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Chair

Mr. David Tilson

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• (1635)

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP)): I now call the 25th meeting of the Standing Committee on Citizenship and Immigration to order.

I want to begin by apologizing, on behalf of the committee and its members, for not starting the meeting at 3:30 p.m. as scheduled. As a result, we are going to have to give each witness less time for their presentation. Nevertheless, we know it is important to hear what all of you have to say.

Each group of witnesses will have three to four minutes for their opening statement. And then, depending on how much time we have left, we'll move on to questions and answers.

Without further ado, we'll begin with Elke Winter, joining us via videoconference from Paris, France.

My understanding, Ms. Winter, is that you cannot stay with us until the end of the meeting, at 5:30 p.m., so we will start with you.

Elke Winter is an associate professor of sociology in the University of Ottawa's Department of Sociology and Anthropology. She is appearing as an individual.

Ms. Winter, you have three to four minutes for your opening statement.

Professor Elke Winter (Associate Professor of Sociology, Department of Sociology and Anthropology, University of Ottawa, As an Individual): Thank you.

I am going to give my presentation in English, but you can obviously ask me your questions in French.

[English]

Thank you for inviting me and for giving me the opportunity to speak to you about Bill C-24.

In my testimony I would like to offer you a sociological perspective based on past and ongoing research. I will start with three statements that are widely accepted in academic scholarship.

First, immigration is a fundamental element of Canadian nation building, and Canada is widely regarded as having practised this type of nation building with great success.

Second, the Canadian immigration system is to a large extent driven by economic considerations. Canada practices what former French President Nicolas Sarkozy has called with much envy—

[Translation]

“immigration choisie et non plus subie”

[English]

—meaning Canada selects a large part of its migrants according to rational economic criteria.

Third, economic migration and nation building only go well together if the harsh, utilitarian selection of migrants is complemented by a warm welcome. In this sense, multiculturalism as a policy, discourse, and form of national identity has done its fair share of signalling this warm welcome to immigrants. The encouragement of immigrants to quickly take up Canadian citizenship extends this welcome. Research has shown that holding citizenship of the country where one resides is a huge factor for achieving employment at one's skill level. There's also evidence that citizenship fosters feelings of belonging. If I'm not mistaken, these are all elements that the Canadian government wants to achieve.

Some elements of Bill C-24 risk undermining Canada's success in nation building. Citizenship should always be viewed as an important step toward integration. By contrast, Bill C-24 seems to suggest that citizenship is an end point, a reward of integration.

From a sociological point of view, this approach has at least three flaws. First, for the less educated, the non-European language speakers, and the economically vulnerable, it makes citizenship much harder to obtain. The more difficult citizenship tests and stricter language rules create barriers, specifically for accompanying family members, often women. The new cumbersome residence questionnaire is particularly difficult to comply with for citizenship candidates who come from politically unstable countries, or from countries with less developed bureaucracies. Some may feel too discouraged to apply for Canadian citizenship due to high application fees and a need to submit income tax assessments.

Bill C-24 also limits credit toward the residence requirement for students, refugees, and former temporary workers. It thereby bars an increasing portion of migrants to Canada from having access to citizenship. This is not only ethically dubious, but also not conducive to nation building.

Second, for the highly skilled and highly mobile, the so-called “best brains in the world” that Canada wants to attract, Bill C-24 also prolongs and discourages the obtaining of citizenship. The longer residence periods may be too long for those who are highly mobile and are looking for a place to settle. Not being encouraged to become Canadian citizens quickly, they may opt to behave as rationally and in as utilitarian a manner as Canada did in selecting them; they must simply leave for a place where they can get better pay for their skills. This is counterproductive to successful nation building.

Those who are highly mobile and able to create offshore business opportunities are particularly penalized by the proposed physical residence requirement. Let us not forget, physical presence in a country is only a proxy for attachment, loyalty, and feelings of belonging. Hence it should be treated with flexibility and a sense of proportion, presumably by a citizenship judge.

• (1640)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Madam Winter, I will ask you to conclude quickly, please. Thank you.

Prof. Elke Winter: Yes, okay. I have my third point, and then I'm complete.

Regarding those who aim to commit terrorist attacks against Canada, is it doubtful that the proposed law contains anything that would deter them from their actions? Research suggests that perpetrators seldom refrain from heinous crimes due to drastic penalties, not even the death penalty.

Further, the discourse of fear and the raising of suspicion against dual nationals have detrimental impacts upon some communities, particularly upon Muslim and Arab Canadians. With a team of researchers at the University of Ottawa, we're currently investigating the public debates that were kick-started by the honourable MP Devinder Shory's Bill C-425. While our investigation is ongoing, I can already tell you that it led to numerous rants against Muslims in Canada in the print media, online fora, and social media. Bill C-24 extends and amplifies these negative stereotypes.

I will conclude here and send you my notes.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Madam Winter.

Yes, as you said, all our witnesses can send their notes to the clerk and we'll make sure that all the members of the committee receive them and can read them.

Our next witness, from Ahmadiyya Muslim Community Canada, is Mr. Asif Khan, national secretary, public affairs; and Mr. Imtiaz Ahmed, regional public affairs secretary and missionary.

You have up to four minutes.

Mr. Asif Khan (National Secretary, Public Affairs, Ahmadiyya Muslim Community Canada): Thank you. I'll try to be quick. I've cut much of this out.

I'm honoured to be here again.

Ahmadiyya Muslims, whether they are citizens or residents of Canada, are proud to be so. We embrace Canada as our home and embrace Canadian society and its values. Canadian citizenship is

valued by our members and we are aware that it's perhaps the most coveted in the world.

After our modest review of the bill, we would like to provide our endorsement of the bill and its aims to reinforce the value of Canadian citizenship. I will, however, provide some comments for your review. Before I provide my comments, I would like to mention the Islamic teachings as they relate to loyalty to one's country of residence.

The prophet of Islam, Muhammad, peace be upon him, once stated, “Love for one's homeland is part of one's faith.” It is not a mere civic responsibility on its own, but more importantly, it is to form a part of one's spirituality and faith.

Further to this, His Holiness Hadhrat Mirza Masroor Ahmad, the current worldwide spiritual head of the Ahmadiyya Muslim Jama'at, has further elaborated on the noble precept by guiding Ahmadiyya Muslims all over the world with the following words:

As citizens of any country, we Ahmadi Muslims, will always show absolute love and loyalty to the State. Every Ahmadi Muslim has a desire for his chosen country to excel and should always endeavour towards this objective.

And about Canada, in particular, His Holiness echoed the prayer of our fourth Caliph, and that is:

“that the whole world becomes [like] Canada, and Canada becomes the whole world.”

Ahmadiyya Muslims understand the worth of Canadian citizenship and what it means and affords to the residents of this country. This is why we are at the forefront in giving back to our country and serving our communities.

Speaking specifically to the certain parts of the bill, I would like to reiterate that we feel that it is essential that the Canadian government possess certain powers to deter such would-be transgressors against the state from committing acts that threaten the security of this country. To this point, His Holiness also commented during his 2012 visit to Canada, where he said:

Indeed, for “the entire world to become Canada” we must keep a vigilant eye on all forms of extremism and extremists.

In doing so, His Holiness recognized, even led the way, in informing Canadians about the need to protect from the threat of extremism. However—and we realize that the bill does not necessarily touch upon this—we feel that the bill comes short on addressing the permanent residency applications of such extremists. Extremists who apply for residency must be detected in the early stages and not after residing here. Regarding this, His Holiness advised the government, in the same address, with the following words:

I would like to draw your attention towards one matter in particular. The Government should be aware that it is quite possible for certain extremist elements to enter the country on the pretext of benefiting from the various investment opportunities or schemes of the Government. This risk should be kept in view by the policy makers when determining future immigration and investment policies

Further, he goes on to say:

...no doubt the eyes and glances of those who hold extremist ideologies are cast upon this country. It is not necessary that they will conduct a large-scale terrorist attack, but instead they may take a more subtle approach, whereby they will seek to gradually spread their hate-filled ideologies upon entering the country. Certainly, one common and relatively easy way of entering the country is on the pretext of business, trade and investment.

We feel that's not really being addressed in this bill, and again we understand that it's not necessarily the scope of the bill.

We realize it would perhaps make immigration applications more stringent for acceptance to Canada for our members and members of other communities.

Speaking again specifically to the bill, some concerns have been raised by MPs in the discussions. We would like to draw attention to some of these cautionary remarks and recommend that adequate—

• (1645)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Sorry, Mr. Khan. You have only a few seconds left. Could you summarize? Thank you.

Mr. Asif Khan: In regard to the non-permanent residency requirement, we feel there should be a reward for choosing Canada for work or studies. It shouldn't be a deterrent for some talented individuals who can choose other western nations as a place to work or to study.

In regard to the age requirements, we feel it's just an added complexity to further the extension of the ages from the beginning and from the end, and at the same time a talented member, a contributing taxpayer who's highly proficient in his work and study in another language, shouldn't be denied residency or citizenship just because it's not English or French.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Khan. I'm sorry I have to stop you here, but hopefully you will have time to say more during the question period, and you can submit your notes to the committee, too.

Our next witnesses are Pre-PR Time Counts with Taisia Shcherbakova, representative, and Maria Smirnov, representative. You have up to four minutes.

Ms. Taisia Shcherbakova (Representative, Pre-PR Time Counts): Thank you.

Dear honourable members of the committee, we are extremely thankful for the opportunity to make selected comments on subclause 3(1) of the bill that eliminates subparagraph 5(1)(c)(i) of the current Citizenship Act by taking away pre-permanent resident time counting toward the citizenship application.

First, I would like to introduce myself and my colleague. My name is Taisia Shcherbakova. I have been in Canada for 10 years and I am currently a permanent resident. Under the current citizenship and immigration law, I will be eligible to apply for citizenship in less than 100 days.

I am here together with my colleague, Maria Smirnov, who has been a Canadian citizen since 1998. Together we represent Pre-PR Time Counts, which has received support from thousands of Canadians through our online petition as well as vast media coverage.

The proposed legislation concerns us as a group in the following three ways. First, it diminishes the value of economic and social contributions made to Canada by international students and temporary foreign workers. Second, it actually favours immigrants without Canadian experience. Third, it puts Canada at a competitive disadvantage relative to its peer countries.

Let us now elaborate on each of these three points.

What differentiates international students and temporary foreign workers from other immigrants is that they are not newcomers to Canada. They have already established strong economic and social ties within the country by graduating from Canadian universities or working in Canadian companies, owning properties, paying taxes, and in other words, they have become fully Canadianized, as described by Honourable Francis Muldoon, a respected Canadian immigration judge, even prior to becoming Canadian permanent residents.

Ms. Maria Smirnov (Representative, Pre-PR Time Counts): Second, by eliminating the pre-PR time provision, the new legislation actually favours immigrants without prior Canadian experience. Let me explain this by giving a simple example. Imagine two individuals who receive their permanent residency today. One of the persons has been in Canada for over five years. He graduated from a Canadian university, works for a Canadian firm, and has been fully participating in Canadian society. Another person just arrived in Canada today and received permanent residence at a point of entry. For him Canada is a new country where he does not have any social or economic investment.

Currently, the first person will be eligible to apply for citizenship in just two years from today; the second person in three years. With Bill C-24, both individuals will have to wait at least four years before applying for citizenship, so the individual with the Canadian experience is no more advantaged than someone who just arrived in Canada today. To summarize, Bill C-24 will increase wait time for someone with Canadian experience by two years and only by one year for someone without previous Canadian experience.

Bills that change the playing field equally for all groups are not objectionable. Bills that take away something valuable from one group and not others are the types of bills we need to look more closely at. Therefore we ask, how does the elimination of counting of pre-PR time help strengthen ties to Canada for someone who has lived here for five or ten years? Or how and precisely by how much will the processing time be reduced by eliminating pre-PR time counting?

Our third point is that the elimination of the pre-PR clause puts Canada at a relative disadvantage as an immigrant-accepting country relative to its peers like Australia, U.K., Germany, and others. These countries recognize that former students and temporary foreign workers are the best candidates for future citizens, and those countries allow them to count temporary residence time one for one towards their citizenship application. For example, Australia allows three years of pre-permanent residency time, four years in the U.K., and eight years in Germany.

In conclusion, we ask that the committee make the following recommendations to the government so that the government can achieve its vision of a strengthened Canadian citizenship. We ask the government to implement a transition period for the coming into force of the new residency requirement. This has been a common practice in other Commonwealth countries that undergo a citizenship law reform, for example Australia and New Zealand. We also ask that the government continue to recognize temporary residence time one for one based on practices of other peer countries.

In making these recommendations, we ask the committee to be judicial and to recognize we have lived here, worked here, studied, and paid taxes here. We chose Canada to be our home long ago, and in doing so we have had the opportunity to fully Canadianize ourselves, which is arguably the most important element of consideration when the granting of Canadian citizenship is considered.

Thank you.

• (1650)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much.

Our next witness is from the National Forum for Civic Action, Mr. Bikram Lamba, chairman.

Sir, you have the floor.

Mr. Bikram Lamba (Chairman, National Forum for Civic Action): Thank you.

I will not take a long time because I think my speaking notes have already been circulated to the members, but definitely I have some ideas. Maybe they'll be very politically incorrect, but that's very important. We have to be very honest and call a spade a spade.

Immigration or citizenship, the way I came, is always a matter of choice. It's not compulsory. So when immigrants come, it is their bounden duty to understand the Canadian values and the Canadian systems. The so-called politically correct attitude of showing them accommodation must not be there. This is putting the real Canadians, the original Canadians, at a disadvantage, this show of accommodation.

I know that the former immigration minister, Jason Kenney, did cause some sense of déjà vu as far as the reformation of the immigration system was concerned, but this bill doesn't go the whole way it should have gone.

First, the so-called evidence of citizenship is half-hearted evidence that is required by the minister. One of the important parts he has forgotten is that Canada has two official languages, English and French. When we say that they should have some understanding of an official language, we are not being honest with ourselves. We must ensure that anybody who wants to be a citizen must be proficient—and I repeat, must be proficient—in one of the official languages. Imagine, last year in Ontario alone, \$378 million was spent on providing services like translation and interpretation. Why should taxpayers pay to show that help to those immigrants? Anybody who doesn't know an official language has no right to be a citizen.

The second part is the so-called family reunion. We are under the mistaken notion that the seniors need to come here. They don't want to come here. They're forced to come here. We shall be doing an act of mercy to them if they're not transplanted here to be a burden on the economic system of the country.

Third, the social welfare system is a big burden on society and the taxpayer pays for that. Any permanent resident who goes on social welfare should immediately lose his PR status—that's what we feel—because he's not contributing. He's just a burden.

For the person who is guilty of treason and terrorist activity abroad, his citizenship is to be revoked. What about the victims of domestic violence? Under the so-called cultural accommodation, or multicultural help, we permit those people to exploit their wives, children. Why should their citizenship not be revoked? It's a very hot potato, the revocation of citizenship. You revoke the citizenship of a new immigrant, what happens to a second-generation citizen who was born here and has nowhere else to go? The change of service ...

By the way, there is one thing I'd like to add. In one bill made by one of the MPs, Devinder Shory, service in the armed forces was a prime need. That should be stressed again and again.

• (1655)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): I would ask you to conclude, please.

Mr. Bikram Lamba: Just one minute more....

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have a few seconds.

Mr. Bikram Lamba: As a matter of fact, you know, there's another point for the revocation. Any citizen who gets elected to office in a foreign country must lose his citizenship. No person can be loyal to two countries. You can't be loyal to two spouses, how can you be loyal to two countries? So that must be revoked.

Lastly, the power given to the minister under the title of compassion, where he can do anything, must be withdrawn. Compassion would always be misused.

I am open to any questions. Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, sir.

Our next witness is here with us as an individual.

Mr. James Bissett, you have the floor, sir.

Mr. James Bissett (As an Individual): Thank you, Madam Chair.

I am very pleased to be before the committee. I remember when the 1977 act was passed and that was almost 40 years ago, so I think it is time for some changes in the legislation.

I'm also pleased to see that we've extended the wait time by at least one year. I argued in 1977 that we shouldn't have abandoned the five-year wait. I think three years has been too short a period for people to know enough about Canada and our cultural systems to apply for citizenship. I approve of that change, even though it doesn't go quite as far as I might have wanted. It does bring us pretty well in line with most of the other countries of western Europe, although I think all those countries require longer periods than simply four years. Norway I think is eight, England is five, the United States is five, Australia...but we're getting closer to that.

I also support the measures that would enable us to remove the citizenship of someone who is a dual national, but who has committed treason or other treasonable or terrorist acts. I think that's a sensible position and I can't see anyone opposing that. Any Canadian citizen who is prepared to commit acts of terror against his fellow citizens I don't think deserves to continue to be a Canadian.

We have to make it dual citizen because Canada was a signatory to the convention on statelessness in 1954 and when it was amended in 1961. I think many people would think we should take it away from anyone, whether they're a dual citizen or not. It also brings us into line with all the countries of western Europe, with the exception of Portugal. All the other countries of the European Community now have provisions in their legislation to remove the citizenship of anyone who commits treason or acts of terror.

In England that power is given to the Home Secretary alone, and there is no hearing. He can remove the citizenship of a dual citizen for reasons conducive to the public good, whatever that means. The Home Secretary has a lot of power, and I think they've removed the citizenship of well over 30 or 40 British citizens, some of whom were born in Canada, but who had also adopted the citizenship of another country.

There are those who criticize this provision in the law because they claim it creates second-class citizenship. I don't buy that at all. There is an inherent difference between a natural-born citizen and a naturalized citizen. It's inherent in the process itself, but there are also other differences. A natural-born citizen has no choice. He's born into the citizenship and he is stuck with that whether he likes it or not.

A naturalized citizen, of course, is someone who makes a conscious choice to adopt Canadian citizenship. He makes an application. If he complies with the requirements, he takes an oath of allegiance and becomes a new citizen. I think that difference is with us whether we like it or not. It isn't a question of being second class. It's a question of being in a different category. The provision of naturalization creates a difference between the two.

• (1700)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): I will ask you to conclude quickly, sir. Thank you.

Mr. James Bissett: That's what I wanted to say.

I support the bill. I think it's an opportunity for the committee to make some fundamental changes and improvements in the law because, as you know, we may have to wait another 40 or 50 years before another change is made. So it's important that you get it right this time.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Bissett.

We have with us as our last witness for today, Madam Patti Tamara Lenard, assistant professor, Graduate School of Public and International Affairs, University of Ottawa.

Madam, you have the floor for three to four minutes.

Dr. Patti Tamara Lenard (Assistant Professor, Graduate School of Public and International Affairs, University of Ottawa, As an Individual): Thank you very much for inviting me back to speak to the committee.

I have many things to say, as do many people here, but I'll respond directly to Mr. Bissett's comments, for the purposes of discussion.

The act, as it is currently written, proposes to permit the right to revoke citizenship in cases where an individual who possesses dual citizenship engages in a range of "acts against Canada", and where they allegedly fraudulently attain citizenship in Canada. The government claims, as does Mr. Bissett, that this law would put Canada in line with what many other countries do. In fact, very few comparable states reserve the right to revoke citizenship in cases of terrorism, treason, and so on. The U.K. is the clearest example of a state that does grant this right, but in the last few years the United States and Australia have both considered and rejected implementing such a provision. In those states that do allow revocation—Malta, Lithuania, Cyprus, Estonia—it is worth noting that it is in complete disuse. Rather, the trend is to repeal revocation laws, as Luxembourg did in 2008, and to consign them to an era of history in which totalitarian governments assumed the authority to make citizenship decisions with impunity.

As the government acknowledges, the law is limited by the European Convention on the Reduction of Statelessness, signed in 1961. The revocation provisions in this bill thus apply only to Canadians who are dual citizens. In Canada, 75% of dual citizens are naturalized Canadians. At least 150,000 Canadians are dual citizens by birth, including me. Yet while this requirement formally protects Canada's commitment to the convention, it imposes an inequality, I do believe, between citizens who hold dual citizenship and those who do not. It does generate a second class of citizens who are more vulnerable to the powers of the Canadian state. In particular, dual citizens and single nationality citizens subject to the same crime will be subject to different penalties. Those with dual citizenships—including me—convicted of crimes can be subject to disproportionately severe sentences, since they include the revocation of a status justly acquired. If punishment in Canada for severe offences is good enough for native-born Canadians, it is good enough for dual citizens.

Finally, the bill grants the Minister of Citizenship and Immigration the discretion to revoke citizenship in too many cases. Currently, as written, the bill would give the minister discretion to revoke citizenship in cases of fraud, but there is no requirement—as there was in the previous bill, or as currently enacted now—for a court to evaluate if fraud in fact did occur. If the revocation provisions are kept, every such decision must be considered by, or appealable to, a court, even in cases where citizenship is revoked under suspicion of fraudulent applications. This is for at least two reasons. First, some forms of apparent misrepresentation are made for legitimate reasons—that is, to escape genuine and real harm. Second, judicial proceedings provide the only mechanism to protect against the otherwise inevitable suspicion that the minister is using fraud as a reason to revoke citizenship of people who are suspected of aiming to harm Canada where the proof doesn't exist.

The 1961 convention states that the only conditions under which revocation can be just are where the affected individual is entitled to a trial, even in cases of fraud. The consequences of such citizenship revocations can be severe, regardless of the reasons for revocation. In two recent cases, as we all know, the U.K. denationalized two citizens, Mohamed Sakr, who was a British citizen by birth, and Bilal al-Berjawi, who were subsequently killed by American forces in Somalia. Sakr's lawyer reported that, “It appears that the process of deprivation of citizenship made it easier for the U.S. to then designate Sakr as an enemy combatant, to whom the U.K. owes no responsibility whatsoever.”

In my view, the right to revoke citizenship is a fundamentally corrupting power. The U.K. is now considering an even more drastic step of permitting citizenship revocation even where it would lead to statelessness. We should avoid going down this road by removing this denationalizing power from the bill entirely.

Thank you.

● (1705)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you.

We're now going to our question round.

Mr. Menegakis, you have up to seven minutes, sir.

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

First of all, thank you for appearing before us today and for putting up with the very short timeframe we have, given that we had the vote in the House.

We've heard from some witnesses that a short visit and a short work period or study period are not same. I believe that came from the witnesses from Pre-PR Time Counts. In fact, not all who came here for different purposes stayed, and we know that. But 87%, basically, use their permanent residency time to meet their citizenship requirements.

So, Mr. Bissett, my first question is to you. I'd like to hear your comments about the flexibility that Bill C-24 provides by giving a six-year period in which somebody can complete a four-year residency requirement to become Canadian citizens. Can you comment on that, please?

Mr. James Bissett: Well, as I mentioned in my presentation, I'm in favour of this bill going one year beyond the current act. I think it makes sense to have a person wait for four years before applying for citizenship.

The provisions in the bill are fairly strict, I think, since a person has to live in Canada for half of each of those years before they can apply. I could see that creating some complications for people who conduct business outside of Canada, but I understand the spirit of the law. You have to reside in a country for a period of time before you can really claim that you know that you're ready to take up the responsibilities and the obligations and the benefits of citizenship.

I would have liked to see a five-year period, but I'd like to see perhaps a little more flexibility in the residential requirements, because I know myself that a lot of immigrants who come here conduct businesses globally around the world. They're out of the country often for long periods of time. I would have liked to see something that would enable them to explain why they're out and why they have to be out, because there are people, even under the current law, who are spending a lot of time in their own home country and a lot of time in Canada, but they miss out on the residential requirements. So I would like to see some flexibility in that, quite frankly.

And I must say I was impressed by the comments made at the end of the table about temporary entry, in a sense. I think that's a pretty strong argument. If someone has been here for five years at university in Ottawa or in Toronto or in Winnipeg, and they then apply, as they now can, for permanent residence from within Canada without going home, I think there are considerable arguments as to why that period of time should count for something.

● (1710)

Mr. Costas Menegakis: Thank you.

Well, certainly there is flexibility here, because we're allowing people to do that four years out of the last six. So people working in and out of the country who need to leave the country for whatever reason can do so, and they can still accumulate their time.

Mr. James Bissett: Yes.

Mr. Costas Menegakis: Mr. Khan, welcome back, sir. It's nice to have you with us again.

You stated at the outset of your presentation to us today that, in principle, you and your organization support Bill C-24. I wonder if I could ask, in your opinion, how Bill C-24 helps promote strong ties to Canada, core Canadian values, and attachment to Canada and Canadian citizenship.

Mr. Asif Khan: I believe the aim of the bill is, of course, to do that, and we agree with it wholeheartedly. But at the same time, I didn't get a chance to elaborate. There can be a contributing member who's a permanent resident who may not have strong language skills in English or French, but they could be a taxpayer and could have no plans to return back to the home country of origin. Denying that person citizenship may not be the best choice. He may be somebody who contributes a large tax base to us. So some subjectivity should be applied to this arena as well. But of course, we're not saying that making a proper commitment to Canadian values, social values, and multicultural values must be present when one wants to have citizenship in this country.

Mr. Costas Menegakis: Mr. Bissett, I want to expand a little bit on the point of revocation. A lot has been heard in this committee from different witnesses about the revocation of provisions in this bill. Certainly those who have dual citizenship also have a dual benefit, I might add. They have benefits that people who have only Canadian citizenship do not have. They have citizenship and rights in another country as well. The provisions in this bill state that, as you know, Canadian citizenship can be revoked from those who have dual citizenship and who choose to perpetrate an act of terror or an act of treason against the Canadian Armed Forces or Canada, the country we all live in and cherish so much. Obviously we as a government feel very strongly about that specific provision in the bill, and we'd like to hear what your comments would be on that, sir.

Mr. James Bissett: I think I've made it clear that I support that wholeheartedly. You know, we hear about the convention against statelessness, but let's face it, that convention was in 1954. It was brought up again in 1961. That was a different world in a sense. I'm afraid, as someone once said, the events of September 11 changed the world. We're now faced with a situation where terrorism is quite a common occurrence, not only in the Mideast and other parts of the world, but in Europe and in Canada as well. I think that, as I said earlier, a dual citizen who makes the choice of committing acts of terror or treason, or fighting against his own country, should have their citizenship removed. There's no question in my mind about that. Remember, it's a question of someone who has been convicted, not someone who's suspected. Those who have been convicted.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you.

Madam Sitsabaiesan, you now have the floor for seven minutes.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thanks, Madam Chair, and thank you to all of our witnesses who are here.

I'm going to take a poll of everybody here. I know that Ms. Shcherbakova and Ms. Smirmoff made a very clear argument to favour the people who are here on a temporary basis, committing to this country, being taxpayers in this country, educating and working in this country, and that the time they've spent here should have some value to them if they choose to continue to stay in this country as a permanent resident, like you have, and intend to become a citizen. We've just heard from Mr. Bissett that he agrees with you that there should be some value to that. I want a very quick answer from everybody else, if you think that there's actually value.

Mr. Khan, you mentioned that the tax base is important and that taxpayers are important, so these people are taxpayers in this country for three, four, five, or ten years, it doesn't matter that they're not sure

how long they're staying before they choose to proceed through a permanent or citizenship track. I want to know if you think that those people in Canada who are educating and working in Canada have value and that time should be valued for their citizenship track.

• (1715)

Mr. Asif Khan: Generally, these are talented individuals. They have choices that they could go to other countries. Let's give them a reward for being here.

Mr. Bikram Lamba: I fully endorse that they must be given the benefit of their education to stay here.

Dr. Patti Tamara Lenard: Yes, I agree.

Prof. Elke Winter: I agree.

Ms. Rathika Sitsabaiesan: Great, so all of the witnesses agree. This is great news to hear. We've got civil society as well as educators here who are agreeing that we should be looking at giving some value to people's time that they've spent here in this country.

I want to move on to the topic of revocation of citizenship, and the issue of creating two tiers of Canadian citizens basically, because that's exactly what is happening with the revocation provisions for dual citizens.

Professor Lenard, you started talking about this as well, and I wonder if you could...? I think it was you. You mentioned that the government members had claimed that this would actually put Canada in line with many other countries across the world, and especially our sister countries. I'm wondering if you know off the top of your head, or if you can send information into the committee, which countries around the world we are actually bringing ourselves in par with.

You mentioned that the U.S. and Australia considered this revocation and actually turned away from it. Could you actually talk a little bit more about that, please?

Dr. Patti Tamara Lenard: Yes, I could speak about this at great length and I'm happy to send the extra data to you.

Ms. Rathika Sitsabaiesan: Please send it to the clerk.

Dr. Patti Tamara Lenard: I'll be happy to do that.

The United States and Australia both considered this within the last four years and turned it down. The United States Supreme Court declared that once an individual in the United States has citizenship it cannot be revoked. It's for life in perpetuity and the United States has stayed committed to that. The sister country...I'm not 100% sure what the language "sister country" means, or what counts there. There are approximately 14 European countries that allow revocation in cases of treason or terrorism. In most of those countries it has never been used. The most sister-like countries that have it are Belgium and Denmark. In both cases those are recently constructed, but mostly we're looking at states like the ones that I listed—that wasn't for rhetorical purposes—Lithuania, Estonia, Cyprus, etc.

Ms. Rathika Sitsabaiesan: Thank you very much.

Mr. Bikram Lamba: I'd like the floor now, Madam Chair.

I want to say, regarding the Supreme Court judgment in the U.S. A., it has been appealed against, and it is with the constitution law.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Sorry, Mr. Lamba. I have to interrupt you. Madam Sitsabaiesan can ask you questions too, but it's her time, so she will decide who she's asking questions to.

Ms. Rathika Sitsabaiesan: Thank you.

I know I don't have much time left. The question that I had was: how are people potentially not being given citizenship or having their citizenship taken away for a crime, or alleged crime, that they had committed in another country?

I've been asking almost all of our witnesses this question about us as a state trusting another country's judicial system, and trusting that its judicial system is actually independent and has legitimacy. Professors Winter or Lenard, if you want to talk about that, I don't know which of you might have more experience or expertise in it.

Dr. Patti Tamara Lenard: I'm happy just to say that I think there are two problems. One is that I don't think we should trust other judicial systems. In general, the judicial systems that are making accusations of these crimes are untrustworthy from a Canadian perspective. Second, I think if it's a Canadian, looking at eradication of Canadian citizenship, then he or she is entitled to Canadian due process.

Ms. Rathika Sitsabaiesan: Professor Winter, did you want to add anything?

Prof. Elke Winter: Yes, I agree with Professor Lenard.

I think citizenship revocation is a punishment that really harkens back to a time that we no longer live in. It really destroys the relation between the individual and the state. If we start by doing that, what other crimes should we start punishing by revoking citizenship? There are numerous heinous crimes that would deserve similar punishment. I think we're entering a very difficult and a very dubious territory. I think my legal colleagues from other universities have spoken to that issue at length.

• (1720)

Ms. Rathika Sitsabaiesan: Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have 20 seconds.

Ms. Rathika Sitsabaiesan: I'm going to ask you to submit your recommendations, instead of what is in front of us, because the study is on the issue of the law, not actually the bill, because the bill is not in front of the committee right now. If you have suggestions of actual recommendations or changes to what is before us, then please do send it in writing to the clerk of the committee.

Thank you so much.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Madam Sitsabaiesan. Mr. McCallum, you have the floor.

Hon. John McCallum (Markham—Unionville, Lib.): How many minutes?

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Five.

Hon. John McCallum: Thank you very much, and welcome to all the witnesses.

In all the committees we have heard, I don't think I've heard one with a broader spectrum of opinion in general, on things in general. Yet you are unanimous that international students should be credited with their time as students in becoming citizens.

I don't think the government is going to change much, if anything, on this bill. They might change that, because you should know, if you don't already, not only is the government not giving any credit to students, but they're taking away the 50% credit that already exists, and the 50% becomes zero. I think you all agreed on 100% credit, but even 50% is better than what we're going to end up with.

Now I did ask the minister that question when he was here, and he said he wouldn't change it, but he hadn't heard this very broad diverse committee be unanimous yet. The one argument he gave for his position was that for some reason, which I couldn't understand, time when you're a permanent resident counts, and time when you're not yet a permanent resident, for some reason, doesn't count.

I know Ms. Smirnoff and Ms. Shcherbakova have done a really good brief on this. Can you very briefly, because I don't have that much time, refute that argument by the minister?

Ms. Maria Smirnoff: Most definitely, and I appreciate your asking that question.

We did hear Minister Alexander make the comment that there has to be a clear distinction made between someone who is a temporary resident and someone who is a permanent resident. This view ignores the fact that the decision to become a permanent resident, for those who are in Canada, happens long before that permanent residency is received.

For example, for international students, a student might make a decision to become a citizen of Canada after one or two years of studying here. After making friends, after getting work experience here, after maybe meeting a life partner here. The problem is that the immigration system precludes this person from applying for citizenship until one year after they've graduated from their studies.

Ms. Taisia Shcherbakova: For permanent residence...

Ms. Maria Smirnoff: Sorry, it's for permanent residence.

For example, in Taisia's case, she came here in 2004, graduated in 2009, and could only apply for permanent residence in 2010, which she received in 2012.

There is a system that really precludes these individuals from applying for permanent residence, and during this time they're still in Canada, still paying taxes, still owning property, and doing all those Canadian things.

Temporary workers, too, are affected by this. They also can't apply for permanent residency until after they enter Canada and it's been proven multiple times that there are a number of obstacles not in their control that present a further delay. For example, closing of these offices—

Hon. John McCallum: Thank you, sorry.

You made a very good argument, but I'm about to run out of time.

Ms. Maria Smirnoff: It's in the brief, actually.

Hon. John McCallum: In more general terms, I just think time spent here as an international student is not worth zero, in terms of what you learn about this country and to equip you to become a citizen.

Professor Lenard, I certainly agree with you 1000% in terms of your strong condemnation of citizen revocation.

I would just correct, I think, Mr. Menegakis. It is not true that you can only have your citizenship revoked if you're convicted, because there is a provision in the bill that if you participate in some armed group against Canada, which doesn't imply a conviction—whatever that means—you can also have your citizenship revoked.

Out of curiosity, more than anything, Ms. Lenard, I'd also heard that story about the British people's citizenship being revoked, and then soon after, they were shot down by drones in some faraway place by the U.S.; Pakistan, perhaps....

• (1725)

Dr. Patti Tamara Lenard: It was Somalia.

Hon. John McCallum: Is there any evidence that those actions were coordinated?

Dr. Patti Tamara Lenard: There's widespread suspicion, but no formal evidence that they were coordinated. We only know that the U.K. government was entirely unwilling to have a conversation about what happened as a result of having denationalized those individuals.

Hon. John McCallum: Okay.

I think that pretty well uses up my time.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have 30 seconds.

Hon. John McCallum: Mr. Khan, you were just at the end of your story, and you didn't have much time. I heard your position on students and on language. Are you saying an English language test for people aged, say, 55 to 65, should not be imposed?

Mr. Asif Khan: I would actually be more concerned with the younger age of 14 to 18. I think there should be some sort of test, but

I think there should be some subjectivity applied to it. I think there should be a commitment to being Canadian.

Hon. John McCallum: It seems to me a 55- to 65-year-old.... Their children will speak perfect English if they don't.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): That's all the time we have. Sorry about that.

Mr. Opitz, you have up to four minutes before the committee ends, so please go ahead.

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Madam Chair.

Well, you do have to be convicted, and it's compared to the Canadian system. As a former soldier I would take great umbrage to anybody from this country going over there and fighting against me and my troops and friends anywhere else. That's something that is an unbelievable development.

By the way, the reality is numbers of youth have been radicalized and have returned and have fought against many of our allies, so that's not outside the realm of possibility. I'm not particularly concerned about anybody in that category losing their citizenship, when it comes to armed groups like that.

Mr. Bissett, last week the minister was here and he had heard from stakeholders themselves and local constituents, a broad range of Canadians across the country, and he was hearing quite loudly that they liked, overall, the proposed residency requirement, because it strengthened the value of Canadian citizenship. He said Canadians appreciated that those who committed acts of terror or treason—as I just talked about—against this country would have their citizenship revoked, on the grounds that they are dual citizens. Of course we are signed up to the UN convention and we don't leave anybody stateless, so that's something we do deal with.

Can you tell me, overall, what you've heard, and would you agree that the value of Canadian citizenship would be strengthened through this legislation, through this act?

Mr. James Bissett: Yes, I certainly think so. As I said before, I think the average Canadian would be shocked and very much concerned if his neighbour was convicted of acts of terror or treason, or had gone off to another country to fight against Canadian troops or their allies. I think they would assume he's lost his privilege of citizenship, he's abused it.

I'm not sure there's been any polling on that, but I'm pretty sure the vast majority of Canadians would agree with it. Professor Lenard may not agree, but I think so. It's one thing for academics to think this is a very serious matter, but in my own view it's something that's self-evident.

Mr. Ted Opitz: Well I think we agree on that, and I think the vast majority of Canadians would.

Our government takes immigration policy clearly very seriously. We've made a number of reforms to the Immigration and Refugee Protection Act in order to protect the safety and security of Canadians, obviously. We have welcomed a record number of immigrants and new citizens since 2006, over 1.4 million new citizens. Since the beginning of 2014, there have been 75,000.

How would you say Bill C-24 would support a newcomer's integration into the Canadian economy, and into communities, and to ensure that our new citizens have a stronger and deeper attachment to Canada?

Mr. James Bissett: I think the fact that they'll have to wait a year longer than they used to is an added benefit in conditioning them to Canada and Canadian society, and Canadian values, so I think it definitely will help in that regard. I think that's important because Canada has drastically changed demographically since the 1977 act. Since 1990, five million newcomers have come to Canada. They're not coming from the traditional European countries that used to supply us with 99% of the immigrants. That changed in 1967. As a matter of fact, I was one of the originators of the point system that enabled us to go out to the world and welcome people.

Having said that, I still think that three years is not enough time for a person to suddenly decide that they are ready to take on the responsibilities and obligations of citizenship, so I welcome the

additional period of time. As I said in my presentation, I don't think it's quite long enough, quite frankly.

● (1730)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much.

[*Translation*]

Again, I'd like to apologize for the inconvenience caused by the time change in today's meeting.

[*English*]

To all of you ladies and gentlemen, thank you for your important contributions to our study on the subject matter of Bill C-24.

[*Translation*]

Meeting adjourned.

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