



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 026 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Monday, May 12, 2014

—
Chair

Mr. David Tilson

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• (1530)

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe (Pierrefonds—Dollard, NDP)): Ladies and gentlemen, welcome to the 26th meeting of the Standing Committee on Citizenship and Immigration.

Today, we are continuing our study of the subject matter of Bill C-24.

[English]

Thanks to our witnesses for being with us for this first hour of committee.

With us around the table we have, from Metro Toronto Chinese and Southeast Asian Legal Clinic, Madam Avvy Yao-Yao Go, clinic director. Welcome. From Immigrants for Canada we have Mr. Paul Attia, spokesperson. Welcome. As individuals who will share their time, we have Mr. Bernie M. Farber, founding member, Jewish Refugee Action Network, also known as JRAN, and Mr. Mitchell J. Goldberg, lawyer. Welcome.

We will start right now with the opening remarks.

Madam Yao-Yao Go, you have up to eight minutes. I give you the floor.

Ms. Avvy Yao-Yao Go (Clinic Director, Metro Toronto Chinese and Southeast Asian Legal Clinic): Thank you.

I'm the clinic director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, which is a non-profit community-based organization providing free legal services to Chinese and other Southeast Asian community members in Toronto. I would like to thank the committee for giving me this opportunity to comment on this bill.

Citizenship defines who we are as a people and as a nation. For Chinese Canadians and many others who had historically been excluded from Canadian citizenship, citizenship is as much about equal respect as it is about a sense of belonging. To ensure we do not repeat the historical mistakes of injustice and exclusion, any change to Canada's Citizenship Act must be examined through the lens of equality and respect.

Under Bill C-24 the pathway to Canadian citizenship will become more restrictive and the avenue for the Canadian government to revoke citizenship will be widened. Furthermore, Bill C-24 will disproportionately exclude certain groups of immigrants from citizenship, most notably women, as well as immigrants from

certain racialized communities. In the remainder of my time I will summarize why that is the case.

First, the bill proposes to increase the residency requirement from the current three over four, to four over six years, which will automatically increase the time it will take for someone to become a citizen. But more troubling, however, is the non-recognition of the time spent prior to obtaining permanent resident status. This change will negatively affect refugees. It will also affect live-in caregivers who are overwhelmingly women of colour and who have to endure years of exploitative working conditions just to acquire the permanent resident status. It may also affect women who enter Canada as sponsored spouses and are subject to the two-year conditional permanent resident requirement.

Second, not only is the new intent to reside provision unfair, as it only applies to people who are naturalized citizens, not people who are born in Canada, but it could lead to revocation of citizenship from Canadians who are deemed to have obtained their citizenship status by misrepresenting their intent to reside, even when they may have legitimate reasons to leave Canada, such as for employment reasons or family obligations. As well, this provision is potentially in breach of section 6 of the Charter of Rights and Freedoms, which guarantees the mobility rights to all Canadian citizens, both native born and naturalized alike, as well as section 15 of the charter, the equality rights provision.

Third, the bill dramatically expands the group of individuals who have to meet the language and knowledge requirement in order to become citizens, without the use of an interpreter, from those between the ages of 18 and 54 to those between the ages of 14 and 64. This will have a serious impact on refugees, as well as new Canadians who come under the family class program, including sponsored women who came as a sponsored spouse, as well as parents and grandparents.

As I noted in my paper, the average age of parents and grandparents at the time of arrival is only 60, so a large majority will be affected by this rule. It will also have a disproportionate negative impact on immigrants from countries where English is not the first language, and the majority of those are racialized immigrants.

Fourth is the new ministerial power to strip citizenship from dual citizens based on foreign convictions of treason, terrorism, and the like. There are two main problems. First, it creates a two-tier citizenship status, separating those who have dual citizenship from those who do not. Second, this provision applies even if the convictions are handed down by countries that have questionable human rights records and don't obey the rule of law. Under this new rule, even Nelson Mandela could have been stripped of his honorary Canadian citizenship status because he was convicted of treason under the South African government during the apartheid era. As one of your previous witnesses pointed out, about 150,000 Canadians are dual citizens by birth; they too will be affected by this change.

The bill also finally proposes to replace the automatic right of appeal to the Federal Court with an application for judicial review with leave from the court. This will not only limit the access for applicants to challenge negative decisions, but more importantly, it will reduce judicial oversight of the ministerial exercise of power.

• (1535)

Along with a number of other changes, including the fee increase and the tougher language requirement, the passage of this bill will mean fewer immigrants can become citizens of Canada.

Apart from considering the fact that there will be more disenfranchised immigrants, we also need to examine what these changes could mean for Canada. The vast majority of Canadians embrace such fundamental values of an inclusive society, such as the principles of equality, rule of law, and democracy, which we all strive to achieve in part by ensuring that every person in Canada has equal access to the most important right of all, namely the right to become a citizen. Denying immigrants that right signals to them that they are not welcome in Canada.

It is in Canada's interest to allow more immigrants to become citizens. Newcomers who cannot become citizens will not see Canada as their home and will have second thoughts about whether they should put down their roots in this country, and both they and Canada will lose.

Rather than moving forward to becoming a more inclusive and equal society by making citizenship more accessible to all immigrants, Bill C-24 will take us back to the era of exclusion and discrimination by denying many immigrants the right to call Canada their home. Therefore we respectfully ask the committee to adopt the recommendations we have highlighted in our written submission, to reinforce the true value of Canadian citizenship while at the same time promoting the interests of Canada.

Thank you.

Ms. Lysane Blanchette-Lamothe: Thank you, Madam Yao-Yao Go.

Mr. Attia, you now have the floor, sir. Go ahead.

Mr. Paul Attia (Spokesperson, Immigrants for Canada): Thank you and good afternoon, everyone.

We thank you for the opportunity to be here to present to this committee on such an important matter. Immigrants for Canada is honoured and privileged to be here.

I am honoured to be here on behalf of Immigrants for Canada as their spokesperson, and the views that I articulate and posit today are those of the members of the organization. To that end, I shall aim to keep my comments focused on the issues that fall within the ambit of Immigrants for Canada.

We are a national grassroots organization made up of, as you can imagine, immigrants to Canada; either having immigrated here ourselves, or being born to parents who immigrated here. Our membership base includes thousands of persons from across the entire country. Our backgrounds are as diverse as you can imagine. We have members from a plethora of countries of origin, from all faiths, and from all socio-economic backgrounds. As I mentioned, we are diverse, to say the least. However, we are strongly unified in one central but key area, and that is our values. It is that, our values and our commitment to Canada, that unites us.

Inevitably, all of us here today will disagree on some issues; however, every one of our members, and every person in this room and listening to this debate, can all be certain of one thing, one thing that we can all take great pride in. The mere fact that we are here having this discussion and this debate in a public forum is a credit to our country of Canada, and is the strongest proof-positive that all of us who have immigrated here have made the right choice. Open and public debate is not something taken for granted by us.

To become a supporter or member of Immigrants for Canada, one must adopt our charter of principles, and based on this charter of principles and these values, I shall make my comments today.

Immigrants for Canada holds that citizenship in Canada is a privilege. To that end, we believe that it should be available to all, but provided to those who have earned it. It should be cherished. Our members came to this country, have made it our adopted home, and we greatly value our Canadian citizenship. We support the new residency requirements, increasing them from three years to four years out of six, and question whether 183 days per year for any one or all of those four years is sufficient.

Immigrants for Canada holds that all citizens of Canada should have language proficiency in English or French. Language is a unifier. It is what allows us to communicate with our fellow citizens, and to engage in our community and our new country. Whether calling 911, going to the bank, or seeking work, the ability to communicate in either English or French will only assist in that regard. In fact, the person who benefits the most from that is the new citizen themselves, and we fully support the broadening of that age range. Of course, some qualifications need to be made, which I would be happy to address. Some have been addressed in previous sessions, and of course, certain issues should be raised.

With respect to revocation, in principle and based on our organization's view that citizenship is a privilege, we strongly support the notion of revocation of citizenship for committing acts of terror, or for obtaining citizenship via fraud. However—and I think it's important to note this—the concern that I would raise on this particular issue is that the process needs to be in line with the fundamental values of our Canadian and democratic society.

As many of you know, and as many of the people in this room are familiar with personally, we have arrived here from various countries of origin, and the definition of democracy in some of these countries may not be in line with ours. Two wolves and one sheep casting a vote as to what to have for dinner is not democracy by Canadian standards. Sometimes people think because a lot of people want something, that it's correct. That's not true. The reality is that we have a constitutional democracy, and we have certain principles in place. This is an area that falls directly within our ambit. We support the idea of revocation, but we think that perhaps a form of review on the decisions with respect to that should be in place that protects all involved. That is a value that we as Immigrants for Canada hold as near and dear to Canadian society: judicial review for important decisions.

As well, with respect to criminal convictions for foreign offences, there needs to be some look given to that as well. There was an earlier example of Nelson Mandela, and I think that's an appropriate one. Obviously sometimes an act or a principle here that would be well within Canadian law, would be deemed criminal in a foreign country, and that needs to be given a look as well.

• (1540)

If I may, with my remaining time, let me close with this illustration that I think puts our position in place and makes it rather clear.

As you all know, this past year was a special one for all of us in this country as we enjoyed the Winter Olympics, in which Canada did very well. In particular both our men's and women's hockey teams did very well. I brought here with me today my Team Canada hockey jersey. I wasn't playing, but I got one made with my name on it. It was actually a gift. Now I, of course, have purposely chosen an example rich in Canadian irony. For the record, personally, don't ever ask me to get on skates. I didn't learn how to play hockey, let alone skate, until I was in my early thirties. I was, of course, too busy working in the family restaurant, growing up as a kid.

But we at Immigrants for Canada view citizenship like being a member of a team. Everyone has the opportunity and the chance to try out for that team, but you have to meet certain requirements. You have to show up to practice—that's residency. You have to be able to communicate with your teammates—that's the language issue. Also you can't lie your way onto the team, spy on your teammates, or try to kill them—that's revocation based on those enumerated factors.

Thank you.

• (1545)

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

Mr. Farber and Mr. Goldberg, you now have the floor.

[*Translation*]

Mr. Bernie M. Farber (Founding Member, Jewish Refugee Action Network (JRAN), As an Individual): Good afternoon.

[*The witness spoke in his language*]

[*English*]

This is the diversity of our great country.

Good afternoon, members of the committee, and thank you for this opportunity to appear before you to speak on Bill C-24. My name is Bernie Farber, and beside me is my friend and colleague Mitchell Goldberg. We both bring varied experiences to this presentation, I as a human rights activist and now a semi-retired journalist, and Mitch as an immigration law expert, but we wish to speak to you today as members of the Jewish Refugee Action Network, JRAN.

For those who are not familiar with us, JRAN is a national organization and we bring individuals together from diverse backgrounds who are deeply concerned about the changes made in 2012 to Canada's refugee determination system and to refugee health care coverage. We are a Jewish initiative that invites multifaith, multicultural support, and we welcome the involvement of individuals throughout Canada.

The Jewish community, of course, has a deep connection to the refugee and immigration experience. From the Exodus and the experience of slavery in Egypt, to the shameful refusal by Canada to receive 900 Jewish refugees who managed to escape Germany in 1939 aboard the *St. Louis*, of which two-thirds were killed in Nazi concentration camps. But we also know from our experience and the experience of other communities that many refugees, when treated with fairness and compassion, go on to become contributing citizens. Both my parents were refugees, both of them fleeing anti-Semitism in countries of eastern Europe, and both of them coming here basically stateless, basically without a penny to their name, and making lives for themselves and for their children and for their grandchildren.

Citizenship must be something refugees aspire to as a reason for hope, many having overcome unimaginable trauma, as did my own parents. It is, therefore, only just for our federal government to ensure a reasonable path to citizenship for refugees.

That brings me to why we are here today. JRAN is deeply concerned that Bill C-24 will make citizenship not a rewarding end to their long and difficult journey, but an unreachable destination filled with roadblocks and diversions. Let me just give you a few examples.

Financial barriers—there are new and increased costs to becoming a citizen. The government is tripling the application fee, which will be added to the new cost imposed on applicants a year ago when the government privatized language testing. The price of applying for citizenship will now cost four times more than it did in 2006. The path to citizenship should not be a toll road. Tapping some of the most vulnerable among us for user fees is nothing more than a cash grab that is both unseemly and counterproductive.

Language barriers—Bill C-24 extends the difficult language testing process to include applicants aged 14 to 64, rather than 18 to 55 as it is presently. Consider this; children and grandparents will now be affected. This appears to be yet another barrier to citizenship made all the more difficult when you consider previous federal government cuts to language training programs for newcomers.

The bureaucratic barrier—under the proposed law, applicants for Canadian citizenship will now have to be permanent residents for four years, instead of three, before they can become citizens. In addition, accepted refugees to Canada will no longer receive credit for time spent in Canada as recognized refugees before they obtain permanent residence. These, my friends, we believe are arbitrary, unnecessary, and unjust wait times.

I will now invite my colleague Mitchell Goldberg to provide some more specific areas of concern.

Mr. Mitchell J. Goldberg (Lawyer, As an Individual): Thank you, Bernie.

The intent to reside provision, on the face of it, on paper, doesn't sound so terrible. What's wrong with forcing people to sign a declaration that they're going to live in Canada? Except when you think of the impact it's going to have on new Canadians, it's going to create a polar vortex chill. I, the lawyer, will have to advise my clients that if they leave Canada because their child gets accepted into a university, they get a job overseas, they go to take care of a sick relative, they're taking a risk that their citizenship will be stripped from them, that some bureaucrat will speculate on what their true intentions were when they became citizens.

We think that's wrong.

My daughter applied to go to universities in the United States. She worked in Maine. Why shouldn't new Canadians have those very same rights? In our view, the whole concept of banishment, citizenship-stripping, for people who have....

On the one hand you say, they're criminals. Why should we have any sympathy for criminals? I absolutely agree. That's why we have a criminal justice system and we believe the full weight of the law should be thrown against anybody who commits a criminal offence. If they deserve to go to jail for life, so be it. But deporting, removing citizenship, banishing people, is un-Canadian. Our late Prime Minister Diefenbaker recognized this in the context that thousands of Japanese had their citizenship stripped from them.

Furthermore, we agree that citizenship should be revoked in cases of fraud. If someone lies about the process of getting to be a citizen, their citizenship deserves to be taken away, but otherwise that is totally unjust and unconstitutional.

As Avvy Go said before, the intent to reside provision is a violation of section 6 of the Canadian charter with regard to mobility rights. We think that all Canadians, whatever their origin, deserve a truly strengthened citizenship.

Thank you very much.

• (1550)

Ms. Lysane Blanchette-Lamothe: Thank you very much to all of you.

Now we'll go to our questions. We'll start with Mr. Menegakis. Sir, you have up to seven minutes.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you very much, Madam Chair, and thank you to our witnesses for appearing before us today and for your testimonies.

First of all, I want to correct the record because I heard the words "cash grab" in the testimony, because the fees are going to be increased to \$300. For your information, Mr. Farber, it costs us \$550 to process a citizenship application. This will just be bringing it closer to what someone should be paying. When you compare it to our peer countries, in the United States, it's the equivalent of \$669.48 Canadian. In the United Kingdom, it's \$1,615.94 Canadian. In New Zealand, it's \$433.64 Canadian, just to put things in perspective. It's asking citizenship applicants to bear more of the costs of what it actually costs for that application to come to the country.

Mr. Attia, recently there was an article in a Korean outlet about the importance of implementing Bill C-24 as soon as possible. The article explained that the sooner the bill gets passed, the sooner wait times will be reduced to under a year. We know that we here in Canada welcome a record number of immigrants and new citizens. We average better than a quarter of a million new immigrants per year and since 2006 we have welcomed over 1.4 million new Canadians. These are record numbers.

As a Conservative government we have the highest sustained level of immigration in Canadian history. Under the new decision-making model, citizenship cases will go from a three-step process to a one-step process.

Streamlining this application process to less than a year, how do you think this will affect immigrants and newcomers hoping to become Canadian citizens?

Mr. Paul Attia: Thank you for the question. Obviously, in principle, I think the idea of streamlining is one that we'd all agreed to. I think it is more appealing to immigrants, particularly obviously those who are abiding by the residency requirements. They've shown a significant interest and commitment to the country and want to take the next step of becoming Canadian citizens.

Again, my only qualifier on that is that the process be one that is fair and complete, as I mentioned before, and as long as those checks are on point, then that process, which is fair and effective, will also be an efficient one.

Thank you.

• (1555)

Mr. Costas Menegakis: As you know, it's been some 37 years since the Citizenship Act has been examined, and on the fee side, it's been 20 years. With changes to Bill C-24 we're trying to make it quicker for people to obtain citizenship, but at the same time, balancing that with the integrity of citizenship.

It's not an easy thing that you come here and automatically get it. My parents came, I suspect like members of your family, and it was a five-year waiting period. It was one of the highlights of their lives when they obtained Canadian citizenship. In the new legislation, a change to the Citizenship Act that we're proposing, is that it become four of the last six years. We want to integrate people more into Canadian society so they can have a better opportunity to have successful outcomes once they are here.

We have to balance those two. Do you have any thoughts on where the majority of the balance should lie?

Mr. Paul Attia: Thank you again for the question. Yes, in 1947, in my understanding, it was a five-year requirement. Then the act was amended in 1977. I'm not going to comment on whether or not I was born the last time this act was amended, but I wasn't, so it's been some time. It then changed to three years and now it's proposed to be four of six years with those four years being a minimum of 183 days.

I am in favour, and the organization is in favour, of the longer requirement. You want to be able to have the person experience life in Canada and establish life here before he commits to citizenship. Citizenship is meant to say that you are a Canadian now.

I appreciate there is some controversy with respect to the intention to remain, and that is something that will be discussed today. I appreciate the fact that my colleague made that point and I certainly think it needs to be elaborated upon. That was addressed in an earlier session. I think you had some issues with that clarification, and I think it still remains unclear as to what you can do with that, if anything.

Putting the intention to remain issue aside, I think the time requirements as proposed are quite prudent. Again, the first factor is that you experience Canadian life, but the second thing is that, going back to that team analogy, you are saying you want to be part of this team. Citizenship is an active step. You are signing up and saying you want to be a Canadian citizen. It's not the same as applying for refugee status. Here you are applying to be Canadian, and having a commitment to the country. Having shown yourself to have resided here is an important step, and I think the balance struck as proposed is an appropriate one.

Mr. Costas Menegakis: We've heard from some critics of Bill C-24 about the whole issue of dual citizenship and revocation. Mr. Attia, is it reasonable for Canadians to expect that those who obtain Canadian citizenship not perform an act of terror or treason against our troops and our country?

Mr. Paul Attia: No, I don't think that's unreasonable at all, and I don't know if anybody would think it is unreasonable to say that. Again I say that, with the team analogy, if you're a part of this team, we expect you not to kill your fellow citizens. We expect you not to lie your way onto the team. We expect you not to spy at our practice and then sell it to the other team. I won't say whether it's going to be the Senators versus the Leafs or not. Obviously, that depends on who is in the room.

In fairness to my other colleagues here, the issue and controversy with respect to dual citizenship is the charter issue. Someone who has applied for citizenship and doesn't have dual citizenship can't have it revoked due to the 1961 UN convention; wherein someone who has dual citizenship and breaches it can have it revoked and remain not stateless, obviously. That's an issue that we can't comment on in our organization. We're not a constitutional organization. The charter is not our area of expertise. I would turn that over to others to advise on the constitutionality of that.

Mr. Costas Menegakis: All right, thank you.

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

Madam Sitsabaiesan, you have the floor.

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

I'd like to focus on the residency requirements for the first bit of my questioning, and then move on to the intention to reside, if I have time.

People who spend their time in Canada before they become permanent residents, does that have value in their learning what it means to be a Canadian, building, paying taxes in this country? Also, does the whole Canadian experience have value?

I'm just asking very brief questions. If you want to answer, I will ask a follow-up question afterward.

This is for Mr. Goldberg, Mr. Farber, Ms. Go, or whoever.

• (1600)

Mr. Bernie M. Farber: I think the question is an obvious one and an important one. There is no question in my mind that every day spent in this country for a refugee and a potential immigrant is a day that they honour, and it's a day that they understand much more than they did before. Take a look at people again, like my own parents, who came from autocratic and communist states. One day here, their first day here, was a day of liberation and freedom for them, so every day is multiplied even more after that.

I'll make one more small point. There's a family in Toronto by the name of Pusuma. They are a Roma family, and they are presently in sanctuary in a church in Toronto. They love this country and they're in sanctuary because of a screw-up—excuse the expression—in terms of how the legal case was handled. If they go back to Hungary, they will be targeted possibly for violence, possibly even for death. But they have a four-year-old daughter who loves this country; she knows nothing else. So every day is an important day for an immigrant and for a refugee, no matter where they are.

Ms. Rathika Sitsabaiesan: I'm going to ask my follow-up question and then probably not have much time left. For that young girl, she only knows Canada as home—

Mr. Bernie M. Farber: That's it.

Ms. Rathika Sitsabaiesan: —and this law, as it's written right now, says that girl doesn't know Canada, and with her time in Canada, she doesn't understand what it means to be Canadian. That doesn't make sense in my opinion, and I'm asking you for your more expert opinion.

With the residency requirement piece, in the case of international students who are here for usually three to four to five years, paying taxes if they get a job on campus and getting Canadian experience and education, we're saying that they don't really have value and they're potentially Canadian experience class immigrants who want to stay here and then become citizens.

Second is the case of live-in caregivers, who are usually women and women of colour who are coming into this country. These are usually people who want to eventually become Canadians and then bring their families together and reunify their families and grow as a Canadian family.

Third, Mr. Farber or Mr. Goldberg, you mentioned refugees who seek asylum in this country and come here.

Then one more issue that I think, Ms. Go, you raised in your written submission was that for women, usually, who are here as sponsored spouses during their conditional PR time, this law doesn't stipulate whether that two-year conditional PR time counts toward their citizenship.

I'm going to stop with that and ask what this law should actually do with regard to these four classes of people who are spending time in Canada. I want your recommendations. If you like it, great. If you don't, what is your recommendation for change?

Mr. Mitchell J. Goldberg: I'd recommend that the current system be in place, in that, if somebody is a recognized refugee, granted refugee status by the Immigration and Refugee Board, the waiting time for permanent residence should be counted toward the time allocated towards citizenship. Sometimes that period of time could be one year, two years, or three years. Currently half of that time is calculated toward citizenship. I think that's very reasonable. I would prefer to see that full amount of time, but at least half of the time.

Similarly for the other categories, if people are on a legal status, like live-in caregivers, work permits, students, they're getting Canadian experience. That time should count.

Ms. Rathika Sitsabaiesan: Thank you. So your opinion is that pre-PR time should count.

Mr. Mitchell J. Goldberg: Absolutely.

Ms. Avvy Yao-Yao Go: Can I also respond?

Ms. Rathika Sitsabaiesan: Yes, please.

Ms. Avvy Yao-Yao Go: The current system actually does not count all of the time; there's a one year cap. It's not like we're allowing people before they become a permanent resident to live 10 years, for example, and then automatically become a citizen. We have a very reasonable system right now. I find it contradictory to say that we want to strengthen the residency requirement. As Mr. Attia said, you will want people to prove they have ties to Canada, but at the same time we are denying the right of people who have ties to Canada to count those times that they have already established in their residency. Many of them, such as people who are in the Canadian experience class, we lure to Canada based on the hope that they will one day become citizens and that we are recognizing the time before they become permanent residents. But now we're taking that away. So I think that will also potentially have an impact on who is going to come and apply to be an international student or a Canadian experience class immigrant. All of those will be affected as well.

• (1605)

Ms. Rathika Sitsabaiesan: Thank you.

Ms. Attia, do you think the pre-PR time should count toward their citizenship, and that these people have value?

Mr. Paul Attia: Thank you for the question.

I think that a portion of it, in principle...and the comments of my friends here today are quite appropriate.

You're out of time, so I'll be very quick.

It needs a bit of review. I don't know the right answer, but either a portion of it that's capped, or just a portion of it, whether it be one out of every three days, or something to that effect.

But, again, and I agree with the comments of Mr. Goldberg, once you've obtained a certain status.... Yes, you can commit to this country without being a citizen, without being a permanent resident, but I do think it should be capped at a certain point, and that takes into account the balance that's trying to be struck.

Ms. Rathika Sitsabaiesan: So basically that's our current system.

Mr. Paul Attia: To be quite honest—

Ms. Rathika Sitsabaiesan: Or at least look at it.

Mr. Paul Attia: Yes. I think it needs a little revisiting, if only to account for some people who are here with the best of intentions, working or studying, but the entire time shouldn't be.... You shouldn't be able to skip the entire residency requirement, as I think Ms. Go is saying.

Ms. Rathika Sitsabaiesan: Thank you.

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

Mr. McCallum.

Hon. John McCallum (Markham—Unionville, Lib.): Thank you, Madam Chair.

Welcome to all the witnesses. Thank you very much for your testimony.

I agreed with a good chunk of what Mr. Attia said, and 100% of what the others said. I would say Ms. Go provided a very good summary of why the Liberals are voting no, even in second reading, meaning we don't even agree in principle. In our view, Canada should welcome more citizens. We should have fewer barriers. We should welcome new citizens with a smile. This system does precisely the opposite, erecting more and more barriers and applying scowls rather than smiles to the newcomers. In a nutshell, that's our view.

Having listened to the minister, of all the things we don't like about it, I think the one on which he is most likely to back down, if on anything, is this business of partial credit for students and family, caregivers, etc. I do commend the NDP for taking a poll of our previous panel, which was very diverse, and of this one, which is reasonably diverse, and getting, I believe, unanimity in both cases. I did a similar poll on the issue of language tests applied to spouses coming in, which I thought was Orwellian, and he backed down on that, so maybe there's hope.

If it's okay, I would like to focus my question on Mr. Attia, because the other three of you will just be saying the same thing.

Mr. Attia, the government says that the onus of proof is on the person who has to prove that he or she is a dual national or else will have citizenship revoked. It seems to me that is wrong. The onus of proof should be on the government, which has the resources. The individual may have a very difficult time proving that, if he or she has to deal with some huge bureaucracy overseas.

Let's be silent on whether revocation is right or wrong. We may disagree on that. But forgetting that, in terms of process, would it not be better if the onus of proof were on the government and not on the other person?

Mr. Paul Attia: Thank you for the question.

To be quite frank, with respect to that particular issue, I'm not able to provide any comment, only because, as I indicated at the outset, the comments today, on behalf of Immigrants for Canada, are limited to the issues I addressed. The specific process of that particular issue is not one that we, as an organization, have taken a position on or—

Hon. John McCallum: What about intent to reside?

Mr. Paul Attia: I'm happy to discuss that.

Hon. John McCallum: Okay. That one, again I agree with you, or what I think is your view, that we should try to reduce the likelihood or incidents of citizenships of convenience, if we can do it in a fair way. That is perhaps the intent behind this, but it seems to me, by creating two classes of citizenship, by arguably going against the charter, this is not an appropriate way to achieve that end.

Do you have misgivings about this intent to reside on charter grounds or on grounds of creating two classes of citizenship, or on grounds that the minister wasn't even very clear what it meant? That is another issue.

• (1610)

Mr. Paul Attia: Thank you again for the question.

You've raised three potential issues. Issues one and two on constitutional issues are outside our ambit, but on issue three—and I made a reference to this in my opening remarks—I obviously had the opportunity to watch the hearing that took place in this room, I believe, on April 28. To be quite honest, I was left with the same impression that you were left with, unfortunately, which was it's unclear.

In principle, we support the idea that one should have an intention to reside. That's an idea that obviously came originally in 1947, wasn't there in 1977, and is placed back in now in 2014. That is an idea, and I think it sounds as if you would agree with it, and I think many people would. The question, then, of course, becomes the devil's in the details. What does that mean? How do you try to enforce that?

Somebody says they have an intention to reside here, but as Mr. Goldberg pointed out, things can change, whether for business or for family reasons. Perhaps the question then becomes: how long does that stay in place? What happens if you want to retire as a snowbird 40 years after you obtain citizenship? Clearly, I don't think that was the intention of the minister. I think it was set up—I presume—to say they're trying out for this team, they've made the team, we'd like them to be a part of it for a while in the same way that a hockey player signs a minimum contract. Maybe the answer, at least at first review, would be to clarify what that means, and then to get into the logistics of how that's enforced.

Hon. John McCallum: We seemed to say it was inoperative because you could change your mind after you became a citizen.

Mr. Paul Attia: That was the sense I was left with as well, which just seems a little bit unclear to me.

Again, in principle, we like the idea.

Hon. John McCallum: Okay, I have one last point, if I have time.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Your time is over. Sorry.

Hon. John McCallum: I don't have time, okay.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Sorry about that.

Mr. Shory, you now have the floor.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Madam Chair.

Thank you, witnesses, for appearing here today.

Before I ask some questions, for the benefit of all of us, I want to set the record straight on this pre-PR time, so that everyone knows that only 15% of applicants use their non-PR time for their application.

Mr. Attia, I will ask some questions of you.

I am an immigrant to Canada. I will be talking about what I experienced and what I can tell you is the key for success for immigrants, new Canadians. Based upon my own experiences, I can tell you, and I hear this from...I represent a multicultural riding with almost 26 ethnic groups. I hear day in and day out that the basic ability to communicate, in either English or French, which are our official languages, is the key for success, and also it is the key for successful integration into this society.

In Bill C-24, we are asking that high school-aged children, from 14 years old, and people of working age, up to 65 years of age, should complete a basic knowledge test in either English or French, of course.

My question is this. Do you believe and agree with me that language ability plays a vital role in the success newcomers have in integrating into our society successfully?

Mr. Paul Attia: Thank you for the question.

Yes, I agree wholeheartedly.

Right there in the Immigrants for Canada charter of principles is that language is a unifier. Even on a values front and a cultural front, the mere fact that you have the capacity to turn to the person to your left or the person to your right and have a conversation with that person automatically creates a natural connection.

Think, for any one of us, of any international travel we've done abroad. If I am sitting in the airport in Tokyo, a country that's not my own, but I meet people and they are able to share a language with me, regardless of their ethnicity, I immediately feel a connection to them because I can communicate with them. On that front, it's important.

On the issue that you raised, in terms of the pragmatic approach and the indication of success, absolutely. With respect to hiring, ordering food, going to the bank—even on a safety issue, calling 911 and reporting things—clearly language is important and is something that unites us.

Mr. Devinder Shory: You mentioned Tokyo. I would say that, if you're unable to communicate with your neighbour, it would definitely put you in isolation here in Canada.

● (1615)

Mr. Paul Attia: It would put you in isolation, yes.

Mr. Devinder Shory: Let me talk about my favourite topic in the bill, which is revocation of citizenship from dual nationals convicted of... We are talking about those who are convicted of terrorism or treason.

The bill also allows the government to deny citizenship to someone who has committed and been convicted of such acts in other countries. I want to clarify one thing here. It is very clear in intention and in the writing of the bill that those actions of treason or terrorism have to be on the Canadian standard. The jurisdictions must have the same judicial system.

I have to ask you if, in your view and of course that of your organization, revoking citizenship from convicted terrorists helps preserve the value of what it means to be Canadian.

Mr. Paul Attia: In principle, it certainly does.

Again, I began at the opening by saying we hold citizenship in Canada as a privilege.

Again, going back to the hockey jersey analogy, everyone has the chance to try out. You've done your part, you've earned a spot on the team, and you're handed a jersey. If we find out later that you have done things that are quite contrary, against your teammates, your jersey should be taken away and your spot on the team should be taken away.

I think we do hold to that. The only concern I have with it, as I raised, with respect to the convictions from a foreign nation are, again, what the ultimate decider is as to whether or not it's to the standard of Canadian jurisprudence. To me currently and in the current drafting, that remains slightly unclear. Again, I would invite the committee to take a look at that particular portion of it to come to some clarity with respect to who decides that and how.

Mr. Devinder Shory: On a similar issue, Mr. Goldberg, I read your statement of May 6, and I'll quote it for the record:

Citizenship is the bedrock of Canadian identity... Especially for new Canadians, becoming a citizen means they have joined the Canadian family. Canada is their home. They and their families are full-fledged Canadians. Now there will be a question mark beside their citizenship status. A bureaucrat, not a judge but a bureaucrat, may now decide on very vague criteria that they are not really a member of the family. They can now be kicked out of the family for imputed intention. That weakens Canadian citizenship. It does not strengthen it.

My question is this. If a person who holds Canadian citizenship has committed an act of terrorism, not only committed but has been convicted of terrorism against his or her fellow citizens; has subscribed to a radical ideology, intentionally and knowingly, that seeks the destruction of the state of Canada and of democracy itself; and has murdered innocent civilians in an attempt to destabilize the state, are those really very vague criteria for stripping that person's citizenship?

Mr. Mitchell J. Goldberg: As Mr. Attia said, the devil's in the details.

I think everybody in this room condemns terrorism with all their hearts. I think we all fundamentally believe in democracy and the rule of law and in protecting innocent people. The question is this. What is the best way to do that, and what is the best way to do that in a way that reinforces Canadians' citizenship?

To use the hockey analogy, which is popular today and popular in Canada, if somebody commits a heinous act against another hockey player—not just roughing, but smashes them over the head and injures them—

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): I'm sorry, sir, I will ask you for a short answer to make sure we have time to hear it.

Mr. Mitchell J. Goldberg: The short answer is that they're penalized, and the full force of the biggest penalty imaginable, perhaps suspension, is given. But do you banish them to another country and send them off to China, Russia, Siberia, or somewhere like that? That's the issue.

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

Mr. Sandhu, you now have the floor.

Mr. Jasbir Sandhu (Surrey North, NDP): Thank you.

Thank you to all the witnesses for being here.

I have five minutes, so I'm going to try to be very quick.

Mr. Attia, you pointed out that language is a unifier. Do you think we should be investing more money into language programs for our new citizens?

Mr. Paul Attia: I appreciate that this is an issue that's outside the scope of the actual bill, and to be quite honest, our organization doesn't actually have particular knowledge in terms of what the current status is or what the previous programs are. I obviously have picked up some information today in terms of the comments that are being made.

But again, in preparation for this, the organization's position was that, of course, language is a unifier and that the age broadening is something we do support. As to whether or not the programs exist or who is funding them is an issue that I think is outside of our scope for today.

● (1620)

Mr. Jasbir Sandhu: Okay, I would presume that, if you were speaking strongly of language being a unifier, you would want to invest some money for programs that will help our immigrants to better integrate into Canadian culture. I would presume that the Conservatives would be doing that, rather than cutting funding to those programs.

Ms. Go, you talked about the exclusionary policies in the early 19th century, whether it was the head tax, for which this government apologized in the last few years; or whether it was the Japanese internship; or whether it was turning away 376 passengers on the *Komagata Maru*, for which this government has still not apologized.

You alluded to the fact that maybe some of these policies, which we have denounced and which we thought were a dark chapter in our Canadian history, may be coming back here. Can you maybe elaborate on that?

Ms. Avvy Yao-Yao Go: Sure, in particular it's around the Citizenship Act. Until 1947, for instance, Chinese were not allowed to become citizens of Canada. There are many different ways in which we exclude individuals from citizenship based on race, particularly during those days.

In my comment, I talk about the various ways in which this particular bill would result in the exclusion of certain groups. Live-in caregivers are in one group, and people from certain countries where English is not their first language are in another.

All those provisions added together mean that certain groups, because of their gender or their race, will be disproportionately affected by this particular bill. So while I am not suggesting in any way that this government intends to discriminate, we need to look at the result of passing this bill, which will mean that some groups are more likely to be excluded than others.

Mr. Jasbir Sandhu: Mr. Goldberg, you talked about how your daughter may go to the United States and study there. A citizen who had become a naturalized citizen here will be taking a risk going to another country. It may be for a job or to study. You talked about some bureaucrat speculating on their intentions.

What are the charter implications of having two-tier citizenship in our country?

Mr. Mitchell J. Goldberg: With regard to the intent to reside provision, I have read the briefs of the Canadian Bar Association and the Canadian Association of Refugee Lawyers. It's very clear I think to the entire legal community that it would be a violation of section 6 mobility rights and possibly also section 15 equality rights. There are further constitutional concerns about banishment in general, as mentioned.

It's interesting to note the U.S. Supreme Court has said banishing citizens is cruel and unusual punishment. We agree with that.

Mr. Jasbir Sandhu: Thank you very much.

Mr. Farber, five cases have already been struck down by our Supreme Court under this government. That's unprecedented.

You said some of these changes are unnecessary and arbitrary. Why would the government bring these changes?

Mr. Bernie M. Farber: If I had the answer to that question, I'd be writing a book and selling it at this point. I'm not sure why governments do what they do, and if I can answer the honourable member's question in relation to the costs, he's judging Canada on the basis of other countries, Australia and New Zealand. I'd rather judge us on the basis of us as Canadians.

We are raising our costs here and making it more difficult for refugees and immigrants to gain citizenship. I don't care what they do in Australia, to be honest with you. I care what we do here. We have a history, and we're known to be compassionate, engaging people. That's why we are the country we are.

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

Mr. Opitz, you have the next five minutes.

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

You're right. As I look around this room I see five MPs who are from other countries, and at least two who are first generation, born here to immigrant parents, as I was, and I know as Mr. Menegakis was.

I thank you, Mr. Attia, for your comments at the front end about the transparency of this public debate and this process, because that's what this committee is all about, to be able to kick around this bill and find areas where we can strengthen it. It's always been the case that we're willing to do that, and that's why these things come to committee.

I hear you loud and clear about language. I grew up in a Polish community in Toronto, and there were people, quite frankly, who lived in those communities for 30 years or longer who didn't speak a word of English, or barely any. They managed because they spoke the language at the church, at the bank, at the local stores, and so forth.

Anyhow it was very important. That made an impact on me. I recognized that from growing up because it made people's lives very difficult. They were very limited in how they could integrate into Canadian society, and what they could achieve, and in some cases what their kids could achieve because the parents weren't well versed in being able to instruct them or to provide.

By the way my parents came in the late forties. They had the two-year contract. When you got here, first you were given a job. You weren't allowed to go wherever you wanted. You had to work very hard for those sorts of things. That's very important.

Mr. Attia, you wrote a letter to the *National Post* conveying your support for the minister, who at the time was Jason Kenney, for cracking down on immigration fraud. Of course as we know Bill C-24 aims to crack down on citizenship fraud.

Immigrants and their families here work very hard. We know that. As Mr. Menegakis said, we allow in more immigrants historically than anybody else ever has. They do come with values of honesty, integrity, and wanting to get ahead, and of course they appreciate the cost of all of that.

In terms of the residency requirement, do you believe spending a certain amount of time, in this case four years out of six, in Canada is too much? I preface that by saying we often use European models as a model for Canada, but many of those European models have much longer residency requirements than we do.

I'd ask you to comment on that.

● (1625)

Mr. Paul Attia: Thank you for your comments, and thank you for the question.

As indicated in the outline, we as an organization do not think that the proposed requirement of four years out of six years is too much. We actually do welcome the increase. Again, this is an immigrant community that's positing this. These are people of very diverse ethnic backgrounds and of a very broad range of countries of origin who are strongly supporting this. It's for the very reasons that you and others today have already indicated, which are that we came to this country, we made a strong effort to say we wanted to be Canadian, we put our time in and worked really hard, we love it, and we view ourselves as Canadian.

My father taught me something when I was a kid that I'll never ever forget. Born and raised in the Middle East, he came here by boat with \$200 in his pocket, really hasn't stopped working in the last 45 years, and continues to work today. That's the mentality and that's the attitude shared by many others in this room. He happened to be from Egypt, and he always said he didn't leave Egypt for Egypt but left Egypt for Canada. I was always inspired and motivated by that.

But again, on the logistics front, recognize this. We are saying this is a requirement for citizenship, not to arrive at the borders, not to apply for refugee status, not to obtain permanent resident status. It's

for citizenship. You can work here, you can study here, but if you want to get that Team Canada jersey, if you want to be on the team and be a Canadian citizen, we would like to see this commitment. You benefit from it and we benefit from it.

Mr. Ted Opitz: Thank you.

Madam Chair, in my final 30 seconds, I'd like to make a motion that we move into camera. It's a non-debatable motion.

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): This motion can't be debated, so we will proceed to the vote.

(Motion agreed to)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): We are going to continue the meeting in camera.

I would ask our witnesses and guests to please leave the room. Thank you.

[Proceedings continue in camera]

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