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# Standing Committee on Citizenship and Immigration

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**Tuesday, May 3, 2016**

—  
**Chair**

**Mr. Borys Wrzesnewskyj**



## Standing Committee on Citizenship and Immigration

Tuesday, May 3, 2016

• (1105)

[English]

**The Chair (Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.)):** Good morning. I call the meeting to order.

Pursuant to the order of reference received by the committee on March 21, 2016, the committee will now proceed to the consideration of Bill C-6, an act to amend the Citizenship Act and to make consequential amendments to another act.

Before clause-by-clause consideration begins, we have department officials here who would like to make a short clarification of some earlier testimony.

Go ahead, Ms. Hubers.

**Ms. Mary-Ann Hubers (Director, Citizenship Program Delivery, Department of Citizenship and Immigration):** Thank you, Mr. Chair.

I'd like to correct my response to Mr. Tilson's questions during my April 12 appearance about the new seizure of document authority in Bill C-6. Mr. Tilson asked about the grounds under which the new seizure authority could be exercised. During that exchange, I responded that in the act it says that there have to be reasonable grounds to believe that the document is fraudulent. The regulations would prescribe the factors that could go into that and then in dealing with the detained document.

I want to clarify that officers will rely on the authority in the act, and not the regulations, to seize fraudulent documents if they have reasonable grounds to believe that the document is fraudulent.

Thank you.

**The Chair:** Thank you, Ms. Hubers.

Before we begin the clause-by-clause study, I would like to provide the many new members of the committee with a few comments on how committees proceed with clause-by-clause consideration of a bill.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote. If there are amendments to a clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate.

When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package each member has received from the clerk.

If there are amendments that are consequential to each other, they will be voted on together as a package.

In addition, to be properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill, both of which were adopted by the House when they agreed to the bill at second reading, or if they offend the financial prerogative of the crown.

If you wish to eliminate a clause of the bill altogether, the proper course of action is to vote against that clause when the time comes and not to propose an amendment to delete it.

As this is the first exercise for many new members, the chair will proceed methodically to allow all members to follow the proceedings properly. If during the process the committee decides not to vote on a clause, that clause can be put aside by the committee, so that it can revisit it later in the process.

As indicated earlier, the committee will go through the package of amendments in the order in which they appear and vote on them one at a time unless some are consequential and are dealt with together. Amendments have been given a number in the top right hand corner to indicate which party submitted them.

There is no need for a seconder to move an amendment, and once it has been moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments do not require the approval of the mover of the original amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to an amendment, it's voted on first. Then another subamendment may be moved or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the title, and an order to reprint the bill will be required so that the House has a proper copy for use at report stage.

Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments as well as an indication of any deleted clauses.

I thank the members for their attention and wish everyone a productive clause-by-clause consideration of Bill C-6.

Go ahead, Ms. Zahid.

•(1110)

**Mrs. Salma Zahid (Scarborough Centre, Lib.):** Thank you, Chair.

I want to put forward a motion. I move:

That, in relation to Orders of Reference from the House respecting Bills,

That, each Member who is not a member of a caucus represented on the Committee wishing to participate in the clause-by-clause consideration Bill C-6 be allowed to do so; that any amendments suggested by said Member(s) be deemed to be proposed during the said consideration; and that the Chair allow said Member(s) an opportunity to make representations of not more than 5 minutes in support of all of them.

**The Chair:** Thank you, Mrs. Zahid.

Go ahead, Ms. May.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Chair, as you'll know, the motion just put forward by Mrs. Zahid is intended to deprive members of Parliament in smaller parties and any independent members—we don't have any at the moment, but it would apply to any future independent members—from the right that now exists within O'Brien and Bosc in *House of Commons Procedure and Practice* to put forward amendments at report stage that are substantive in nature.

By creating I would say a false opportunity, a coercive measure, to present amendments at committee, it does the opposite. Although on the face of it, it might appear to new members to be a friendly measure toward members of Parliament in smaller parties, it's actually an oppressive measure to deprive members of Parliament in smaller parties of the right to present amendments at report stage.

In other words, if you don't pass the motion in front of you now, members of smaller parties will have the ability to bring forward amendments at report stage and will not have to show up at your committee protesting at every stage, as I assure you I will be, at being brought here for amendments that I cannot adequately present or defend.

I also find it very confusing that in this instance I received a message from the procedural clerk on Friday afternoon that should I wish to submit amendments, I would be welcome to send them, and then the committee would decide how it would like to proceed.

The motion that you have before you has time limits involved that are not met by the current circumstances.

I'm in your hands, Mr. Chair, but I want to make every member of this committee fully aware that I know that the Liberal members have been instructed to pass this motion. I find it offensive. I wish you'd reconsider. I wish the government House leader would reconsider.

I'm perfectly content with the rights I have as a member of Parliament, but this motion, which was developed under the last Parliament by the majority Conservatives, is one that oppresses smaller party members. It isn't an assistance of any kind.

**The Chair:** Thank you, Ms. May.

(Motion agreed to)

**The Chair:** I would also like to note that the department officials will be at the committee table for the duration to provide any

consultation that may be necessary as we go through the bill sequentially.

(On clause 1)

**The Chair:** I now call clause 1, which begins with amendment NDP-1.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Mr. Chair.

In fact, this amendment comes with a number of others: numbers 1, 8, 9, 11, 12, 14, 18, and 23. This first one is actually a consequential amendment to the main changes. It was aimed to bring back the old federal appeal court system prior to Bill C-24.

I will actually not be moving this set of amendments because later on I have another set of amendments, amendments NDP-10 and NDP-21, that will propose a better appeal system that I would wish the committee to consider. It may be that the latter amendments, numbers 10 and 21, when I move them, may be deemed to be inadmissible, but we will deal with it at that stage.

If they're not admissible, I am very much hopeful that the government would consider taking those amendments and putting forward new legislation, perhaps in the fall, to address the issue of ensuring that there's an appeal process in place that addresses the many issues that witnesses have brought forward.

To that end, Mr. Chair, for the clarification of committee members, I will not be moving amendments 1, 8, 9, 11, 12, 14, 18, and 23. All those amendments deal with a package of changes to bring back a federal appeal court system related to this bill.

•(1115)

**The Chair:** Thank you, Ms. Kwan.

In that case, we'll move to NDP-2.

**Ms. Jenny Kwan:** NDP-2 is an amendment to deal with statelessness as it pertains to second-generation Canadians born abroad.

Committee members will recall that a number of organizations and individuals came forward and presented to us on why this needs to change. These organizations include the Canadian Expat Association in a written submission, the Canadian Centre on Statelessness, the Canadian Council for Refugees, the Canadian Bar Association, the Metro Toronto Chinese and Southeast Asian Legal Clinic, and the Ontario legal clinic.

There are in fact two amendments related to this. The goal here is to address the issue of what's known as "lost Canadians". In the case of those lost Canadians who remain after the previous government's changes to the Citizenship Act, their citizenship has not yet been restored. While the previous government did address some aspects of these stateless Canadians, without changes in the legislation, second-generation Canadians born abroad would not be considered Canadians, potentially leaving them stateless.

There are implications for individuals who are impacted, particularly those who may have work obligations abroad. I can think of the many diplomats and officials who are particularly impacted, for example, with their children. I won't reiterate all of the comments that have been made by the various witnesses who raised this issue.

That being said, I move amendment NDP-2, which is in my name. The reference number is 8213672.

**The Chair:** Thank you, Ms. Kwan.

**Ms. Jenny Kwan:** Sorry, but just for one further clarification, Mr. Chair, there is a related companion piece to this as well. Will we deal with these separately, then? Shall I move that second amendment separately?

**The Chair:** It's up to you, Ms. Kwan. If they're related, we can deal with them together.

**Ms. Jenny Kwan:** Okay.

**The Chair:** I'm being advised that as they arrived separately in the package, it's probably at this point easier to follow the package amendment by amendment.

**Ms. Jenny Kwan:** Okay. I'm happy to follow your instructions, Mr. Chair.

**The Chair:** Thank you, Ms. Kwan.

In regard to NDP-2, the amendment seeks to amend section 3 of the Citizenship Act. *House of Commons Procedure and Practice*, second edition, states the following on pages 766 and 767:

...an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

Since section 3 of the Citizenship Act is not being amended by Bill C-6, it's therefore the opinion of the chair that the amendment is not admissible.

• (1120)

**Ms. Jenny Kwan:** May I make a comment, Mr. Chair?

**The Chair:** You may.

**Ms. Jenny Kwan:** I'm not challenging the chair—thank you very much for that ruling—but I do want to put it on the record that I hope the government and the minister would take into consideration bringing forward in the fall a piece of legislation that would include addressing the issue of statelessness, as has been indicated here.

Thank you very much.

**The Chair:** Thank you.

Ms. Kwan, you have the next amendment as well, which is NDP-3.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

This amendment, NDP-3, is also an amendment to address the issue of statelessness. In particular, this amendment is attempting to prevent individuals from becoming stateless.

Again, a number of organizations have presented to us and raised their concerns around this and felt there needed to be action taken with Bill C-6 to fix the problem. These include the Canadian Centre on Statelessness, the Metro Toronto Chinese and Southeast Asian

Legal Clinic, Dr. Patti Lenard, the Canadian Council for Refugees, and Legal Aid Ontario.

The issue, as I indicated, is trying to address the concern to prevent individuals from being stripped of their legal status in Canada, resulting in their being stateless. The notion of statelessness is not considered as a factor in the assessment of granting citizenship by subsection 5(4), as it applies to cases of special and unusual hardship. The unique circumstances of statelessness present a challenge with respect to applying for subsection 5(4) grants. It challenges one's legal existence by nationality, citizenship, or birth certificates. This amendment is attempting to fix that problem accordingly.

One of the issues that has been raised, which I thought was particularly useful for consideration in this regard, is from the Ontario Legal Aid Association. Andrew Brouwer actually said, and I quote:

We are certainly hopeful that the new government's renewed recognition of the importance of international law and global engagement will result in our signing the 1954 Convention Relating to the Status of Stateless Persons, but there is something that we can do right now with this act to make sure that we are better protecting stateless persons and coming into better compliance with international law and norms.

To that end, three recommendations were made to which these amendments speak. Those were to provide a definition of statelessness within subsection 2(1) of the act. Then it also asks to include both a de jure statelessness as well as a de facto statelessness.

Practically speaking, the whole point of dealing with statelessness and assisting stateless persons to get protection is to make sure that every member of society has a connection to a state. There are concerns that have been expressed by various people, including those in a case in the United Kingdom that shows the problems when we have an overly legalistic and narrow definition of statelessness.

That's what these amendments are aiming to fix. Again, this is an issue I think that crosses all partisan lines because those constituents are everywhere in every part of the community.

I move the NDP-3 amendment in my name, Mr. Chair, reference number 8223108.

**The Chair:** Thank you, Ms. Kwan.

Similar to my previous ruling, the amendment seeks to amend in this particular case section 2 of the Citizenship Act, which is not being amended by Bill C-6, and it is therefore the opinion of the chair that the amendment is inadmissible.

• (1125)

**Ms. Jenny Kwan:** Thank you again, Mr. Chair, for that ruling. I appreciate that clarity. Again, I would advance this and hope that the minister would consider bringing this set of amendments forward again in the fall to address a non-partisan issue but critical issue impacting a number of people in our communities today.

**The Chair:** Thank you.

We'll move on to NDP amendment 4.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

NDP-4 seeks to provide a path to citizenship for youth under 18 years of age without a parent or guardian who is, or is in the process of becoming, a Canadian citizen.

Again, a number of organizations presented this to us during the witness stage of our committee meetings. They included Justice for Children and Youth; the Canadian Council for Refugees; the Metro Toronto Chinese and Southeast Asian Legal Clinic; an individual named Richard Kurland, who showed up at the committee; and UNICEF Canada.

The goal of the amendment is to ensure that young people without parents or guardians who are, or are becoming, Canadian citizens have a path to citizenship beyond having a less secure status and waiting until they turn 18.

It was presented to us that, for example, for a variety of different circumstances, an individual may well not have a parent here in Canada to help them make an application, and to that end they should not be discriminated against in having access to make application for citizenship. This amendment seeks to address that, Mr. Chair.

**The Chair:** Thank you, Ms. Kwan.

The Chair rules this amendment admissible.

**Ms. Jenny Kwan:** Victory.

**The Chair:** Ms. Rempel.

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** Mr. Chair, I believe this is very similar in scope and nature to an amendment I presented as well that will be discussed later. For the same reasons, we support it.

**The Chair:** Thank you.

Mr. Chen.

**Mr. Shaun Chen (Scarborough North, Lib.):** Mr. Chair, through you, there are several reasons we cannot support this amendment.

First, the minister already has the authority to waive the age requirement under paragraph 5(1)(b) so that minors can apply for a grant on their own behalf. With this authority already in place under the act, it's not necessary to introduce this amendment.

Second, I would be very concerned about the unintended consequences, given the lack of clarity around family law issues and the definition of "custody." It's not clear what "having control of the child" means, nor whether the term "custody" covers all of the possible scenarios.

Third, the proposed amendment lacks parameters that would help guard against possible mischief that might work possibly against the best interests of the child. For example, it's not clear whether it would apply only to minors who lack a parent or guardian, or whether it could also apply to minors who are estranged from their parents or guardians. Additionally, the proposed amendment does not recognize the fact that a minor would be able to apply for citizenship against the wishes of his or her parents or guardians.

Finally, the amendment would not prevent parents or guardians from being able to coerce the minor into applying for citizenship, potentially against the best interests of the child. Under the current

paragraph 5(3)(b)(i) one-way waiver, there is discretion to refuse a waiver to guard against possible mischief.

For these reasons, this motion is not supported.

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

Ms. Kwan.

**Ms. Jenny Kwan:** Speaking to some of the points that the member has raised, I think the amendment actually says the following: "is eighteen years of age or over, unless the person is a child who does not have a parent or a person who has in law or in fact the custody or control of the child in Canada." It does speak specifically about the circumstances in which a child under 18 could make application, so the scenario or the suggestion that somehow a child could make an application with a parent or a guardian, who may not approve of such application, is actually not relevant and not applicable.

With respect to definition of how one could define a person to be in custody or in control of a child, there are actually a number of different applications that apply to define custody, and on the issue around control of the child in Canada, those would be of course children or individuals who are under 18 and therefore are in the control of the state, if you will, so I think it actually defines quite clearly what it means to allow for this to proceed.

At the end of the day, and let me cite this from the Canadian Council for Refugees:

In the case of refugee youth in particular, they may be stateless. Under the Convention on the Rights of the Child, Canada has an obligation to protect the child's "right to acquire a nationality", and this obligation is underlined "where the child would otherwise be stateless" (Article 7).

This amendment that I put forward fixes this issue, and I urge committee members to support it.

● (1130)

**The Chair:** Thank you, Ms. Kwan.

I would like to call the vote.

**Ms. Jenny Kwan:** On division, please.

**The Chair:** It will be on division.

(Amendment negatived [See *Minutes of Proceedings*])

**The Chair:** We next have Green Party amendment 1.

Go ahead, Ms. May.

**Ms. Elizabeth May:** Thank you, Mr. Chair.

Again, it's hard for me to put into words how devastated I am by the motion that was passed, so I will put on the record that I'm here under protest and would have preferred to have tabled my amendments at report stage.

However, I do want to commend the Liberal government for this bill overall. I didn't get a chance to speak to it—I speak to these amendments one at a time—but let me say how thrilled I am to see that the damage done in Bill C-24 has largely been removed and that citizenship is citizenship is a principle. Much in this bill is to be celebrated. It's doubly hard for me to be so sad at a moment when I thought I would be enjoying a sense of restoration of good principles in our Citizenship Act.

Let me move quickly to this particular amendment before I run out of time.

This amendment seeks to deal with criticisms that you've heard in committee testimony, particularly from the Canadian Bar Association, about injecting, as we do here, in subclause 1(4) the bill....

My amendment is very simple. It essentially removes subclause 1 (4), which sets out requirements for income tax returns and ties income tax returns to applications for citizenship. The Canadian Bar Association brief was very clear on this point in its concern that any innocent mistake in an income tax return could have a negative impact on citizenship applications or could even cause confusion such that someone either delayed applying for citizenship or delayed filing their tax return because of an unnecessary linking of the two.

**The Chair:** Thank you, Ms. May.

I would like to pause for a couple of minutes so that all committee members can receive a copy of this amendment.

I will also point out that we may run overtime in this meeting.

• (1130) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1140)

**The Chair:** I'd like to call the meeting to order.

At this point, everyone has received the Green Party package. I'd like to call on Ms. May.

Just as a prior clarification, if PV-1 is adopted, it would mean that CPC-1 can't be moved because of a line conflict. The reference number that has been issued for Green Party 1 is 8223209.

**Ms. Elizabeth May:** Mr. Chair, for members who might be wondering, it can be referred to as PV-1, for "Parti vert". That's the way Parliament had chosen to deal with my amendments in the last session. The Conservative majority thought that if they put "G" for "Green", it would be confused with government amendments. PV is the way my amendments will be designated.

• (1145)

**The Chair:** Thank you, Ms. May.

Is there any debate? If not, I would like to call the vote.

Mr. Tilson.

**Mr. David Tilson (Dufferin—Caledon, CPC):** I'm sorry, but I have a point of order on the issue you just raised, which is that if this fails, CPC-1 fails.

**The Chair:** No. It's the reverse, Mr. Tilson. If it's adopted, then it fails CPC-1. If it's not adopted, we will proceed and in fact CPC-1 goes ahead.

**Mr. David Tilson:** Thank you.

I'm sorry. I misunderstood your ruling.

**The Chair:** Thank you. I'll call the vote.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Now we move to Mr. Tilson on CPC-1.

**Mr. David Tilson:** Thank you, Mr. Chairman.

We're moving that proposed subparagraph 5(1)(c)(iii) of the act be replaced by the following:

met any applicable requirement under the Income Tax Act to file, as a person resident in Canada, a return of income in respect of three taxation years that are fully or partially within the five years immediately before the date of his or her application.

This amendment, Mr. Chairman, came about as a result of submissions by Mr. Kurland, one of the witnesses who spoke to us on this issue. The principle of it is that we want to ensure that someone who is applying for citizenship is living here. It's reasonable that we require that they file income tax as a resident during the same three-in-five period. The clause as it now stands isn't clear on that. That was Mr. Kurland's comment.

This amendment would therefore emphasize that the applicant for citizenship file their income tax as a resident of Canada. That's the principle of it and is the principle of the amendment.

**The Chair:** Thank you, Mr. Tilson. This amendment is admissible.

Is there debate?

Go ahead, Mr. Ehsassi.

**Mr. Ali Ehsassi (Willowdale, Lib.):** Thank you, Mr. Chair. I'd like to make a few remarks about this amendment.

As you know, as things currently stand with that provision, I think it can be concluded that it satisfies the worthy goals of ensuring, first of all, that there is an awareness of the need to file taxes as well as the requirement of having an attachment to Canada. That said, I would say that there doesn't appear to be any need to introduce this amendment.

In addition to that, the other aspect of it that flummoxed me somewhat is the fact that this provision that has been proposed appears to add a physical residency requirement. I don't think that's what we would intend to do. I am very much against it.

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

Mr. Tilson.

**Mr. David Tilson:** Just in response to that, Mr. Chairman, Mr. Kurland was commenting in response to issues that were raised about citizenship by convenience. People apply for citizenship, and then they're gone; they just disappear. I gave the example in one of my questions the issue of Libya—

**An hon. member:** Lebanon.

**Mr. David Tilson:** —sorry, of Lebanon, where a number of people, during the uprising—I don't know how many years ago it was—all of a sudden came back, and it was the first time they'd come back.

Getting your Canadian citizenship is serious business. This is the greatest country in the world, and we should honour that. People should honour their citizenship and not just get it for the purpose of convenience. This is a serious issue. People can't just come and get that blue citizenship passport and then take off. This was a suggestion made by Mr. Kurland, and quite frankly, I think it's a good suggestion. Either they're serious about becoming a Canadian or they're not.

Those are my comments, Mr. Chairman.

• (1150)

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

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

To my recollection, a witness, Mr. Richard Kurland, presented this amendment and called for this change. In my understanding, the amendment that Mr. Tilson is advancing is to allow that a person who is a resident in Canada be required to file their income tax in order to gain citizenship. I just want to make sure that is, in fact, the intent of Mr. Tilson with respect to this amendment.

**The Chair:** Mr. Tilson?

**Mr. David Tilson:** It is.

**Ms. Jenny Kwan:** Thank you.

Mr. Chair, I actually support this amendment. I think it is important that if you are a Canadian and you're a resident here, you should file income tax accordingly.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate, I'd like to call the vote.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** We will now move to amendment PV-2.

Go ahead, Ms. May.

**Ms. Elizabeth May:** Mr. Chair, I'm in quite a quandary. I just had it clarified that the motion that was passed not only takes a page out of the Conservative majority playbook but also actually worsens the impact for people in my position by saying that I have five minutes in total to speak to all my amendments for any bill that comes before this committee. I have eight amendments. That means less than one minute per amendment. Having assumed that it was five minutes per amendment, I used up one minute and 42 seconds on my first amendment. I have to say I'm shocked.

My second amendment, if I can speak to it quickly, attempts to deal with some of the evidence you had before you, both from the disability law centre and from the Canadian Bar Association, that the requirement of an additional demonstration of the knowledge component as well as the language test, which has already been taken, is unfair and discriminatory, particularly to people with disabilities, and fails to take into account the commitments that Canada has made for proper accommodation.

**The Chair:** Thank you, Ms. May.

Ms. Kwan.

**Ms. Jenny Kwan:** Mr. Chair, just for clarity, the package that I received actually doesn't refer to the number that you cite but rather to a reference number. I wonder if, for each of these amendments that are being tabled, you could say what the numbers are so that we can follow accordingly.

**The Chair:** Thank you, Ms. Kwan. Yes, it's reference number 8223257.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair. I do wish to speak to this amendment.

This amendment is similar in intent to a number of other amendments that I put forward in my package, particularly with regard to the language testing. I think that my amendments are more specific in terms of application, so I'll get to those amendments when I come to them.

Also, there's another, separate amendment that I've advanced with respect to the issue around disability. Again, that speaks to the concerns that Ms. May identified.

While I don't disagree with the concept or the intent behind this amendment, I am going to vote against it so that my other amendments, which are more specific in nature as they apply to each circumstance, will be considered accordingly.

**The Chair:** Thank you, Ms. Kwan.

(Amendment negated)

We'll move on to PV-3, which is reference number 8223204.

Ms. May.

**Ms. Elizabeth May:** Going as quickly as I can, this is in response to suggestions that were made before the committee from the Canadian Bar Association that recommend we use this opportunity to clarify what we mean by a physical day and bring in reference to other subparagraphs that make it clearer.

• (1155)

**The Chair:** Thank you, Ms. May.

(Amendment negated [See *Minutes of Proceedings*])

We will now move to CPC-2, which is reference number 8222847.

Go ahead, Ms. Rempel.

**Hon. Michelle Rempel:** Thank you, Mr. Chair.

On April 8, we heard from Justice for Children and Youth. They submitted a briefing to the standing committee in which they said:

We are regularly involved with young people who are new-comers, including refugees, who have either arrived in Canada as unaccompanied minors, or who have experienced family breakdown such that they are in Canada without adult support and are without citizenship or permanent resident status.

This amendment is in response to this particular comment, as well as to those we heard throughout the committee hearings. The rationale behind this is that normally a minor's application for citizenship is attached to that of the parent or guardian. The current provisions restrict access to citizenship for unaccompanied minors, children without parents or lawful guardians, and children with parents who do not have the capacity to meet citizenship requirements or who do not wish to apply.



Often the department doesn't recognize child welfare authorities as the lawful guardian of a child for the purposes of citizenship application, which means children fleeing situations of abuse are also unable to apply for citizenship. Children who do not have a parent or guardian already in a vulnerable position, and the current provisions in the law restrict minors from applying solely on the basis of age, regardless of whether they meet all other requirements.

I think this will rectify some of the comments we heard during testimony on this bill and will have an overall net positive effect on Canada's immigration system.

**The Chair:** Thank you, Ms. Rempel.

Is there debate?

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

I will support this amendment. This amendment is similar to the one I tabled earlier, which was defeated. The intent here is to provide opportunities for individuals under 18 to make application for citizenship. Many different individuals, under different circumstances, may not have a parent or a guardian or may be a child of the state. We should facilitate those opportunities for them to make application for citizenship, so to that end, I will support this amendment.

**The Chair:** Thank you.

Mr. Sarai.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** I think it's a bit problematic. It technically can allow any minor to apply for citizenship, not just minors who have no parent or legal guardianship, and currently the minister has the ability to waive the age requirement so that minors can apply on their own behalf.

I think it also would be problematic if somebody came in as a permanent resident and the child can get citizenship right away, but their parents did not. It becomes a conundrum in that the child would already be a citizen but the parents would not.

In addition, I think it would not prevent the parents or guardians from being able to coerce the minor into applying for citizenship, which may be potentially against the best interests of the child. I would vote against it.

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

(Amendment negated [See *Minutes of Proceedings*])

**Mr. Chair:** We will move on to NDP-5, which is reference number 8196267.

The chair rules this one admissible.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

This amendment again addresses the issues around statelessness that have been presented to the committee with respect to individuals who are not deemed to have a state they can claim and therefore are in a state of limbo, if you will.

This amendment seeks to rectify that. It states:

Despite any other provision of this Act, the Minister may, in his or her discretion, grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada.

To a degree, this is a more narrow approach to addressing the issue of statelessness than my previous amendment, but nonetheless it's one provision I'm hoping the committee members will support to rectify this problem.

• (1200)

**The Chair:** Thank you, Ms. Kwan.

**Ms. Jenny Kwan:** I move the amendment in my name, NDP-5, reference number 8196267, Mr. Chair.

**The Chair:** Is there any debate?

Mr. Tabbara.

**Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.):** Witnesses such as Legal Aid Ontario and the Canadian Centre on Statelessness raised some very important issues and points regarding statelessness. I would have to say that statelessness is a factor in the consideration of humanitarian and compassionate grounds for the granting of permanent resident status. Adding this clarity sends an important signal of Canada's tradition on responding to issues in a humanitarian way.

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

Ms. Rempel.

**Hon. Michelle Rempel:** Perhaps we could get clarification from the officials, because the way I read this amendment, if this provision came into effect, it would mean that the minister could grant citizenship to a stateless person even if they don't meet the normal requirements for citizenship. It would give the minister significant new powers in granting citizenship beyond the scope of the current act.

**The Chair:** Are you, Ms. Dikranian, providing clarification, or would it be Ms. Hubers?

**Ms. Teny Dikranian (Director, Legislation and Program Policy, Citizenship Branch, Department of Citizenship and Immigration):** Mr. Chair, yes, that is correct.

**The Chair:** Ms. Rempel.

**Hon. Michelle Rempel:** I believe this significantly oversteps what this bill was intended to do. I think this gives a significant new power to the ministry to override our citizenship process. It actually decouples the principle that we should be letting public servants follow the process that we put in place in a very arm's-length and neutral fashion.

I'm sure the government will want to pass this, but I'm very concerned, and I think a lot of Canadians will be concerned, that should this come into force, it would actually politicize our immigration system to a significant extent.

**The Chair:** Thank you, Ms. Rempel.

(Amendment agreed to [See *Minutes of Proceedings*])

**The Chair:** The next amendment is NDP-6, reference number 8214636.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

This amendment seeks to enshrine in legislation the requirement for the citizenship process to adequately accommodate individuals with disabilities.

We've heard from a number of organizations on this issue, including the Canadian Council for Refugees, the ARCH Disability Law Centre, and the Ontario Council of Agencies Serving Immigrants. The goal here is to clarify the requirement of duty to accommodate those with disabilities as they navigate the citizenship system.

Currently, vague wording of required proof and discretion around accommodation can lead to individuals who would otherwise be able to become Canadian citizens being denied due to a lack of accommodation of their disability. Throughout Canada, in most aspects of society, there is a duty to accommodate up to the point that it causes undue hardship on the accommodating entity, and this should be extended to the citizenship process, Mr. Chair.

To quote the Canadian Council for Refugees:

The current Act, Regulations and practice are quite limiting with respect to applicants with disabilities. The language and knowledge requirements for citizenship prioritize those eligibility criteria over and above other meaningful indicia of civic participation and result in a discriminatory effect. They impose an extra burden on applicants who cannot demonstrate those two criteria because of a disability.

Accommodations for applicants with disabilities are addressed through waivers by the Minister on compassionate grounds, provided for at section 5(3) of the Citizenship Act. Given that exemptions are by law a matter of discretion, rather than of right, there are no clear rules. Immigration, Refugees and Citizenship Canada... provides some guidance for deaf or visually impaired applicants to be exempted from these requirements, but the process and additional cost is burdensome. Apart from hearing loss, the instructions do not give precise information about what evidence of a disability should be submitted.

I think these are important considerations. They are sound reasons. We don't want to create barriers for people with disabilities to access citizenship. This is along the lines of what Ms. May was trying to address.

My amendment states clearly:

For the purposes of this section, if an applicant for citizenship is a disabled person, the Minister shall take the measures that are necessary to accommodate the needs of that person.

To that end, Mr. Chair, I move this motion, NDP-6, reference number 8214636.

• (1205)

**The Chair:** Thank you, Ms. Kwan. The motion is admissible.

Is there debate?

Ms. Zahid.

**Mrs. Salma Zahid:** Thank you, Chair.

To some extent I agree with Ms. Kwan, so my suggestion is this.

I know Immigration, Refugees and Citizenship Canada currently takes into consideration the accommodation needs of the citizenship applicants who have disabilities, and this will be reflected in the legislation with this amendment. Creating a legal obligation on the minister to this effect would strengthen the rights of people who have those disabilities; however, I believe that we can change the wording of this amendment a little in order to strike a better balance

between recognizing the rights to accommodation of people with disabilities and the minister's discretion.

Therefore, I propose the following subamendment:

(3.1) For the purposes of this section, if an applicant for citizenship is a disabled person, the Minister shall take into consideration the measures that are reasonable to accommodate the needs of that person.

This amendment proposes to create a legal obligation for the Minister of Immigration, Refugees and Citizenship Canada to consider accommodating the needs of citizens who have any disabilities. As it stands, however, this amendment does not strike the appropriate balance between recognizing the rights to accommodation of people with disabilities and the minister's discretion.

**The Chair:** Ms. Zahid, could I ask you to please repeat the wording of your subamendment so that we can get it down accurately?

**Mrs. Salma Zahid:** It is as follows:

For the purposes of this section, if an applicant for citizenship is a disabled person, the Minister shall take into consideration the measures that are reasonable to accommodate the needs of that person.

**The Chair:** Thank you.

Ms. Rempel, you have comments on the subamendment.

**Hon. Michelle Rempel:** I ask my colleague who is moving the motion and the department officials to comment on what that would mean in practice. Would it mean provision of different services?

I want to get a sense of the meaning they intended in saying "measures that are necessary to accommodate".

**Mrs. Salma Zahid:** Right now the citizenship application form includes some questions asking applicants whether they have any special needs.

Maybe I can ask the department official to clarify that.

**The Chair:** Thank you, Ms. Zahid.

Ms. Hubers.

**Ms. Mary-Ann Hubers:** Yes, Mr. Chair, I can certainly speak to what the department currently does in terms of accommodation.

We ask applicants on the application form to identify if they have a need and we accommodate that need by providing wheelchair access, sign language interpretation that we pay for, personal assistance, and those kinds of things.

I would also point out that we are subject to the Canadian human rights legislation, so we take that into account in making sure we accommodate clients who have needs.

**The Chair:** Thank you for that clarification.

Ms. Rempel.

**Hon. Michelle Rempel:** I'm not clear on what additional measures this would create. Given what the department official said, perhaps Ms. Zahid, through you, Mr. Chair, could elaborate on what additional measures would be created by supporting this particular measure.

• (1210)

**The Chair:** Ms. Kwan was next on the list.

**Ms. Jenny Kwan:** Thank you very much.

Speaking to my main motion, on Ms. Rempel's question, what are some of the examples where a person with a disability would require some form of accommodation? It was pointed out by Jennifer Stone, one of the witnesses from CCR, that those with cognitive or learning disabilities can currently ask for a waiver from the language or knowledge eligibility criteria on compassionate grounds, and they feel this is a framework at odds with well-established human rights principles as it pertains to citizenship.

Often in the case of disability some of it is visible and other aspects not so much, and those individuals whose disabilities are not visible often run into all sorts of barriers. This is meant to accommodate those individuals.

The examples that were outlined by the officials clearly speak to the disabilities that we can all see and identify with, but it does not address others who may have hidden disabilities.

**The Chair:** Thank you, Ms. Kwan.

Mr. Tilson.

**Mr. David Tilson:** Is there a definition of a disabled person?

**The Chair:** I believe that's a question best put to the department officials.

**Mr. David Tilson:** Yes.

**The Chair:** Ms. Sinnamon.

**Ms. Suzanne Sinnamon (Counsel, Legal Services, Department of Citizenship and Immigration):** I'm not aware of a definition of "disabled person" in legislation. There certainly is not in the Citizenship Act.

**Mr. David Tilson:** Is there a definition as to what "accommodation" is?

**Ms. Suzanne Sinnamon:** There is a reference to "accommodation" in the Canadian Human Rights Act. As was mentioned by Ms. Hubers, that already applies to many parts of the Citizenship Act process.

**Mr. David Tilson:** Yes.

**The Chair:** Thank you.

Ms. Zahid.

**Mrs. Salma Zahid:** Just to clarify Ms. Rempel's question, creating a legal obligation on the minister to this effect would strengthen the rights of those people who face disabilities.

**The Chair:** Thank you.

Ms. Rempel.

**Hon. Michelle Rempel:** My colleague noted there wasn't a definition for certain terms in this bill. Perhaps that makes this particular subamendment and the amendment overly broad. Would the government consider clarifying or defining some of those terms so it can be very clear, especially in applying throughout the public service, what those accommodation needs would be, as well as the scope of what sort of persons this would be applied to, again understanding the need to be compassionate and whatnot?

Sometimes we put forward amendments here without the correct legal context or definitions and then see difficulties in application

within the public service. That would be my concern on the subamendment.

**The Chair:** Ms. Kwan.

**Ms. Jenny Kwan:** On the question of the subamendment, I'm wondering, as we're talking about definitions, what is considered "reasonable"? I guess that's my main question to Ms. Zahid. If the member could clarify, that would be helpful.

**Mrs. Salma Zahid:** Disabilities can take different forms. I think the officials are in a better position to explain what adjustments you do for people who request special consideration based on their disabilities.

**The Chair:** Ms. Hubers.

**Ms. Mary-Ann Hubers:** I've outlined some of the things we do—providing access for people who have mobility issues, providing sign language interpretation for people who are deaf, providing personal assistance where it's required. In terms of the requirement to meet language and knowledge, and those who may have a cognitive impairment, there is an ability to waive that requirement on compassionate grounds, which is used in those types of circumstances.

• (1215)

**The Chair:** Thank you, Ms. Hubers.

Mr. Virani.

**Mr. Arif Virani (Parkdale—High Park, Lib.):** The concept of reasonable accommodation is well entrenched in case law, particularly in human rights case law. We've already heard the department officials say that the Canada Human Rights Act applies to this legislation. The word "reasonable" is a modifier in the context of what accommodation is required. Without the word "reasonable", it could purport to require all manner of accommodation, including all manner of costs. "Reasonable accommodation" in an employment context, for example, is used to modify the requirements placed on an employer, based on means, resources, and so on.

As to whether "disabled" or "accommodation" is defined, since we're interpreting this legislation under the lens of the Canada Human Rights Act, the words "disability" and "accommodation" would be interpreted from that perspective.

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

Seeing no further debate, we will deal with the subamendment first.

(Subamendment agreed to)

**The Chair:** We will now move to the amendment as amended.

**Mr. David Tilson:** To the parliamentary secretary, what was said by you and what was said by—

**The Chair:** Is this on the main—

**Mr. David Tilson:** It's on the main amendment.

Ms. Hubers, in light of what you've both said, isn't this amendment redundant? You're both already saying, from what I interpret, that this is already looked after.

**Ms. Mary-Ann Hubers:** I have outlined the accommodations that we provide already to applicants, and we are subject to the Canadian human rights legislation. As to what additional obligations this may pose in law, I can't say.

**Mr. David Tilson:** I just listened to what you both said and what was said about the amendment, and it seems to me it's duplication. We're already doing these things, so why would this amendment be approved?

**The Chair:** Mr. Virani.

**Mr. Arif Virani:** As the question was posed to me, I'll say to Mr. Tilson that the argument could be made with respect to law-making as a general proposition. We are required to comply with the Constitution of Canada, the charter, and the Canadian Human Rights Act. When you entrench language such as this in the statute, you elevate the importance it is accorded by the government as an act of Parliament. By entrenching disability rights in the Citizenship Act, we are emphasizing that the Canadian Parliament and its government takes the matter of "reasonable accommodation" very seriously.

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

Mr. Chen.

**Mr. Shaun Chen:** It is important for us to recognize that there are people with disabilities. Although we have legislation and laws that protect their rights, it's important in the context of immigration, within the minister's discretion, that there be a legal obligation for the minister to consider these factors. That is why I believe it's important for us to pass this.

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

Ms. Rempel.

**Hon. Michelle Rempel:** Chair, I'm just wondering if the officials could tell us if there have been any cases or are any cases pending now where this change would apply, or if there have been cases where the existing statute has not been sufficient to clarify obligations under this section.

**Ms. Mary-Ann Hubers:** I'm sorry, could you repeat your question, Ms. Rempel?

**Hon. Michelle Rempel:** Mr. Chair, through you, I'm just wondering if there have been any cases that the department has seen where this particular wording that we're considering would have an impact.

Have there been cases that the department has experienced where the existing provisions and case law have not been sufficient that would justify this further clarification?

• (1220)

**Ms. Mary-Ann Hubers:** I'm aware that there are cases where people complain through the human rights complaint mechanism, and where we sometimes come to an agreement, for example. Whether or not the wording that's proposed here would result in a different treatment for those individuals is hard to say hypothetically.

**Hon. Michelle Rempel:** Could you give us a sense of the volume of this type of traffic?

**Ms. Mary-Ann Hubers:** I don't have the exact number of Human Rights Commission complaints, but I'm sure that the Canadian

Human Rights Commission website would have an indication of examples there.

**The Chair:** Thank you, Ms. Hubers.

Seeing no further debate, I call the vote on the amendment.

(Amendment as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** We now move on to amendment PV-4, and the reference number is 8223202.

Ms. May.

**Ms. Elizabeth May:** Do you have it on the clock how much time I have for my amendments?

**The Chair:** Approximately two minutes.

**Ms. Elizabeth May:** Okay, thanks. I have four to go.

This one is very similar in rationale to the amendment you just accepted. I think the issue here is very clearly to ensure that the Citizenship Act waiver provisions are consistent with the requirements of section 15 of the charter and with the Canadian Human Rights Act. We did have a lot of evidence before the committee of real-life cases of people having difficulty with the responsiveness of the department to requests for waivers and requests for medical dispensation for the medical opinion form. There have been delays and roadblocks to people with disabilities. My amendment would assist in making sure there was greater flexibility in accommodating the waiver requirements for people with disabilities.

**The Chair:** Thank you, Ms. May.

Is there debate?

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** That brings us to the end of the amendments for clause 1.

Shall clause 1 as amended carry?

**Mr. David Tilson:** Mr. Chairman.

**The Chair:** Yes.

**Mr. David Tilson:** The difficulty with this is that the Conservatives are in favour of some of them and opposed to others. If you're going to vote on the overall clause 1, I'd like to comment on some of the individual parts. It's difficult for us, because we're actually in support of some of them and opposed to others.

Subclause 1(2) is part of the overall repeal of the four-in-six residency requirement. We believe that as the requirement stands now, people can better help newcomers understand Canadian society, and that it helps them to better integrate into Canadian society. Wouldn't it help people, if we were to leave it the way it is, to understand Canada's social and cultural norms? Wouldn't this help people to experience these things? Wouldn't that time reinforce the value of citizenship? The amendment takes away the need to reinforce the value of Canadian citizenship. That's with respect to subclause 1(2).

Subclause 1(5) removes the intent-to-reside provision, and the effect of this is that they would no longer have to sign a declaration of their intent to reside in Canada when applying to become a citizen. I'm concerned that this clause would be interpreted as encouraging citizenship of convenience; that is, once citizenship is obtained, someone could leave the country never to return, but retain the advantages of holding a Canadian passport. This is their right, of course, but it sends the wrong message, Mr. Chairman, in terms of the value and obligation of Canadian citizenship.

Subclause 1(6), and I suppose the same would be the case with subclause 1(7)—this is changing the age from 14 to 17 and from 64 to 55... Those requirements would no longer be set for citizen applicants when demonstrating their knowledge. The notion that citizens should be able to speak one of our two languages is not unique to Canada. It has always been a feature of our citizenship law, ever since the first one was adopted in 1947 by the government of the day under Prime Minister Mackenzie King. This is because citizenship represents full membership in our political community; it implies participation in our shared civic life. It grants the right to self-government through voting to select one's own government, or even running for public office. One cannot do these things fully, Mr. Chairman, if one doesn't have the ability to communicate with one's fellow citizens. This amendment reduces that requirement.

Subclause 1(8) repeals the intent-to-reside section. I'm concerned that this subclause would be interpreted as encouraging, in the same way I just mentioned, citizenship of convenience. That is, once citizenship is obtained, someone could leave the country never to return but could retain the advantages of holding a Canadian passport.

• (1225)

As I said, this is their right, but it sends the wrong message in terms of the value and obligation of Canadian citizenship.

Regarding subclause 1(11), I'd make the same submission, and the same for subclause 1(12).

Those are my submissions in opposition, Mr. Chairman. The other subsections we support.

**The Chair:** Thank you for that clarification of the Conservative position, Mr. Tilson.

I will now call the votes.

Shall clause 1 carry as amended?

(Clause 1 as amended agreed to [See *Minutes of Proceedings*])

**The Chair:** There is another new clause 1.1, which results from amendment NDP-7, reference number 8213690.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair. This amendment deals with the second generation “born abroad” issue as well. As I stated earlier on some of the concerns with respect to that, this aims to remedy the situation in which a person born outside of Canada was adopted by a parent, as referred to in paragraphs 5.1(a) and 5.1(b) of the act, and is either a citizen under prior legislation or the former act or was granted citizenship under paragraph 5(2)(a) of the act as it read before April 17, 2009. In that respect, as committee

members may know, the amendments that were brought forward around April 17, 2009, abolished the provision for those born outside, prior to their turning 28, but those who turn 28 after that period are actually now in a state of statelessness or are, as some would call them, lost Canadians.

This is another way to address this for those born in the second generation by bringing forward a provision such that all these individuals are Canadians so that they're not lost in the system per se. There was actually a really good submission from the Lost Canadians, on two small categories in need of better remedies, that was presented to all committee members, which outlines the history of this, and the rationale of calling for this change so that we can prevent a situation in which people are somehow lost in the system.

I'd just like to also point out comments made by the Canadian Council for Refugees. They actually stated that there are no measures in Bill C-6 to address the unfair situations created by the 2009 amendments, and that by denying citizenship to the second generation born abroad, Canada is creating a new set of lost Canadians and making some children born to Canadians stateless. Avvy Go, in her presentation as a witness, gave a really clear example of why this is a problem. She said:

Yes, I think that's an area that needs to be improved.

For instance, I have relatives where the husband was born in Canada and the wife wasn't. They're both citizens. I was advising them to make sure, when the kids are born overseas, that it's the father who applies for their citizenship, because if they apply for citizenship under the mother, their children may not become Canadian citizens. I think that example highlights the unfairness of the situation. I would certainly recommend that this provision be amended.

This illustrates the flaws of the current act as it stands, and this amendment is proposed to remedy that, Mr. Chair. So to that end, I move my amendment NDP-7, reference number 8213690.

• (1230)

**The Chair:** The amendment seeks to amend sections 5.1 and 5.2 of the Citizenship Act. Since sections 5.1 and 5.2 of the act are not being amended by Bill C-6, it is the Chair's opinion that the amendment is inadmissible.

**Ms. Jenny Kwan:** Mr. Chair, just a quick comment then.

I would urge the minister to take this amendment into consideration at a later time. It does capture a number of people. The estimates from some experts in the field are suggesting that it may be about 1,000 people who are in this kind of situation and as the days evolve, there might be more.

It is an important provision to address, so that once and for all we can deal with the issue of lost Canadians, or statelessness, in a comprehensive manner. The approaches, albeit unintentional, that were brought forward before missed some individuals in that regard.

It was missed because legislation was drafted, tabled, and then Parliament closed, so it never actually got to the floor of the House to go through the whole process. Had that happened, those who turned 28 would never have been in this current situation they are faced with right now. This actually brings back an approach that was put forward, but wasn't dealt with appropriately by the House of Commons, and this gives it an opportunity to do precisely that.

I hope the minister will take that into consideration at a future date.

**The Chair:** Thank you, Ms. Kwan.

As NDP-8 has been negated because it was consequential to NDP-1—it was withdrawn I should say—we have no amendments to clause 2.

Shall clause 2 carry?

(Clause 2 agreed to)

(On Clause 3)

**The Chair:** We're moving to clause 3.

Similarly, NDP-9 has been withdrawn when NDP-1 was withdrawn because it was consequential to NDP-1. We will move to NDP-10.

Ms. Kwan.

• (1235)

**Ms. Jenny Kwan:** This amendment, NDP-10, reference number 8222883, attempts to address the lack of procedural safeguards in the revocation of citizenship by creating a new process where appeals and reviews can be made at the immigration appeal division.

This amendment comes with two amendments. The organizations in support of this change are many. They include the Canadian Bar Association, the Canadian Association of Refugee Lawyers, The BC Civil Liberties Association, the Metro Toronto Chinese and South-east Asian Legal Clinic, the Canadian Council for Refugees, and Legal Aid Ontario. Individual supporters include Peter Edelmann, Stephen Green, Audrey Macklin, and Richard Kurland.

The goal is to ensure that individuals facing citizenship revocation for misrepresentation or fraud should have at least the same degree of procedural fairness and safeguards that are extended to individuals facing revocation of permanent residence or fighting a parking ticket. Prior to Bill C-24, individuals could appeal to the Federal Court. Because of the cost, duration, and availability of the courts, this has been called an inefficient system by many experts. The immigration appeal division currently undertakes similar appeals and reviews of decisions for statuses such as permanent residence. For that reason, this board is adequately situated to handle citizenship cases as well and can handle them more effectively and efficiently than the Federal Court system.

These amendment would institute this concept. It provides for a number of procedural processes in the amendment itself. I won't go through all these processes, but I do want to highlight a couple of them.

One of these allows for humanitarian and compassionate considerations related to the person, particularly in situations where

the best interests of a child are directly affected. I feel quite strongly that this ought to be considered.

With respect to making a report to the appeal division, this amendment calls for the minister to provide the person, before that report is made, with a written notification that specifies a) the person's right to make written representation, b) the period within which the person may make his or her representations and the form and manner in which they must be made, and c) the grounds on which the minister is relying to make his or her decision to make a report. The minister shall provide his or her decision on whether or not to make a report to the person in writing.

Bringing forward these procedures allows for a better approach to revoking someone's citizenship. With something as serious as citizenship, it is important for notification to be provided to the individual as well.

I won't go through every aspect of the amendment, but that's the thrust of it. I would move this amendment, amendment NDP-10, reference number 8222883.

**The Chair:** Thank you, Ms. Kwan.

Bill C-6 amends the Citizenship Act and another act in consequence. The amendment seeks to amend subsection 10(1) of the Citizenship Act. The bill seeks to repeal subsection 10(2) of the act. Whereas in subsection 10(1) of the act the minister has the power to revoke a person's citizenship, the amendment brings forward a new concept by giving the immigration appeal division of the Immigration and Refugee Board the power to decide the revocation of someone's citizenship.

This would go beyond the scope of the bill as agreed by the House at second reading. As the *House of Commons Procedure and Practice*, Second Edition, states on page 766, "An amendment to a bill that was referred to a committee after second reading...is out of order if it is beyond the scope and principle of the bill."

Consequently, it's the opinion of the chair that the amendment is inadmissible.

• (1240)

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair, for that ruling. Just to put it on the record as well, this is a change that I've stated many of the witnesses had called for. To be frank, I think it's a better system. It's a more effective system. It's a more equitable system. It is a more efficient system. I've been given some indication that there is interest by the minister to address this issue, and in fact, during second reading, and before this committee, the minister was asked these questions specifically by me about addressing the appeal process.

The minister indicated that he would be inclined to make amendments accordingly, subject to the presentation of the witnesses. So now through the presentation of the witnesses, this amendment has been presented to this committee but is deemed to be out of the scope for this committee. I am hopeful that the minister will adopt these amendments later on in the fall to address this particular issue.

It's worthwhile to note as well, as my last point, Mr. Chair, that currently there are court cases right now challenging the provisions of this act. It would be remiss of the government to not address this through legislation and to rely on the courts to address this issue, and only to be forced to come back to make the amendments accordingly.

**The Chair:** Thank you, Ms. Kwan.

We'll now move to PV-5, reference number 8223269.

Ms. May.

**Ms. Elizabeth May:** Yes, Mr. Chair, on this amendment, this is to ensure that we remain compliant with the international convention against creating stateless persons. This is to clarify and to ensure that despite anything in subsection (1) the minister may not revoke citizenship unless the minister is satisfied, on the balance of probabilities, that the person is a citizen of another country. It's quite essential that we do not create stateless persons. That is a commitment that Canada has made globally.

**The Chair:** Thank you, Ms. May.

Debate?

Ms. Kwan.

**Ms. Jenny Kwan:** I'm in need of some clarification as to the intent of this amendment.

Ms. May indicates that...so that we don't create individuals who are deemed to be stateless. Am I assuming correctly that by revoking someone's citizenship, to revoke that person, that person may then become stateless because they don't have status in their country of origin? Am I understanding this correctly, the logic behind that?

**The Chair:** Ms. May.

**Ms. Elizabeth May:** I reject the opportunity to speak, Mr. Chairman. I'll lose all my time for my other amendments, sorry.

This is an impossible situation.

**The Chair:** Perhaps there's someone from the department who might want to comment?

• (1245)

**Ms. Jenny Kwan:** That would be helpful but it's not.... I will have to make a decision as to how best to proceed given that I don't have the full scope of understanding of the intent of the amendment.

**Ms. Mary-Ann Hubers:** It's difficult to state, Mr. Chair, the impact of the amendment without seeing the wording of it.

**The Chair:** Ms. May, the motion as proposed by Ms. Zahid allows you five minutes in total to speak to the motions when you propose them. It doesn't limit you in regard to questions that are posed by committee members.

**Ms. Elizabeth May:** Thank you, Mr. Chair, that's a very useful clarification. In that case, I would be grateful to respond.

Yes, indeed, if a declaration is made that revokes citizenship, the minister must be assured that there is a valid citizenship in another country. We can't, as a nation, create a stateless person. We have an international obligation not to do so under the convention against statelessness. While it's an obligation in law, given that this is the only section of the act that allows the minister to revoke Canadian

citizenship, this is an important protection to make sure that the minister, under consideration, turns his or her attention to the question of whether or not there is, on the balance of probabilities, a valid citizenship for that person in another country.

**Ms. Jenny Kwan:** In that instance, I think the request from Ms. May is that the minister will take into consideration the factor on the bounds of probability the individual is not a citizen of another country. If that's the case, the amendment doesn't indicate that, but rather it says the minister may not revoke a person's citizenship or renunciation of citizenship unless the minister is satisfied on the bounds of probability the person is a citizen of another country.

There's a difference. It's perhaps subtle, but nonetheless it's an important difference to automatically deem the minister may not revoke versus the minister needs to take into consideration and take into account that issue.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate, I will call the vote on PV-5.

(Amendment negated [See *Minutes of Proceedings*])

Next we have PV-6, and the reference number is 8223275.

Ms. May.

**Ms. Elizabeth May:** This particular amendment seeks to repair the damage done to the citizenship process under the previous parliament and Bill C-24. Prior to Bill C-24, a minister would always consider factors of equitable concerns. In the words of the Canadian Bar Association's immigration law section's testimony at this committee, due to Bill C-24, neither the minister nor the Federal Court has discretion to consider humanitarian or compassionate factors. Some form of safety valve is warranted for deserving cases. The amendment I'm putting forward speaks to this absolutely crucial ability of a minister to exercise discretion. There is no requirement of the minister to stop the renunciation of citizenship. Without this amendment, no matter how much the minister might recognize the situation would create grievous humanitarian and compassionate harm, the minister wouldn't have the power to decide not to renounce, unless you give the minister this discretion by accepting this amendment.

**The Chair:** Thank you, Ms. May.

PV-6 is admissible. Debate?

Ms. Kwan.

**Ms. Jenny Kwan:** I will support this amendment. This amendment was a component within my other amendments in addressing the appeal process, which was to incorporate a humanitarian and compassionate component to the consideration of revoking someone's citizenship. As the entire package for those amendments was deemed to be inadmissible, I don't have a separate amendment dealing specifically with humanitarian and compassionate factors. Nonetheless, that is consistent with one of my original intentions with that package, so I will support this amendment.

• (1250)

**The Chair:** Thank you, Ms. Kwan.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Next we have PV-7, reference number 8223266.

Ms. May.

**Ms. Elizabeth May:** This amendment seeks to reverse and repair the damage done by Bill C-24 in removing the right of appeal for someone whose citizenship has been revoked. This was supported by numerous witnesses before the committee, including the BC Civil Liberties Association, the immigration section of the Canadian Bar Association, and the Canadian Council for Refugees. The new process under which we're working with Bill C-24 creates a paper process. There is only one opportunity to seek leave to appeal to the Federal Court for a judicial review of the decision, but there isn't meaningful oversight to the decision a minister makes. My amendment is straightforward. It restores what we always had before Bill C-24, which is a right of appeal to the Federal Court to a decision made by the minister under this act.

**The Chair:** Thank you, Ms. May, and it is admissible.

Is there debate?

Ms. Kwan.

**Ms. Jenny Kwan:** Mr. Chair, I will speak to this amendment.

This amendment is consistent with the original set of amendments I put forward to restore the old Federal Court appeal system prior to Bill C-24. That included amendments 1, 8, 9, 11, 12, 14, 18, and 23, if we were to address this issue comprehensively and to restore the appeal process to what it was prior to Bill C-24. I did not end up moving these amendments because I have some understanding from the minister—in his presentation at this committee, as well as in second reading, and other conversations—that there is interest from the government in pursuing a better path.

That better path would include enhanced amendments that are incorporated in what I call CARL amendments under NDP-10 and NDP-2 that were deemed to be out of scope and out of order, Mr. Chair.

To that end, while I don't disagree with the need to enhance the appeal process, many people have spoken to it, and they've raised legitimate reasons as to why it needs to be dealt with. Given that we have an opportunity to bring in better legislation in this regard, I am hopeful, and I'm going to take a leap of faith that it will happen in short order in the fall sitting of the House. To that end, I will not support this amendment, not because of its intent, but because I think a better amendment will be forthcoming at a later time.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate, I will call the vote on the amendment.

(Amendment negated [See *Minutes of Proceedings*])

Shall clause 3 carry?

**Mr. David Tilson:** On division.

**The Chair:** Ms. Kwan.

**Ms. Jenny Kwan:** On a point of clarification on clause 3, Mr. Chair, if it passes—and it will, accordingly—that means we keep the system intact as it is under Bill C-6 and as it is proposed with all the flaws, accordingly.

Am I correct in that understanding? I want that on the public record.

• (1255)

**The Chair:** The clause has not been amended, so consequently it's proceeding the way it was written.

**Ms. Jenny Kwan:** If I may speak to clause 3 for a minute, and again to get this on the record, Mr. Chair, I'm going to vote against clause 3 because I do think it is fundamentally flawed and an amendment needed to be brought forward. I trust that it will be at a later date.

With that being said, there could have been a better way to deal with an entire bill, which is of course for the government to repeal all of Bill C-24 and then bring forward provisions that are supported within Bill C-24, as opposed to the other way around. That may save us a lot of grief.

In any event, we are here where we are at, and I am going to vote against clause 3.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate I will call the vote on clause 3.

(Clause 3 agreed to on division [See *Minutes of Proceedings*])

I'll suspend for a couple of minutes.

• (1255)

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

• (1305)

**The Chair:** The meeting is resumed and we're on clause 4. Amendment NDP 11, reference number 8194673 has been withdrawn and there are no further amendments to clause 4.

(On clause 4)

I'd like to call the vote.

All those in favour—

**Mr. David Tilson:** On division.

**The Chair:** On division.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

Consistent with my comments earlier, clause 4 also deals with the appeal process, which needs to be remedied. As this is a flawed process, I will be voting against it in the hope that improved procedures will be forthcoming in the fall with new legislation.

**The Chair:** Thank you, Ms. Kwan.

All those in favour of clause 4? All those opposed?

(Clause 4 agreed to on division)

**The Chair:** Amendment NDP 12, reference number 8198152, which references clause 5 has also been withdrawn, so we'll proceed to NDP 13.

(On clause 5)

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.



This amendment deals with statelessness as well. In particular, it states:

Sections 10 and 10.1 do not operate so as to authorize any decision, action or declaration that would render a person stateless or that would otherwise conflict with any international human rights instrument regarding statelessness to which Canada is signatory."

This amendment is similar to the one that Ms. May had put forward, although I think it's more precise as to what action should be taken, particularly as pertaining to sections 10 and 10.1.

•(1310)

**The Chair:** Thank you, Ms. Kwan.

It's admissible.

Mr. Chen.

**Mr. Shaun Chen:** Thank you, Mr. Chair,

I wish to make two points on this amendment. The first is that we must uphold as a country the notion that the revocation of citizenship is appropriate when citizenship was obtained through false representation, fraud, or some other unsavoury means. I also want to make the point that doing so is completely in line with international norms and laws.

As committee members might know, in 1978 Canada signed on to the United Nations 1962 Convention on the Reduction of Statelessness. This convention allows Canada to revoke citizenship if it was obtained by misrepresentation or fraud.

Western countries who have also signed on to this convention do follow this practice, and therefore this amendment is not necessary. I'm not in favour of it because, as a country, we should be able to render someone stateless if they obtained citizenship in Canada through fraudulent or other similar means.

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

Ms. Kwan.

**Ms. Jenny Kwan:** In response, perhaps I could illustrate the points more clearly for committee members. The witnesses who came before us raised the issue of statelessness, and Ms. Avvy Go came forward and stated:

In our clinic, a lot of the stateless individuals are former citizens of Vietnam. Many of them have been in Canada for a long time. Some of them, for whatever reason, lost their Canadian permanent resident status at some point. Many have mental health issues. They had some criminality linked to their mental health, lost their permanent resident status, and became stateless because they have no country to return to.

This is what it's trying to remedy. In those situations, for example, what will happen to people when we deem them to be stateless? They are neither here nor there. They can't go back to their country of origin and they can't be here in Canada. We do have an international obligation through the United Nations 1954 Convention relating to the Status of Stateless Persons, which Canada has signed on to.

If we're going to follow international conventions, as has been stated, then there has to be some position to address that. Right now, as it stands, we don't have a position to address it, and this amendment seeks to remedy that, Mr. Chair.

**Mr. Shaun Chen:** I am satisfied that the current process for citizenship revocation does allow the minister, on compassionate humanitarian grounds as well, to consider personal circumstances. That is within the scope of the minister's power, and to me, the cases where there are circumstances that require that due consideration are within the minister's prerogative.

**Ms. Jenny Kwan:** Just on that point, actually, I don't think we do. In fact, the amendments that would remedy that and try to address that issue in the appeal process of revoking someone's citizenship have been deemed to be out of scope. We do not have those provisions.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate, I will call the vote on NDP-13.

(Amendment negated)

•(1315)

**The Chair:** As there are no further amendments to clause 5, shall clause 5 carry?

(Clause 5 agreed to on division [See *Minutes of Proceedings*])

**Mr. David Tilson:** I have just a curious point of order, Mr. Chairman. If I say it's on division and you call the vote anyway, what does that mean? Does it mean whatever I say is irrelevant?

**The Chair:** I wasn't quite sure how Ms. Kwan was intending to vote.

There are no amendments to clause 6. Shall clause 6 carry?

**Mr. David Tilson:** On division.

(Clause 6 agreed to on division [See *Minutes of Proceedings*])

**The Chair:** Thank you.

(On clause 7)

For clause 7, NDP-14, reference number 8198549, was withdrawn.

Shall clause 7 carry?

**Mr. David Tilson:** On division.

**Ms. Jenny Kwan:** Sorry, Mr. Chair, I just want to speak to this once again. The amendment that I've withdrawn deals with the change pertaining to the Federal Court appeal system, because this matter is now going to be hopefully addressed with new legislation. With that being said, I'm going to vote against this clause, just to be consistent again with respect to the requirement that needs to be changed.

**The Chair:** Thank you, Ms. Kwan.

(Clause 7 agreed to on division [See *Minutes of Proceedings*])

**The Chair:** There is a new clause, 7.1, and it's as a result of NDP-15.

Ms. Kwan.

**Ms. Jenny Kwan:** This amendment NDP-15, reference number 8213645, removes the power the minister currently has to indefinitely suspend citizenship proceedings to gather more evidence. This provision can indefinitely extend the length of the process, leaving potential citizens under duress as they are stuck in limbo waiting for an undisclosed period of time while knowing that they are being investigated. The organization that made a strong argument before this committee for this change was the Canadian Bar Association.

I think that for a reasonable person following proper due process it is unreasonable to say that you're being investigated and there is no time limit for how long this could occur. Literally this could happen until the day you die, and you're still under investigation because the act as it stands right now allows for indefinite suspension of citizenship proceedings. I think that's inappropriate and I think that needs to be addressed accordingly.

Aside from the Canadian Bar Association, also representing the Canadian Bar Association, individual Chris Veeman made some strong examples to the committee as to why this provision should be rectified. To that end, I move this amendment number 15, reference number 8213645.

**The Chair:** Thank you, Ms. Kwan.

The amendment seeks to amend a section of the Citizenship Act that is not amended by the bill. Therefore, it is the opinion of the chair that the amendment is not admissible.

**Ms. Jenny Kwan:** Mr. Chair, I'd like to make a comment with respect to that. I certainly hope the minister would take into consideration the witness presentations with respect to this amendment. I think it is a basic principle that there should be some sort of time period in which someone's citizenship would be deemed to be inadmissible to be applied, and for it not to be indefinite. I'm hoping this will be addressed later on in the fall with, perhaps, new legislation.

● (1320)

**The Chair:** Thank you, Ms. Kwan.

Moving on to clause 8. There are no amendments to clause 8.

Shall clause 8 carry?

**Mr. David Tilson:** On division.

**The Chair:** On division.

(Clause 8 agreed to on division [See *Minutes of Proceedings*])

**The Chair:** Clause 9. There is no amendment to clause 9.

Shall clause 9 carry?

(Clause 9 agreed to [See *Minutes of Proceedings*])

**The Chair:** Moving to clause 10.

(On clause 10)

There is an amendment, NDP-16, reference number 8222941.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

Amendment 16, reference number 8222941, seeks to extend application of the Youth Criminal Justice Act to the citizenship process.

This amendment is problematic in this sense, as presented in a brief to the committee from the Justice for Children and Youth in which they said:

JFCY's position is that the Citizenship Act should clearly prohibit the use and consideration of youth criminal justice records in any matter governed by the Citizenship Act, in particular for the purpose of granting or taking the oath of citizenship. Youth criminal justice records and ongoing proceedings before the youth criminal justice court cannot and should not be considered for the purpose of citizenship applications because to do so is contrary to the Youth Criminal Justice Act. It specifically violates the privacy protections afforded to minors by the Youth Criminal Justice Act and is inconsistent with the fundamental purpose of the YCJA .

I think this is a valid point, Mr. Chair. We want to ensure that the Citizenship Act and the citizenship process adheres to the principles and laws under the Youth Criminal Justice Act accordingly.

This amendment seeks to remedy that, Mr. Chair.

**The Chair:** Thank you, Ms. Kwan.

It is admissible. Debate?

Mr. Ehsassi.

**Mr. Ali Ehsassi:** Thank you, Mr. Chair.

Perhaps I could make a few points with respect to this amendment as it's being proposed by my colleague.

First of all, I assume the rationale in this particular instance is that you would propose to de-link criminality from application for citizenship under subsection 5(2) of the act.

I think it's essential to inform members of this committee that under the current law individuals, including minors, must be free of criminality for at least four years. That's how it currently stands. That having been said, the qualifier is that it's only for serious criminal charges.

Bearing all those points in mind, I see no compelling reason why we should vote for this, so I would vote against it.

**Ms. Jenny Kwan:** There is one other piece to consider, of course, and that is the issue around privacy protection afforded to minors.

**The Chair:** Seeing no further debate I will call the vote on the amendment.

**Ms. Jenny Kwan:** On division, Mr. Chair.

**The Chair:** Thank you.

(Amendment negated on division [See *Minutes of Proceedings*])

**The Chair:** Moving to NDP-17, reference number 8191596.

Ms. Kwan.

**Ms. Jenny Kwan:** This amendment seeks to eliminate the bar to citizenship for those charged with or convicted of offences equivalent to indictable offences in Canada.

We heard from a range of organizations, Mr. Chair: the Canadian Bar Association; the Canadian Council for Refugees; Metro Toronto Chinese and Southeast Asian Legal Clinic; as an individual, Peter Edelman; and Legal Aid Ontario.

Not all justice systems in the world are equal. Most importantly, some countries deal with corruption at various levels of justice and political systems, from local police to national leaders. This can and does lead to unjust charges and convictions. We know of situations as well where charges are politically motivated. For example, individuals in this situation are some of the most vulnerable and barring them from Canadian citizenship is another instance of injustice. The situation should be reviewed on a case-by-case basis, not to say that they should all automatically have access to citizenship.

Some great examples were highlighted in our presentation. I think Mr. Fahmy is a case in point why an automatic exclusion of citizenship would be unfair. My amendment seeks to remedy those kinds of situations.

• (1325)

**The Chair:** The amendment is admissible.

Is there debate?

Mr. Sarai.

**Mr. Randeep Sarai:** This would result in an unequal treatment of applications. A criminal act committed elsewhere has to have a Canadian equivalent to prevent any misuse or abuse. In the case of Fahmy, I think that would not be a criminal offence in Canada and therefore it would not apply to a situation such as his.

Moreover, I think there are safeguards. The minister has the ability to waive on compassionate grounds.

As long as you haven't had a criminal record for four years, I believe you can get citizenship. There are means to get around that for those who might have had their criminality considered under different circumstances. We have the safeguards and this isn't needed.

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

Ms. Kwan.

**Ms. Jenny Kwan:** That assumes that in other jurisdictions their criminal justice systems are not without issues or challenges. As we know, that is not the case in some countries. There are issues of corruption, among other challenges. This remedy recognizes that and is not to say everyone should automatically be granted citizenship, but should be considered on a case-by-case basis. I think that's a fair way to proceed, Mr. Chair.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate, I'll call the vote.

(Amendment negated on division [See *Minutes of Proceedings*])

**The Chair:** NDP-18 was withdrawn so we will proceed to NDP-19. That's reference number 8223272.

Ms. Kwan.

**Ms. Jenny Kwan:** Mr. Chair, this amendment is a companion piece to the issue I raised earlier that was defeated with respect to amending the act to address and accommodate the issues around the Youth Criminal Justice Act. I won't belabour the point but rather ask that the committee consider the comments that I made earlier relating to that amendment.

• (1330)

**The Chair:** Thank you, Ms. Kwan.

Debate?

Mr. Tabbara.

**Mr. Marwan Tabbara:** For serious criminality, is it in the interest of Canada to prohibit permanent residents who have committed serious crimes from becoming citizens? As my colleague mentioned in another amendment, those individuals must be free of any criminal charges for four years before applying for citizenship. The minister has the discretion to waive criminality on compassionate grounds or where there are unfounded charges.

**Ms. Jenny Kwan:** They are the same issues because we're dealing with youth and minors, so the issues around privacy also apply. This was pointed out by the witnesses around the concerns about breach of privacy.

**The Chair:** Thank you.

Seeing no further debate, I'll call the vote.

**Ms. Jenny Kwan:** On division, please, Mr. Chair.

**The Chair:** On division, thank you.

(Amendment negated [See *Minutes of Proceedings*])

That concludes the amendments to clause 10.

Shall clause 10 carry?

(Clause 10 agreed to on division [See *Minutes of Proceedings*])

There's a new clause, 10.1, that is a result of NDP-20, reference number 8220121.

Ms. Kwan.

**Ms. Jenny Kwan:** This amendment seeks to repeal the provisions of the act that provide for Federal Court appeal or review only with leave of the courts, thereby making judicial review available according to the Federal Courts Act, as for any other decision under federal law.

A number of witnesses before the committee came forward and called for this change, including the Canadian Council for Refugees, the Metro Toronto Chinese and Southeast Asian Legal Clinic, the Canadian Bar Association, Legal Aid Ontario, and the individual Audrey Macklin. The goal is to remove the requirement for leave of court to obtain judicial review or the appeal of citizenship refusals at Federal Court.

The concern around having to seek leave of court is an onerous requirement by many, and that's been identified and stated by the witnesses who came forward. This amendment seeks to remedy that.

**The Chair:** Thank you, Ms. Kwan.

The amendment seeks to amend a section of the Citizenship Act that is not amended by the bill, and therefore it's the opinion of the chair that the amendment is inadmissible.

**Ms. Jenny Kwan:** Thank you, Mr. Chair, for that ruling. This amendment is another important one related to process. Perhaps it was an oversight at the time when the government brought in Bill C-6 that didn't address this, and it makes a better process. It makes for a more efficient process and a less costly process for individuals who are faced with such a circumstance. I hope the government will take this into consideration for potentially a fall piece of legislation around this issue.

**The Chair:** Thank you, Ms. Kwan.

The next amendment is NDP-21, which is reference number 8222922.

**Ms. Jenny Kwan:** This amendment is a companion piece to what I refer to as the CARL amendment, and that was for amendments NDP-10 and NDP-21. It aims to create greater certainty with respect to an application for judicial review to any matter under this act, and that may be made in accordance with the Federal Courts Act.

Given that the previous amendment was deemed to be out of scope and out of order, I'm not quite sure whether this will be deemed to be in or out of scope. I'm assuming likely out of scope. With that, hopefully this would be considered as well as a companion package to the other amendment later in the fall by the minister.

•(1335)

**The Chair:** Thank you, Ms. Kwan.

You're quite correct that in the opinion of the chair the amendment is inadmissible, for the same reasons.

There are no amendments to clause 11.

Shall clause 11 carry?

(Clause 11 agreed to [See *Minutes of Proceedings*])

(On clause 12)

**The Chair:** We have amendment NDP-22, reference number 8191635.

**Ms. Jenny Kwan:** This amendment seeks to eliminate the requirement to pass a knowledge test in one of the official languages. Presenters who came before the committee included the Canadian Bar Association, the Metro Toronto Chinese and Southeast Asian Legal Clinic, individual Peter Edelmann, and also the Canadian Council for Refugees, who support this amendment. They raised the point quite eloquently, I thought.

In terms of the amendment, under the changes made by the former government, the Conservatives, the knowledge test of Canada, required to obtain citizenship, now amounts to a double testing of language skills. Prior to the Conservative changes, individuals had the ability to take the test with the aid of an interpreter. Due to the changes, the interpreter is no longer provided. This amounts to not only a second language test but a language test that is arguably more difficult than the actual level of English or French someone must have to pass the actual language test. This amendment seeks to remedy that.

At this time, I would also advance this issue. There really should be the opportunity for an amendment to eliminate the upfront proof

of language levels on the question around proficiency, but as that matter is dealt with by regulation, no amendment can be advanced to deal with that. That issue was advanced by, again, a number of the witnesses before us. For many, particularly refugees and some immigrants, the proof of language levels is such an onerous measure that many of them would not be able to meet it. In that regard, hopefully the government will take into consideration the witnesses' presentations around that issue and make changes to the regulation.

At this point, because it would be out of the scope, my amendment is only to deal with the double testing issue. That's amendment NDP-22, reference number 8191635, Mr. Chair, and I move it accordingly.

**The Chair:** Thank you, Ms. Kwan.

The amendment is admissible.

I'd like to bring it to the attention of the committee that PV-8, which is reference number 8223261, is identical in intent, and in fact identical in wording. So if NDP-22 is adopted, it cannot be moved, as they are identical. If NDP-22 is negated, so is PV-8, as they are identical in wording.

Is there any debate?

Ms. Zahid.

**Mrs. Salma Zahid:** Right now, the way the act is worded, it provides clarity on how citizenship applicants are going to demonstrate knowledge of Canada, ensuring that the requirement is met in both official languages, English as well as French. When the minister was here, he indicated that he's in the process of reviewing the "Discover Canada" guide, including its language level.

I would vote against this. It is very important that we recognize that applicants have already several chances to retake the test in case they fail the first time. They have another chance to take the test. As well, language proficiency is critical. It is one of the key determinants in how successfully new immigrants can integrate into Canadian society.

For these reasons, I will vote against this.

•(1340)

**The Chair:** Ms. Kwan.

**Ms. Jenny Kwan:** I want to state this on the record. I don't think anyone is in disagreement that knowing English or French, either official language, is important. I would be the last to argue that it is not important.

But the issue here is this. Immigrants, refugees, others who have English or French as a second language may have some real-life experiences or situations that they have faced that would prevent them from acquiring the level of proficiency that might be required to gain access to citizenship in some instances.

I'll use my personal experience. My mother has a grade six level of education from China in her first language. She is now 83, and she became a citizen many years ago. I, along with my sister, became a citizen under her application. At that time when she applied for her citizenship, she was able to have an interpreter to pass the test. That's how she became a citizen. Had that not been afforded her I suspect that maybe I would have applied for citizenship on my own. Who knows? Maybe, maybe not. Who knows what circumstances would lead me and my family to that outcome?

For an immigrant family such as mine, we were a low-income family. When we came my mother first worked as a farm worker. She made \$10 per day. She later graduated to become far more proficient, and she became a dishwasher. She worked until she retired at 65, after two years of being a farm worker. She had enough English to get by in her work and to participate in the community and vote, and she did all of those things.

If the test requirement for citizenship were to apply today to her, I dare say she would not pass. I don't think that's right. I'm not unique, by the way. This is a very common issue, and I know that members will know from their own constituents that this is a real issue.

Yes, the minister's looking at reviewing the books, and doing this and that and the other thing. But this does not preclude us from having a better system in place and facilitating access to full participation as a Canadian citizen. That's what this is aiming to do, and that's what the witnesses before us said that we should try to accommodate as well.

I urge the members to consider this. I get it that I only have one vote—such is life. I would appeal to the members to consider that because it's real, and it impacts a lot of people.

**The Chair:** Thank you, Ms. Kwan.

Seeing no further debate, all those in favour?

Opposed?

**Ms. Jenny Kwan:** On division, please, Mr. Chair.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** That also means that PV amendment 8 is negated at the same time.

NDP amendment 23 has been withdrawn, which means there are no further amendments to clause 12.

I'll call the vote on clause 12.

(Clause 12 agreed to [See *Minutes of Proceedings*])

(Clause 13 agreed to [See *Minutes of Proceedings*])

**The Chair:** There is a new clause 13.1 as a consequence of NDP amendment 24, reference 8213783.

Ms. Kwan.

**Ms. Jenny Kwan:** This amendment calls for changes to the Canadian citizenship oath to comply with the Truth and Reconciliation Commission recommendation number 94. It aims to comply with the Truth and Reconciliation Commission's recommendation to include faithfully observing the treaties with the aboriginal peoples of Canada in the citizenship oath.

As we know, the government has already made a commitment that the government would adopt all of the recommendations from the Truth and Reconciliation Commission, and that includes recommendation 94.

To that end, the proposal is to change the oath to read as follows:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, including treaties with the Aboriginal peoples of Canada, and fulfil my duties as a Canadian citizen.

To that end, Mr. Chair, I move the amendment under my name: NDP-24, reference number 8213783.

● (1345)

**The Chair:** The amendment seeks to amend a section of the Citizenship Act that is not amended by the bill, and it is therefore the opinion of the chair that the amendment is inadmissible.

**Ms. Jenny Kwan:** Thank you very much, Chair, for that ruling.

Again, I would ask the minister to consider bringing this amendment at a later date. It is particularly important given the government's commitment and stated principle that we're now in a new era, in an era of a new nation-to-nation relationship with indigenous peoples of this country.

**The Chair:** Thank you, Ms. Kwan.

This brings us to amendment NDP-25, reference number 8222219.

**Ms. Jenny Kwan:** This amendment deals with a previous amendment that was tabled and that is the leave of court provision, Mr. Chair. This is really a consequential amendment related to that piece, so I won't belabour the point but rather we'll proceed to the vote accordingly.

**The Chair:** It is the opinion of the chair that the amendment is inadmissible.

(On clause 14)

This brings us to clause 14. *House of Commons Procedure and Practice* on page 999 states:

Moreover, a committee may decide to group a certain number of clauses and vote on them together, such as those that were not the subject of any amendments.

In this case we have clauses 14 through to clause 26 that have no amendments, and we can vote on them as a group with the committee's consent.

Do we have the committee's consent?

**Mr. David Tilson:** No.

**The Chair:** There is no consent.

We will proceed to the vote on clause 14.

**Mr. David Tilson:** Mr. Chairman, I'd like to speak against clause 14.

This makes the bill retroactive to the date of coming into effect of Bill C-24. Opposition has been expressed in the House, but I'd like to express it again.

Effectively, the bill means that the government will be returning citizenship to Zakaria Amara, who was the ringleader of the Toronto 18 terror group that planned al Qaeda-style violence in southern Ontario to push Canada to abandon Afghanistan. The faction led by Amara built detonators and acquired explosive materials for large truck bombs, which were to be detonated in 2006 near the Toronto Stock Exchange and CN Tower. An Ontario military base was also to be attacked. Parliament was on the list of targets, and the Prime Minister of Canada was a target to be beheaded.

There was a piece in the *National Post*, Mr. Chairman, on February 25 of this year. I'd like to quote from part of it. Essentially this clause will reinstate this man's citizenship, as outlined here:

The plot by the al-Qaida-inspired Toronto 18 to detonate truck bombs, storm the CBC and the Canadian Parliament, and then behead prime minister Stephen Harper was foiled 10 years ago.

As the trial judge said, the potential for loss of life on a scale never seen before in Canada was "spine-chilling."

Those were the judge's words.

Right-thinking Canadians everywhere will then, be relieved to learn that the man who masterminded these terror attacks, and was subsequently given a life sentence, is the main beneficiary of the Liberal government's citizenship act reforms.

Because that's what this clause 14 will do.

Zakaria Amara had his Canadian citizenship stripped under a bill brought in by the Conservative government in 2015.

Under the legislation just introduced by the Liberals, he will have that Canadian citizenship reinstated. The Conservative Strengthening Canadian Citizenship Act ensured dual citizens convicted of terrorism, high treason or spying could have their citizenship revoked.

So, Mr. Chairman, I just draw it to the committee's attention that by passing this legislation, the citizenship of this man, who intended to do all these "spine-chilling" events, to use the judge's words, to institutions, the CBC, and Parliament, and to behead the Prime Minister, will be reinstated.

Quite frankly, that's not good. In fact, it's terrible.

I urge members to vote against this retroactive clause.

• (1350)

**The Chair:** Thank you.

Shall clause 14 carry?

**Mr. David Tilson:** I'd like a recorded vote, Mr. Chairman.

**The Chair:** We'll have a recorded vote.

(Clause 14 agreed to: yeas 6; nays 3 [See *Minutes of Proceedings*])

**The Chair:** Thank you.

Currently we have clauses 15 through 26, which have no amendments.

Do we have the committee's consent to vote on them as a group?

**Mr. David Tilson:** No. We're opposed to clauses 25 and 26.

**The Chair:** Thank you for that help in identifying where the problem may be.

**Mr. David Tilson:** We have no problem with the first group, but we're opposed to clauses 25 and 26.

**The Chair:** In that case, do we have the committee's consent to vote on clauses 15 through 24 as a group?

**Some hon. members:** Agreed.

**The Chair:** Thank you.

We shall vote on clauses 15 through 24.

Shall clauses 15 through 24 carry?

(Clauses 15 to 24 inclusive agreed to [See *Minutes of Proceedings*])

**The Chair:** This brings us to clause 25.

Mr. Tilson, I believe you wish to speak to clause 25.

**Mr. David Tilson:** We're opposed to it.

**The Chair:** Thank you.

Seeing no further debate, I call the question on clause 25.

(Clause 25 agreed to [See *Minutes of Proceedings*])

**The Chair:** We are on clause 26.

Mr. Tilson.

**Mr. David Tilson:** We're opposed.

**The Chair:** Thank you.

(Clause 26 agreed to [See *Minutes of Proceedings*])

**The Chair:** There's a proposed new clause 26.1 that would result from amendment CPC-3, which is found at reference number 8222415.

Mr. Tilson.

**Mr. David Tilson:** Essentially this amendment proposes a five-year review clause. It would add a five-year review clause to trigger a parliamentary review five years after the coming into force. The text of the clause is before you, but I would like to read it.

At the start of the fifth year after the day on which this Act receives royal assent, the provisions enacted by this Act are to be referred to the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for the purpose of reviewing the provisions.

Proposed subclause 26.1(2) says:

The committee to which the provisions are referred is to review them and submit a report to the House or Houses of Parliament of which it is a committee, including a statement setting out any changes to the provisions that the committee recommends.

Mr. Chairman, I believe it's reasonable that this committee review the progress and the state of this legislation from time to time. Asking for this sunset type of clause is not unusual. Five-year review clauses are not uncommon here or in other committees. It seems that this is an appropriate piece of legislation to contain one. Our immigration patterns over the past quarter of a century have shifted, and that shifting is unlikely to change. It seems prudent, Mr. Chairman, to include a five-year review clause to monitor the health of one of Canada's most precious commodities, and that is our citizenship.

Bill C-6 is making some substantial changes to the law, and I think it's fair, Mr. Chairman, that we need to monitor. We've heard witnesses make some submissions. The committee hasn't agreed with some of them; we've agreed with others. I think it's prudent that this committee pass this proposed new clause to give us an opportunity in five years' time to review what we have done.

● (1355)

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

Mr. Chen.

**Mr. Shaun Chen:** Thank you, Mr. Chair.

This amendment is simply unnecessary. It essentially establishes a sunset clause on Bill C-6. As this committee well knows, the committee has the authority and power to conduct any study at any given time on any citizenship or immigration program in this country. Passing this amendment to ensure that after a five-year period an automatic study and review is carried out is simply not necessary. In fact, the committee may wish to look at some aspect of the legislation and its effects before the five-year period is up. I think that simply by the nature of the authority this committee has, this amendment is not needed, so I will not be supporting it.

**The Chair:** Thank you.

Ms. Rempel.

**Hon. Michelle Rempel:** Through you, Mr. Chair. I'm wondering if Mr. Chen can explain how this creates the sunset clause.

**The Chair:** Ms. Kwan was next on the list.

**Ms. Jenny Kwan:** I was going to ask for clarification exactly about that issue around a sunset clause and also say this amendment to my understanding does not preclude any changes that would be made by the government in terms of amending the act at any time.

I think all this amendment does is call for it to be reviewed by committee in terms of how was the act, and how it worked. It does not preclude any of those actions, nor is it to my understanding a sunset clause.

If I'm incorrect in understanding this, I would appreciate it if someone could identify that for me, so we can be clear on what the intention of the amendment is.

**Mr. Shaun Chen:** Thank you, Mr. Chair.

To clarify, I said specifically it was essentially like a sunset clause, and did not say the amendment itself is a sunset clause.

The wording of the amendment says that with this review there be a statement setting out any changes to the provisions the committee recommends. In some sense you are saying there need to be changes. I would humbly suggest if committee members have changes to propose then this is the venue to do so, as we have been discussing over the past couple of hours.

At any time if the committee wishes to study the legislation or its impact over the coming years, as well as conduct any study it wishes on any citizenship and immigration program in this country, the committee has the authority to do that. I don't see the point of having this amendment set in stone for the five-year review.

● (1400)

**The Chair:** Ms. Rempel.

**Hon. Michelle Rempel:** Mr. Chair, by that logic my colleague opposite has negated the Minister of Health in saying that Bill C-14 requires a five-year review, which is part of the bill we're debating in the Commons today, so there's a bit of a dichotomy there, or a lapse in logic.

I would direct a question to the department officials, and perhaps if they can inform the committee of the commonality of five-year reviews in terms of legislation, as well elaborate on whether a parliamentary review would constitute a sunset clause of this particular piece of legislation.

**The Chair:** Ms. Dikranian.

**Ms. Teny Dikranian:** Mr. Chair, I'm not sure I can elaborate on how common a five-year review is in legislation. I don't have that information.

Our understanding is this would create a requirement for a review in five years, but not a requirement as a sunset clause.

**The Chair:** Thank you for that clarification.

Mr. Tilson.

**Mr. David Tilson:** Mr. Chen is correct, and I misspoke when I said it was a sunset clause. You're absolutely right, Mr. Chairman. It is not a sunset clause, but what I'm asking for is that in five years' time there would be a review of all that is going on. There may be other things, as well. I think if it's on the record that we are to review it, then that's a good thing.

Immigration is a continually evolving issue in this country. We're perhaps one of the most generous jurisdictions on the planet as far as encouraging new Canadians to come to this country and become citizens, but I think it's appropriate that we have a review in five years.

I do apologize, Mr. Chen.

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

Mr. Virani.

**Mr. Arif Virani:** Mr. Chen has offered me some of his time.

In respect to this issue, it's critical to understand this committee is the master of its own process. Apropos of what Mr. Chen has indicated, the matters the committee wishes to study can be determined by the subcommittee on procedure here at this committee earlier than a five-year period or later than a five-year period.

In terms of the point made by Ms. Rempel, as to whether there's an inconsistency by not implementing a mandatory review in this legislation with what is transpiring with the Bill C-14 issue, there is absolutely no inconsistency. That undermines the notion that somehow what is applied for with one piece of legislation under a different minister, and under their mandate, must therefore be applied to every single piece of government legislation that is being enacted by the Government of Canada.

That is clearly not the way this government operates, nor is that the way that any government has operated. Decisions made with respect to whether mandatory reviews are required are made in consultation with ministerial or departmental officials relevant to that ministry, relevant to that minister's own decision-making, and also germane to the issues that are at issue within that specific legislative context.

The position being articulated by Mr. Chen is that in the context of this legislation it does not meet that threshold requiring a mandatory review, particularly when you have a standing committee populated by members of all three parties that can initiate such a review on their own volition.

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

Ms. Rempel.

**Hon. Michelle Rempel:** Mr. Chair, I would respectfully disagree with my colleague. My colleagues who sit on the government committee here are solely using the point that this legislation does not require a five-year review because the committee is master of its own domain. By the same logic, the health committee should be able to look at the issue contained in Bill C-14, yet the government has stated that it is material enough to require a review in five years. I respect the fact that the government.... I'm not sure what they would have to hide, or why they would vote against a five-year review, especially in light of the Auditor General report that we saw today on instances of fraud being not detected within the Department of Citizenship and Immigration.

I find my colleague is perhaps grasping at straws to justify his logic.

•(1405)

**Mr. Arif Virani:** Can I speak to that, Mr. Chair?

**The Chair:** Ms. Kwan is next on the list.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

On this amendment, I would actually support it. To do a review five years hence is not a bad thing. In my understanding, it does not mean that the changes made in Bill C-6 would come to an end, so that is to say it is not a sunset clause at all. The laws that have been passed accordingly after receiving third reading in the House will continue to be the law. It only means that it should come back as a bill to be reviewed by the committee and to determine or have an evaluation of how the changes have been.

This is the reason I support this. For example, I raised a number of amendments, though few of them were within scope, and the majority of them were defeated by the government members. The government members' argument is that we already have provisions in place. The ministers already have those authorities, and this is not an issue, and so on. But in reality is it going to turn out like that to say really, it's not an issue?

From my perspective, it is worth looking into it to see five years hence am I right, or are the government members right? If my concerns are not valid, it would be really good after five years to come back to indicate that, and then I could say that I didn't have to worry about that and it was all going to be okay and those issues were in fact addressed through different provisions, etc.

To that end, I would support this review, which is all it is. It's just a review and it does not create a sunset clause for the act itself, nor does it preclude the government from bringing forward additional amendments that we talked about at this committee meeting, which I suspect and hope will be forthcoming in the fall.

**The Chair:** Thank you.

Mr. Virani.

**Mr. David Tilson:** On a point of order, Mr. Chairman, it's past 2 o'clock. It's almost 10 after 2 o'clock. The agenda stated this meeting would end at 2 o'clock. Most, if not all of us, are required to attend question period, which started 10 minutes ago. I would suggest we adjourn the meeting.

**The Chair:** I've been advised you cannot move a motion to adjourn on a point of order, so it's just a suggestion.

**Mr. David Tilson:** I was making a request to you, as the chairman. You set the agenda. You said the meeting would end at 2 o'clock. If you require a motion you, sir, set the agenda of this committee and the committee was to end at 2 o'clock, so I would suggest that by your own terminology the meeting be adjourned.

**The Chair:** Is it the will of the committee to adjourn at this time?

**An hon. member:** Yes.

**The Chair:** I don't see consensus on that.

**Mr. David Tilson:** What is consensus? Is it that the government decides?

**The Chair:** Mr. Tabbara.

**Mr. Marwan Tabbara:** I think we should just finish with the agenda. We have a couple more, which we could get through really quickly and be on our way.

**Mr. David Tilson:** We will definitely miss question period, Mr. Tabbara.

**Mr. Marwan Tabbara:** No, we won't.

**Mr. David Tilson:** Yes, we will.

**The Chair:** Let's not get into a debate across the table.

Thank you, Mr. Tabbara. I believe that there is no further debate so I will call the vote on amendment CPC—

**Mr. Shaun Chen:** Mr. Chair, I was on the list.

**The Chair:** We didn't see you on the list but we can add you to the list, Mr. Chen.

**Mr. Shaun Chen:** Thank you, Mr. Chair.

I want to respond to my colleagues across the way, first to Mr. Tilson through you, Mr. Chair. I do accept the apology and I thank you for the forthrightness you have demonstrated in the spirit of collaboration.

With respect to Ms. Rempel's comments around a contradiction, I would humbly suggest that the contradiction is in fact on the other side, because it was her colleague, Mr. Tilson, who suggested at an earlier committee meeting that this committee is independent and is not here to carry out the wishes of the minister. So I would argue that —



•(1410)

**Mr. David Tilson:** Point of order, Mr. Chairman. Those discussions were made in camera and Mr. Chen has absolutely no right to raise issues that were discussed in camera. So you have a problem, Mr. Chairman.

**The Chair:** Thank you, Mr. Tilson. In fact, you are correct. Mr. Chen, you may not raise issues that were discussed in camera.

**Mr. Shaun Chen:** My apologies, through you, Mr. Chair. I did not recall that the discussion was in camera.

**Mr. David Tilson:** Well, Mr. Chairman, I'm going to speak on a point of privilege. Quite frankly, I have never seen this happen in the years that I have been here in this committee, where members reveal what other members have said in camera. The purpose of meeting in camera is to discuss open matters of business, how we're going to proceed, and other matters. Quite frankly, Mr. Chen is completely wrong in quoting me as to what I said in camera. I don't think you should simply dismiss this and say "Mr. Chen, you're not allowed to do that."

**The Chair:** A point of privilege has been raised. Mr. Chen has made it clear that he was not aware that the discussion he referenced was in camera and he has apologized.

Ms. Rempel.

**Hon. Michelle Rempel:** Mr. Chair, I raise a point of privilege, given that by your own admission this was a release of in camera information on the record in public. I believe that is a violation of privilege and, per proper procedure, I ask that you report this incident to the House of Commons.

**The Chair:** Ms. Rempel, Mr. Chen did make it clear that he was not aware that he was referencing something that was discussed in camera. He has apologized, and that satisfies me in regard to the question of privilege.

Ms. Rempel.

**Hon. Michelle Rempel:** I have asked that this be reported to the House of Commons, given by your own admission that this was a violation of in camera rules. This is a very serious breach. If you are overruling that request, then I challenge your decision and ask for a recorded division.

**The Clerk of the Committee (Ms. Erica Pereira):** The question is shall the decision of the chair be sustained?

(Ruling of the chair sustained: yeas 5; nays 4)

**The Chair:** The decision is sustained.

We shall move to voting on CPC-3, reference number 8222415. All those in favour—

**Mr. David Tilson:** Mr. Chairman, question period officially starts. It's absolutely unheard of that you would proceed in this fashion. I therefore move that we adjourn.

**The Chair:** Mr. Tilson, you have already tried to move that motion. It was not supported.

**Mr. David Tilson:** Mr. Chairman, we've had proceedings since that took place, and we're now into another motion.

**The Chair:** Seeing no debate, all those in favour of the motion? Opposed?

Ms. Kwan.

•(1415)

**Ms. Jenny Kwan:** On a point of clarification, Mr. Chair, with respect to this, is the only item we need to deal with to vote on the last amendment and then we'll have completed all of the items that were to be addressed before this committee today?

**The Chair:** We will then vote on clause 27, which has no amendments, and then we vote on the title, the bill, reporting the bill to the House, and ordering a reprint of the bill, which are procedurally pretty quick.

We are now on CPC-3, reference number 8222415. All those in favour? Opposed?

(Amendment negated)

**The Chair:** On clause 27, there are no amendments. All those in favour of clause 27?

(Clause 27 agreed to [See *Minutes of Proceedings*])

**The Chair:** Thank you. That's carried unanimously. We now move to the title. Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill carry as amended?

**Some hon. members:** Agreed.

**The Chair:** Shall I report the bill as amended?

**Some hon. members:** Agreed.

**The Chair:** Shall the committee order a reprint of the bill?

**Some hon. members:** Agreed.

**The Chair:** Thank you. The meeting is—

**Ms. Jenny Kwan:** I'm sorry, but before you adjourn the meeting, I want to ensure that there's a point of clarification.

There were moments in the meeting where I think Mr. Tilson called "on division", and then, Mr. Chair, you didn't call for another vote around. I want to be sure that it is recorded accordingly in terms of my vote on the items where I stated that I would oppose, because those are the items that I'm opposed to, and on the items where I hadn't stated that, I'm actually in support.

I want to be clear about that, because there was some confusion, at least in my own mind, as those proceedings were going forward.

**The Chair:** I noticed that at times you would raise your hand, so I will verify and make sure with the clerk that in fact all of that is clearly noted.

**Ms. Jenny Kwan:** Yes, because every time Mr. Tilson called "on division", I'm not sure that it meant it was going to be the same as the previous vote in terms of the recorded positions of each member, because there were times when I wasn't in support of Mr. Tilson's position. I just want to be clear about it so that there's no misunderstanding about how I voted.

**The Chair:** Thank you, Ms. Kwan.

The meeting is adjourned.

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