system I don't trust as a Canadian. How does it make sense that, in our law, we are putting into writing that we are essentially trusting that every other country in the world has a fair and free judicial system that is impartial from any type of influence? I know you're a lawyer. That's why I'm asking you this. Does this make sense? Is this what we should be doing? Then is it now up to bureaucrats to actually make that assessment of whether that other country's legal system is fair and whether we should accept it?

• (1710)

Mr. David Matas: Yes, in fact this was something I had addressed in my text. It's definitely a problem. Indeed, I don't see even that a standard is left for bureaucrats to assess. If you're convicted of one of these offences abroad then this means that you can lose your citizenship. Now, we heard from the previous question or statement that the member of Parliament said, don't commit the crime, you won't have a problem. But that's not the case with these offences because people do get convicted even though they don't commit the crime. It isn't just a mistake, which can happen even in Canada, it's intentional. I see all the time as you say—and I can name maybe even more than five countries where this happens—where people get labelled as terrorists and convicted of terrorism offences where all they have done is express peaceful opposition to the government in power. The labelling “conviction of terrorism” is a form of delegitimization of democratic opposition to tyrannical rule. It makes no sense at all to say you can lose Canadian citizenship because a tyrannical government abroad opposes your democratic opposition to their tyranny.

The Chair: Thank you, sir.

Mr. McKay.

Hon. John McKay (Scarborough—Guildwood, Lib.): I want to continue to pursue that line because I was thinking that in my

lifetime we've gone from Irish terrorists to Tamil terrorists to Muslim terrorists, and a lot of these terrorist ideas have been, how shall we say, in the eye of the beholder. There's no Tamil in Sri Lanka who can access a fair justice system and yet there is a sense in which all Tamils in Sri Lanka are terrorists. So if a Canadian citizen, such as Rathika, travels—which she has—and participates in any form of protest movement, the government will label her as a terrorist. I'm not sure whether she is naturalized or was born here—

Ms. Rathika Sitsabaiesan: I'm a naturalized Canadian.

Hon. John McKay: But why should she be subject to, in effect, double jeopardy?

Mr. David Matas: Yes, if I may say so, in my view, this is a glaring defect in the bill and needs some form of remedy. The language is very simple, which can remedy it because it's found in the Immigration and Refugee Protection Act that already says the conviction has to be in conformity with international standards. You don't have to remove it, but just say “in conformity with international standards”. I say this because right now, it's just adding to or reinforcing oppression of...

Now of course, you name the Irish or the Tamils and so on, there are individual cases of terrorism and that's not the issue. The issue is that the opponents—I mean, very often in a context of civil war there's violence on both sides and there are supporters on both sides. We've developed a very broad notion of complicity and terrorism, which as long as you're kind of supportive, it's okay, especially when you're dealing with oppressive governments that really don't care whether you're involved in violence or not as long as you're kind of supporting the other side. To them, that's terrorism.

• (1715)

Hon. John McKay: Even if you're in compliance with international standards, whatever that means, at any given time, there are no fair trials that happen in Sri Lanka.

Mr. David Matas: Exactly. Well, that's what international standards means. It means—

Hon. John McKay: But can you actually overlay any “conviction” of Sri Lankan terrorism with a compliance with international standards when the state is a rogue state and has been condemned, rightly condemned in my judgment, by our own government?

Mr. David Matas: I acknowledge that some legal systems are legal systems in name only, where the judges are not independent; they take directions from the government. They may not even decide the cases in front of them; somebody else decides them. And for some of these systems, you have to question every single judgment in every single case because the system itself is not fair.

Hon. John McKay: It's not a big stretch to run through quite a raft of countries where the system of justice is a justice system in name only.

Mr. David Matas: Fair enough.

Hon. John McKay: The CBA seems to be recommending to just get rid of it because it's just going to create way more difficulties than it could possibly alleviate.

I'm sure that certain Canadians are deeply offended by some activities of some Canadians.

Mr. David Matas: Well, I wouldn't say get rid of it completely. I would say get rid of it for a Canadian citizen, if you commit the offence after you are a citizen, that is. But if you've committed the offence before you're a citizen and it meets the test of international standards, which I acknowledge in some countries will never happen, and you are a dual citizen, then it makes sense conceptually in that context. Because you will get, and indeed this happens, people who, before they become Canadian citizens, commit terrorist offences in Britain, the United States, Europe, and then come to Canada. I don't see why the law couldn't deal with that.

Hon. John McKay: I appreciate those comments. I must admit, from the experience in my own office processing the citizenships and seeing the endless delays between someone's PR and their getting final citizenship, if you could junk this whole bill and just fix that problem, it would solve 98% of the grief that comes with doing this.

I'll end there. I'm not a member of this committee and I did come in late on the testimony and I don't want to take away from members who are—

The Chair: Well, you did an outstanding job, Mr. McKay.

Hon. John McKay: Well, thank you. I appreciate that, sir.

The Chair: Indeed. And you've run out of time unfortunately.

Mr. Shory, it's your turn.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Mr. Chair, and thank you to the witnesses also.

Bill C-24 carries the provisions of my private member's bill, particularly when we talk about revocation of citizenship and also giving some credit to those who serve in our Canadian Armed Forces.

Before I talk about that, I want to clarify something in this bill.

First of all, Mr. McKay, I want to thank you for recognizing this government's stand on the position in Sri Lanka, which shows that when we talk about foreign jurisdictions, criminality, we simply do not "take it".

Hon. John McKay: Thank you for listening to all members of Parliament on that.

The Chair: Stop the clock for a minute.

Mr. Shory, you know, this isn't the time to get into a debate with members.

Mr. Devinder Shory: I'm not getting into a debate, Mr. Chair.

Mr. Costas Menegakis: That was a compliment.

The Chair: Please ask a question or make a statement. Thank you, sir.

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

I want to start by clarifying a couple of things. In this bill, when we talk about language requirements, there is a provision for a waiver on humanitarian and compassionate grounds. Also, when we talk about criminal actions, we talk about our Criminal Code. The action taken in any country has to be on the same lines as mentioned in our Criminal Code.

Let me get back to the provisions that I strongly believe must become the law of the land.

The committee has heard some opinions for revoking the citizenship of convicted terrorists. I personally, as I've said, stand firmly in the belief that citizenship is predicated on loyalty, and if you seek to destroy the stability of the state through terrorism, you should not hold a Canadian passport.

A Canadian passport is highly regarded. It is very highly respected. Here, on what we are talking about, I'm just shaking my head. We are talking about those few convicted terrorists who intentionally and knowingly use their Canadian passport to go to a third country, maybe go through all kinds of training there, stay there for a few months or maybe years, and then get involved in gruesome actions against humanity. I have heard some witnesses proposing that they should still have the opportunity to stay in Canada and use a Canadian passport, whereas they chose to go somewhere else.

Mr. Collacott, my question is this: what is your view on the justification for the revocation of citizenship for convicted terrorists?

● (1720)

Mr. Martin Collacott: On this specific question of revocation of citizenship because of involvement in terrorism? Is that the question, Mr. Shory?

Mr. Devinder Shory: That's correct, Mr. Collacott.

Mr. Martin Collacott: Well, I think you've summed it up very well. We're not talking about people who have been charged with terrorism in some country that doesn't have a good legal system, and I think that's taken care of in the bill. We're talking about the very obvious cases of people who have gone and gotten involved in very nasty terrorism operations. I don't see the problem.

Of course, if we started taking away citizenship from every Canadian who was charged with a terrorism act, say, in Russia, for activities in Ukraine, or in a lot of other places, we would have a problem, but I don't think that's what the bill is aimed at, and I don't think the bill will be misused for that purpose. I think the safeguards are there and I think they make sense.

Mr. Devinder Shory: Let me share another thing with the witness. We have learned some pretty disturbing news over the past few weeks. First, it was confirmed that one of the suspected terrorists in the gruesome bombing in Bulgaria is a Canadian citizen. Over the weekend, it was confirmed that now two Canadian citizens are alleged to be involved in the horrific terrorist act of bombing in Algeria, and a third and fourth may be involved as well. We have also learned from another committee the again disturbing news that many Canadians have been going abroad to commit terrorism, to commit terrorist actions.

Number one, do you think the radicalization of Canadian citizenship is a growing problem? Number two, do you think it is important for us to send a message to these terrorists who are Canadian citizens that their actions will not be tolerated and will be seen for what they clearly are—a violent renunciation of their loyalty to Canada—and that their citizenship can be revoked?

Mr. Collacott, I want to start with you.

Mr. Martin Collacott: No, I agree with you. I think that message has to be sent. I might mention that in 2006 I published a paper wherein I recommended that people who are coming here to be naturalized take an oath saying that they won't commit a terrorist act. That particular recommendation wasn't acted on.

On the issue of whether we have two-tier citizenship and treat naturalized Canadians differently from those born here, I think we do everything we can to make sure that doesn't happen, but I think there are some cases where there is a strong justification for telling that to people who may come here intentionally to get a base in Canada and get Canadian citizenship to commit terrorism. I don't think there will be that many cases, but there are increasing numbers where that's happening, and it's a serious issue. I believe the safeguards in this bill are sufficient to see that it's not misused or abused.

Mr. Devinder Shory: Thank you, Mr. Collacott.

Do I have some time left, Mr. Chair?

The Chair: One minute, sir.

Mr. Devinder Shory: Thank you.

Mr. Matas, would you agree with me that a convicted terrorist should not have the ability to use a Canadian passport to travel overseas where they may associate with extremist groups or involve themselves in terrorism?

• (1725)

Mr. David Matas: What I would like to see—you might even want to do this—is to have an amendment added to the act so that the wording of the act would conform to your understanding of it. Right now the act sets an equivalence on the basis of offences, not on the basis of acts.

Your understanding is that if a terrorist act is committed abroad it would be considered a terrorist act here. But the legislation says that

if somebody is convicted of an offence of terrorism, and the wording of that offence is an equivalent to the wording here no matter what the act abroad, then the person could lose citizenship. That's a problem. If it were an act rather than an offence, that particular problem that I was worried about would in fact disappear, because then we would look at the quality of the act rather than at the quality of the conviction, or an absence of the quality of the conviction.

The Chair: Thank you, sir.

Mr. Shory, I'm afraid that's the end.

Mr. Matas, you were referring to some notes. One of my colleagues has asked if you would be prepared to make them available to the committee.

Mr. David Matas: In fact I've done so for the interpreters.

I've made a few typographical corrections here, so....

The Chair: Oh, we don't mind those, or spelling errors.

Mr. David Matas: You are welcome to have the version I already have. I could also e-mail you a better version.

The Chair: Okay. That would be fine. If you could send that to the clerk, she would have it translated for other members of the committee.

Mr. David Matas: Sure.

The Chair: Thank you, sir.

Ms. Blanchette-Lamothe, you have time for one question.

Ms. Lysane Blanchette-Lamothe: One question? Okay.

[*Translation*]

Mr. Matas, I would like to ask you a question concerning the declaration of intent to reside in Canada.

There seems to be a divergence of opinion on that. Some say that because of this declaration of intent to reside, if the person does not reside in Canada, he or she could be accused, for instance, of having made a false declaration and see their citizenship revoked. However, the government continues to say that no one could have their citizenship revoked if they had declared their intent to reside in the country but did not do so after having obtained their citizenship.

As a lawyer, what is your opinion on that? According to the wording of the bill—and not the government's intention—would it be possible to revoke someone's citizenship on the basis of their declaration of intent to reside here?

Mr. David Matas: I'm going to answer that question in English.

[English]

How the law will work out in practice we'll have to see, but of course it's possible. As a lawyer in private practice, I can tell you of an experience that I see. Many people who are citizens now come here as refugees. They then get permanent residence, then they get citizenship, and then they go back for family or whatever. I have seen cases where the government has then proceeded to try to unravel all of that, first of all through revocation of their refugee status, saying that they have re-availed themselves of the protection of their home country. After re-availment, they try to unravel everything.

Now, the way I see it, this often happens in the context of Canadian criminality. They decide they want to deport someone for criminality in Canada, but it's too complicated because they need a public danger opinion, so they try something else. I mean, if somebody just says something, they'll maybe leave most of them alone, but there are a few cases where they'll want to get rid of them for some other reason, so then they'll pick on this. It's easier than following through on that other reason. That's part of the problem we see.

Once we set up the powers, one would hope that they won't be abused massively in every case. But there's always the potential, and the reality is that it does happen.

Ms. Lysane Blanchette-Lamothe: Thank you, Mr. Matas.

The Chair: You have time for one very brief question.

Ms. Lysane Blanchette-Lamothe: Super.

[Translation]

Ms. Douglas, we talked about the fact that a second-generation Canadian could be exiled to another country even if they had never lived there and did not know the language.

Ms. Douglas and Mr. Matas, under Bill C-24, could someone be exiled to a country where they had never lived and did not know the language? In your opinion, would it be fair to penalize someone because of their parents' origins?

[English]

Ms. Debbie Douglas: It's not fair at all. It is the same concern we have with the allowance under IRPA where, because you commit a crime and are given a sentence of more than six months, now with the changes, you could be deported to a country that you may not have any connection to because you happen to have been born there.

It is the same thing with the Citizenship Act. Because of dual citizenship you could be sent to a country that you have no connection with. It is unfair, and as we said, we really are creating two-tier citizenship.

I don't think that is what Canada is about as a country.

• (1730)

The Chair: Thank you, Ms. Douglas. We've given you the last word.

I thank you and Mr. Matas and Mr. Collacott, on behalf of the committee, for giving us your thoughts on this bill.

This meeting is adjourned.

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