



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 046 • 1st SESSION • 38th PARLIAMENT

EVIDENCE

Friday, April 15, 2005

—
Chair

The Honourable Andrew Telegdi

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

Standing Committee on Citizenship and Immigration

Friday, April 15, 2005

• (0900)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): Good morning. I would like to call the meeting to order.

We are in Waterloo to hear input on citizenship, a new citizenship act. We are here to hear about the recognition of international credentials.

As we know, in this region we particularly have a problem as far as it pertains to lack of family doctors. Having family doctors who are internationally trained and cannot practise is one issue that affects this region, as well as many other areas of the profession.

We are also here to hear about family reunification. We have six million Canadians not born in this country, and of course they have families. Family reunification relates both to families being able to visit and also having parents and other family members having the right to come to this country.

This hearing is historic for this region, because this is the first time that we have a parliamentary committee—standing committee of Parliament—that has come to the Waterloo region. It usually goes to Ottawa, Toronto, just the normal stopping places, and I think it is time that we had one come here. It is of particular interest to us because we have very much been seized as a community with the whole issue of citizenship.

To mark this occasion I would like to call upon His Worship, Herb Epp, who was also a history teacher in one of the many careers he had in his life.

Mayor Epp, could you address the committee?

Mr. Herb Epp (Mayor, As an Individual): Thank you very much to Chairman Telegdi. It is certainly a pleasure to be here and to welcome you to this great city of ours.

When you speak about my history career, my political career, and my real estate career, it is a good indication that I just can't keep a job.

I want to welcome this committee. We are honoured to have you here today.

In 1947 Waterloo became a city, and in 2007 we will be celebrating our 150th anniversary since the original charter was given to Waterloo as a municipality. So we are looking forward to 2007 and our 150th anniversary.

The committee that is here today is going to deal with a very important subject: citizenship and other related matters. Although I

was born here, my parents came from eastern Europe back in the twenties, so I very much appreciate the significance of having citizenship and being able to get it as soon as possible, and the value of it.

Waterloo, which now has a population of about 110,000, has been, as Andrew may have told you, a great insurance centre. At one time, maybe still, it was known as the “Hartford of Canada” because of the fact that we have six head offices of insurance companies in Waterloo, including SunLife/Clarica, which used to be Mutual Life; Manulife, which used to be Dominion-Life in town here; Economical Insurance Group; Equitable; and in Waterloo North there is the Farmers' Mutual and Lutheran Life, which has recently changed its name.

As far as the universities are concerned, back in 1911 Waterloo College was formed, which eventually became Waterloo Lutheran University in 1960-61, and then Wilfrid Laurier University a few years later when the province took over the full significance of the universities. Of course, in the late 1950s, in fact in 1957, the University of Waterloo was formed and they, together with us, will be having a celebration in 2007 when they celebrate their 50th anniversary.

One of the things that is not often known is the fact that in the city of Waterloo many companies test their products here because of the cultural and ethnic diversity. Many products are tested here because they figure if they go over well here, then they are going to go over well in the country.

I wanted you to know a few basic things. There have been a lot of changes here, but it is a very dynamic community. And I particularly want to welcome Andrew back, because he was a councillor in Waterloo back in the late eighties and early nineties. It is good to see Lynn Myers back again. And I was happy to meet the rest of you last night for the first time and again this morning.

I want to wish you well in your deliberations. I apologize for having to leave. As you know, the life of a politician is not easy but it is always enjoyable, so I have to go on to some other meetings.

Thank you again for coming, and the very best to you.

• (0905)

The Chair: Thank you very much, Mayor Epp.

And thank you for allowing us to use these facilities. Certainly it brings back memories to be in this chamber. Thank you very much.

I would like to introduce to you the members of the standing committee. We have twelve members in total. For the purposes of holding hearings we are required to have a quorum of two. I will start with Bill Siksay: he is a member of Parliament from Burnaby—Douglas and he is with the New Democratic Party. Beside him is Mr. Roger Clavet, a member of the Bloc Québécois and obviously from the province of Quebec; he made sure that Quebec City was going to be part of the stuff. And we have Nina Grewal, from the Conservative Party. She is from Surrey and she was very kind to host us at her place last Saturday night when we were holding hearings in Vancouver. Also here is Mr. Lui Temelkovski, who is the first member of Parliament of Macedonian descent; he is with the Liberal Party. And beside him we have a person who needs no introduction, Lynn Myers, who is a member of Parliament for the area as well.

I might mention that when we travel.... You see the interpretation booth. Anytime a standing committee of Parliament travels we have facilities in both official languages, French and English, and this is so that members of the committee who speak French or want to speak French can have the translation available and also so that anybody in the public who wants to address a standing committee can do so as well. So we have in the room these devices and they are for hearing translation. We will have some of it, because Mr. Clavet is here, so for sure we will have some. I would encourage people to pick one up so they can follow the excellent questions and input that Mr. Clavet makes at these hearings.

Also here is Bill Farrell, who is the clerk of the committee, and Ben Dolin, who is a researcher. He has been with us during all our deliberations.

At this point in time I am going to start the hearings. We have with us a former member of Parliament, John Bryden, who is going to be talking about the citizenship issue. We also have two excellent former retired citizenship court judges, Bob Sommerville and Lorna Van Mossel, as well as Myrta Rivera, the executive director of Kitchener—Waterloo Multicultural Centre.

We are going to start off with Mr. Bryden. The delegations have five minutes each to make their presentations. After all the delegations have made their presentations we are going to go into question and answer sessions, where we have members of Parliament engaged in a dialogue, which will be approximately five minutes, again. That is for questions and answers.

Starting off, I would like to welcome my former colleague and good friend, John Bryden.

● (0910)

Mr. John Bryden (Former Member of Parliament, As an Individual): Thank you, Mr. Chairman.

It's a great pleasure to be here. I have a long history with this committee. I served on it in 1994 and 1995, when we heard testimony for I think over a year. I was particularly interested at that time in the oath of citizenship. We heard testimony from a variety of people from various ethnic groups, new Canadians, who had acquired citizenship, and I questioned them very closely. One of the things that emerged is that these people, these new Canadians, didn't see Canada as a British colony, didn't see Canada as one of the richest countries in the world; they saw in Canada a country that was

a great respecter of civil liberties, of the basic human rights and freedoms. They saw Canada as a model to the rest of the world, and this is what attracted them more than anything else.

As a consequence of that, I would ask them to comment on the Charter of Rights and Freedoms. I realize that it was this charter and the principles that were enunciated in the charter that really described Canada far better than the oath that we had in legislation, an oath that indeed goes back to the 18th century and is an oath of allegiance to the Crown that was basically designed to ensure that newcomers to the various colonies of Britain around the world would respect the laws of Britain. But indeed the current oath does not reflect the Canada that is seen by the world.

Consequently, over ten years ago I did formulate the idea of an oath that captured the five principles of the charter, and at various times in my parliamentary career I've advanced the wording of that oath, which has changed from time to time over the years, but it was never successful, for one reason or another. Because citizenship is such a difficult issue, and central to the heart of Canada, we unfortunately in Parliament never managed to pass legislation in the entire ten years that I was a member of Parliament.

I am now before you not as a member of Parliament but as an ordinary citizen. In fact I believe that's appropriate when I speak to you about the oath, because in the end I want you to feel that my attempt as an individual Canadian to formulate the spirit of Canada and the oath of citizenship comes from the heart and has very little to do with politics, but has everything to do with the vision of the country, not only as I perceive it, but also the vision of the country as I saw other people perceive it, those new Canadians who appeared before the committee.

Now, in the post-September 11 world, when the entire world is conscious of the need to uphold basic principles of society that will enable us all to live in peace and to respect one another, I believe this is a concept that is better coming from an ordinary citizen appearing before you than coming from a politician.

If I may, Mr. Chairman, I will read the oath that I propose in English and French, and this is what I would hope the committee would consider. In English:

I promise my loyalty to Canada and thus take my place among Canadians, a people united by their solemn trust to uphold these five principles: equality of opportunity, freedom of speech, democracy, basic human rights, and the rule of law.

And in French—and I actually like the French better, because the French has a musical ring to it that is sometimes missing in English:

[*Translation*]

I promise my loyalty to Canada and thus take my place among Canadians, a people united by their solemn trust to uphold these five principles: equality of opportunity, freedom of speech, democracy, basic human rights and the rule of law.

[*English*]

In both instances the person taking this oath would have the option of an affirmation to the deity. And it is an option, Mr. Chairman, but it's an option that is very important to some people. So in the English it would be, "So help me God." In the French it would be, « Ainsi Dieu me soit en aide ».

That, Mr. Chairman, I would submit to you is a wording that would have more meaning than the other sample oaths that I've put before you.

Mr. Chairman, I would be happy to answer any questions about the origin of the wording and anything else that members would care to ask me.

Thank you.

• (0915)

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

Mr. Bryden was a colleague of mine as we sometimes fought lonely battles on the citizenship and immigration committee. As a matter of fact, at one point in time, when we lost on Bill C-16 in Parliament, Mr. Bryden and I and Leon Benoit, who was with the Canadian Alliance at the time, went to lobby the Senate to hold up the legislation, which it did, so we were successful at that.

Thank you very much.

Next we have former citizenship court judges Lorna Van Mossel and Bob Sommerville.

Ms. Lorna Van Mossel (Retired Citizenship Court Judge, As an Individual): Mr. Telegdi, members of the Standing Committee on Citizenship and Immigration, thank you very much for the opportunity of bringing you our thoughts regarding the Citizenship Act.

My name, as you have said, is Lorna Van Mossel. My colleague is Mr. Bob Sommerville. We are both former citizenship judges. Together we have 15 years of experience. Forgive me if I tell you that we were both highly respected in the communities in which we worked. We believe that as citizenship judges we played an important role in making the citizenship process a meaningful and memorable experience for the tens of thousands of new citizens that we met.

As you consider the substance of a new citizenship act, we urge the committee to look carefully at what currently exists. This current process includes the citizenship judges, who for nearly 50 years have been very much a part of the strategy to ensure that our Canadian citizenship is recognized and celebrated. Possibly of more importance to all Canadians and to those who receive our citizenship is the citizenship judge's role in ensuring the credibility of the process and the dignity of the experience.

Bill C-18 would remove the citizenship judge. This symbolic, dignified, and personal Canadian face would be lost to all new Canadians. We feel it is important to look at the history and the contribution of citizenship judges and at their role in the process that has served us so well for so long.

• (0920)

Mr. Bob Sommerville (Retired Citizenship Court Judge, As an Individual): There is a saying that seems particularly applicable on this occasion: if it isn't broken, don't fix it.

The role of the citizenship judge in the citizenship process over the past 50 years has been effective, and remains so today. As you are aware, Canada's first citizenship act came into effect in 1947. The act required regular judges of the Crown, in addition to their other

duties, to approve applications and to bestow citizenship. In many cases it was a very simple process, and at times, for some, a bothersome task. We have heard many personal stories from people who received their citizenship during that period, and they describe their time in front of the judge possibly as follows: What is your name? Do you have a job? Are you a good person? Okay, here is your citizenship.

With the surge of immigration to Canada in the late forties and fifties, it became obvious that the court system couldn't handle the demand. So in 1955, in both Toronto and Montreal, the government appointed presidents of the court, whose duties were to approve applications and conduct ceremonies. Throughout the sixties and seventies the number of appointees grew in the larger urban areas, and they became known as citizenship judges.

When the Citizenship Act of 1977, our current act, was created, its authors were very clear in their intent. They wanted a process that would require effort and commitment on the part of the applicant. Applicants would have to speak one of our official languages, meet the residence requirements, be familiar with our history and geography, be aware of our customs and values, be able to articulate the rights and responsibilities of a Canadian citizen, and be aware that criminal behaviour could deny them citizenship. These very same authors were equally clear in their intent when they wrote into the act the position of the citizenship judge. The citizenship judge's responsibility was to ensure that before an applicant could be granted citizenship, they had to meet these requirements. And, in our truly Canadian fashion, they asked the judges to be ever sensitive to personal circumstances that might require compassion and exemption from some of the requirements.

Also, it was very clear in the regulations that citizenship judges would administer the oath of citizenship with dignity and solemnity and they would emphasize the significance of the ceremony as a milestone in the lives of the new citizens. In the course of their duties they would also promote good citizenship, including respect for the law, voting responsibilities, participation in community affairs, and intergroup understanding.

Yes, members of the committee, the authors of the 1977 act wanted a citizenship process that would be challenging yet reasonable, fair and sensitive, meaningful and dignified, one that would be respected, credible, and appreciated by all Canadians. To perform the central role in this process, they chose to have distinguished citizens, distinguished Canadians from all walks of life and from every corner of our country, appointed as citizenship judges.

Bill C-18 suggests that departmental staff make the decision as to whether or not the requirement for citizenship has been met and on cases of compassion. With the greatest of respect to the diligent and caring people we have worked with in the department, we believe our citizenship applicants and the process are better served with the current judges, who are independent decision-makers and independent of the department. The concept of the independent decision-maker is most significant to the credibility of the entire process, and we trust the committee will weigh it carefully. Additionally, there is the question of who is best suited to make the decision on approval or non-approval of citizenship, a department employee or a distinguished citizen of the community.

• (0925)

On Bill C-18's new position, the commissioner—whose responsibilities, as we understand, are to conduct ceremonies and to do outreach—I am afraid we are at a complete loss as to how these individuals, with no part in the citizenship decision-making process, will be viewed.

The authority to approve or to not approve, by its very nature, brings attention and, if earned, respect. And frankly we don't think the title "commissioner" will make any sense to Canadians. It certainly won't get the same attention in a crowded secondary school gymnasium when the citizenship clerk announces "This is a court of Canadian citizenship, Judge Van Mossel presiding"; there is always an immediate, respectful, and quiet attentiveness from the students.

The title "citizenship judge" is understood and respected.

Ms. Lorna Van Mossel: In a report dated November 2004, entitled Updating Canada's Citizenship Laws, the minister requested that the committee consult Canadians around the question of what sort of citizenship engagement strategy Canada needs to make sure that citizenship is recognized and celebrated.

We believe, as did the government of 1977, that the current role of the Canadian citizenship judge is central to a celebrated, recognizable, and credible citizenship experience.

Thank you for your attention. We trust you will give consideration to our presentation. If there are further questions, we will be glad to respond, to do our best.

The Chair: Thank you very much for those presentations.

Certainly your service in the whole area of being citizenship judges brought great dignity and empathy to the job, and that was one of the reasons that I so strenuously opposed the very thought of having the judges replaced by commissioners.

The next presenter we have is Myrta Rivera, from the Kitchener—Waterloo Multicultural Centre. Myrta and I go back a long time. When I was president of the multicultural centre the best thing I did was to help appoint her as executive director.

Myrta.

Mrs. Myrta Rivera (Executive Director, Kitchener-Waterloo Multicultural Centre): Thank you.

Good morning, and welcome to Kitchener—Waterloo. For a long time we have had to fight the stereotype of Kitchener—Waterloo as a very quaint, small, rural community, mostly German-speaking. I'm sure that I don't need to take any time to dispel that misapprehension; I'm sure that Andrew has already done that. So welcome to Kitchener—Waterloo, and I am really honoured to be speaking before you this morning.

Although as a settlement agency we're involved in some of the other questions that you were asking today, we have chosen to stay to this section. You heard plenty, I am sure, yesterday from Debbie Douglas of the Ontario Council of Agencies Serving Immigrants. As active members of OCASI, we support and add our voice to theirs. So every concern that was brought up before you yesterday, kindly imagine that it was repeated today.

First of all, speaking about a preamble, which was one of the questions that you asked, we would suggest that it would be useful for us as a people to set our thoughts regarding citizenship into a short, meaningful, and preferably beautiful statement. It would serve as an educational tool, and there are many teachers in this room today who would agree, I'm sure.

A preamble such as the one I am describing, however, would have to be written by a poet, not by a bureaucrat or a policy writer. I hope you take that to heart. It would be a statement to be read aloud, memorized, repeated, discussed, printed, framed, and lived.

With regard to limits on Canadian citizenship obtained by birth, we would like to affirm that every individual who is born in this country should have a right to Canadian citizenship. The challenge perhaps is to figure out how to document and maintain that citizenship right that has been obtained by virtue of birth in Canada. In this case we defer to others more experienced in this field to identify those ways to preserve that citizenship right from being lost.

In terms of the criteria for granting citizenship to newcomers, certainly length of residence in Canada is an important criterion, as well as the basic knowledge of an official language. Thirdly, an understanding of Canadian culture and community life is essential, and so would be as well a criminal record evaluation. I'm sure that would be necessary as well.

In terms of length of residence, we believe that it should not be lower than three years. There is always a desire to help people become citizens as soon as possible. However, as a settlement worker for many years, I have noticed that a certain amount of time must elapse for an individual to develop connections and to establish roots in a community, and that should take place before a person commits to becoming a citizen.

In terms of knowledge of Canadian culture and community life, to require knowledge of huge amounts of data regarding details of Canadian history, election practices, how Parliament works, and the names of elected officials—although I'm sure Andrew would like to be remembered—is well-meaning but futile. The point is to understand that in our country we effect change through a democratic and peaceful process and that there is the expectation that politicians are accountable. Once we are able to get our new Canadians to understand that, they should be able to discuss clearly and eloquently in their own terms, and sometimes in their own language if they are too old to have learned English, why they are taking the step of becoming citizens. That is far more important than the names of party leaders or being able to name the ten provincial capitals.

On reasons to remove citizenship and what process would be most appropriate, if the commitments affirmed in the oath are violated, then the citizen has demonstrated that there is no desire to maintain the citizenship connection with Canada.

• (0930)

If citizenship was obtained through fraudulent means with a malicious intent to deceive, it should be possible to revoke it. This power, however, should not be left to bureaucrats, nor to legislators—with respect. It should be in the hands of a judge, whose sober, logical, and rational thinking is not as likely to be affected by public opinion. The right of appeal would be essential.

Regarding a new citizenship oath, I believe new citizens are affirming their allegiance to Canada. They should not be burdened with an oath that requires them to swear also allegiance to the monarch's heirs and successors. I think every Canadian citizen would be quite happy to swear allegiance to the Queen, to the monarch, as a symbol of the unity of the Canadian people. However, if any other commitment is made in an oath, let it be to a new life of respect for all citizens of Canada, regardless of where they came from.

Regarding, lastly, citizenship engagement policy—and Lorna and Bob have already spoken eloquently regarding this—we believe it is absolutely necessary to maintain the office of a judge, regardless of what title that office is given. Citizenship engagement is an ongoing task. Our communities need a champion for this process. You need not call it a judge. Perhaps that term might never have been understood or appropriate, although you made an eloquent statement for it. We need a person who will operate at arm's length from the departmental bureaucracy. This champion of Canadian citizenship engagement would work not only with new Canadians, but with the entire community to promote citizenship.

Canadian citizenship has to be elevated to the level of a symbolic act. If we are not vigilant, it might become less of an opportunity to celebrate commitment to this country, and more a sterile convention, a bureaucratic act.

The granting of Canadian citizenship must be more than simply the last step before a person can apply for a Canadian passport. Citizenship is a work in progress, a recognition of a relationship. One is throwing one's lot with Canada, come what may. Canadians, new and old, have to become inspired with the meaning of citizenship, and I respectfully recommend that you work to maintain the role of that citizenship champion.

Canadian citizenship is the last step in the formal process of settlement of an immigrant. This is a tremendous opportunity, and I hope that a new act incorporates not only the guidelines for that process of becoming a citizen, but also the symbolic and essential act of growing citizenship.

Thank you very much.

• (0935)

The Chair: Thank you very much, Myrta.

Now we will go into our round of exchanges, with five minutes for the question and response. The first person we have is Ms. Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair.

Thank you, honourable judges, Mr. Bryden, and Madam Rivera, for your time, for your presentations, and for being here.

I have two simple questions. First, what is your opinion on dual citizenship? Are you in favour of it or not?

Secondly, in Canada it can take more than a year to process a citizenship application. In other countries, such as Australia and the U.S., it can take mere months. Do you think our system takes too long?

Mr. Bob Sommerville: Currently, in Sydney, Nova Scotia, regarding the length of time it takes applicants to get their citizenship, there are approximately 90,000 applications in the works. There are another approximately 80,000 applications with their envelopes not yet opened. That is not dramatic change from any other time. This is the current system. Typically we have between 170,000 and 200,000 applications for citizenship annually. There have been times when we've been able to reduce the process to approximately three or four months in smaller communities such as Waterloo and Hamilton and so on, but in Toronto, Montreal, and Vancouver, where they have a larger workload, they tend to be sometimes in the neighbourhood of eight to twelve months. Currently they are working on a new computer system, and it could be anywhere from twelve to eighteen months, as you might suggest, in terms of time to get your citizenship.

Do we think it's long? Feeling for the applicant, I think the faster the better. I know the department is extremely concerned about numbers, and they work very diligently to move those as quickly as they can. But there are forces that seem to get in the way on a regular basis, one of them happening to be with our current concerns about security. If it takes longer than twelve months for an application to be processed, the security issues have to be dealt with. They have to go back to CSIS, to the RCMP, and to immigration for another round of security checks.

Mrs. Myrta Rivera: Thank you.

In terms of dual citizenship, I myself am a dual citizen.

It is so important to discuss this as an engagement, so that the process of Canadian citizenship is not just about getting a Canadian passport, but about really throwing one's lot in with Canada. If I had to choose, I would choose Canada in a heartbeat, and I think most citizens would feel that way.

• (0940)

Mr. John Bryden: I would just say that I have always felt that we are in an era when we should set aside dual citizenship. I am not comfortable with the fact that people can have allegiance to two countries at the same time.

One of the reasons for my interest in the oath is that the oath, as I described it to you, cites the universal principles of the Charter of Rights and Freedoms that are above the law of the particular land; they go beyond loyalty to the law of the country, because the law of the country can sometimes change and be oppressive. This is where I have difficulty with dual citizenship: how can someone be loyal to the five principles of the Charter and yet have a loyalty to another country that may, for example, be a dictatorship?

So I would hope that we may head in the direction of having single citizenship very soon.

The Chair: Thank you very much.

Next we have five minutes with Mr. Roger Clavet. Monsieur Clavet.

[*Translation*]

Mr. Roger Clavet (Louis-Hébert, BQ): I thank you, Mr. Chairman.

I take this opportunity to thank you for welcoming us in your riding and to tell people from this community how much we are happy to take part in these hearings in their city and in their area. I must say that you are lucky to have a representative like Mr. Telegdi because he is chairing the Standing Committee on Citizenship and Immigration in a very capable way. This is my first political experience and I think that Mr. Telegdi is directing this Committee with the best of skills and aplomb. I think that my colleagues from all parties will agree with me that Mr. Telegdi fulfills his functions with the utmost competence. I can assure you that he is doing a good job.

Mr. Bryden, I find your suggestion to change the oath very interesting. There has been a lot of talking about that issue. I am certainly sympathetic to the idea of eliminating a symbol which has lost most of its meaning in Canada. The oath of allegiance should rather insist on the loyalty to a country and to a national purpose. We could also define a country, but I shall not deal with this issue today.

The principles that you have mentioned, equality of opportunities, freedom of choice, democracy, human rights and the rule of law, are values that are recognized in any democratic modern society. I have noticed that Bill C-18, which has been tabled in the second session of the 37th Parliament, refers to the principles of a free and democratic society. I wonder if we might add those values to the oath of allegiance.

My question is now for the two former citizenship judges. Ms. Rivera said that the preamble should be written by a poet. I entirely agree with her. Can judges be poets? If I am not mistaken, the national anthem *O Canada* was written by a judge. Could judges be also poets and help us write a preamble?

[*English*]

Ms. Lorna Van Mossel: Bob, do you want to take that one?

Mr. Bob Sommerville: With respect, I apologize for not responding in French. I am proud to say my children and my grandchildren could—and they are ashamed of their grandfather.

Poets? I suppose we could be. We would like to think we have a poetic message to deliver when we meet with the tens of thousands of new citizens we meet as citizenship judges, but maybe the poetry has to flow from our very being, and what we model is maybe more important than the words that we express. So I hope that we are poets in our behaviour—poets of the finest order.

[*Translation*]

Mr. Roger Clavet: Could I get now Ms. Rivera's answer?

Is a philosophical or poetic thought sufficient to enshrine democratic rights in a bill? When you said earlier that we might

need the help of a poet, did you think that everything we heard from new citizens, from newcomers could be taken into account? My colleagues and myself have heard very moving statements from people for whom this country means so much. Could we not take into account all that was said by these people to find a principle, a sentence which would allow someone to identify with a country and really believe in it?

Would that be possible?

• (0945)

Mrs. Myrta Rivera: Yes, certainly.

[*English*]

That's my idea, that the poetry has to be found in the people's hearts. I didn't mean, of course, that it necessarily has to be a registered, certified poet, but that we have to find the poetry in what it means to be a part of this country, yes.

Mr. Roger Clavet: Mr. Bryden, would you comment on this?

[*Translation*]

Mr. John Bryden: There is poetry in the Canadian Charter of Rights and Freedoms. It is the poetry of the Canadian spirit. You don't need someone to be a great writer. It is the spirit of Canada's people. This is why I used those words in the oath I am proposing. Furthermore, you are right concerning the allegiance to the Crown, because the present oath is the one that was used by the Crown against Acadians. This is precisely the oath that Acadians were asked to take at the time of their deportation. That same oath was used during the rebellion here in Ontario under William Lyon Mackenzie. I really believe that it is very important that our oath of allegiance or loyalty be to Canada and not the Crown. I am not British. I am not a British citizen. I am a Canadian and I am looking for an oath that says that this is what I am, an oath that we might offer to take to the world - - to people who are looking for a free country like Canada, an oath of loyalty to Canada and not to Great Britain.

Mr. Roger Clavet: Thank you very much, Mr. Bryden.

I might say that the fact that a sovereigntist member can be here today is the best proof of that democracy. I thank this country for allowing the expression of that democracy.

Thank you very much.

Mr. John Bryden: Thank you.

[*English*]

The Chair: Thank you very much.

Now we're going to have Mr. Siksay.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Mr. Chair.

It's great to be here in Waterloo. It's an historic meeting. It's the first time a parliamentary committee has been here. I think it's long overdue, and you're exactly the guy to have accomplished this, Mr. Chair. Your leadership on the committee, as Monsieur Clavet pointed out, has been something we've all grown to respect, and I hope the people of Waterloo appreciate that.

I also want to say you gave us a great introduction to the community last night. We were hosted at a dinner by folks from the German Canadian community and the multicultural community at the Concordia Club, and that was a fabulously gracious introduction to this community. We heard some history of the community, as well, last night, and got off to a great start. So I'd like to thank you and the others who arranged that.

The testimony this morning has been very helpful, so thank you all for appearing before us.

I have a couple of questions for Mr. Bryden.

Mr. Bryden, you mentioned the option of an affirmation to the deity as a possibility after the oath was taken, and you proposed saying something like "So help me God" or something along that line. I'm just wondering if you've had any contact about the appropriateness of the term "God". Does that have meaning across faith groups? Is that the appropriate term? Would you propose allowing people to use a term other than just the word "God"?

Is that appropriate, or am I off track on that?

• (0950)

Mr. John Bryden: I think that God is God in any language. Some people feel very strongly that an oath is only valid when you cite the deity. Whether the deity is a deity of Christianity or a deity of the Hindu religion or any other religion, it doesn't matter; these people feel very strongly. But there is another side too, and that is some people feel very strongly the other way. I think it's very important to make it optional, and that's what I've tried to do.

Mr. Bill Siksay: I'd just like to be clear that the term "God" is something that has meaning across different faith groups. If it would be appropriate to substitute a different word or a different name for God, and if that might be possible in those kinds of circumstances, it might recognize the multi-faith nature of our society.

My other question was this. Have you considered that when we make that kind of affirmation at the end of the oath, it gives a completion to the oath that isn't there for folks who don't want to make that type of an affirmation, and that sometimes people feel as if they need to finish the oath by making that statement, even though they might not be particularly moved to do so? So I'm wondering whether there might not be a more secular affirmation that could be added at the end, which would offer completion to people who don't want to invoke the name of a deity.

Mr. John Bryden: This is going to sound a little strange, perhaps, but I think the next level below an affirmation to a deity is the affirmation to your country, to your patrie, by reciting the words—and if you don't mind, not to the queen—but reciting your allegiance or your loyalty to Canada and what Canada means. This is why it's so vital to have the principles of the charter in the oath. If somebody does not want to add the additional words of affirmation to the deity, that's probably good enough. I can't think of any other institution higher than one's loyalty to one's country, because when you're loyal to your country, you're loyal to all the people of that country and you are loyal to the principles that all of you share. My own feeling is that if people don't want to make an affirmation to the deity, the previous words are probably enough.

Mr. Bill Siksay: Ms. Rivera, you look like you want to have some say as well.

Mrs. Myrta Rivera: I have a grandson, and he is four, and he would probably say "I mean it". I think that an ending such as "this is my solemn vow" or something like that simply affirms that four-year-old's intention of "I really mean this" or something like that.

Mr. Bill Siksay: I don't know if anyone else wants to comment on that, in particular given your experience in the courts.

Mr. Bob Sommerville: If I may, Mr. Siksay, I'm a monacharist. I'm very proud of our constitutional monarchy government. But I have to say that in all honesty, saying the current oath with 100 or 200 people about to become new Canadian citizens who have never had any real connection to my background with the monarchy and so on.... We use 13 words around the monarchy in this particular oath. The oath that Bill C-18 talks about only really uses seven words to refer to it. I think both Lorna and I agreed in our conversation about that particular aspect of the bill that seven words would ring a little nicer with us than the 13 words we have gone through with the current oath we have.

Mr. Bill Siksay: I do agree with Ms. Rivera that it would be good if it was a poetic statement. I've thought this as well, along with Monsieur Clavet, who I think is the only member of this committee who has actually cited poetry or read poetry at a committee meeting. I knew he was going to raise that and that he would connect with your statement this morning. But I do agree that it would be good. Maybe the poet laureate of Canada would have something to say about the oath.

I want to ask the judges something. I want to be clear about the judges' relationship to the department now. Given the number of applications that come in, what is the citizenship court judge's relationship to the processing of those applications, and what role do you have within that part of the process? Does the department do that? Do you only see the ones where there is some question or there are some issues to be resolved? What is that relationship currently between a citizenship court judge and the department?

• (0955)

Mr. Bob Sommerville: Perhaps I could add a little history here.

Back in 1987 there were approximately 75,000 applicants for citizenship annually. At that point, there were 54 judges—38 full-time and 16 part-time. In 1993, when I came into the role and Lorna retired, we were processing 200,000 applications a year with the same number, 54 judges.

The dilemma was obvious. There were backlogs of 18 months or 24 months to get the citizenships processed, because the citizenship judges at that time were interviewing every adult applicant for citizenship. Everyone had a 10- to 15-minute interview.

The government introduced a testing process that changed the situation completely. And as you are correct in saying, the citizenship judges now see people who have failed the examination, people who on a cursory look have not met the language requirements at the testing time, and also people who have not met the residency requirements. They see people who have had criminal backgrounds. They also deal with cases of compassionate consideration.

In addition, to make certain that the process is credible, the most recent directive from the senior citizenship judge in Ottawa has required of all citizenship judges and the administration that rather than having the citizenship judge just sign a piece of paper called a CARF, a citizenship application review form—which we did with just a click, click, click to get through the numbers, because we'd see tens of thousands of these—the file will be in front of the citizenship judge when he or she makes the signature to approve the application.

So it's getting more involved than it was. You may have been referring to something that happened a little while back, but that's basically the process they use right now. They are independent and make their own decisions, and their decisions are appealable by the applicant and also by the minister to the Federal Court.

The Chair: Thank you very much.

Next we will go to Mr. Temelkovski.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Thank you very much, Mr. Chair.

It's good to see you nice and comfortable in your old digs here. They look great, and you look great and comfortable in your old setting.

Thank you for your hospitality in the community last night and for what's coming up today as well.

I have a question for the judges here. I might have appeared in front of Lorna. Lorna, I am not sure if you were a judge in Hamilton.

Ms. Lorna Van Mossel: Yes.

Mr. Lui Temelkovski: You look a little familiar. You gave me a tough time, I think, and now maybe it's time to pay back.

Do you think the knowledge requirements for new Canadians are appropriate? Perhaps I might cite a question I was asked: What's the tallest mountain in Canada, and what's the longest river?

It wasn't you, right?

Ms. Lorna Van Mossel: No, not that one.

Mr. Lui Temelkovski: Okay.

Those kinds of questions were asked. I'm not sure whether they are still asked.

• (1000)

Ms. Lorna Van Mossel: I doubt that. I doubt that very much.

Mr. Lui Temelkovski: That's good, because they asked me some question and I didn't know the answer, and they said, "How come you don't know?" I was at university at the time, and I said, "Well, I've been busy studying for my exams." So the judge was very lenient...if it was you.

It may have been you, the lenient one.

Ms. Lorna Van Mossel: I think I was known to be that.

Mr. Lui Temelkovski: We hear about the delay in processing, and we also hear that there are very few judges or that there is room for more judges. We hear that some areas of the country don't have any judges. The judges are on wheels; they're portable.

Do you think we need more judges, or is it the administrative part that's slow?

Ms. Lorna Van Mossel: Well, I definitely think we need more judges.

I also think there is great value in having the judge as a part of the community. I have many wonderful recollections of going into schools and factories and churches and synagogues, and all kinds of places, to speak about what citizenship was all about, and sometimes to conduct courts there.

I wish I could tell you how many times in the 12 years since I retired I have met people in the supermarkets and on the street who come up to me and literally throw their arms around me and say, "You gave me my citizenship, and that was the most wonderful day in my life". I fear that is not going to happen when judges are portable, as you say, and not known in the community. I feel very strongly about that.

Mr. Lui Temelkovski: Well, if it goes to the bureaucracy, it will be a surgical type of process, as opposed to the human touch provided in ceremonies in the community.

Now I would like to go to a more serious topic. You grant citizenship.

Mr. Bob Sommerville: We approve citizenship; the citizenship officers grant them.

Mr. Lui Temelkovski: Okay.

Should somebody be able to lose their citizenship, and on what grounds?

Ms. Lorna Van Mossel: You tell me.

Mr. Bob Sommerville: That really isn't an issue that citizenship judges deal with; we either approve or not approve applications for citizenship, based on whether the applications meet the requirements stated in the act. We know that if people achieve their citizenship through falsehoods, there can be revocation in those instances.

In addition to that comment, I would like to mention that currently, in terms of the number of judges, there are approximately 21 full-time-equivalent judges in Canada, while back in 1993 there were 46 full-time judges, and yet we are still seeing approximately 200,000 people per year. Yes, we do need more judges. Right now, the judges in Canada can only do the hearings, the paperwork, and the ceremonies. There is no room for the outreach that Lorna and I had a chance to do, where we would visit countless schools and organizations to do the evening work. Right now there is no money or time for the judges to do this, who are simply being told to get the numbers done.

You can't fulfill that mandate in terms of outreach without more human support.

Mr. Lui Temelkovski: Thank you.

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

Next we have Colleen Beaumier, who drove in this morning from Brampton.

Ms. Colleen Beaumier (Brampton West, Lib.): And I visited both city halls as well.

The Chair: And went to Kitchener's city hall and....

Ms. Colleen Beaumier: Getting back to the citizenship oath, I'm not a monarchist. I am going to talk a little bit about my ancestry: my grandfather came from Walpole Island, an Indian reserve on Lake St. Clair, or on the St. Clair River. However, in eliminating the monarchy from our citizenship oath, I think we are cutting out a part of our history.

Actually, John, I'm talking to you; John and I have discussed many, many times whether we should be swearing allegiance to the Queen. But I am wondering if we could incorporate in a new citizenship oath all of the elements of our history to include what is happening today. Because somehow, and I don't know why, I am absolutely convinced that one of the reasons we appear to be a little more stable than the Americans is that we are not trying daily to create royalty. We have a connection to our past beyond the American Revolution. I am just wondering what your thoughts are on that.

• (1005)

Mr. John Bryden: Well, thank you.

First of all, I'm not proposing eliminating the monarchy. I'm very comfortable with the monarch as the head of our parliamentary institution and our government, and it has given us wonderful stability. However, I'm not British, and the allegiance to the Queen actually springs from the 1915 law on naturalization that the British Parliament passed. What that did in effect was to establish that by using those words you became British no matter where you were in the world.

Now I think we have passed this point. I really felt, as an individual, that I passed this point when Great Britain invaded Iraq. I think that was a threshold moment in Canadian society because it was the first time, to my knowledge, when Canada chose not to follow Britain to war. Never before had I felt so much a Canadian—so “not-British”.

My feeling is that eliminating the Queen from the oath does not dispose of the Crown as an institution, which has provided a great deal of stability in Canadian society, but it does assert that being Canadian is being Canadian and that we will make decisions that are based on our Charter of Rights. The British have no such charter.

So I would submit to you that there is no disloyalty to the Crown in not mentioning the Queen in the oath. There is, perhaps, a statement there for the entire world that this Canada does not go to war unless it is a just war.

Ms. Colleen Beaumier: Bravo.

That's it.

The Chair: Thank you very much.

Mr. Sommerville.

Mr. Bob Sommerville: In response to the member's last comment, on a recent visit to New Zealand I had the opportunity to attend a citizenship ceremony. It was very similar to ours. In fact, they copied the Canadian tradition, other than the fact that they only do about 20,000 a year, and instead of having citizenship judges the mayors in four different districts conduct the citizenship ceremonies

when they are required. And, as I heard from them, they guard this privilege jealously.

But what I did learn from this—and after seven years as a citizenship judge I didn't think about this, and your comment raised it for me—is that in every ceremony in New Zealand it is required that a distinguished representative of the Maori community attend the ceremonies. I can't think of a better exercise in our country, wherever possible, to invite distinguished members of our first nations communities to every citizenship ceremony so that new citizens can recognize that this is part and parcel of our history.

The Chair: Thank you very much.

Actually, the discussion came up on Vancouver Island, in Victoria, when we were talking with the first nations.

Monsieur Clavet.

[*Translation*]

Mr. Roger Clavet: Thank you, Mr. Chairman.

I shall go back to the larger principle that should guide any country. It is neither a reference to the Queen nor an allusion to a country that will prevent abuses.

The implementation of the War Measures Act in 1970 was a big mistake and the unfair treatment of the German community in Kitchener, in 1917, was an injustice. How could a king or a queen guarantee that it will not happen again? When Winston Churchill was asked what he had to offer, he answered: “Blood, toil, tears and sweat”. This is quite a preamble. This is not a definition that will ensure the success of a country.

When you arrive in a new country or a new city where a welcoming hand is offered, don't you have the feeling that this is a good country? A country where we talk about freedom and live in freedom is certainly a good thing.

Is it enough to have a definition or isn't it rather our behaviour and the way we treat each other that makes a country a good country in which to live? I would like to have your opinions about that.

• (1010)

[*English*]

Mrs. Myrta Rivera: I was thinking, and because you only allowed us five minutes, I had to cut out a lot.

And on the oath, I had written originally that it would be good to have a statement in it where one acknowledges that this is the country to which we are pledging allegiance, that we are not abandoning our loyalty to King Constantine II of the Hellenes but we are abandoning the old hatreds, the old baggage, the old ethnic conflicts that sometimes brought us here because we didn't fit there any more.

There should be some statement like this—and perhaps the oath would be the best—that here, now, there has to be a commitment to respect for all Canadians. This is how I wrote it, to be very succinct.

The Chair: Thank you.

Mr. Siksay. We're doing short interventions now.

Mr. Bill Siksay: Mr. Bryden wanted to get in on that last answer, so maybe you could let him—

[*Translation*]

Mr. John Bryden: I only wish to say that the Canadian Charter of Rights and Freedoms, is Canada's heritage: that of Native Canadians, of French-speaking and English-speaking Canadians. It is the essence of the Canadian spirit and I think it is very important that this concept be reflected in the oath.

[*English*]

Mr. Bill Siksay: Ms. Rivera, I just want to let you know that Ms. Douglas did a great job of representing OCASI on the other issues that the committee was looking at yesterday in Toronto.

I want to ask you about your comments on the revocation issue, and I think you said something about the folks who violated the terms of their oath and that there might be a reason for considering revocation. I am wondering if you could expand a little on what you were getting at on that point. We have been hearing lots of concern that the people who become Canadian citizens are in some ways second-class citizens if their citizenship can be taken away from them at some point, and it doesn't have the same meaning or permanence as those of us who were born in Canada.

Mrs. Myrta Rivera: Our own member for Kitchener—Waterloo has been an eloquent supporter of that point of view. On the point that people should be able to lose their citizenship, and therefore they are second-class citizens, I believe that we are talking more about the process whereby the citizenship would be lost.

What would be the reason, then, to have an oath if it can be violated at will? What is the purpose, then, of making an oath if I violate the terms of the oath, if I no longer bear true allegiance, and if I am no longer faithful to Canada, and there are no consequences?

Within that context, we are suggesting that yes, if it is obtained by fraudulent means, with the intent to deceive, or if the original promise of being faithful and bearing true allegiance.... And that has to be determined, of course. What do we mean exactly? Who is a traitor, and all of that?

There should be a process whereby you lose it. You don't need to be deported. You're still here. This is where you live, but you are no longer a citizen in the same way. I know that is open to a lot of discussion.

Mr. Bill Siksay: I want to ask Judge Sommerville if he could just tell me a bit about how citizenship court judges currently deal with issues of criminality. What kind of process would you go through, or what kinds of issues would you deal with in that?

Mr. Bob Sommerville: When a citizenship judge receives an application, it has all the information that is required for the judge to make the decision. In every circumstance the judge can see on the citizenship application review form whether or not the person has met the security requirements. If not, then the information is provided for them to review the circumstances that this person has had relative to criminality. There are summary convictions and indictable convictions, and the act makes it very clear as to how you are supposed to deal with each of these. In short, if a person is currently on probation or has been on probation for a significant

amount of time during the four-year period preceding the date of application, they cannot get their citizenship at that particular point.

Furthermore, if they have been convicted of an indictable offence in the three-year period preceding their date of application, they are not eligible for their citizenship.

If they are currently charged with an indictable offence, even though they are not convicted of that indictable offence, they are not allowed to receive their citizenship at that time.

It does not mean that they are going to be deported. It just means that the Citizenship Act requires that criminal behaviour of a certain nature is not acceptable for a person during the four-year period preceding the date of application, and until such time as they clean up their act, they will not be allowed to join the Canadian citizenship ranks.

I think that is the best way I can explain it.

•(1015)

Mr. Bill Siksay: Thank you.

The Chair: Thank you very much.

Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair.

I think it was John who mentioned dual citizenship. Many of us were not born in Canada. I think, by virtue of birth, unless I give up my citizenship from the country I was born in, in writing, I am a citizen of that country for as long as I live.

Are you suggesting that we give it up in writing? Because birthrights indicate differently, I believe.

Mr. John Bryden: You can never escape your birthright, and nor should you. The problem when you come to Canada from another country is that there can be a conflict in your dedication, shall we say, to the principles of Canada, which may not exist or be followed in the country of origin.

I think my partner here made a very good point. One of the things that we hope happens when you come to Canada and become a Canadian citizen is that you leave behind, for example, the ethnic divisions that so brutally divide some countries. This doesn't mean that you don't have a desire to see your country of origin progress and that you cut your ties to your relatives, your friends, and your desire to help the people of your country of origin. But what it should mean is that there should be no conflict, particularly if you subscribe to our Charter of Rights and Freedoms by means of an oath—which doesn't exist now—between.... If you subscribe to our principles in the charter, it does or can put you in conflict with your birthright.

So I would suggest that as we move forward, particularly in a world that is becoming increasingly darker—it is a dark world, and it's going to get even worse—it is very, very important that Canadians of whatever origin assert their desire for or loyalty to universal principles of equality, democracy, and respect for the rule of law.

Mr. Lui Temelkovski: I came here as a 13-year-old boy. To think that because I was born outside the country I have less of a connection to Canada, or allegiance or admiration or whatever you may want to call it, I think is unrealistic.

I only spoke Macedonian before; then I learned English. That doesn't mean it's watered down. Then I learned Italian. It enhances a person. It doesn't—

Mr. John Bryden: No, perhaps I'm not making my point adequately.

You can't leave your roots behind, and nor should you, because Canada is a country of people with all sorts of different roots, and that is what makes us such a strong country. If I may point out, the contribution made by those from French-speaking Canada politically, as we know, is extremely alive and well and, to me, it has enriched the country.

However, there is a reality, and the reality is that being Canadian is different from being Macedonian; it is different from being Polish. I think it is a country that has evolved in terms of respect for civil liberties and human rights better than any other country in the world. When you take up citizenship in this country, you really are becoming part of a people. That's why I use the word *un peuple*, which has more of a special meaning in French than it does in English.

All I am saying on the dual citizenship question is that while you don't turn your back on your past, what you do acknowledge is that Canada is a country that has evolved perhaps further in terms of its respect for human liberties than perhaps the countries of origin of the many people who come to this country.

• (1020)

The Chair: Thank you very much.

That's a good point at which to interject. To me Canada is a collection of minorities. There is no majority in this country. We really reflect the rest of the planet, and I daresay the way we get along and the way we govern ourselves is really the way the world is going to have to do it in the bigger sphere. I might be on the majority side of public opinion Monday, but I can very quickly be on the minority side of public opinion the next day, and I have experienced both.

I think in some ways that's why we have the Charter of Rights, because if you reflect on the history of Canada—be it the Asian exclusion act, the Chinese head tax, the internment of Ukrainians and Japanese, the “none is too many” policy for the Jews—those are injustices we are still struggling with. There are two private members' bills in Parliament—one related to the Chinese head tax and one related to the Ukrainian internment. To me it was this background that really led to the creation of the Charter of Rights and Freedoms on April 17, 1982. It was a recognition that those things in the past have been wrong and that we want guidance for the future. We enshrined it in the Constitution and made the decision that interpreters of the Constitution are the judges—the judiciary—because politicians make political decisions, but when it comes to citizenship and human rights, that has to be left in the courts.

The best example we have is the same-sex debate. To me, it became very simple, once I looked at it as a matter of rights, to be able to support that position.

Keeping that in mind, in terms of the charter, the challenge is to come up with a preamble to our Citizenship Act and to come up with a citizenship oath. We are inviting the public to help with it. I am really pleased that Mr. Bryden was here to make the presentation, because he made it very eloquently. We will put it up on the website and invite other submissions.

To this community and to the people in your group, Myrta, who are very creative artists, I challenge them to come up with something, because I think that would serve us very well.

Judge Van Mossel, in terms of what you said, that citizenship and this whole history of ours really should be celebrated—you did outreach when you were a judge—I've been working on something that I call the hall of the charter. Basically it's something I envision as being a virtual hall of the charter that our citizenship court judges, who I hope will regain their former numbers, will be able to partake of and in which they'll reach out to the communities, talking about our history and having people appreciate why we have the Charter of Rights and Freedoms, because to me that really is what unites as Canadians—that sense of values that we adhere to, which can keep us a very civilized society moving forward. In some ways I see the judges doing that. Even in small communities we can have a part-time judge—an eminent retired person—and their job is to reach out to the community and deal with why we have the charter, why we have the kind of country that we have.

I would like to have your input, both Judge Van Mossel and Judge Sommerville, and the other two witnesses, on that idea .

• (1025)

Ms. Lorna Van Mossel: I couldn't agree with you more, Andrew. I think that is a role the judges can definitely play. The charter and our history—everything—can be incorporated into the outreach work that we do and that both Bob and I did when we were in that position. I see that as very, very important. More judges would certainly make that a lot more possible.

Do you want to add something, Bob?

Mr. Bob Sommerville: It seems so very obvious that all communities have distinguished citizens in their midst, people who are recognizable and respected and appreciated. To have them as the frontrunners—the first-line people—talking about our citizenship not only to new Canadian citizens, but also to the students, the service clubs, the women's institutes, the “English for new Canadians” classes, and on and on is an extraordinary opportunity that should be available across this country.

I really am hesitant to say what I am just going to say, but we only have three citizenship judges, as I understand it, in Quebec at this point—in Montreal—and they don't get a chance to get across to the rest of the province very often. I could think of so many communities in the province of Quebec with distinguished citizens. Talking about our Canadian citizenship to the students in those schools would be an extraordinary opportunity to create another step in the sense of what Canadianism is all about.

The Chair: Thank you.

John.

Mr. John Bryden: I will just say two things.

One is I believe we need to expand the number of citizenship judges, because it puts a human touch to something like the oath. If you are going to have an oath that is meaningful, it is an oath that ought to be administered by people who are not necessarily lawyers but who have distinguished themselves in Canadian society by their adherence to the very principles of civility that exist in the Charter of Rights and Freedoms.

I will further say that putting the principles of the charter in the oath is not something that just applies to new Canadians coming to join us; it applies to us all. This is a commitment, and it's a commitment that restricts the government from doing excessive things, for example in the case of the anti-terrorism scare that we have right now, where people can be seized and held without trial for a period of time. When you have the rule of law cited in your oath and it is understood that this is what every Canadian believes in, it becomes very difficult for a government to bypass the rule of law.

I would submit to you this is one of the reasons why governments prefer to say, as in the existing examples before you, that the citizen should merely observe the laws of the country. There is some law greater than the law of the country, and it's that universal law that requires fair trial, that requires debate and opportunity for everyone to express themselves, which is what a democracy is all about.

I submit to you, Mr. Chairman, that governments are sometimes uncomfortable with the idea that there may be laws that are beyond government and that apply to all mankind.

The Chair: Thank you very much, and thank you to the witnesses. We very much appreciate your input. We will be producing a number of reports. Hopefully, our report on this will find itself into legislation, and we will send you all a copy. Thank you very much for sharing your expertise with this committee.

I am going to suspend hearings now for five minutes so that we can have the new witnesses set up.

•(1030) _____ (Pause) _____

•(1044)

The Chair: We will now reconvene the hearings. Again we are going to be dealing with the issue of citizenship.

We are going to hear from a number of witnesses who will make five-minute presentations, which will then be followed by a question and answer session from members of the committee.

Starting off, I would like to call upon Kuldip Singh Bachher, secretary of the Golden Triangle Sikh Association.

Mr. Bachher.

Mr. Kuldip Singh Bachher (Secretary, Golden Triangle Sikh Association): Chairman and members of this committee, my name is Kuldip Singh Bachher. I am a science teacher by profession, working with the Waterloo Catholic District School Board. At this meeting I represent the Sikh community through the Golden Triangle Sikh Association of Kitchener—Waterloo.

I am very happy to note that your committee is engaged in collecting opinions of the common masses who are, in their everyday life, affected by the current Citizenship Act, which was enacted before the Charter of Rights.

As one can clearly see, this country seems to work on a double standard—and I don't know if I should use the words “double standard”—in its implementation of several policies. There clearly seem to be two distinct types of citizenship in existence: one, those who are born here and who are treated as first-class citizens; and two, those who become citizens by naturalization and are treated, in my opinion, as second-class citizens.

Citizenship is a fundamental tenet and not a privilege of every national. In this regard, I would like to draw the attention of the honourable members of this committee to a number of sections in the Charter of Rights and Freedoms. Section 7 deals with life, liberty, and security of individuals; section 11 deals with the proceedings in criminal and penal matters; and section 12 deals with the treatment or punishment.

All of these sections provide procedural protection for all citizens, whether you are here by birth or by naturalization. Citizenship is a status respect and it must be celebrated and recognized as such. Under the present laws the Minister of Citizenship and Immigration has full powers of denaturalization and deportation. Does this apply to all citizens in this country? Honestly, not really. It applies only to the second-class citizens.

Before taking citizenship in this country, these people have already surrendered the citizenship of their birth country, and Canada cannot make people stateless. If, at the present time, the residency of three years to grant citizenship is not felt adequate, there could be a provision to extend it to a longer period, but once the citizenship is granted it must not be taken away. Citizenship, once granted, is irrevocable.

Honourable chairman and members of this committee, Canada is a land of immigrants. The Globe and Mail of March 23, 2005, states that if current trends of immigration and fertility rates among the visible minorities hold, one in every five faces will be non-white in 12 years—that is 2017—when Canada marks the 150th anniversary of Confederation.

This trend brings issues that need to be resolved faster than the way they are now. Besides allocating funds only, it is now time that the federal government set the machinery in motion to provide necessary training facilities to the highly qualified professionals such as doctors, engineers, teachers, pharmacists, and a host of other categories. These are the people who are imported here through their own merit. I shall repeat this. These are the people who are imported into this country through their own merit, through immigration, and they are left here to work as cab drivers, factory workers, security guards, and what not.

Let us be fair. If you import doctors, provide them the necessary training to upgrade them to the Canadian equivalency. This argument goes on and on for all other kinds of professions.

● (1045)

This educated group of imported professionals represents easily and cheaply gained wealth for Canada. Canada did not spend any money to train them but has the full privilege to utilize their good knowledge of what the other country has trained them for. Do not waste the brilliant talent of such experienced and highly trained professionals. It eventually leads to frustration. Let Canada have a look at the neighbouring country, the U.S.A.; at European countries such as Sweden. People from all nationalities are working in Sweden in all kinds of professions. My own child works there as a doctor. The only condition required in that country is learning the local language, which is the Swedish language. Honourable members, do you think Sweden's medical system is inferior to the Canadian health system? I would certainly tell you it is not.

On a serious note, it is time that Canada looked into the immigration policy with a more beneficial mind for both parties, and not just for a selfish reason alone. Establishing a good equivalency-qualification program and opening up the present closed health care system will be much beneficial to all concerned in the whole country. This country has necessary funds and manpower to do this simple task, unless for a political reason it may not be done.

Another big question that arises in the minds of the Sikh community is related to the family reunification issue. This is a great concern to our community members. The number of years it is taking at present for the families to go through the protocol of documentation and interviews, etc., then the frustration at the visa office and the time-consuming processing of the paperwork, is unbearable. Most of the family members who live in villages do not have access to a variety of documents that are sometimes crucial requirements for the visa office. Imagine a visa officer telling the parents of his sponsor here that they need to produce a DNA test result before the visa can be granted to them. It is a general belief in most cases that DNA tests are done for those people who are holding some kind of criminal record, but certainly not for normal citizens of a country. It is our thought that the government needs to focus on this issue and maybe examine Canada's immigration targets.

India Abroad on April 15 reports that the Minister of Immigration has allocated about \$400 million in this new budget. This is good. We all hope it will be used for what it is meant for. Will this help to remove the red-tape protocol amongst the officials at the visa offices? Many of the people affected by this are elderly, have to travel many long hours to reach the visa office, and have to wait for many long hours in the long queues to be spoken to—just to be spoken to—by the people concerned, and eventually the minority won't get the chance.

These are the people who are sponsored by their wards in this country. The wards could be challenged here for any irregularity, if there is any at all here, but do not cause pain and agony for the elders at home. There is always a clause of "benefit of the doubt". In some cases our visa officers have enormous powers. Maybe they need to change this protocol of power amongst the visa officers and take it through the process of review.

It is our sincere hope that your committee, honourable members, will in its true wisdom enact laws and rules that will be beneficial to all citizens, whether they are here by birth or by naturalization.

Thank you.

● (1050)

The Chair: Thank you.

Next we have, from the Ukrainian Canadian community, Jurij Fedyk.

Mr. Jurij Fedyk (Ukrainian Canadian Liberal Committee): Thank you very much.

Good morning, Mr. Chairman and honoured members of the committee. My name is Jurij Fedyk. I am representing the Ukrainian Canadian Liberal Committee. Thank you for allowing me the opportunity to appear before you today.

I wish to address the issue of the new citizenship act. I will argue that citizenship rights must be anchored in the Charter of Rights and Freedoms.

The question of citizenship is the most fundamental of all social and political questions. Citizenship defines one's relationship with one's country. It defines to a very significant degree one's individual identity. It is something so basic that it is often assumed, forgotten, or neglected in the realm of day-to-day life.

"I am Canadian", asserts the popular beer commercial. The puck drops, the crowd screams, the spokesman boasts, "I am Canadian"—but am I?

It has been established before this committee that there are two classes of Canadian citizenship, one for native-born Canadians who cannot have their citizenship revoked and be deported, and a second class for naturalized Canadians who can, naturalized Canadians such as myself.

Other presenters have demonstrated that current Canadian citizenship rules and procedures breach several sections of the Charter of Rights and Freedoms. I will not go into them here. Justification of such breaches of the charter requires us to call upon other, higher principles, such as "Nazis among us", or more recently, "terrorists among us". No one who is concerned with justice, humanitarianism, or freedom would support Canada becoming a safe haven for Nazis or terrorists.

The problem is how we go about addressing these concerns. We do not apply criminal proceedings to examine what is clearly a criminal matter; we challenge the individual's citizenship instead, regardless of how long that individual has lived here and regardless of the quality of Canadian that person has been. Am I Canadian?

I had hoped to present this committee with new information and perhaps a new perspective on this well-worn problem, and this is it: Canada has been waffling about citizenship for almost its entire history. The grounds for deportation shift with political exigencies. So much for principle—and so great is the need to ground citizenship rights in the charter.

The Immigration Act of 1906 was the first legislation that specified the circumstances required for deportation. Prior to this, deportation had no legislative basis. Deportations were informal, unofficial, extra-legal. Deportations were uncommon during this period, but the majority were for medical causes.

Consider the justice. An immigrant comes to the attention of the Department of Immigration as a result of being incapable of supporting himself, usually because of some physical incapacity—for example, illness or injury, often due to industrial accidents—and winds up being deported.

The 1906 act mainly formalized and provided a legal framework for the department's earlier activity. It specified that those who were unable to work or might “possibly” become a public charge might be deported. Also, “social misfits” might be deported; this is a category that was used to deport women on the basis of moral imperatives.

The 1910 Immigration Act added moral and political grounds to the deportation provisions of the act. Immigration of prostitutes as well as of women and girls for immoral purpose was outlawed. One could be deported for living off the avails of prostitution. One could also be deported for advocating the violent overthrow of the constituted law and authority of the British Empire, inciting to riot, creating public disorder, or being “suspected” of belonging to secret organizations that threaten the livelihood of Canadian citizens.

The impact of the 1906 and 1910 immigration acts was to rationalize and systematize deportation. The Department of Immigration became more selective in terms of who was deportable. The new categories for deportation reflected a shift toward identifiable and undesirable social groups: the insane, prisoners, and “public charges” were candidates for deportation.

Deportation became a much more common procedure during this period. In 1914 there were 1,834 deportations, 61% of which were due to the immigrants' becoming a public charge.

• (1055)

A board of inquiry made up of immigration department officials would determine if an immigrant was found to have contravened the Immigration Act. The deportee had the right of appeal to the Minister of Immigration, but there was no right of appeal to the courts.

There was a drop-off in deportation in the early years of World War I, from 1914 to 1917 approximately. This was a result of the creation of the “enemy alien” category of immigrants. These were immigrants from countries opposing the British Empire, including Canada, in the Great War. These immigrants were incarcerated in internment camps rather than deported, to prevent them from drifting back to opposition firing lines in Europe.

Curiously, toward the end of the First World War, in approximately 1917, concerns about the allegiances of enemy aliens turned about face. Whereas initially it was feared that the immigrant was sympathetic to the Kaiser, toward the end of the war it was feared that the immigrant was sympathetic to the “Bolshevik”.

By 1917, criminality had become the most common basis for deportation, accounting for about half of all deportations. The source of such criminality can be found in a purely Canadian context: the

labour movement in western Canada had become radicalized. The stresses of opening up the Canadian West, and reflexive government policies favouring native-born workers, who were subsequently conscripted, resulting in the increasing demand for immigrant workers, created an environment to which American union organizers found a ready audience—that is, union organizers belonging to the “Wobblies”, if you are familiar with them.

The combination of a radicalized labour force and the Bolshevik paranoia brought labour immigrants into closer contact with police forces, resulting in increased criminal charges and increased deportation, largely to the United States, due to criminality. These stresses persisted during the First World War and resulted in the Winnipeg general strike, which began on May 15, 1919.

On June 5, 1919, a series of blatantly political amendments to the 1910 Immigration Act were rushed through both Houses in 40 minutes. They came into effect the next day, June 6, 1919. These amendments provided the first legislative basis for the deportation of naturalized Canadians, who were deportable on account of their political beliefs or actions regardless of the length of time they had lived in Canada. These amendments were targeted at the British-born leaders of the Winnipeg general strike.

Arthur Meighen, who at that time was the Deputy Minister of Justice, provided the following instructions to the Department of Immigration on July 21, 1919: “It was the ‘policy of the Government ...to deport all interned enemy aliens who are considered undesirable’ whether they were otherwise deportable or not.” I am quoting from an unpublished PhD thesis that is in the national public archives. The author was Barbara Ann Roberts.

Consider the logic. The policy of the government was to deport “all interned enemy aliens who are considered undesirable”, whether they were otherwise deportable or not. That is to say that the decision to deport was reached first, and only then would the Department of Immigration work through available possibilities until a defensible approach was found. In other words, the department was working backwards. Rather than deporting the deportable, a hit list of undesirables was established from political motives, and then the search was on for a pretext to deport.¹

Over the course of the first two decades of the 20th century, deportation was exploited to solve political, social, and economic problems. Immigrants were deported for suffering industrial accidents, having medical problems limiting their labour power, becoming public charges, and having dubious moral qualities. They were deported as a result of the paranoia of Canadian authorities, to protect the jobs of Canadian-born workers, and to relieve saturated labour markets. They were interned in order to support war efforts.

Canadian authorities manipulated government legislation, circumvented the courts, and created a purely administrative system to review issues of citizenship, and they continue to do so. This is why citizenship rights must be anchored in the charter.

Thank you for your attention. I wish you success in enshrining Canadian citizenship in the Canadian Charter of Rights and Freedoms. If you fail, we will remain at sea in understanding what it is to be Canadian.

I am Canadian—or am I?

•(1100)

The Chair: Thank you.

Mr. Jurij Fedyk: Are you?

The Chair: Thank you.

Hopefully all of the submissions we are going to have will be closer to the five minutes than the ten, but thank you for that presentation.

Next, from the German Canadian Congress, we have Dr. Ulrich Frisse.

Dr. Ulrich Frisse (Kitchener-Waterloo, German Canadian Congress, National): Dear Mr. Chairman, dear members of the committee, before I present you with the specific concerns of the Ontario branch of the German Canadian Congress, please let me say that we deeply appreciate your initiative to travel across the country and to listen to what ordinary Canadians and their organizations have to say on the crucial questions this committee is concerned with. Particularly at this time, when Canadians are increasingly compelled to question our political institutions, communication with the community is of utmost significance.

Please also let me congratulate you on the impressive work this committee has done so far and on the consensus that seems to have been reached despite party alliances.

The committee's 2004 report has outlined many of the outrageous flaws of our current citizenship laws. It is our firm belief that the suggestions you made in the report, together with the input you have been receiving from the community, provide a rock-solid foundation for a new citizenship act that, unlike the current one, will live up to the standards defined by the Canadian Charter of Rights and Freedoms, and by international law.

You have presented us with a number of specific questions on various citizenship matters. I want to answer those questions first, before I get into the matter that is of greatest concern to us, which is revocation of citizenship.

You posed the question, should new citizenship legislation include a preamble setting out the rights and responsibilities of citizenship. Our answer is yes, it should, but the question is of no large relevance to the community, because preambles are not legally enforceable by citizens anyway.

You also posed the question, should there be limits placed on the way citizenship can be obtained by birth. Our answer to this question is a most definite no. I have to say I am a bit puzzled that this question is even being asked. Canada's tradition and its reputation as one of the world's foremost immigration countries is to a great extent based on the fact that the children of those we are welcoming to our society enjoy the equal opportunity to grow up as Canadians. There's absolutely no going back behind this standard unless you want to sacrifice the core values this country is built on.

You further asked us, what should be the criteria for granting citizenship to newcomers? First of all, we believe the three-year period of permanent residency is entirely appropriate for qualifying for Canadian citizenship, and we are suggesting no changes to this time requirement.

Second, it is our firm belief that new Canadians, in their very own interest, must have more than just a basic understanding of one of our country's two official languages. New Canadians must also show that they are familiar with the cultural, historical, and social parameters and values that define our country; otherwise new Canadians cannot succeed in this society.

Further in answer to this question, we want citizenship to become irrevocable no more than five years after a landed immigrant has become a Canadian citizen. If citizenship becomes irrevocable as we suggest, then the government needs to put more effort into screening out those people who do not qualify for Canadian citizenship at the earliest stage possible. That means the screening process of applicants must be reviewed. The government has a responsibility to faithful applicants and to society at large not to let people into this country who would have to be forcefully removed later on.

Mr. Chairman, honourable members of this committee, the German Canadian Congress is highly concerned about revocation of citizenship under the current law. Our concern is not only based on the fact that a long-standing member of our community, Mr. Helmut Oberlander, is one of the victims of the government's unconstitutional actions and violations of its own policy. Our concern is much greater than that. The larger issue that is at stake here is that the current law threatens the legal status of all naturalized Canadians, of six million people or 20% of our overall population. The current citizenship law makes six million Canadians second-class citizens of this country, which is simply unacceptable.

The fatal flaw in the current citizenship law is that it allows the government to revoke the citizenship of any naturalized Canadian—and I emphasize “any” naturalized Canadian—without having to provide any evidence of criminal wrongdoing whatsoever.

The German Canadian Congress is asking the government to lay criminal charges against those Canadians who they continue to publicly label war criminals and present evidence of individual criminal actions under the definitions of war crimes. If there is no such evidence for war crimes, then leave those people alone.

•(1105)

The Crimes Against Humanity and War Crimes Act provides the proper legal framework for dealing with war criminals under Canadian criminal law. There simply is no need for the government's back-door strategy. The current denaturalization and deportation strategy, with its many flaws, is unworthy of a modern constitutional state like Canada, and it undermines the core values enshrined in our charter, which have been quoted today quite frequently; core values such as equality, due process, fairness, transparency, and equal justice for all Canadians. By avoiding the criminal courts with their higher evidence requirements, the government clearly circumvents one of the most fundamental principles of justice: that allegations of the severest kind—and war-crime allegations are severe—have to be proven beyond reasonable doubt in a court of law.

Under the current law, the government turns long-term Canadians into stateless individuals based on a balance-of-probability finding that they might have misrepresented themselves when applying for Canadian citizenship more than half a century ago. There is no evidence requirement, and no ruling on the main allegation, namely that this person has committed a war crime. All the government has to do is to label a naturalized Canadian a war criminal or—what is affecting many other ethnic communities—potentially a terrorist, and this person loses his or her citizenship and becomes subject to deportation proceedings without having the opportunity to prove his or her innocence in a criminal court of law.

The German Canadian Congress finds it alarming that the government is obviously tampering with citizenship, which is one of the most fundamental tenets of any nation. In doing so, the government not only violates the Charter of Rights and Freedoms and international law; it also damages Canada's reputation in the world.

Mr. Oberlander's case has become the government's test case of how far the law can be stretched before it breaks. Various judges concerned with the case concluded that the government's actions against Mr. Oberlander infringed his constitutional rights under the Charter of Rights and Freedoms.

In January 2004, Justice Reilly of the Superior Court of Justice of Ontario argued that by revoking Mr. Oberlander's citizenship the government had infringed section 7 of the charter, which determines:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The highest court of this country, the Supreme Court of Canada, further determined that the government had actively tried to interfere with the court in the case of Mr. Oberlander. Justice Reilly of the Superior Court of Justice of Ontario questioned the secrecy of these cabinet deliberations that led to Mr. Oberlander's loss of citizenship. Justice Reilly further noted that Mr. Oberlander was not legally represented at the crucial cabinet meeting at which the government decided to strip him of his citizenship, that the government had neither reviewed nor considered all the information he had submitted, and that there was a conflict of interest involving the Minister of Citizenship and Immigration and the Attorney General, who were acting as prosecutor and as judge at the very same time.

When the Federal Court of Appeal finally reinstated Mr. Oberlander's citizenship in May of 2004, the court further argued that the government had violated its own policy. The Federal Court of Appeal reinstated Mr. Oberlander's citizenship on the convincing argument that the government had failed to explain how a policy that applies only to suspected war criminals could be applied to Mr. Oberlander after he had been cleared of all war-crime allegations by several Canadian courts already.

This is outrageous. Honourable members of the committee, the current citizenship revocation law not only violates the charter and the government's own policy, it also puts Canada in conflict with international law. The government's current practice contradicts article 15 of the United Nations Universal Declaration of Human Rights, which determines: "No one shall be arbitrarily deprived of his nationality." It is simply not possible under international law to withdraw a human being's citizenship if this renders him stateless, and rightly so, because without your citizenship you have no legal personality whatsoever.

I don't have to remind you of the fact that when people like Helmut Oberlander became Canadian citizens some 50 years ago, the German government did not allow for dual citizenship. Most older members of our community had surrendered their German citizenship the moment they became Canadians.

Germany is not the only example of a state that requires its nationals to submit their citizenship of birth when adopting another citizenship. You would think there are lawyers working for the government who would look into such issues before such a far-reaching policy as the "D and D" strategy, the denaturalization and deportation strategy, is adopted and implemented.

•(1110)

This is legal diletantism of the most dangerous kind and with the most far-reaching consequences for affected individuals and their families. Mrs. Irene Rooney, who will be presenting to you as well, will be able to fill you in on the repercussions that the current citizenship revocation law has on families that are directly affected by this outrageous policy.

In addition to all the legal issues I referred to, the government also has to take into consideration what removal of an individual who has lived in Canada as a Canadian citizen for half a century means for this person's family, for his Canadian-born children and grandchildren.

Please let me close my presentation with a quote from the late Supreme Court Justice Sopinka, who said, "It is...cruel and inhuman to uproot an individual from his family and whatever life he has built in 35 or more years as a productive Canadian on the suspicion that he might have been a war criminal."

Based on these considerations, the Ontario branch of the German Canadian Congress—

The Chair: Ulrich, we've gone way beyond, so could you—

Dr. Ulrich Frisse: My apologies for that. Just give me 30 seconds to wrap up, please.

The final question we were presented with by the government was on what sort of citizenship engagement strategy Canada needs to make sure that citizenship is recognized and celebrated.

For me the answer is quite simple: live by the charter, and stop using citizenship revocation as criminal justice through the back door in cases where there is no evidence. Make six million second-class Canadians full citizens of this country so that they can be proud again of holding one of the most highly respected citizenships in the world.

Mr. Chairman, honourable members of the committee, I thank you for your attention and for the little extension at the end.

●(1115)

The Chair: Thank you very much.

Next, we have Mrs. Irene Rooney.

Ms. Irene Rooney (As an Individual): Good morning, Chairman Telegdi and members of the Standing Committee on Citizenship and Immigration. My name is Irene Rooney. I would like to thank you for allowing me to present today.

I have read your report dated November 2004, titled "Updating Canada's Citizenship Laws: Issues to be Addressed", and I would like to praise you for your report and your ongoing work.

I would like to specifically speak to page five, section 4, "Loss of Citizenship—Revocation". I am interested in the revocation-of-citizenship section, as it is the current revocation procedure that has personally impacted my family to a great extent.

My father, Helmut Oberlander, a naturalized Canadian citizen, has experienced a complete abuse of process at the hands of the government in regard to his revocation case, which has been ongoing since 1995. We have come to know the government's denaturalization and deportation strategy firsthand, having spent the last ten years fighting to keep my father in Canada. We have appeared in many courts during this time, including the Federal Court, the Federal Court of Appeal, the Supreme Court of Canada, the Superior Court of Ontario, and the Immigration Review Board.

Let me offer this overview of the facts of his case. Helmut Oberlander was a 17-year-old student of German descent living in the Ukraine in 1942 when the German forces invaded his home town during World War II. Because he could speak both German and Russian, he was conscripted to work as a translator with the Germans. He was never paid for this service.

Nine years after the end of the war, in 1954, my father came to Canada with his new wife to seek a better life for the family they would start here, and they settled in Kitchener—Waterloo. They both became Canadian citizens in 1960. They have lived in this country continuously for 51 years, and my father has been a responsible, law-abiding citizen during this time and has created jobs for many others and contributed to his community.

In February of 1995, after he had held his citizenship for 35 years, the federal government abruptly sent him a notice accusing him of obtaining it by false representation, fraud, or knowingly concealing material circumstances, and for his involvement in war crimes. The government intended to strip him of citizenship and deport him. As

you can imagine, we found this notice shocking and we were unable to believe that a drastic measure such as this could happen to a long-time citizen in a modern civilized state.

Any naturalized Canadian citizen, of whom there are six million in this country, can receive such a notice at any time, even if he or she has been in Canada for more than 50 years. This basically creates two classes of citizens in our country. Naturalized citizens, or citizens by choice, do not have the same equal status and reassurance that they are just as much part of our country as citizens who are born here. At the discretion of the government, their citizenship can be called back, years and decades later.

Giving an individual a notice such as the one my father received reverses the onus of proof; it forced him to prove his innocence. In his case the government had destroyed all of the relevant immigration records that dated back to the 1950s, and any witnesses who may have been present during his immigration interview in Germany in 1952 could not be found. Yet he was expected to defend himself against allegations of misrepresentation and war crimes from half a century ago.

In the year 2000 a hearing was held in the Federal Court, and a report by the presiding judge was sent to the former minister of citizenship, Elinor Caplan. In his report, Justice MacKay found that my father was not involved directly or indirectly in any war crimes during his service. In fact, it was found that the government did not even bring forth or present any evidence of any personal criminality.

In part, though, the report came to the conclusion that he had probably misrepresented himself about the unit he was associated with during the war at his immigration interview, even though there was no documentary evidence on which to base this decision. The burden of proof was the lower civil administrative standard of the "balance of probabilities", and not the normal criminal standard of "beyond a reasonable doubt".

We vehemently disagreed with this part of the report, but there was no provision for an appeal from this decision, and it is therefore not subject to due process. Therefore, the loss of citizenship and deportation of an individual, which is one of the most severe penalties that one can inflict on a citizen, especially an elderly man, can be based on a faulty report that has never been tested in the courts.

●(1120)

Even though we made extensive submissions to the minister, she recommended revocation to the Governor in Council, who after a committee meeting stripped citizenship by an order in council. We received a notice of this on July 12, 2001. Because there was no court proceeding, we were not legally represented at this time. We were not allowed to appear before the Governor in Council. We were denied any information about any part of this meeting and we were given no reasons for the decision.

There was a complete lack of transparency in the political process. Also, the Minister of Citizenship and the Attorney General, who put forward the recommendation for revocation, may have been part of the decision-making body. In a court proceeding, this would be akin to being, as Mr. Frisse said, both prosecutor and sitting on the jury. Certainly this is a conflict of interest.

This political proceeding, which is held in complete secrecy even from the citizen whose status is in jeopardy, is no place for a revocation-of-citizenship decision. Any proper concept of fundamental justice should require an open hearing, and certainly this process triggers section 7 of the charter.

We asked for a judicial review of the process, and the Federal Court of Appeal delivered its ruling on May 31, 2004, which agreed with us. The ruling reinstated my father's citizenship last year, and the government did not appeal this decision to the Supreme Court of Canada.

The long and devastating process has taken a great toll on my family, especially my father. It has been emotionally and financially draining. You destroy people's lives and reputations with this process. He was labelled an alleged war criminal by the government, the media, and others. After his citizenship was stripped, the government rendered him a stateless person. He had no country, no identity, and no rights. For a man who had always been exceedingly proud of his Canadian citizenship, this was very difficult to accept. We completely lost faith in the government to do the right thing.

Recently we received notice that the government may seek to start the whole process again. In the face of the Federal Court of Appeal ruling last year, we see this as a mean-spirited attempt to prolong a process that the government surely cannot win, in a process that does not meet the standards of a contemporary state.

Our recommendation number one is that there should be a limitation period, a maximum of five years, after which an individual's citizenship cannot be revoked once it has been obtained.

Number two, if there are allegations of war crimes against an individual, they should be tried in a judicial process in a Canadian criminal court of law. Under such a process, all of the normal safeguards would apply. That individual would be considered innocent until proven guilty; the state would be held to the standard of proof that is "beyond a reasonable doubt"; the individual would then have due process, including the full and fair appeal rights he is entitled to, and protection under the charter. This also takes the decision-making power out of the hands of politicians, where there is the potential for political interference and conflict of interest.

We have had no confidence in the current process. A Canadian citizen needs to know that he is being treated fairly and properly by his government in an open and transparent process, and that his rights are being upheld.

The revocation process in the current Citizenship Act—Bill C-29—dates back to 1977 and was passed before the Canadian Charter of Rights and Freedoms was enacted; it is therefore lacking in the principles of procedural fairness and fundamental justice.

It is the obligation of the government to make sure that the charter applies to all government legislation, including the revocation process, in the new citizenship act that will be tabled. I urge you, as committee members who have a direct effect and influence on this through your recommendations to the minister, to ensure that these changes are incorporated into the new act, so that no one else has to go through what we have experienced over the last ten years.

Thank you.

The Chair: Thank you very much.

Next we have Mr. Elmer Menzie.

Mr. Elmer Menzie (As an Individual): Thank you, Mr. Chairman.

I am pleased to be able to give a few minutes to this committee in the case of the "lost Canadians". My name is Elmer Menzie. I come from Guelph and have been—and I'm long since retired as—a professor at the University of Guelph.

I have read a lot of the literature, particularly that coming out of this committee, or the committee on immigration, with regard to the lost Canadians. I know there are numerous cases that are much more significant and difficult than mine, but I was asked to give my situation, so I am doing a sort of background history of myself.

I was born in Canada in 1923, with one parent originating from the U.S., so I started out as a dual-status citizen. I served in the RCAF for three and a half years, from 1942-1945. I went to UBC, where I obtained two degrees. I was married in 1953 to Emily Bidin, a Canadian, and we had a son, Keith Lyle, born in 1956 in Vancouver. We departed to California on a student visa to do graduate work in Berkeley in 1957. I graduated in 1961 with a PhD from the University of California. I was a professor in Montana for one year and I went to the University of Arizona in 1961 as a professor. In 1964 I applied to go on a USAID contract to assist a university in Brazil.

By the statements from Brazil, I was required to obtain U.S. citizenship if I wished to pursue this. My wife and I decided to apply and were naturalized as U.S. citizens on May 5, 1964. Passports were applied for, and we were told that to facilitate travel we should put both our Canadian-born son and our U.S.-born daughter on the passports. We were told that our son, who was only seven years old at the time, would not have his status affected, and I was concerned about that.

In 1975, after doing three and a half years in Brazil and further time at the University of Arizona, I applied for a position at the University of Guelph as director of the School of Agricultural Economics and Extension Education. We moved to Guelph in June 1975, having been informed at that time that we had lost our Canadian status and had to enter as landed immigrants.

At that time, the Canadian consulate informed me that all children under 16 automatically lost citizenship when parents take out citizenship of another country. Our son Keith stayed in Arizona, when we left there, to complete his work in the university. He later obtained a PhD at the University of Purdue in Indiana. He is now married to an American citizen, who also has a PhD in chemistry, and they have excellent jobs and are well-established citizens living in Virginia and have two children born in the U.S.

In 1995 we had our citizenship returned to Emily and me, having gone through the immigration process. In 1976 the law was changed in both Canada and the U.S., permitting recognition of a dual-status citizen. Thus, as I understand it, since 1976 those born in Canada retain their citizenship if they do what I did. Furthermore, our son would still have his Canadian status. In other words, had I not gone until after 1976, nothing would have happened to either my status or my son's status. That is not true with those of us who went before that.

• (1125)

According to information I have received, the Liberal Party and members associated with it consider those in the "lost Canadian" status to be a security threat to Canadian society as they know it. I find that a bit strange. I hope I wasn't a security threat.

Furthermore, member of Parliament Hedy Fry has been noted to say "citizenship is not a birthright". That I find strange. If this is the case, how is it that it is a birthright for those born after 1976? Also, why are those born before 1976 considered to be security risks, but not those after 1976?

I just found it insulting, knowing the law that was on the books, that I had to be treated almost the same as any other foreign immigrant, and had I not returned to Canada I would never have received my status back, although such is not the case for those leaving since 1976.

My son is in the same category and is very disturbed about the fact that all sorts of individuals, including criminals, can take out status elsewhere, including in the U.S., and not be classified as security risks.

This kind of situation I don't think is satisfactory. In my case, it is not a life-threatening thing. My son is planning to stay where he is now. He just would like to have his Canadian status back. He feels that is his right as well as anybody else's.

Thank you.

• (1130)

The Chair: Thank you very much.

I am sure you know that Bill S-2 went through the House of Commons with a unanimous vote, and we are waiting for it to come back for a third reading and passage. This committee has already dealt with it, so we just need to give it final reading.

Thank you very much for your input, all the witnesses.

Now we are going to have a challenge. The chair wasn't as tough as the chair should have been on the timeframe, and I will hear from members of the committee, no doubt, but we have to get through the questions and answers and have to do it reasonably quickly.

Madam Grewal.

Mrs. Nina Grewal: Thank you, Mr. Chairman, and thank you, ladies and gentlemen, for your time, your presentations, and for being here.

My question goes to each of you. Most of you mentioned in your presentations that there are double standards in our system, that there

are second-class citizens. Please, could you elaborate a little bit more on that?

Thank you.

Ms. Irene Rooney: I think basically Canadians want to have the reassurance that, once they are naturalized Canadian citizens, they can have the confidence that they have the same rights and responsibilities as other Canadians, and that decades later or years later, that Canadian citizenship cannot be compromised and revoked, and that they have equal status with the rest of the Canadians who were born here.

Dr. Ulrich Frisse: Our understanding is that people who are coming to Canada as immigrants to obtain permanent residency first and then Canadian citizenship are people who are building a new life in this country. In many cases they are leaving their old citizenship behind, and I know there are many countries in the world that require their citizens, if they obtain a new citizenship, to surrender their citizenship of birth.

This means that once people come to Canada, trusting the Canadian government's invitation to come, they are pretty much stuck here. We are very concerned about the fact that revoking their citizenship, or the looming threat that every naturalized Canadian is faced with that the government at any given time could withdraw their citizenship, is an unfair procedure and does not correspond with the faith people who are coming to our country are putting into their migration, into the decision to leave their old country behind and build a new life for themselves.

People need stability, and I think what the current law does is prevent faith; it prevents belief in stability and a belief that people are going to make it in this country. And that, as I said, affects almost six million Canadians; that is, 20% of our entire population.

We are talking about loyalties this morning. The issue was raised that dual citizenship, for example, was seen to some extent as a danger for creating true loyalties to this country. I think the real danger for creating new loyalties among new Canadians is actually the current citizenship law.

• (1135)

Mr. Kuldip Singh Bachher: Honourable members, if I may add to the former two speakers, one could argue on the issue that these things are not written on a piece of paper, which is very true. But when you go through the system of a society where you live your everyday life, you find there is discrimination.

I have a very strong feeling that most people who immigrate into this country are very well-qualified people, very well-trained people. When they come here, they are always treated in a kind of way that says, "Oh, you don't have Canadian experience." Well, you can't have Canadian experience unless you are exposed to the Canadian experience.

This is the kind of frustration that leads to the thinking, "Oh, it's because I'm not white. Because I'm not white, I cannot be given the job." In many cases this is the feeling created, and they get the feeling of dejection. They are not treated like the people who are born here. "My educational background," which is of course a lot stronger than many other people's, "is not being well respected." This does cause a lot of frustration.

I don't want to go into specific examples, but how could you imagine a student who comes from Oxford University whose qualifications are not recognized by the ministry of education here? You could turn around and ask, who gave Canadians their education system, if Oxford qualifications are not recognized in this country? This is what leads to this kind of frustration that "I'm not white, so I am a second-class citizen of this country."

I am sure these things.... I have a strong feeling, by virtue of your own good deeds and your own good qualities, that maybe in years to come probably this will die down, but at this time it does exist, and it gives people the feeling of being second-class citizens.

Thank you.

Mr. Jurij Fedyk: I wanted to answer your question by focusing on the grounds upon which citizenship could be revoked. It is shifting sand, which is something I tried to demonstrate. Currently, when we make reference to war criminals or alleged war criminals—that kind of thing—it is almost apple pie: no one would disagree with that kind of statement. The problem is the process; that it is never demonstrated in a criminal court that somebody is in fact a war criminal. But it is also the threat, in my case.... I was born in Australia. I came here when I was five years old. I didn't even speak English yet when I came to Canada, but still I could be subject, on some grounds, at some time, to having my citizenship revoked. I don't know what that could be; circumstances could change again. I might have a knee injury, and once, that was sufficient to be deported from Canada.

I think that whole aspect is troubling. I don't think it's something that is commonly known in this country either, that one's citizenship is so fragile.

The Chair: Thank you very much.

We are going to have to go on to the next speaker. Monsieur Clavet.

[*Translation*]

Mr. Roger Clavet: Thank you, Mr. Chairman.

All our witnesses have the feeling to be second-class citizens. Mr. Singh Bachher, Ms. Rooney, Mr. Fedyk or Mr. Menzie, from Guelph, are all people with different backgrounds but all of them are telling us that they sometimes feel like second-class citizens. Could they tell me what it is a first-class citizen so that we might understand the difference? In the case of Mr. Singh Bachher, it is interesting to note that the Sikh community has several representatives in the House of Commons. Those people who have the feeling of being second-class citizens are represented in Parliament.

Yet, the Native community, who was here before the Sikh community, before the French or the English, has only one representative in the House of Commons and for the first time. I would like to know who you think are second-class and first-class citizens. If there are people that might feel like second-class citizens, it is certainly people from Native communities. I wish to hear the comments of all our witnesses.

• (1140)

[*English*]

Mr. Jurij Fedyk: I think it is a matter of discrimination, which I think is what you're highlighting. There's no doubt the native Canadian community has been very poorly treated within this nation; that is a question of discrimination, but this is a question of a definition of citizenship that we are addressing.

My heritage has been impugned in this country repeatedly for the past century. It was Ukrainians who were interned in internment camps. It was Ukrainians who were the enemy aliens. It was Ukrainians who, because of their location in the borderland between Russia and western Europe, could be seen as being sympathetic to both the Germans and the Russians, and you are being whiplashed from both sides.

Also, there is a current matter. Mr. Odynsky received notification from the Minister of Immigration on December 24, 2004—Merry Christmas—that they're going to review his citizenship again. It has been reviewed and reviewed and reviewed.

Ukrainians were pioneers in this country. They opened up the west, yet we are subject to, and we have been subject to, this kind of treatment, and it is based on the question of citizenship—where you were born, how it was bestowed upon us, and how it can be taken away. That, you know, makes me nervous.

Mr. Kuldip Singh Bachher: Honourable member, I would like to extend an explanation to my statement on the second-class citizenship. There is no doubt in my mind that in 1980, when I first came to this country as a landed immigrant, I faced a lot of challenges, and I left.

The first challenge I faced was that I could not walk around with my turban. I have to cut my hair. Sure, I wasn't going to do it, because it is religious ethics; by no standard was I going to do it, nor do I expect members of any other religious group to do it, because this is the faith you are born in. You take a baptismal oath in there; you live by it and you survive by it.

I left this country, went back to Africa, and was very happy there. Eight years later, the immigration officer sent me a letter asking if I was going back to Canada or not. Did I want to go or not? My file was very thick, and they needed to close it. I said okay, I would go.

At that time, my children had finished their high school education and were going to university. I said there wouldn't be any problem in the university and brought them to Waterloo. Actually, it was the immigration officer who gave me the address of Waterloo University himself, and I asked him, "Why Waterloo?" and he said, "Because I am from Waterloo; you go there".

So he found your work, on your papers, that he's adding a well-educated family to the community of Kitchener—Waterloo. I did not face that situation. My children went in there; they got their doctorates and their PhDs and all their stuff. But in the general consensus of everything, when we look at it, you asked me about four or five members in the Parliament who are MPs from a known minority group. Yes, I agree, and I made the statement very clear to you earlier in my write-up—by the year 2017, there'll be one non-white among every five white people. These communities are growing and they are following their right of charter to take part in all the Canadian activities in good faith by virtue of their hard work.

The five MPs we have there, they have really worked very hard to be where they are. It is not by virtue of anything else that they have gone there. They could not be discriminated against, because they have shown their work, no matter who elected them to that office. So things will change, but the present time is what I made my reference to as a second-class citizen.

• (1145)

The Chair: Thank you very much. We'll stop there because we are going over our time on it.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

Thank you to all the witnesses for meeting with us this morning. I appreciate your testimony.

Let me say that I do agree there are two classes of citizenship in Canada and that we need to fix this and we can't delay fixing it any longer. The kinds of issues that you've all raised, the kinds of problems that Ms. Rooney, your family, has faced, are unacceptable in our society and we need to get to that job and we need to get to it soon so that those problems don't continue and it doesn't affect others in the way that it has affected you.

Mr. Menzie, I also agree that the Canadians who happen to be outside of the country for some reason because of a flaw in our immigration law aren't any more of a security threat than I am who was here the whole time, and I've made that point in this committee and found that argument, that line of argument, objectionable actually. So I want to be on record that those things are very important to me and that we need to solve them.

I wanted to ask Mr. Fedyk—on the agenda it says you're with the Ukrainian Canadian Liberal Committee. I would just ask what that group was so I'm clear about that.

Mr. Jurij Fedyk: We organized a group in order to raise issues that were of concern to the Ukrainian community.

Mr. Bill Siksay: Within the Liberal Party of Canada?

Mr. Jurij Fedyk: Specifically, yes. Inside and outside, yes.

Mr. Bill Siksay: Since you're appearing as a representative of a political party and of the Liberal Party, I'm going to take that opportunity to ask you a few questions, because you put a challenge to us that if we, as this committee, fail to address these issues we are letting people down. I think it's a little more broad than that, and I think it's something that also we obviously take responsibility for, but I think there's broad responsibility for it across the country, across our society as well. It's not just the folks on this committee.

But I also think the government, and the Liberal government, has responsibility too. So I'm going to ask you a couple of things.

I wonder if you have any sense about why the Liberal government supports the current process around revocation that's in the legislation. You were giving us an historical review of the whole question of deportation and revocation. You didn't get to the more recent stuff, so I wonder if you could maybe talk about why a Liberal government chose to introduce that kind of process in the 1977 law and maybe you can also help us with why the current government seems to have delayed introducing changes to the Citizenship Act. We were originally promised them by the former minister for this past February. The current minister maybe will commit to something by June but wasn't very firm on that. So maybe you could answer those kinds of questions for me.

Mr. Jurij Fedyk: Obviously, I don't have inside information on the nature of deliberations in ministerial offices. As far as more recent events are concerned, I think the most outstanding event that took place was the Deschênes commission in the 1970s and 1980s. There were allegations that there were some 800 or so war criminals in Canada, Nazi war criminals, that is to say. So the Deschênes commission was charged with the responsibility to review this question, hopefully to resolve it.

The upshot was that some three quarters of those cases were immediately recommended to be immediately closed by the Deschênes commission because there was absolutely no basis for those. In other instances where efforts were made to take the matter to court, through criminal proceedings, there were no convictions. It seemed that this was a fallback position to keep the question at the forefront, that if criminal charges were going to succeed, then we're going to continue leaving people's citizenship up for grabs.

Mr. Bill Siksay: Is your committee is working on members of the government to have them change this policy? Have you been lobbying there? Or does the Liberal Party have policy on this particular issue?

Mr. Jurij Fedyk: Do you know, I really can't speak to Liberal Party policy on this question. If I had access to that information I'd certainly give it to you, but I don't.

I think one of the things that the Ukrainian community has fallen down on is that we have not been electing our own representatives. I think if we had Ukrainian representatives as members of Parliament this issue would be much more on the forefront.

Fortunately, we have elected one member from Toronto and he has given us a bit of a focal point through which we can work. My committee, for example, is trying to take advantage of that situation.

• (1150)

The Chair: I can answer the question for you and we have to move on.

The policy of the government is wrong. I said that when I resigned as parliamentary secretary. As a matter of fact, I will put wrong, wrong, wrong. The second part is, the Liberal Party of British Columbia, the federal wing, as well as Ontario, Quebec, and Alberta all passed resolutions wanting this changed.

If that's the answer you were looking for, you got it.

Next we have Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair.

We've heard a lot of challenges this morning, and if we were to ask, do we have challenges, the answer is a resounding yes. We do have a lot of challenges ahead of us.

Just to name one, Professor Menzie, born in Canada, had to apply to be a Canadian just like somebody born outside of Canada. Yet I have a cousin who was born in Macedonia and she arrived two months ago from Macedonia for the first time in Canada with a Canadian passport and as a full-fledged Canadian citizen. She was born to parents who are Canadian citizens who left Canada 25 or 30 years ago.

So there are challenges, absolutely. At the same time, we had a group of Norwegian members of Parliament—about a dozen or so who we met up with in Toronto the other day—who have come to Canada to study our citizenship and immigration policies. The issue is not quite so simple. We have to continue to work on it.

I believe that the Parliament has changed, not because I got there but because many of us got there—many of us who are born outside of Canada, many of us who are born in Canada to parents who were born outside the country, and many of us who have grandparents who were born outside of Canada. But I tell you, it does not make us any less Canadian just because we were born outside of Canada or because our grandparents came from another country or another world.

Yes, we do have problems, absolutely—huge problems, challenges—but we have undertaken this travel for four weeks and we've worked on this since last October as a committee and we will continue to work on it. You have seen some of our reports, and we will be producing other reports. Hopefully we will be able to implement them into policy that will be much fairer, much better, and that will unite us as one Canadian, having the same and equal Canadian citizenship and benefits and privileges of that citizen.

Thank you, Mr. Chair.

The Chair: Thank you very much.

Mr. Lui Temelkovski: In terms of time, I appreciate that.

The Chair: Thank you.

Just to tell the public, we are operating in a minority government, and it puts committees in a much better position. We elect the chair; the Prime Minister doesn't appoint. We have remarkable consensus on many of the issues. We see them as Canadians—not as Liberals or Bloc or Conservatives—and we have some reports we are very strong on, such as the lost Canadians issue. I just put that in there because it is important for people to understand that. I very much appreciate the role of a minority Parliament.

Colleen.

•(1155)

Ms. Colleen Beaumier: When we first started out I definitely had a position on the revocation of citizenship, which was that it should not under any circumstances be revoked. However, after listening to Ms. Rivera.... She expressed a concern about whether the oath has any meaning. What meaning does citizenship have if in fact it cannot

be revoked in spite of the conditions that existed during the time of swearing in?

So my first question to any one of you, or to all of you, is that we have determined that if it is to be revoked it must be done under the natural judicial system, not as it is currently being done. And we have people being held under security certificates in this country right now, which has to be fixed as well. Could we set a time limit, or do we say no revocation at any point? That is my first question.

My second question is about second-class citizenship, not based on revocation but based on attitudes, which, to be really honest, I think are sometimes self-imposed. There is racism, but it will change. I remember when the Italians came to Canada a man I knew said to me, they work really, really hard, but they smell funny, and now it's status to smell. If you smell funny it means you have had a wonderful meal in a restaurant with lots of garlic.

So these kinds of things happen. I also was involved in.... One day someone said to me, "Have you ever been down to that Sikh place down at the corner? They can help you." He said, "I was talking to my neighbour, who is Italian, and I am Irish, and I said, 'Louie, if we could get used to you, we can get used to them too.'" So I think this is, although not a very enlightened attitude, an attitude that everyone who has come to this country has experienced, and by the time your kids...it changes, it just changes.

So I think that is a little bit somewhat self-imposed, and when people quote statistics that one in five is not going to be white, my attitude is, so what? I think we have issues here that we have to overcome today, and that's not going to be threatening or a problem to anyone.

So now that I have given my little sermon, maybe we could get someone to answer my question.

Mr. Kuldip Singh Bachher: The statistics I provided to you were not intended to give you the impression that these problems will continue. The reason for providing those statistics was very simple: that as we proceed into the time scale things will go this way.

Is it not time for us now to start fixing things that were wrong and creating all kinds of impressions in the mind of the present citizenship, currently, that this is going to happen? Let us start fixing things that will be beneficial to the people coming in the next 10, 15, 20 years so that we do not have to face these problems over and over again.

So that was the intention, because this is going to be the population so can we provide things that will be suitable for the population coming in about that time.

Ms. Colleen Beaumier: That's definitely something to strive for.

You know what, another concern is—and I'm going to say it right now, because I am not going to get a chance later—if we are going to talk about the absolute irrevocability of Canadian citizenship, then should we require giving up your old citizenship so that you only have one?

•(1200)

Dr. Ulrich Frisse: Perhaps I could reply to those two questions.

On the first question you asked, which is should there be any kind of revocation of citizenship at any given time, I think our position is very clear. What you need to do is you really need to screen out those people who would not qualify for Canadian citizenship in the first place, and whatever time it takes.... Right now, if you look at the way applications are being processed, you apply for permanent residency, which takes you probably about a year of processing time, which allows the government to screen people and to screen people out. You have the permanent residency period of three years, so you already are at four years. You apply for Canadian citizenship—and we heard this morning that the processing time can be a year as well. So you already have the time of five years in which new Canadians are under surveillance, under very strict surveillance, by the Canadian government.

I think the government needs to put more emphasis into this time to really screen out people during that stage. I think after that, once you are granted citizenship, yes, citizenship should be irrevocable. I could accept, if the government says and if there is no other political consensus, build another one, two, three years; that's negotiable, build it on top of that. But right now, it is excessive. Right now it is absolutely excessive and people have no opportunity to really build trust in their citizenship.

The other thing is I think what we need to do, and I think what particularly you as parliamentarians need to do, is I think we need a criminal provision. We need a provision in our Criminal Code that would make obtaining Canadian citizenship by fraudulent means an offence under the criminal law of this country like any other kind of fraud. If I'm getting into the country under false pretences and I gain citizenship in return for that, which is my benefit, why not be clear it is criminal and deal with it under Canadian criminal law? Why should there be a different standard? Why should there be a different standard for naturalized Canadians?

As I said earlier, this country does not need the back-door approach. For dealing with war criminals we have legal provisions that make it possible to deal with war criminals in this country, including the proper evidence threshold, including due process, including everything that is enshrined in the charter. What's happening right now really is a circumvention of the laws that are already in place.

By adding a criminal provision into our Criminal Code making obtaining Canadian citizenship by fraudulent means a criminal offence under the laws of this country, you would achieve the control that the government actually is seeking and I think you would be able to do it in a constitutional way that does not sacrifice the values of our Constitution.

The Chair: Thank you very much.

Next, we have Michael Chong. He joins us from Wellington—Halton Hills, a neighbouring riding.

Mr. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

As the chair said, my name is Michael Chong. I am the Conservative member of Parliament for the riding right next to you here, Wellington—Halton Hills.

Before I ask my question to the panellists, let me begin by saying that I can identify with many of you, if not all of you.

My late mother and my late father were immigrants to this country as well. My father came here in 1952 from Hong Kong, and my mother came here from western Europe in the 1960s. I am the product of that relationship. Let me also say, though, after hearing many of your submissions to this committee, I think the country we have today was built on successive waves of immigration. It is a great country. But I also believe that as Canada becomes increasingly diverse and increasingly multicultural, it behoves all of us to not emphasize those things that make us different, to not emphasize those things that we don't have in common, but to emphasize those things and build on those things that we do have in common among the different groups that make up this country called Canada.

I think that too often, in too many cases, we as Canadians often identify or often view visible minorities simply through the lens of ethnicity. In other words, we don't see them for who they are, simply as Canadians, but we too often have the tendency to pigeonhole them. In doing that, we deny them the opportunities available to the rest of us.

My question, as I said, is for the panellists, and I will leave it to you to decide whether or not you want to respond.

Citizenship law is a fairly recent phenomenon. For example, Canada never had a citizenship act until 1947. Prior to that, citizenship law, not just in Canada but in many jurisdictions, was based on some very ancient principles that had to do with birth and where you were born. We now have a blended system where we have combined those ancient principles with the acknowledgement of the fact that, especially in countries like Canada, we have accepted many new Canadians and immigrants to this country, so we have had to set up a regime where we grant citizenship to those who were not born here.

I heard in the testimony that it had been suggested, and I am not going to comment on the case one way or the other.... You have raised some interesting points, and it had been suggested that we move to a higher standard for revocation of citizenship beyond the “balance of probabilities” that is used in civil matters and that we move to a criminal standard, “beyond a reasonable doubt”.

My question is if we are going to move to a higher standard for revocation, does that not logically entail then that we should move to a higher standard for granting of citizenship? In other words, will we not throw a big wrench into the system, so to speak.... If we are going to make it much more difficult to revoke citizenship based on grounds where there has been false representation, is it not necessary for us to then create much higher standards for granting citizenship?

•(1205)

The Chair: I am going to have to have a quick answer. Anybody want to take this on?

Mrs. Rooney?

Dr. Ulrich Frisse: Perhaps I could pick that question, then.

I think these are two totally different issues, and I think that citizenship revocation and the granting of citizenship, in terms of thresholds of evidence, are not related. I think our point really is that you don't need citizenship revocation proceedings in cases of misrepresentation. I think what this really is and what this higher threshold should be limited to is really to criminal charges. If the government thinks that somebody has committed war crimes, then lay criminal charges in the criminal courts of this country. This higher threshold of evidence, beyond reasonable doubt, already applies. And if you don't get anywhere with that, stop persecuting these people.

We are a constitutional system. We have a constitutionally set judiciary for exactly these cases. We don't need citizenship revocation for that. It is an abuse of our legal system for political means.

The Chair: Time has expired on that. Thank you very much.

In wrapping up, I have read a lot of stats indicating how our young people in Canada are probably the most inclusive young people in the whole world and we have really a lot to be proud of. But I can tell you, when I think about kids and I see Bill C-63, which proposed to extend the present draconian unfair process to the next generation, this means dependants coming in with that person for whatever reason—that came out of the bowels of the bureaucracy in Ottawa—it was very frightening, because all of a sudden it made it very personal right to me. Clearly, we cannot take citizenship rights and we cannot abuse the process.

We have a perfectly good process whereby we deal with criminal matters. And while it is not always perfect, you have appeal rights, and for the most part they get it right. But even under that system you have cases of people who are wrongfully convicted, and we have too many of those.

So I think something we have been hearing as we are going across the country is if you are going to have revocation, make sure it is on the higher standard. Because you have to consider when you go after an individual in a community, and it is an unfair process and it is perceived to be an unfair process, then anybody who has gone through that kind of a situation will ask, what about me, and by that I mean misrepresentation.

During the Second World War, if you came from the Soviet Union you were not allowed into Canada if you stood up and said "I came from the Soviet Union", because at the time the point was the Allies had an agreement with the Soviets to send them back to the Soviet Union.

Also the number of Mennonites we have in Canada, as well as the number of Ukrainians we have in Canada, and the list goes on.... It creates a very uncertain situation for a whole bunch of people. And it really came into perspective for me when that black university professor from Simon Fraser said this is bad public policy. And the reason is, when you have unjust laws that people feel threatened by, it is bad public policy.

The other issue we talked about was whether or not there will be a statute of limitation as to when you can go after citizenship, and I think that is where we are going to end up having most of the debate.

I would like to thank everybody for attending. We will be producing a report on this topic. It will be one of the first ones we will produce. We will make sure you all get a copy of it.

I would like to thank you all for your input.

We are going to adjourn until one o'clock.

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.