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Chair

Mr. Borys Wrzesnewskyj

Standing Committee on Citizenship and Immigration

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• (1100)

[English]

The Chair (Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.)): Good morning.

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

We have three witnesses before us. I'd like to remind the witnesses that you have seven minutes for opening remarks. We will follow the order appearing on the notice.

Hence, Mr. Farber, you have the first seven minutes.

Mr. Bernie M. Farber (Executive Director, Mosaic Institute): Thank you very much for inviting me to speak about Canadian citizenship and Bill C-6. I'm honoured to be here in my capacity as the executive director of the Mosaic Institute.

The Mosaic Institute is a think and do tank that was founded in 2007. Our mandate is to create platforms for learning and dialogue amongst diverse Canadian communities to advance justice and peace. Our initiatives are a combination of dialogue, research, education, and action, and all of our activities are community-grounded with an empirical approach.

Our work strengthens Canadian civil society through emphasizing respect for each other, respect for human rights, good global citizenship, and community development.

Today, my friends, I hope to de-sensationalize some of the ideas about those seeking Canadian citizenship and what it means to be a Canadian.

Before I do so, I'd like to share a bit of my family history, which has served as a backdrop for my work in the field for the last 30 years. I have a visceral understanding of the refugee and immigration experience simply because I was brought up in its shadow. I understand in the heart of my hearts the value and power of Canadian citizenship. Both my parents left their ancestral homes not because they wanted to, but as a result of anti-Semitism and persecution.

My late mother, Gertrude, was brought to Canada as a child, driven from her village of Zaslav in Ukraine by violent pogroms. Canada then was a welcoming home. Arriving at Pier 21 in Halifax must have been a daunting experience for a six-year old child fleeing violence, who spoke no English and knew nothing about Canada.

She took well to her new home. Ottawa in the late 1920s was a hodgepodge of diversity. Made up of recent refugees and immigrants, their familial Jewish home in Sandy Hill, not far from this very place, was not uncommon. The spoken language was Yiddish. My mother never really lost her accent, since she spoke Yiddish at home and only learned English when she went to public school. My mother and the rest of her family thrived in Ottawa, working at the small vegetable stall opened by my grandfather in the Byward Market.

My father, Max, and his family were not so fortunate. Just prior to World War II, a young man from a small Polish village saw what many others refused to see, the real possibility of a war in which Jews would be targeted by the Nazi regime. Wanting to live, he took matters into his own hands and through stealth and luck he managed to stow away on a boat headed to the United States.

Velvel Farber, my father's oldest brother, made it across the Atlantic. However, like many others before him, he was apprehended upon arrival and was returned to Poland. Velvel was murdered in the death camp of Treblinka. Indeed, my late father suffered the brutalities of the Holocaust. At its tragic conclusion he had to face the tragic fact that he was the sole Jewish survivor of a small Polish village. Murdered in Treblinka were his first wife, two young children, and seven brothers and sisters.

Once again, this time following a heartless closed-door immigration policy, made infamous by Harold Troper and Irving Abella in their book *None is Too Many*, Canada finally reopened its borders to the stateless people of Europe, amongst them thousands of Jewish survivors like my father.

Both of my parents' immigration experience and the work I am involved with today at the Mosaic Institute have informed my life. I have learned much that may be helpful to this committee.

First, people love being Canadian. Whether they arrived yesterday or have been here for generations, there is something about this country that simply inspires. Our work has proven that our diversity is one of the reasons people quickly ascribe to and adopt Canadian ways of life.

In 2014 the Mosaic Institute received a grant from Public Safety Canada's Kanishka fund to conduct a study titled "The Perception and Reality of 'Imported Conflict' in Canada". This research was conducted as part of Public Safety Canada's efforts to shed light on terrorism and how best to address it in Canada.

We asked this question. To what extent, if any, do Canadians with connections to countries in conflict import that conflict to Canada? After surveying 5,000 Canadians across the country and speaking to more than 220 Canadians connected to countries in conflict, we determined that, for the most part, Canadians do not import their conflict here.

In fact, one-fifth of the people we surveyed told us that they were no longer as one-sided about their conflict, that being in Canada had helped them to be empathetic and recognize larger factors driving these conflicts.

• (1105)

One of the reasons given for this attitudinal shift is that people were able to connect with others who have experienced conflict. Essentially they realized that they were not alone. The shared element of being Canadian gives people a common ground and the foundation upon which to build their lives.

We have also found that when citizenship is achieved, it is treasured and harnessed. I say harnessed because it becomes a vehicle by which people's lives are improved, work is rewarded, people are safe, and access to education and other social services is available.

Comparatively, Canadians are fortunate and new Canadians are the first to recognize this; 94% of people we surveyed feel attached to Canada, with 78% considering themselves first and foremost Canadian. This is almost eight in 10 of those surveyed. More new Canadians supported this statement than second- and third-generation Canadians. This is resounding evidence that the majority of those seeking Canadian citizenship do become personally connected to this country and in doing so, decide to contribute richly to Canada.

Some will dismiss my statements because of recent tragic events in this country. To them, the fact that a person perpetrated such acts in a manner connected to other acts around the world must mean that the person came to Canada with the intention of harming this country. To those with this view I would respectfully disagree. However, our research indicates that while people do not import their conflicts, they do import their trauma. When this trauma is left unchecked, it can lead to social isolation and a dissociation from Canada, particularly when it is exacerbated by other barriers, such as discrimination and economic exclusion.

But when Canadians are able to fully participate in society not only do their lives improve, but they also help improve Canadian society as a whole.

The Chair: You have 15 seconds.

Mr. Bernie M. Farber: Historically, immigrants and refugees who adopted Canada as their country of choice contributed to the development of Canada and its social, economic, and civil fabric. Today we stand on their shoulders.

To conclude, my work with the Mosaic Institute has proven my belief that Canadian citizenship is valued, earned, and that our diversity is indeed a source of our great strength. For these reasons we support Bill C-6 and the amendments put forward.

Thank you very much.

The Chair: Thank you.

Ms. Sheryl Saperia, director of policy for Canada, Foundation for Defense of Democracies. You have seven minutes, please.

Ms. Sheryl Saperia (Director of Policy for Canada, Foundation for Defense of Democracies): Good morning, distinguished members of the committee.

On behalf of the Foundation for Defense of Democracies, a think tank focused on national security and foreign policy, thank you for inviting me to appear before you today.

My comments will focus exclusively on the provisions in the Citizenship Act that revoke citizenship for treason, terrorism, and armed conflict against Canada, which Bill C-6 seeks to repeal.

As I explained in my testimony on Bill C-24, I believe it is reasonable to predicate Canadian citizenship on a most basic commitment to the state that citizens abstain from committing those offences considered most contrary to the national security interests of Canada. Treason and armed conflict against Canada are actions clearly intended to damage the country as a national entity and political community. It seems fitting that one consequence of these crimes might be the loss of citizenship to the country the offender seeks to harm.

However, there are areas where the current law could be improved. Rather than repeal outright the provisions allowing citizenship to be stripped on national security grounds, I would propose several amendments. For instance, I recommended in my previous testimony, and in various newspaper publications, that the law should be amended to stipulate a tighter connection between the terrorist crime and the consequence of losing one's citizenship. Specifically I suggest the stripping of citizenship for terrorism be triggered only by terrorist offences in Canada, against a Canadian target, or when committed in association with a listed entity. Listed entities have been publicly designated by the Canadian government as terrorist organizations and are in effect public enemies of the state. Committing a terrorist act that meets one of those three criteria is, to my mind, a clear attempt to damage Canada, for which loss of citizenship is appropriate. If the terrorist act has nothing to do with Canada, the revocation of citizenship should not be the consequence.

I would also suggest an amendment with regard to foreign terrorist convictions. I can understand Canada giving credence to a terrorism conviction from a like-minded country with legal standards similar to our own, but while the original legislation was clear that the substance of the foreign offence would be examined to ensure its equivalence to a Canadian Criminal Code terrorist act, the law failed to require an assessment of the fairness of the process by which that conviction was achieved.

I would like to take a moment to address Minister McCallum's most vociferous objection to the current law, namely that it creates two classes of citizens: those with dual or multiple nationalities who are at risk of having their Canadian citizenship stripped, and those with only Canadian citizenship who may be punished in a variety of ways but cannot lose their citizenship.

First, that distinction is not arbitrary. It only exists because there is a law that prohibits rendering a person stateless. Second, for dual nationals who have chosen that status, often because of personal connection to, or benefit from, more than one citizenship, this is not a compelling argument. Dual citizenship was not forced upon them, and they are not being subject to discrimination as a result of any inherent trait. It is a choice they have made, just as they can choose to renounce their other citizenship, so as to be solely Canadian and therefore not subject to these provisions.

In cases where a Canadian citizen is also citizen of a country that does not enable renunciation of that citizenship, that's a different story. In that case, the minister or department could use their discretion to assess the extent of what I call the active relationship to that second citizenship. Does the individual maintain deep ties to the other country? Has the individual invoked any of the rights of that citizenship? Has the individual travelled with the passport of that country, or served in an official capacity only open to citizens? The less active that second citizenship, the weaker the argument the Canadian citizenship should be revoked.

In short, it is simply not always true that a Canadian is a Canadian is a Canadian. It is not an absolute category. Naturalized Canadians are Canadians only so long as they are not found to have lied on their citizenship application. Those who have committed war crimes, crimes against humanity, and genocide can have their citizenship removed as well. Consider also that naturalized citizens must pledge an oath of allegiance to the Queen as the personification of Canada. By committing treason, armed conflict, or terrorism against Canada, are they not renouncing that oath through their actions?

•(1110)

Canadians with more than one nationality have a very easy way to retain their Canadian citizenship under this law, do not commit criminal acts of treason, armed conflict, or terrorism that are directed at Canada as a country.

Lastly, if the government believes that our national security interests are better served by keeping dangerous terrorists in Canada where we can watch them properly, rather than potentially letting them loose in another country, I urge them to follow that commitment through. The safety of the Canadian public demands that if those involved in terrorism are to remain in this country, they need to be closely monitored while they are imprisoned and afterwards. Canada must develop a strategy for preventing convicted terrorists from radicalizing and recruiting members of the general prison population. The threat of Islamist prison radicalization is an important feature of modern counterterrorism, with prison being a unique incubator for violent radicalization. As more terrorists are incarcerated in this country, the related threat of prison radicalization will also rise. This issue is all the more potent now that there are Canadians who have travelled abroad to wage jihad, and whose narrative might be more compelling than that of a foreign recruiter.

If indeed we are going to keep in Canada those who have demonstrated their allegiance to the destruction of Canada, we cannot hide from developing the necessary strategies to protect the public from the consequences.

Thank you again for inviting me to appear before you today. I look forward to your questions.

•(1115)

The Chair: Thank you, Ms. Saperia.

Dr. Patti Tamara Lenard, associate professor, Graduate School of Public and International Affairs at the University of Ottawa, you have seven minutes.

Dr. Patti Tamara Lenard (Associate Professor, Graduate School of Public and International Affairs, University of Ottawa, As an Individual): Hi, and thank you for inviting me to speak to you again. As the chair just said, I'm an associate professor in the Graduate School of Public and International Affairs at the University of Ottawa. My areas of expertise are in political theory and practice in immigration policy, and also multiculturalism.

I have focused the last two years of my research on the so-called power to revoke citizenship across democratic states in Europe and in Australia, and of course, in Canada. Bill C-6 proposes to undo the most controversial change, in my view, to the Citizenship Act adopted during the Conservative government's time in power. That is, the power to revoke the citizenship of those who commit a long list of crimes, including treason, spying, and terrorism.

When the Conservatives opened debate on Bill C-24 at this committee, I was invited to speak, and I spoke against it. I said that the power to revoke citizenship has absolutely no place in democratic states. I believe I used an expression that my colleague used, "a Canadian is a Canadian". I believe that. I said that citizens in a democratic state have the absolute right not to be expelled against their will.

It is only slightly an exaggeration that I have held my breath since the election of the Liberal Party, waiting for them to fulfill their promise to revoke the revocation bill. I am gratified by the content of Bill C-6.

I want to respond here briefly to three defences of the power to revoke offered by Conservative MPs in the House when this Bill C-6 was open for discussion. Then I'd like to offer a piece of advice to the Liberal Party about how to announce this bill when it finally passes into law.

The three Conservative objections that I'd like to consider are these: that revocation protects democracies and makes citizens safer; that in adopting a revocation law, we were finally catching up to states that permit revocation, mainly European ones; and that this has large-scale public support.

First, does revocation protect democracy and make a citizen safer? There is no evidence that is true—not one iota of evidence. The Canadian criminal justice system is an excellent one. I think we all agree with that, and it possesses the resources necessary to punish individuals who are convicted of all kinds of heinous crimes.

More generally, and this is important, there is no evidence that states that presently possess the power to revoke citizenship are safer than those who do not. Indeed, recent events in Europe, for example, in Belgium, where the state possesses the right to revoke citizenship, including the right to render its citizens stateless, suggests the opposite. The fact that revocation would have targeted dual citizens only fundamentally undermines the equality to which the Canadian democratic state is committed, in ways in which I'm happy to elaborate in our discussion, and which in my view fundamentally undermines the security of Canadians.

Second, is it true that we were catching up to other states by adopting a revocation law? I have two things to say about this. First, it is profoundly relevant that where European states do permit revocation, these laws have been on the books for decades. In most cases, they were adopted before or after the two world wars.

Second, they are almost, with the exception of the U.K., entirely in disuse. The trend is toward abandoning these laws, not in adopting them, in spite of recent public discourse that makes the contrary appear true. We all know now that France has just recognized this and has backed down from adopting a revocation bill, having acknowledged that it is fundamentally democratic. Of course, it did so in the face of a devastating terrorist attack on its soil.

Truly, the advantage of the Liberal bill before us now is that it can be at the forefront of an international commitment, a recommitment to the right of individuals to their own nationality. It is a commitment adopted in international law to respond to the massive human rights violations, to put it mildly, that followed denationalizations during World War II, which my colleague spoke about earlier.

Three, what should we make of the claim that there's public support for revoking citizenship? It's not surprising that a bill like this would have widespread support. Punishing perceived criminals is very popular, but it is a feature of democratic states that the rights of minorities, especially unpopular ones, are not subjected to majority vote. The strength of the Canadian Constitution, the Canadian Charter of Rights and Freedoms, are that they protect the rights of all Canadians regardless of how others feel about them.

I teach this in my introductory course on democratic theory. The people who are at issue here are individuals who have committed heinous crimes. They are the most hated of Canadians, but they're still entitled to have their rights protected. The strength of the criminal justice system in a democratic state is determined by whether it protects the rights of the criminal.

Regarding my advice, here is the context. For the past three years, like my colleague, and with the financial support of the Kanishka project at the Department of Public Safety, I have been studying the effects of counterterrorism policies on the Muslim community in Canada. In particular, I have been evaluating their responses to a whole range of policies that have been adopted in the counterterrorism era.

● (1120)

We have interviewed over 100 prominent Muslims from five major Canadian cities about a range of specific policies, including the recent use of security certificates, the expanded range of CSIS investigative powers, the passenger protect list, and of course Bill C-24, which permitted the revocation of citizenship.

We also asked questions about the experience of being a Muslim in Canada right now in this era of counterterrorism. So many of our respondents spoke of being devastated—and that is the language that they used, devastated—by the ways in which the pursuit of these policies has served to undermine the trust of Muslim citizens in the Canadian state.

Further, in their view, these policies, and just as much the discourse surrounding the adoption of these policies, has seemed to them to perpetuate an idea of Muslims as dangerous and disloyal citizens, and that they can and should be treated with suspicion and distress by others. They believe this discourse has created a climate in which discrimination against them has been made legitimate and in which it goes unpunished. They believe their charter rights are not protected.

Fundamentally Muslim Canadians believe the intent of Bill C-24's revocation clause was to permit and encourage discrimination against them. They believed that it would be used only against Muslims, and they could point to public discussions of people considered as possibly eligible for revocation, all of whom were Muslim, and they pointed to that as evidence of their claim.

The revocation of the so-called revocation bill presents the Liberal government with an opportunity to continue its mission to protect and rebuild an inclusive Canadian identity that can again underpin trust among citizens of all religions, races, and colours.

The language that it has chosen to announce this bill is just as important as the fact of it, if not more. When the Liberal government explains why it has gone forward in this case, it must stand up to declare that Muslim Canadians are full and loyal citizens. The language must be the lofty language of inclusion deployed throughout the entire Liberal election campaign.

I look forward to when the power to revoke has been put to rest.

Thank you.

The Chair: Thank you, Ms. Lenard.

Now the Liberal side has seven minutes for questions.

Mr. Ehsassi.

Mr. Ali Ehsassi (Willowdale, Lib.): Thank you, Mr. Chair. I have a few questions.

First of all, I'd like to ask Mr. Farber a few questions. Allow me to start off by saying welcome back to Ottawa. We are very happy to have you here, given your rich experience that has obviously informed your work at the Mosaic Institute.

I was going over the testimony that you provided back in 2014, I believe it was, and you were very articulate. At one point, when you were considering Bill C-24, you did say that Bill C-24 will, “make citizenship not a rewarding end to their long and difficult journey, but an unreachable destination filled with roadblocks and diversions.”

I was wondering if you could kindly explain to us if you've had the opportunity to review Bill C-6, and if there was anything in particular that stood out for you and is of interest to you.

Mr. Bernie M. Farber: Thank you for the question. The statement I made back in regards to Bill C-24 has not changed.

I would like to reiterate what my colleague Professor Tamara Lenard has stipulated.

When people like immigrants, refugees, stateless people come to this country, they're not looking for ways not to become citizens. They're not looking for ways in which they can throw roadblocks and involve themselves in criminal terrorist activities. It's not to say that the odd one might, but truly we should not be using a cannonball to stun a flea.

The fact of the matter is that if somebody commits a criminal act, and let's make no mistake about it, a terrorist act is a criminal act, then they fall under criminal law, and they should be handled by criminal law. If citizenship becomes the goal that everybody must reach, and there's impediments put in the way, especially if those impediments are pointing at or targeting one specific group of people—and again the professor is quite correct, the group of people that it was targeting in Bill C-24 were the Canadian Muslim population, I've seen no evidence to suggest otherwise—we have to retrench, and we have to look back.

I have to say that I was both amazed and quite gratified that a decision was made by the minister to revoke that concept and put back into law the importance in the power of citizenship.

When my late father came here he was stateless. What does that mean to be stateless? He didn't revoke his Polish citizenship. He was just not interested in continuing to be a Polish citizen, so he became a Canadian citizen in incredible ways. He had a little flagpole in the front of his grocery store, and every Dominion Day, as he called it, he would raise the flag. He became a strong citizen, and everything that I've seen, from Muslims to Somalis to Southeast Asians, all these new immigrants who have come here, all I've seen is them embracing Canada. That, to me, is what we should be looking at: the glass half full, not the glass half empty.

• (1125)

Mr. Ali Ehsassi: Thank you very much for that.

Now, in your opening remarks today you noted that the Mosaic Institute has been at the forefront of spearheading research. One thing you touched on was the study or survey referred to as “The Perception and Reality of 'Imported Conflict' in Canada”. You had the opportunity to touch on some of the findings, but could you kindly elaborate on what the findings of that study were and how it should inform the work of this particular committee?

Mr. Bernie M. Farber: As you see, we're looking at a 200-page book with about 60 recommendations, but in a nutshell, the key

finding was this. I think it's an important distinction to make. In no way do immigrant and refugee communities come here with their imported conflict. As a matter of fact, one of the key areas that we concentrate on at Mosaic is to provide platforms for communities that are in conflict with each other here in Canada, mostly diaspora communities.

We present platforms and encourage platforms whereby they can engage in civil dialogue. We brought together Jews and Muslims, we brought together Armenians and Turks, and Greeks and Cypriots, and Chinese and Tibetans to speak, to engage each other—mostly young people.

Here's one thing that I can tell you. When they are together, yes, they speak about their trauma. They speak about what it was like to come to this country after being involved in such traumatic situations in their own country. But their conflict and anger and angst is not what they concentrate on. They concentrate on trying to deal with those feelings of trauma, and they do it within a Canadian context. They speak civilly to each other. They speak peacefully to each other, even though they are at loggerheads.

What is the lesson that we learn from this? We learn that if you can actually bring people to the table who are in conflict, who have had these historical conflicts—and the chair, I think, can testify to this as well, because he and I worked very closely in bringing Jews and Ukrainians together and have been very successful in doing so. It sometimes takes a generation or two. Are we going to lose some along the way? We are. Sadly, we are. Does that mean we just throw out the baby with the bathwater? Of course it doesn't.

I think that we have to look forward. I think we should be proud of who we are as Canadians, and if from time to time we have to lay down the law—literally lay down the law—then that's what we do.

Our next research, by the way, is on this very issue of perceptions and realities in relation to radicalization in Canadian mosques. I'm not doing the research, but my view is that we may find that there is more myth than reality when it comes to the question of whether or not there is actual radicalization going on in the mosques.

But again, we are in the nascent stages of putting this together, and I hope that in the not too distant future we can present our findings on it as well.

Thank you.

Mr. Ali Ehsassi: I have one minute? That's fine; I'll conclude my questioning, then.

The Chair: Thank you.

Mr. Tilson, you have seven minutes, please.

Mr. David Tilson (Dufferin—Caledon, CPC): Thank you, Mr. Chair.

All three of you have addressed the issue of the revocation of citizenship, and there are obviously different views among the three of you. The comment, of course, that a Canadian is a Canadian is a Canadian seems to be the justification for Bill C-6 in repealing the relevant section of Bill C-24.

Ms. Saperia and a witness on Tuesday morning raised the issue of the oath, which says:

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

That's important for dealing with the statement that a Canadian is a Canadian is a Canadian, because if you're born in Canada, you don't take that oath. If you're a new Canadian, you have a choice. The law, notwithstanding Bill C-6, still allows revocation for fraud and for misrepresentation.

I would like all of you to comment on that. Perhaps we'll start with Ms. Saperia, although most of what I've said has been in her statement.

Maybe I'll go further, however. Is it really proper to repeal the clause in Bill C-24, or should it be amended?

We'll start off with you, Ms. Saperia.

• (1130)

Ms. Sheryl Saperia: Thank you.

I do not believe that the provisions should be repealed, and I do believe they should be amended to ensure the tightest possible configuration of the law, because revocation of citizenship is indeed a very serious consequence. My remarks focused on how to strengthen the law. For instance, on the terrorism side of it, I felt that it might be too broad and there might be cases where committing a terrorist act that had absolutely no Canadian connection is therefore not a crime against Canada as a country. Therefore, the revocation of citizenship may not be the appropriate response.

But in cases where the crime is not just a crime under the Canadian Criminal Code but a crime against Canada as a national entity, I felt that by virtue of a person's actions that might forfeit the right to Canadian citizenship. This has nothing to do with discrimination. This has nothing to do with putting up roadblocks, certainly not for any particular community. This is about people's actions. What they choose to do has certain consequences, which may include the revocation of citizenship.

Citizenship is simply not an absolute category. It is and always has been a legal construct, so, as you point out, there already are cases in which citizenship can be revoked. It is not the case that the law introduced, for the first time ever, a mechanism for revoking citizenship. There are already categories that exist. This simply created another one, which again I feel was fitting given the crime.

Mr. David Tilson: Professor Lenard, I suspect you'll disagree with that. Perhaps we could hear what you have to say.

Dr. Patti Tamara Lenard: I have three things to say. One is that dual citizens of Canada don't all come to their dual citizenship by taking an oath. Some of us were born that way. I understand from your comments that you're comfortable discriminating against naturalized Canadians only.

Mr. David Tilson: No, I didn't use the word discrimination.

Dr. Patti Tamara Lenard: That's what that is. Agreeing that the nature—

Mr. David Tilson: I challenge you on that. I take offence that you're calling that discrimination.

Dr. Patti Tamara Lenard: Discrimination in the sense.... You're imbuing a negative attitude toward that, but you're discriminating in the sense of making discriminations that put Canadians in two different kinds of categories: the set of Canadians who have a full set of rights to be protected by the Canadian state and those who don't. I myself take offence with that.

Second, if we're focusing only on naturalized citizens, it's useful to point to the United States in this case. The United States has a long history of Supreme Court jurisprudence that says that naturalized Americans and naturally born Americans must be treated 100% equally once they have citizenship. In that sense, a Canadian is a Canadian is a Canadian, or an American is an American is an American. That's one thing.

Also, I think it's worthwhile to consider the danger of the slippery-slope argumentation that is going on here, which is of course that there are some people who are comfortable with revocation for citizenship in cases of fraud. I think even in those kinds of cases, it needs to be very carefully circumscribed, but I wasn't asked to talk about that.

The precise danger here is that, if you allow for revocation in cases of fraud, you say, well, we've already got it on the books, so we'll let it into some other cases. We'll allow for revocation in cases of certain kinds of crimes. You can see exactly how that goes. That's called a slippery-slope argument, which means that we have every reason to expect that we would go down the U.K. route and say, well, okay, is statelessness really that bad? We'll just keep them in Canada and they can be protected in Canada even though they don't have Canadian citizenship.

Mr. David Tilson: Thank you.

Go ahead, Mr. Farber.

Dr. Patti Tamara Lenard: That means your slippery slope is incredibly dangerous.

• (1135)

Mr. David Tilson: Yes, Mr. Farber.

Dr. Patti Tamara Lenard: And the reason to refuse to allow revocation is not only that it's objectionable in principle but also because of the practical dangers of the slippery slope.

Mr. David Tilson: Thank you, Ms. Lenard.

Mr.—

Mr. Bernie M. Farber: I accept partially what the professor has said; however, let me just speak very briefly on the whole issue of fraud and the revocation of citizenship. Let's be clear as to what the difference is.

A person comes to this country, say after World War II, and is asked if he or she was involved in anything that would put them in a situation where they could not become a Canadian citizen or they should not be allowed into this country, and they say, no, they've been a good person. It's discovered years later, as we've seen in this country, that in fact people were involved in Nazi war crimes, some of the most heinous of Nazi war crimes.

We're dealing with a situation here of a man in Kitchener who was involved in a death squad, a mobile death squad that murdered over 100,000 Jews. He was a translator in that death squad. He never made any mention of it when he came to Canada. He gained his citizenship by fraud. That's a lie. If you gain citizenship by misrepresentation and by fraud of that kind, there should be absolutely no question that revocation of citizenship and denaturalisation should be permitted. Virtually every major country, every major democracy in the world, does permit for denaturalization and loss of citizenship, as does the United States.

The Chair: Thank you, Mr. Farber.

Mr. Bernie M. Farber: One thing, let's bear in mind—

The Chair: We're 15 seconds over.

Mr. Bernie M. Farber: Is it over?

The Chair: Unfortunately, we're 15 seconds over.

Mr. Bernie M. Farber: Maybe in the next round I can come back to how revocation is not handled all that well by this country.

The Chair: Thank you.

Ms. Kwan, you have seven minutes, please.

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

I thank all the witnesses for their presentations.

I'd like to focus on the process after grounds have been established, or perhaps categories of individuals whose citizenship would be revoked.

In our previous presentations from other witnesses, the issue around process and due process was key. None of you has really touched on this, so I'd like to inquire whether or not, with the change of Bill C-24, the process is also altered. Bill C-6 does not bring back the process prior to Bill C-24, which is that for the persons whose citizenship is being revoked to go before the Federal Court for a decision, to be assessed on a case-by-case basis in terms of the due process to be followed.

I'd like to ask this question to you, Ms. Lenard, to see what your thoughts are with respect to that aspect of it.

Dr. Patti Tamara Lenard: I'm afraid I don't have any comments on that.

Ms. Jenny Kwan: Mr. Farber.

Mr. Bernie M. Farber: I have just a very brief comment.

There does remain in place, as I understand it, judicial review on revocation of citizenship. For example, I was talking earlier about an individual who has now gone through 20 years of having his citizenship removed because of his work as a translator in a Nazi death squad. That began in 1998, and he's still a citizen here in Canada because he was able to avail himself of reviews and judicial reviews all the way to the Supreme Court of Canada.

I'm not exactly sure where the situation lies in terms of Bill C-6 and Bill C-24 and the issue of protection, but it is clear to me that judicial review is permitted because it's permitted under fraudulent access to citizenship. There is still a way to ensure that justice is being done and is being seen to be done.

Ms. Jenny Kwan: On the question around statelessness, there are individuals here in Canada who are stateless. Bill C-6 does not address this issue. Those were provisions that were brought forward by Bill C-24 as well.

I wonder whether you have any comments with respect to the issue of statelessness and if there should be remedies put in place to address this.

Ms. Lenard.

Dr. Patti Tamara Lenard: Thanks for the question.

I hadn't actually thought about that in relation to this bill. The set of international documents that cover statelessness effectively say that individuals have—and this is the Universal Declaration on Human Rights—a right to nationality, and the right also not to be arbitrarily deprived of a nationality. That's typically been understood as a legal obligation to avoid statelessness. I think it's probably useful to have a conversation about the legal obligations that the Canadian government has towards individuals who are stateless on its territory.

Typically, at least in European states, the way that's evaluated is with respect to the set of connections that my colleague here indicated, which is associated with connections to the country. It's usually understood that if an individual has been born here or been mainly raised here, and they nevertheless seem to be stateless for some reason.... I suppose Deepan is the standard-bearer for this kind of case. In that case, he was claimed by the last government to be stateless. In fact, all of his formative years were in Canada. He was born here, not under diplomatic protection.

In those kinds of cases, it would be useful to make clear that Canada has an obligation to avoid statelessness by either granting citizenship to all people who are born on this territory or whose formative years were here.

• (1140)

Ms. Jenny Kwan: Thank you.

Mr. Farber.

Mr. Bernie M. Farber: I'm not familiar enough with the law of statelessness to offer a reasoned opinion, other than to maybe offer a personal one.

As I said, my late father came here and he was stateless. We're talking about the late 1940s. At that time, he ended up working towards Canadian citizenship. I don't know if that has changed today. I am uncertain.

It would seem to me that the professor is quite correct, that there has to be an obligation. I would imagine that Canada accepts that obligation. If it needs to be codified, then it should be codified, because no one should be stateless.

Ms. Jenny Kwan: Thank you very much.

There are people who, for a variety of reasons, are not able to establish their country of origin by birth, and through that process they're unable to make application for Canadian citizenship. Therefore, they're stateless, right? In that instance it's a very challenging situation for those individuals, because without citizenship obviously there are many rights to which they cannot have access. I was particularly interested to hear your points of view on how we should address that issue and whether with Bill C-6 we should find a way to address this issue by way of amendments, because it does not address it at this current time.

With respect to Bill C-6, there are other provisions that address the issue of citizenship, particularly barriers to access to citizenship. There are two areas related to that. One is the citizenship test by way of language, and then the other piece related to it is, of course, the fee. I wonder if you have any thoughts with respect to the language aspect. There's a two-level test at the moment, which creates barriers for people to access citizenship.

I'll go to Ms. Lenard.

Dr. Patti Tamara Lenard: In general my understanding of Bill C-6 is that it goes back to the prior status quo about language requirements. Is that mistaken?

Ms. Jenny Kwan: It made a change with respect to the age. That's one aspect of it, but there remain outstanding concerns. For example, others have presented in the other committee meetings on the issue around offering proof of your language capacity. You have to have certification to prove that you have level 4 language capacity. That didn't exist prior to Bill C-24, and Bill C-6 does not address that. That's one example.

Dr. Patti Tamara Lenard: I didn't look specifically into that. In general I'm in favour of a very low bar for linguistic acquisition.

I naturalized into the United States, and I believe the English test consisted of my having to read the following sentence, "George Washington was at some point President of the United States." That was the language test, and I was able to read it and I passed. I think that sort of model is generally the right one.

I'm generally sympathetic to the idea that citizenship should be on the easier side to acquire, especially with respect to language.

The Chair: Thank you, Ms. Lenard.

Mr. Tabbara, you have seven minutes.

I understand you'll be splitting your time with Mr. Chen.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Yes, that's correct.

Thank you to all the witnesses for being here today.

My question is for Ms. Saperia. You have made an interesting parallel in your numerous interventions between the citizenship revocation and the social contract, a pact between the state and its citizens. Citizens consent to abide by certain obligations towards the state in exchange for other benefits. However, on this particular approach, the Canadian Supreme Court has declared that the social contract requires the citizen to obey the laws created by a democratic process, but it does not follow that failure to do so nullifies the citizen's continued membership in a self-governing polity. Indeed the

remedy of imprisonment for a term rather than permanent exile implies an acceptance of continued membership in the social order.

As you can see, the Supreme Court of Canada does not share the idea of the social contract as a compelling argument to justify citizenship revocation. What are your thoughts on the Supreme Court's statement?

• (1145)

Ms. Sheryl Saperia: I believe that, when people commit a crime against the country itself, then they are potentially forfeiting their right to that citizenship. A crime of treason, espionage, armed conflict against Canada, terrorism—those are the crimes that the bill would seek to revoke citizenship for. I don't believe that is unreasonable.

I don't believe that Canadian citizenship should just be so easy to receive. I believe it is truly a privilege and a gift. Canada is the most wonderful country in the world to live in. I don't believe it is unreasonable to create minimal standards for what it takes to retain that citizenship. I stand by my defence of the ability to revoke citizenship for those crimes against Canada as a political community.

Mr. Marwan Tabbara: But don't you believe that if a crime is committed, criminals should be sent to prison?

I don't think we should be exporting terrorism. For example, we could be taking a criminal or an extremist to another western democratic country. If they have the same rules and regulations, wouldn't they be doing the same thing, revoking citizenship and bringing them back to Canada if they have dual citizenship?

Ms. Sheryl Saperia: The argument about not wanting to ship our problems abroad is the most compelling argument that I have heard against revoking citizenship. That one, I can better appreciate.

First of all, I believe the person is supposed to still carry out their prison sentence in Canada. It would only be after the sentence that they would potentially have their citizenship revoked. I commented on this in my testimony, as well.

If we are going to keep Canadians in Canada no matter what their crime, then I do think we have to do a better job of protecting the Canadian public. Part of that is addressing this issue of radicalization in prisons, where—

The Chair: Thank you, Ms. Saperia.

Mr. Chen, you have three minutes and 30 seconds.

Mr. Shaun Chen (Scarborough North, Lib.): Thank you, Mr. Chair.

My question is also for Ms. Saperia.

You mentioned a number of criteria, including treason and armed conflict, as grounds on which citizenship can be revoked. You view the issue very much through a lens of national security. On the other hand, we've heard arguments from others who have talked about citizenship revocation having no place in a free and democratic society.

In your response to an earlier question, you said that this has nothing to do with discrimination, that it's fitting given the crime.

What would you say to the notion that laws like this could be used to discriminate against certain groups if applied unfairly? What would you say to narratives that I have heard from people in my own community, in Scarborough North, who have said, for example, that they were unfairly put on a no-fly list, and that simply by virtue of their last name have difficulty leaving on a flight, each and every time?

When there are laws that could be used unjustifiably against certain groups, do you not agree that it has everything to do with discrimination?

Ms. Sheryl Saperia: I don't agree that it has everything to do with discrimination. I am extremely sensitive to issues of discrimination. I am appalled by stories of people who are unfairly put on no-fly lists.

However, remember that revocation under this law would only happen following a conviction in a court. Unless we're saying now that Canadian courts are discriminating against certain groups of Canadian citizens....

I mean, this is not just an arbitrary "I pick you, you and you, and I'm revoking your citizenship". This is that a court has found a person guilty of a certain crime. I'm assuming that you feel as I do that Canadian courts do a pretty good job of assessing the guilt or innocence of a particular person. This is rooted in a legal conviction.

In terms of the general, slippery-slope argument, again, I think every law has to be assessed based on the merits of its actual words. If it's created tightly enough, then I don't believe it can be used to then go after people in an arbitrary or discriminatory fashion.

If I don't agree with the language.... I feel that my job at FDD is to support whoever is in power—we are totally non-partisan—and to try to put together the best possible policies on whatever the issue happens to be. My goal is to make sure that any particular bill is written as well as it possibly can be to meet the objectives of the legislation without unintended consequences.

• (1150)

The Chair: Thank you, Ms. Saperia.

Mr. Shaun Chen: Great. So—

The Chair: Your time is up. Thank you.

Mr. Saroya, you have five minutes, please.

Mr. Bob Saroya (Markham—Unionville, CPC): Thank you, Mr. Chair.

Thank you to the panel. We have listened to the different points of view.

Mr. Farber, you said that for the people who lied on applications, we should be able to deport them. They should be able to lose their citizenship, but not the convicted terrorists.

What is the difference between those two groups? Why should we treat the ones who have dual citizenship and can be sent somewhere else worse than the people who lied on their applications years back?

Mr. Bernie M. Farber: Actually, I don't think that dual citizens should be sent someplace else. I do believe that a Canadian is a Canadian is a Canadian. I firmly believe that, but I do also believe—and I think this government has also maintained this—that if you lie

to get your citizenship, in other words if you misrepresent yourself to get your citizenship, then you're not worthy of the citizenship.

Committing a crime.... I guess the only way to answer this well is to give you a rhetorical question. Why would allegiance to Canada only have impact on natural Canadians and not on anybody else? Why is it that only natural Canadians don't have to worry about committing a crime of terrorism?

I understand that they don't make an allegiance to the crown, etc., but the fact is that it does create this dual kind of understanding of what a citizen is, and I think the only way that we can equalize this, the only way that we can prove we are in fact a country of Canadians is to ensure that even the bad seeds, even those who do commit crimes.... And by the way, I think it's a real slippery slope and you should try to define treason. What levels of treason do you revoke citizenship on? Maybe you're translating something. Are you giving information to somebody? Are you having a chat on some kind of an Internet line?

It becomes very dicey, so my druthers are these. We have a set of Canadian laws, a set of Canadian criminal laws. If people break a law, whether they rob a bank, whether they commit murder, which is the most heinous of all crimes, or whether they commit treason, those crimes are on the books. They should be tried in a court of law, and if found guilty, there should be a punishment exacted as per law. Anything else, I think, is a step away from democracy and a step away from proper jurisprudence.

Mr. Bob Saroya: What are your thoughts, Ms. Saperia?

Ms. Sheryl Saperia: First of all, I do have to correct the record that this bill targets both natural and naturalized citizens who commit these crimes. It is only the case that, whether you are a natural or naturalized citizen, if you have another citizenship as well, then you are susceptible to losing your citizenship. But I feel that there is potential misunderstanding about this issue, so I do want to clarify that there is not discrimination, whether you are a natural or naturalized citizen under this law.

As for the slippery slope, again if you look at the bill you'll see it specifically sets out which crimes under the Criminal Code, for instance which crimes of treason. It's very specific about which crimes will potentially render you no longer a Canadian citizen. I think if you create a bill properly, you can eliminate the concern about a slippery slope. If you use very broad and overly vague language, then that bill should not be passed and you do have good reason to be concerned.

• (1155)

Mr. Bob Saroya: Do you want to add something?

Dr. Patti Tamara Lenard: I only wanted to say that the reason we were talking about the distinction between naturalized and naturally born Canadians as dual citizens is that two members of this discussion brought up the issue of oath, and only one category of dual citizenship are oath-takers.

The only other thing I would say is that the history of social contract tradition, which you raised and to which the Supreme Court of Canada is referring, is about a 200-year-long tradition, and with the late exception of Hobbes and possibly Rousseau, all of them agree that the sovereign, the state, does not have the right to expel citizens. The history of social contract tradition is what the Supreme Court is relying on to say that contract is one way: citizens can take themselves out of the state, but states cannot expel their citizens. If you want pages on which Hobbes might have an exception, in which Rousseau does have the exception, I'm happy to provide them to anybody.

Mr. Bob Saroya: Part of Bill C-6 is also about language requirement. How important is it for the new Canadians, who take the oath to become Canadian citizens, to learn English or French so they cannot be discriminated against or taken advantage of by the people who speak the language?

The Chair: Give a 10-second answer.

Mr. Bob Saroya: Anybody can take that.

Mr. Bernie M. Farber: Language is important, but it shouldn't be so high a barrier as to wilfully exclude.

Ms. Sheryl Saperia: I would just add, though, that language is the key to success in a new country, so I would never want to impose unduly high standards, but you do want to encourage new citizens to learn so they can succeed and make the best possible life here.

The Chair: I would like to thank our witnesses for appearing before the committee today.

Just before the witnesses depart, I'd like a pretty simple and succinct answer from each of the witnesses. It could probably be a yes or no. One of the fundamental principles of our justice system is that every citizen is treated equally before the law. It's not very complicated. Do you agree with this fundamental principle?

Mr. Farber.

Mr. Bernie M. Farber: Absolutely.

The Chair: Ms. Saperia.

Ms. Sheryl Saperia: Of course.

The Chair: Ms. Lenard.

Dr. Patti Tamara Lenard: Yes I do.

The Chair: Thank you.

Mr. Bernie M. Farber: Could I just add before we leave that each of you is going to receive a little USB key that has all of our reports and all of our documents so that you have a chance to see them. We didn't want to chop down trees so we're going with the 21st century way of doing things.

The Chair: I would once again like to thank our witnesses for appearing today. We will now suspend for two to three minutes for the next group of witnesses to settle in.

Thank you.

•(1155) _____ (Pause) _____

•(1200)

The Chair: Our meeting is resuming. I'd like to welcome our second panel today, which consists of Janet Dench, executive

director, and Jennifer Stone, secretary, both from the Canadian Council for Refugees; Mr. Reis Pagtakhan, an immigration lawyer here as an individual; and Martin Collacott as an individual by video conference from Surrey, British Columbia.

I would like to remind the witnesses that there are seven minutes for each presentation. The two witnesses appearing from the Canadian Council for Refugees will have a total of seven minutes, just to provide clarity on that point. I would like to begin with Janet Dench, the executive director, and Jennifer Stone, secretary for the Canadian Council for Refugees.

•(1205)

[Translation]

Ms. Janet Dench (Executive Director, Canadian Council for Refugees): Thank you very much, Mr. Chair.

On behalf of the Canadian Council for Refugees, I thank you for the invitation to appear before you as part of your study on Bill C-6. I will be sharing my speaking time with my colleague Jennifer Stone, member of CCR's executive committee.

We have submitted a detailed brief and we would also like to draw your attention to a document that summarizes our concerns.

The CCR is an umbrella organization for about 180 organizations from all across Canada. Most of those organizations work with refugees and other newcomers, whose experiences on the ground form the basis for our comments on the bill.

[English]

As a general comment, we want to highlight the importance of citizenship for the mental health of newcomers, especially refugees. Our members see on a daily basis what a difference it makes to people once they become citizens. They are finally secure.

This is particularly the case for refugees who have been forced to flee their own country. Until they become Canadian citizens, they face not only practical problems because they have no passport, but also the psychological stress of not having anywhere they can definitively call home, of still having the fear that they might again be forced out. Facilitating access to citizenship plays a vital role in promoting good mental health. Conversely, barriers in access to citizenship and measures that call into question the security of citizenship have negative impacts on mental health.

Our comments on Bill C-6 can be summarized in two points. First, we support early access to citizenship for newcomers without discrimination, and second, we recommend that the law guarantee the equality of all citizens.

We are glad to see several amendments in Bill C-6 that advance the objective of early access to citizenship without discrimination. Refugees and others can count time spent in Canada before becoming a permanent resident toward the three years required for citizenship.

Many refugees wait years in Canada before they become permanent residents, through no fault of their own. Thousands of people who made claims before December 2012 still haven't had a hearing on their cases—the so-called legacy cases—and for those who are accepted as refugees, the processing time for permanent residence was two years, until recently. For live-in caregivers, the published processing time for permanent residence after they have met all the criteria is 49 months.

Second, we welcome the proposed residence requirement of three out of the past five years to qualify for citizenship.

Third, Bill C-6 proposes reverting the application of language and knowledge tests to people aged 18 to 54. Youth under 18 are in school when they learn English or French and are educated about Canada, so we never understood the logic of imposing tests on youth.

Regarding the older age group, while we know that many are fully capable of passing the tests, some older people struggle with learning a new language and with doing tests. This is certainly the case for people who have suffered many losses and hardships as refugees.

Despite these changes, there are still important gaps in access to citizenship, and we recommend for your future attention the need to, one, create a right to apply for citizenship for youth under 18 who do not have a parent or legal guardian in Canada; two, prevent long wait times by requiring the government to process applications within a reasonable time; three, introduce an option for applicants to request a waiver from the strict physical residency requirement when compelling facts exist; and four, prevent citizenship applications' being used to launch a process to strip status from former refugees through cessation.

Ms. Jennifer Stone (Secretary, Canadian Council for Refugees): Thank you, Mr. Chair and members of the committee, for the opportunity to make submissions to you.

To continue on equal access to citizenship, I wish to bring your attention to three additional recommendations from the CCR.

First, no one should be excluded from democratic civic participation—i.e., citizenship—because of an inability to pay. The increased citizenship fee, up from \$200 a few years ago to \$630 presently, and the 2012 upfront “proof of language proficiency” represent a disproportionate burden for refugees and others who are overrepresented among the working poor and those in chronic low-income circumstances.

The CCR proposes that these burdens could be alleviated first by introducing a process such as exists in the U.S. whereby recipients of social assistance can request a waiver from the citizenship fee; and second by reintroducing oral language testing for those who are otherwise unable to provide documentary proof of language proficiency.

Second, provide better accommodation for applicants with disabilities by right. People with disabilities, including cognitive or learning disabilities, can presently only ask for a waiver from the language or knowledge eligibility criteria on compassionate grounds. This is a backwards framework that is at odds with well-established human rights principles. The CCR recommends that Bill C-6 introduce language confirming the need for accommodation for people with disabilities who, but for the disability, would meet the eligibility criteria.

Third, the CCR supports reverting to the pre-Bill C-24 ability for applicants to challenge a citizenship refusal directly to the Federal Court without having to hire a lawyer effectively to request leave.

Further, the CCR supports the equality and equally fair treatment of all citizens. As such, we are glad to see in Bill C-6 that people cannot lose their citizenship in cases of criminal offences such as treason or terrorism and that applicants for citizenship do not need to show an intent to reside in Canada.

We believe that Bill C-6 could go further to ensure equality of all citizens in Canada, and as such we have two further recommendations.

You heard from several witnesses last week how troubling the current citizenship revocation process for fraud or misrepresentation is from a procedural fairness point of view. We appreciate that Minister McCallum has indicated he is open to amendments on this point. The CCR recommends that full appeal rights be introduced for citizens facing loss of status.

Despite the welcome measures introduced earlier to address the so-called “lost Canadians” cases, the CCR proposes restoring the right to citizenship for second-generations born abroad, reverting back to the pre-2009 rules. In the alternative, the government should at least provide the right of citizenship for those who would otherwise be stateless.

Finally, we commend the government for making this a priority piece of legislation so early in its mandate.

Thank you. We look forward to your questions.

● (1210)

The Chair: Thank you.

Mr. Pagtakhon, you may take seven minutes, please.

Mr. R. Reis Pagtakhon (Immigration Lawyer, As an Individual): Thank you, Mr. Chair.

The first thing I would like to address today is not what is in Bill C-6, but the major item that is missing from Bill C-6. That is an amendment to the citizenship oath that was recommended by the Truth and Reconciliation Commission of Canada.

Late last year the commission released its report on Canada's residential schools and made 94 recommendations. Their very last recommendation was for the government to change the citizenship oath to include a commitment that new Canadians faithfully observe the laws of Canada, including treaties with indigenous peoples. Presumably, with the Prime Minister committing to implement all of the recommendations of the commission, the failure to include a provision in this bill was an oversight. This being said, the time for action, I would submit, is now.

Some of the proposed changes in this bill, such as the reduction of the residency requirement to apply for citizenship from four to three years and the reinstatement of half-time credit for certain temporary residents, will likely cause a spike in citizenship applications when the bill becomes law, and new Canadians should be able to look at this oath and take this oath.

As a Canadian born and raised on Treaty 1 land, I would recommend that the bill be amended to adopt recommendation 94 of the commission in its entirety before the influx of new citizenship applications.

With respect to what is in the bill, my first recommendation is that Canadian law should continue to allow citizenship to be taken away from terrorists, treasonists, and spies. However, I believe that amendments must be made to the existing law to ensure fairness in this process.

The reason I believe that citizenship revocation should remain for these very narrow circumstances is that Canadians convicted of these offences are convicted of offences designed to undercut our society or to overthrow our government. It should be kept in mind that before any individual is convicted of any of these offences they are, one, presumed innocent; two, guaranteed legal representation; three, afforded all of the rights under our Charter of Rights and Freedoms; four, afforded all protections of our common law and civil law systems; five, given the opportunity to offer a vigorous defence; and after all that they must, to be convicted, be found guilty beyond a reasonable doubt.

After being convicted, these individuals then have the right to argue how their sentences should be mitigated. In pronouncing sentences, judges must under the Supreme Court's rulings take into account the immigration consequences of their sentences. Surely revoking citizenship for these types of offences after a citizen is afforded all of these protections is proper.

This being said, changes to the current law regarding citizenship revocation are needed.

First, the ability of the government to take away citizenship for non-Canadian convictions should be totally eliminated. One only has to look at the case of Mohamed Fahmy, the Egyptian-Canadian journalist initially jailed in Egypt on trumped-up terrorist charges, to see how problematic the existing law is with respect to foreign convictions. In Mr. Fahmy's case, the government chose not to take away his citizenship. Unfortunately, the process that led to this decision seemed to be political, and taking away citizenship is serious business that should not come from a political or an administrative decision. Because Canadians tried in foreign courts

do not receive the protections of our charter, taking away citizenship in these situations is improper.

When the bill that enacted the current law was proposed in 2014, I indicated that revocation of citizenship for Canadians convicted abroad could be allowed if there is a workable equivalency assessment. After the situation of Mr. Fahmy, it is clear to me that Canadian citizenship should only be revoked for convictions in Canada.

Secondly, the existing punishment threshold to revoke citizenship for terrorist offences is too short. While any conviction for terrorism is serious, and I think we'll all agree with that, revocation should only occur for individuals sentenced to stiff penalties.

Thirdly, revocation should not be automatic. Canadians should be given an opportunity to appeal, to prove that they have changed their ways, before citizenship is revoked. While most terrorists will not walk the path of Nelson Mandela, Canada should certainly leave the door open for these types of individuals.

With respect to some of the other changes in the act, my comments are as follows.

The proposal to eliminate the intention to reside in Canada is a good idea. While there is nothing wrong with wanting Canadians to live in Canada, Canadians should not be discouraged from contributing but encouraged to contribute on the world stage.

● (1215)

Asking Canadians to reside in Canada while our government negotiates free trade agreements that allow Canadians to work abroad is hypocritical. We cannot promote trade agreements that allow Canadian-born citizens to work abroad while telling our naturalized Canadian citizens that they must live here.

Second, the proposal to allow certain temporary residents to count the days they live in Canada before becoming permanent residents toward a citizenship application is also good. Foreign students and temporary foreign workers should get some credit for their contributions to society before they became permanent residents. I don't believe, however, that this credit should be extended to tourists. While it's important to promote tourism, I don't believe foreigners here for a vacation should get any credit toward citizenship for the vacation days they spend here.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Pagtakan.

Mr. Collacott, take seven minutes, please.

Mr. Martin Collacott (As an Individual): Thank you, Chairman.

I've appeared before this committee more than a dozen times in the past, but I think Mr. Tilson is the only one who's heard me before. I'll just mention as background my interest in this area.

I was a citizenship adviser to the Ontario Ministry of Education early in my career. Then I served as head of mission, ambassador, or high commissioner in Syria, Lebanon, Cambodia, and Sri Lanka, where we had very substantial immigration or refugee flows at one time or another. Since I retired from government, I have concentrated on reforms needed to immigration, refugee, and citizenship policy. That's the basis on which I appear before this committee, as well as Senate committees and U.S. congressional committees.

As for the specifics of the proposed legislation, I have a problem with shortening the residence requirements for citizenship. It will make it one of the shortest in the world. In Australia it's four years, but in the U.S., United Kingdom, New Zealand, and Ireland it's five. It's seven in Norway, Germany, and Switzerland. Clearly, all these other countries think it takes longer to establish whether someone is going to make a good citizen. Sometimes those who want citizenship in a hurry are only going to park their families here, work overseas, and pay taxes overseas—not most, but some.

Other provisions of Bill C-6 that will further erode the formation of newcomers' close links to this country are that in addition to the bill's reducing the number of years of permanent residence required before applying for citizenship, they will be required to spend fewer days in Canada during each of these years and they will furthermore no longer have to declare the intent to stay in this country after being granted citizenship. I think all of these erode the commitment.

The plan to reduce the age range for which competency in one of our official languages is required I think is particularly ill-considered. While most Canadians would agree with not requiring people of age 65 or over to have a working knowledge of English or French, those between age 55 and 64 for the most part will still be working, and lack of competency in at least one of our official languages will severely limit their employability and earning potential.

Lack of language ability, in fact, has been identified as one of the main reasons that immigrants who have come here in recent decades have been costing Canadian taxpayers a very substantial amount of money. Because their earnings are considerably lower than those of either immigrants who came earlier or the Canadian-born, they receive far more in benefits than they pay in taxes. While we're constantly told of the economic benefits to Canadians from immigration, the fact is that research shows that immigrants who arrived in recent years cost us around \$30 billion a year.

I am not opposed to everything in Bill C-6, but the parts I've cited above I think will significantly diminish the value of Canadian citizenship.

I find particularly unacceptable that it will no longer be possible to take citizenship away from dual citizens convicted of treason or terrorism. We have one of the most generous systems in the world, when it comes to granting citizenship. I don't think it's in the least unreasonable, when we welcome newcomers into the Canadian family of citizens, to let them know that they can lose that status, if they subsequently commit treason or acts of terrorism. Using the

pretext that revocation of citizenship establishes two-tier citizenship, and repeating the mantra that “a Canadian is a Canadian is a Canadian”, will not convince most Canadians, who made it clear in a survey not long ago that 80% support the loss of citizenship for those convicted of treason or terrorism.

I think it's worth notice that eroding requirements for citizenship can be used for a political gain. This was illustrated in the 1996 presidential election in the United States, when the Clinton administration rushed through citizenship for more than a million people so that they could vote Democrat. It's been very well documented. Many of them didn't meet the requirements.

Chairman, in closing I'd like to make a recommendation. Canada needs a total review of what is required in terms of immigration and who benefits from it. We have greatly benefited from immigration at certain times of our history when we needed a larger population and when Canadians in general gained from immigration in economic terms, and we have a much more interesting society than just a few decades ago because of the diversity brought by immigration.

● (1220)

However, what is abundantly clear is that our current high immigration levels and the policies on which they are based are not serving the interests of most Canadians and are driven by special interest groups who benefit from having a larger labour force that keep wages down, by sectors of the economy that benefit from a constantly growing population, and by political parties who think they can expand their voting base. Current immigration leads to a larger economy and population, but not to a higher standard of living for Canadians in general.

Indeed, as I mentioned earlier, it costs taxpayers \$30 billion a year, and in the case of those living in large cities such as Vancouver and Toronto it has a negative impact on the quality of life because of greater congestion, longer commute times, and housing prices that are beyond the reach of most younger Canadians, particularly in cities such as Vancouver and Toronto.

Thank you very much, Chairman. That's all I have to say.

The Chair: Thank you, Mr. Collacott.

The first round of seven minutes will go to Ms. Zahid.

You have seven minutes, please.

Mrs. Salma Zahid (Scarborough Centre, Lib.): Thank you, Chair, and with your permission, I will take this opportunity to thank all our witnesses for their important input.

My first question is for Mr. Martin Collacott. I just wanted to clarify before I start the question. Are you still involved with the Fraser Institute?

Mr. Martin Collacott: I am still a senior fellow, but I'm not speaking on their behalf, because I'm not a staff member. I can speak more freely without having to clear everything.

Mrs. Salma Zahid: Okay.

With regard to changes to language and knowledge testing in Bill C-6, you were quoted in the *Vancouver Sun* on February 10 as saying that this change was designed to increase the pool of Liberal voters, adding, "They're more concerned with getting votes and not so concerned that they (new Canadians) will integrate socially and economically".

Can you share with this committee what if any evidence and research you have to support this theory? It seems unlikely, given that Bill C-6 returns to the previous system under which the previous government won a majority government.

Also, is there any evidence you can cite to support the idea that fourteen-year-olds have integrated more successfully into Canadian society since Bill C-24 came into force?

• (1225)

Mr. Martin Collacott: First, may I say that's a good question. Thank you.

I'm more concerned about those between 55 and 64. I think the younger ones will probably learn enough English, so I concentrated on the older ones.

It is very clear that if you don't speak enough English, you're going to have trouble fitting well into the economy and getting a good job. There's abundant research on that, and that's what my comments are based on.

Mrs. Salma Zahid: My next question is for Mr. Pagtakhan.

In a March 4 article for CBC.ca, you wrote that for family-class immigrants and refugees, "language abilities and education levels are not relevant", as the "intention of these immigration categories is to reunite families or protect people from persecution". Given that the people at the upper and lower ends of the age ranges for language- and knowledge-testing who would be excluded from testing under the changes being brought by Bill C-6 largely fall into this category, do you see the changes to the age range having any negative effect on the ability of the new citizens to integrate into Canadian society?

Mr. R. Reis Pagtakhan: I agree that changing back to the age range that is proposed in the bill.... Frankly, if we have a concern about individuals being employable here, then let's deal with it at the immigration process. These people have already lived here for four years under the current law, three years under the old law, maybe longer.

Sometimes I question why there's a language test at all for citizenship. If we have a concern about bringing in people to work and study and live here, we should address it at the immigration point of entry. If we've decided that family-class immigrants don't need language requirements, which I think is the correct thing to do, then why do we make them write the test and spend the money? It makes no sense to me.

Mrs. Salma Zahid: With these new changes, the age for the testing is being brought from 18 to 54.

Mr. R. Reis Pagtakhan: I don't think there should be any language test, frankly, but if you're going to do something like 18 to 54, go ahead. Make it easier for some people.

Mrs. Salma Zahid: My next question is for the Canadian Council for Refugees.

I would like to follow up on your recommendation that the Citizenship Act be amended to create a right to apply for citizenship for youth under 18 who do not have a parent or a legal guardian in Canada.

In what sorts of scenarios would you see this provision applying? Would there not need to be some substantial tie to the country, if we were to grant citizenship to a minor with no parent or legal guardian here?

Ms. Janet Dench: Thank you for the question.

To give an example, suppose you have a couple of siblings who have fled to Canada as refugees, and one of them is slightly older than the other. They are unaccompanied minors. They are recognized as refugees in Canada. They apply for permanent residence as they are able to.

The older one who is over 18, after they meet all of the requirements in the law, can apply for citizenship, but the one that is younger is barred from applying for citizenship because the laws for a grant of citizenship requires that you be over 18, or that you are accompanying your parent who is a citizen or applying for citizenship.

The minor who may have lived.... In some cases you have people who have lived pretty much all of their childhood in Canada, but they don't have that parent under whose umbrella they can apply for citizenship. At present the only option is to ask for a humanitarian exemption, but how you do that, and whether somebody will do that on their behalf, or they themselves will find out how to do it, is not at all clear. We feel there's a fairly serious discrimination against youth.

Mrs. Salma Zahid: You touched on another issue in regard to appeal. With regard to providing better procedure rights for loss of citizenship based on fraud or misrepresentation, could you expand on the elements you would like to see included in the decision and appeal process in this area in this proposed Bill C-6?

• (1230)

Ms. Jennifer Stone: The current regime allows that the minister, who has reasonable grounds to believe that somebody has for instance committed fraud or misrepresentation in applying for citizenship, will inform the citizen they may face a revocation of their citizenship as a result. The citizen is only allowed to make written submissions. It's up to the minister's discretion whether to hold a hearing.

Upon receipt of the written submissions the minister decides whether or not to revoke the citizenship. The citizen, now a foreign national in Canada, has only the right to request leave of the Federal Court to have a judicial review of that decision. There can be no new evidence submitted at the Federal Court.

In that way, loss of citizenship for misrepresentation or fraud attracts fewer procedural fairness guarantees than, for instance, loss of permanent residence for misrepresentation where a permanent resident would have access to the appeal tribunal.

The Chair: Thank you, Ms. Stone.

Ms. Wong, you have seven minutes, please.

Hon. Alice Wong (Richmond Centre, CPC): Thank you, Mr. Chair. First of all I'd like to also thank all of the witnesses who came to our meeting today, especially those who are now from another province.

My remark first is that we believe new Canadians enrich and strengthen our country. Their experiences and perspectives make us stronger. Immigration is an important part of who we are as a nation and the strength of our nation's future. We want newcomers to Canada to have every opportunity to succeed, opportunities for economic success, the experience of our many freedoms, and the experience of safe communities.

My first question is about the intent to reside. It does not restrict mobility of new citizens.

My question is directed to Mr. Collacott. Could you please comment on the fact that now the intent to reside provision is going to be repealed under Bill C-6?

Mr. Martin Collacott: Yes, I think there should be some flexibility for people when they have received their citizenship in being able to go abroad. Simply saying we don't expect you to stay in Canada is a major mistake. I think at least there should be a general commitment. Removing that raises questions in my mind about how serious we are in expecting newcomers to have real ties to Canada.

Hon. Alice Wong: Why is proficiency in one of Canada's official languages and knowledge of our country important for new Canadians?

My question is directed to Mr. Pagtakhan.

Mr. R. Reis Pagtakhan: I think language proficiency is important, but testing language proficiency at this stage where it's a citizenship application.... It should have been done when the person immigrated here.

All the concerns are about, is this person going to be employable, can this person integrate, and will this person be able to fit into society? If they have been here already for three years and they can't speak English or French in a way that they can do any of those things, why did we let them in here in the first place?

If we let them in here because we have a good reason, such as refugees and protected persons where we aren't going to put a language test on them, then why are we going to penalize them later on and say, "You didn't learn English fast enough, so we're not going to allow you to be a citizen?"

Where the value is on the English and the French language testing is that we've already stated our value at the immigration point of entry. If we have not put a language requirement there, why are we putting a language requirement on later? We're not correcting employability issues three years after they have come here, or four years.

Hon. Alice Wong: Yes, the fact is, as a former language teacher teaching adults, I would say that the provision to require is very basic and is simply common sense. Common conversation is very important for integrating into society. Very often, you see tensions in the community where we have a lot of multicultural groups, and there's a misunderstanding because of the language barrier.

I'd like to direct this question to you, Mr. Collacott, about the language proficiency requirement and also the need for integration.

Mr. Martin Collacott: Those are two questions. Thank you, Ms. Wong.

First of all, simply giving people admission to Canada as permanent residents doesn't mean they have to be fluent in English. They do need to have some competency if they're economic migrants and they're going to have to go right into the workforce.

The Australians, in fact, make sure in their case that people speak enough English to be able to do the careers that they hope to go into, but they do require the families of the immigrants to learn English, and they have to pay for it. I think it's not just a matter of whether you're admitted initially as a landed immigrant. You have to be fluent.

Many people, quite frankly, including in my wife's community, which is Vietnamese, haven't learned English after 20 years here. They're stuck in ethnic enclaves where they can only work in Vietnamese. It's a real issue. We really do have to make sure that people speak a reasonable amount of English if they're still young enough to be in the workforce, or it's going to cost us an arm and a leg.

You also asked, Ms. Wong, about the need for immigration in general. I referred to that briefly. We have needed high levels of immigration at certain times in our past. We don't today. We're not facing looming labour shortages in spite of constant rumours from employers that we are. That's been shown by bank studies and by the parliamentary budget officer. We have pretty well enough skilled people already here and also the educational infrastructure to provide for our needs, so we need relatively little immigration. It's driven not by our economic needs, but by special interest groups.

I would like to see a total review of these questions and both sides of the issues discussed.

● (1235)

Hon. Alice Wong: Thank you.

As a former language teacher myself, I asked one senior why he was learning English. He said that he wanted to talk to his grandkids, and their communication was in English. I really admire the seniors. Saying that seniors can never learn English seems to be discriminating against their learning abilities, so my question again is on the ability or the need to learn English.

I have another story to tell. I was really impressed when one of the new immigrants, who might have come from another non-European country, was asking questions in the cafeteria of some university students. I was really impressed by the young people there who were trying to help her learn English. In other words, it is not only by law that we require these people to have some level of English when they become part of our big family. We also wish to encourage them so that they have the means....

I think the challenge is there. The government should provide sufficient accessibility to these new refugees or these immigrants for family reunification in order for them to really have the opportunity to learn English and have that high incentive.

I would like to ask Ms. Stone this question.

The Chair: Unfortunately, Ms. Wong, your time is up. You're at seven minutes.

Ms. Kwan, please, you have seven minutes.

Ms. Jenny Kwan: Thank you very much.

Thank you to all our witnesses. I would like to follow up on the question around language, and the barriers, if you will, to accessing citizenship.

Ms. Dench or Ms. Stone, with respect to the language question, in your experience with the people you work with in your organization, what are those barriers? How is it that, for example, people are not able to learn the language to the level of proficiency that's required to access citizenship? What remedies do you think should be in place to address that?

Ms. Janet Dench: Thank you for the question.

I think there are multiple levels of barriers.

There's the question of learning the languages. I think the experience of our members is that people who come to us, many of them refugees or family-class immigrants, do want to learn English or French. Sometimes they are under pressures that make it difficult for them to make themselves available for full-time language classes. For example, refugees who have to pay for the transportation loan find that they have to go to a job in order to earn the money, and then they miss out on the language classes.

Many people do end up learning English or French, but they don't necessarily have proof of it. Now, with the changes in the citizenship, what has come up is that you have to go for testing. Depending on where you live, you may have travel for the test. You have to pay hundreds of dollars for the test.

Also, the testing context is difficult for people who have, say, survived torture and are easily traumatized. Too, older people can get nervous, which is one of the things we've heard. For example, somebody who has spent their life living in a refugee camp has had very limited access to education. They come to Canada and are able to do their shopping and so on in English or French, but when it comes to a formal test, it can be very stressful, and that makes it difficult for them to pass.

• (1240)

Ms. Jenny Kwan: On that basis, would you say that we should do away with the upfront requirement to prove language proficiency?

Then, on the question around knowledge, Canadian knowledge, in order to pass that test, would you support the approach prior to Bill C-24 where interpreters were made available for people to prove knowledge, and not so much on the question around language?

Ms. Jennifer Stone: Yes. My understanding as well is that Bill C-24 brought in the requirement that the citizenship exam be passed in English or French without the availability of an interpreter.

The CCR's experience from its 180 member organizations across the country is really informed by those experiences on the ground. One of those organizations is the one that I'm a part of. It's the Inter Clinic Immigration Working Group. We are the immigration practitioners at legal aid clinics across Ontario.

Since 2012 when those upfront language proficiency proofs had to be submitted with the citizenship application or the application was returned, and since the citizenship knowledge exam was redrafted to make it considerably harder and we saw a 30% jump in fail rates, it's a real area of growth practice for legal aid clinics. Now it seems to be more the norm that you need to hire a lawyer to access citizenship. It's a real access to justice issue.

Ms. Jenny Kwan: Thank you.

Financial barriers are also I think another issue you touched on a bit in your presentation. Could you take a minute to elaborate on that? I have one other follow-up question on a different issue.

Ms. Janet Dench: Yes, the financial barriers are quite considerable, especially if you have a large family. A lot of the Syrian refugees that have arrived have many children, so we're thinking already of what it's going to be like for them to pay the fees. In addition to the fees, you may have to pay for proof-of-language tests, proof that you've met the language requirements.

Of course, many people make it a priority and they scrape together the money, but there are people who are not in a position to pay the fees, which have gone up very significantly. It does become a barrier. We do not believe that people who are not in a position to go out to work and earn that kind of money—for example, due to health concerns—should be barred from access to citizenship.

Ms. Jenny Kwan: On the issue around criminality, Bill C-24 brought in a change whereby if you have committed a crime abroad, an indictable offence abroad, you would not be able to access citizenship here in Canada.

Mr. Pagtakhan, you actually touched on that a little bit in your presentation.

I'm curious to know whether or not you agree, Ms. Dench and Ms. Stone, with the notion that those with the offence charge abroad should be excluded from access to citizenship, or should it be assessed on a case-by-case basis, given, for example, the situation that we have learned about from Mr. Fahmy's situation?

Ms. Jennifer Stone: I think the CCR membership would agree that it really should be on a case-by-case basis, if at all. A foreign charge can mean all kinds of things. A witness last week raised the hypothetical example that, really, it would only give a foreign government the opportunity to lay a charge against a dissident who came to Canada to preclude them from ever accessing Canadian citizenship, and certainly that's not fair.

Ms. Jenny Kwan: Thank you.

If I still have time, I'm going to ask a question about those who are under 18 and access to citizenship.

You've outlined very clearly why that is an issue, so what is your proposed remedy to fix that?

Ms. Janet Dench: We would like to see the law amended so that there is no discrimination on the basis of age, so that somebody under 18 who meets all of the other qualifications can apply for citizenship.

•(1245)

Ms. Jenny Kwan: That is to say that a child then can make an application.

Ms. Janet Dench: There may be issues in terms of getting parental permission where that is appropriate, but where there is no parent or legal guardian, they should not be prevented from getting citizenship.

Ms. Jenny Kwan: I have a quick question on statelessness.

Ms. Janet Dench: The CCR is very concerned about statelessness and calls on Canada to sign on to the 1954 convention on the status of stateless persons.

The Chair: Thank you, Ms. Dench.

Mr. Chen, you have seven minutes, please.

Mr. Shaun Chen: Thank you, Mr. Chair. I will be sharing my time with Mr. Tabbara.

Mr. Collacott, you have tremendous experience in the field of education, from your work at the Ontario Ministry of Education, to your work in setting up ESL programs and teacher training. You might know that all across Canada we teach school-aged children that to complete a basic science or research project, you set a hypothesis, conduct a study, gather evidence, and then come to a conclusion.

To follow up on my colleague's question, what evidence do you have to support your very public claim that the proposed changes to Bill C-24 are for the purpose of securing Liberal votes?

Mr. Martin Collacott: I think there's quite a bit of evidence, going back a long way, that certain policies over the years by the Liberals were to benefit specific communities. Now, in the previous election, in 2011, the Conservatives obviously courted immigrant communities as well, but they did it on the basis of conservative policies. I think there's a fairly long history of Liberals courting specific immigrant groups with benefits for those groups.

As an example, the Liberal government had very strong support from the Punjabi community, and four Punjabi ministers were appointed to cabinet. There was no one of Chinese background or

Hindu background, even though they're much larger portions of the population.

I think a very detailed case could be put together to show that the Liberals—not just the Liberals, but the Liberals in particular—have courted ethnic votes in order to get electoral support. I believe a whole book could be written on this.

Again, not exempting other parties completely—

Mr. Shaun Chen: By your own admission, you've just stated that the Conservative Party was also courting votes.

However, with respect to this piece of legislation, we heard from a University of Ottawa professor earlier today who stated that it's quite convenient when the law is made to ensure that perceived criminals are punished.

Don't you agree, then, that Bill C-6 in particular is more about doing what's right rather than what's convenient, and would you then withdraw or reconsider your previous claim that this is about getting votes?

Mr. Martin Collacott: I wouldn't say all of it's about getting votes. It certainly makes it much easier to get citizenship then at present, and I think unduly so.

I think a fairly strong case can be made that it's related to getting political support. I don't think there's time to do it here, but I would be delighted to get into a full-fledged debate on that sometime in the future. I think I have evidence that this is the case.

Mr. Shaun Chen: I'll let Mr. Tabbara—

Mr. Marwan Tabbara: Thank you.

Thank you to all the witnesses for being here today.

My question is for you, Mr. Pagtakhan.

When you last appeared before the committee on Bill C-24, you were generally in support of that bill. However, you disagreed with the failure to allow certain parts of that time outside of Canada to count as time inside Canada for the purpose of residency calculation. You said you believed that time spent outside of Canada by a permanent resident employed on a full-time basis by a Canadian business should be counted as time in Canada.

I know that you're an immigration lawyer, and some of your experience is with issues you've had with business individuals who came as a permanent resident and established themselves here. Their families might have received citizenship, but due to their working overseas, they're unable to then obtain citizenship.

Could you share some of your experiences and maybe give us some examples, and can you share with us some of your suggestions on how to deal with that issue?

•(1250)

Mr. R. Reis Pagtakhan: My suggestion would be that any day that you can count towards the residency retention requirements for permanent residency, you should be able to count towards citizenship.

We have seen the situations of our clients whose whole family lives here while the clients are working abroad for a Canadian company that creates Canadian jobs and makes Canadian sales to people abroad, which repatriates the money here, and they're not eligible for citizenship because they have to be abroad as part of their work. Those people, arguably, may be contributing more to Canada than some people who are in Canada or some people who were born in this country. I believe that those individuals should be able to count those days towards Canadian citizenship.

Mr. Marwan Tabbara: You mentioned a Canadian company. There are also individuals who perhaps have a position in an institution such as a post-secondary institution or a university, or individuals who are not in a Canadian job. Can you describe, then, whether there would there be a leniency towards them? You mentioned just a Canadian company.

Mr. R. Reis Pagtakhan: That would be more of a difficulty. If they're accompanying a Canadian spouse abroad, that would fall within what I think should count for citizenship, because that's within the permanent residency rules.

Mr. Tabbara, what you're suggesting is that if someone is a Canadian permanent resident, goes abroad, works at a foreign university for a number of years, and then applies for citizenship, that person is actually at risk of losing their permanent residency because they're working abroad, but not for a Canadian company. We'd be in a situation where they wouldn't even be eligible, and they would be at risk of losing their permanent residency. Forget about citizenship. They can't even keep their permanent residency.

Mr. Marwan Tabbara: Then you still feel that if it is a Canadian job their time should be counted towards getting their citizenship?

Mr. R. Reis Pagtakhan: Yes, and there is some jurisprudence as to what exactly is a Canadian job abroad, so it's not some sort of scam where someone creates a holding company and then moves abroad to live in Barbados or somewhere like that. If you follow the jurisprudence through the immigration residency retention requirements, I think that's the appropriate one to use for this as well.

Mr. Marwan Tabbara: Do you have a specific case that you may have encountered?

Mr. R. Reis Pagtakhan: Well, I can't give you the names of my clients—

Mr. Marwan Tabbara: No, of course.

Mr. R. Reis Pagtakhan: —but I do have a specific case where I just received an inquiry with respect to a salesperson abroad for a major Canadian manufacturer.

The Chair: Thank you.

Mr. Tilson, please, you have five minutes.

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

Mr. Collacott, you've talked about the age issue, the 55-to-65 and 14-to-18 groups. I'm having a lot of trouble with the rationale.

For the 14-to-18 group, the rationale seems to be “oh well, they'll learn language in school”, although most of our schools—not all, but most—are French or English. If you can't speak French or English, there's an issue.

The same goes for the 55-to-65 group. There are more people who are working beyond 65, let alone 55 to 65, and for most jobs in this country you have to speak French or English—not all, but most. Not only that, but for both those groups, you need to know English or French to understand our laws. Another example given here for the 55-to-65 group is that some of these people are traumatized, and I expect some of them are.

Essentially, the way I look at it is that it's a watering down of our requirements to become Canadian citizens, which is very precious to us. We welcome new Canadian citizens, but they must abide by our rules. Could you comment on that, sir?

Mr. Martin Collacott: Well, I am very concerned about the language issue, Mr. Tilson, particularly at the 55-to-64 level.

I mentioned that I was citizenship adviser to the Ontario government for a while. I was in charge of services to English teachers for immigrants, and then spent five years on the island of Borneo with the Canadian International Development Agency setting up an English program for Chinese schools. Really, I've had eight years' experience in this area.

We do know that learning English and having competency in English is critical to how well someone does in the workforce. That's one of the main reasons that it costs us \$30 billion a year, because immigrants are not doing as well and are not earning as much as they did in the past.

I think the erosion of the English-language requirement is a very bad move, frankly. I think we could have a much longer discussion. As I've spent eight years in an English-language training career, I have a lot to say on it, frankly.

• (1255)

Mr. David Tilson: I haven't heard any rationale, other than what I've just said, for the changing of this to eliminating the groups, the 14 to 18 and the 55 to 65. Have you heard of any studies or rationale from the government? The government certainly, to my knowledge, hasn't said why they're doing it. They're just doing it because we did it. They want to undo what we did as Conservatives.

To do that, presumably they have a rationale. They have studies done that justify this change. Have you heard of any of that rationale?

Mr. Martin Collacott: No, I haven't. The government said, when it took office, that it wanted evidence-based policies. I think this is a good example of where I can't find any evidence on which this policy is based. I think it's a mistake.

Someone asked me what evidence there was that the government is appealing to ethnic votes. I think this is a good example. More people look at citizenship who aren't prepared for it, because they don't speak enough English. I think it's wrong on several grounds. I don't see the evidence.

Mr. David Tilson: Obviously if people can't speak French or English, whether as refugees or as citizens, they can't work. That's not true. There could be some jobs that wouldn't require those languages. Then one asks the question, what would become of them? I'm asking a question to which I expect I know the answer, but perhaps you could, Mr. Collacott.

Mr. Martin Collacott: They're basically locked into jobs in their ethnic communities, where you don't need anything but your existing language, and you don't get involved in the broader economy. You are limited, and probably fairly impoverished for the most part, for the rest of your life in Canada.

The Chair: Thank you.

Mr. Ehsassi, you have five minutes.

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

First of all, I want to thank all the witnesses. All the testimonies have been very helpful.

I was wondering if I could ask Ms. Dench about her comments on counting time in Canada before becoming a permanent resident. First of all, it's incredible how lengthy your submissions are. They're very helpful.

I note in the recommendations you make here, first of all, you state, "We support the proposed residency eligibility period of three out of five", which is great, as it's reflected in Bill C-6. There's also another recommendation, which in principle you're saying you agree with providing credit for people who've been here previously. You say, "We support allowing applicants to count at least one year in Canada before becoming a permanent resident."

In your opinion, would it make any sense to provide more credit than a year? Would there be any advantages to doing so?

Ms. Janet Dench: We haven't considered that particular question. Previously the rule was that you could get half-time for time in Canada, for up to one year. The reality is unfortunately that a lot of refugees, live-in caregivers, and other people waiting for permanent residence, spend too long in the process before they become permanent residents. Our priority is more to make sure that people get permanent status as soon as possible, because it's difficult for people to be in that limbo state.

Part of that, for refugees and live-in caregivers, is that there's implied family separation. In that time, while they're still waiting to have their permanent residence come through, they are separated in many cases from spouses and children. We would urge you to give priority to expediting that. The government has said they want to expedite family class, but we would note that there are other categories, refugees and live-in caregivers, where it is not family class, and they have even longer processing times than family class.

Mr. Ali Ehsassi: I think we can take away from this that you do agree with the credit that's being provided, but you don't think it would help if the individuals you just spoke of received more of a credit toward permanent residency.

• (1300)

Ms. Janet Dench: I speak on the basis of the positions that our organization has taken. We haven't particularly taken that as a position, but we are constantly hearing from our members how

important it is, to refugees and other vulnerable migrants, to get to citizenship as soon as possible. It is a major issue for them in practical terms, but also in terms of feeling secure in Canada.

Mr. Ali Ehsassi: Thank you.

Now I'd like to ask Mr. Pagtakhan a question.

Mr. Pagtakhan, I looked at your testimony two years ago, and today I noticed that there were some changes in what you thought were priorities. I was somewhat surprised that you still believe that the revocation of citizenship should be allowed for all sorts of cases involving treason or acts of terrorism.

Am I correct that you are in favour of that?

Mr. R. Reis Pagtakhan: That's for Canadian convictions only.

Mr. Ali Ehsassi: For Canadian convictions on the grounds of terrorism or treason....

Mr. R. Reis Pagtakhan: And espionage.

Mr. Ali Ehsassi: Absolutely.

First of all, you are aware that there are several court challenges with respect to this specific issue. Do you have any comments on that?

Mr. R. Reis Pagtakhan: The courts will make the decision that the courts will make. Parliament has the role, and I believe all the members have a role, of putting forward what they believe is the correct law. If the courts strike it down or uphold it, that's their rule, and that's their role in the process.

I have no issue with respect to people challenging laws in court. I think that's something that is proper in our democracy.

Mr. Ali Ehsassi: No, but in terms of substance, do you think there is any merit to those challenges?

Mr. R. Reis Pagtakhan: I've seen some of the arguments, and the arguments are good. Good lawyers make good arguments. Janet makes spectacular arguments. I don't agree with her on everything today, but she's very well spoken.

When you're in a situation where someone has been convicted in Canada beyond a reasonable doubt and they've already had all the protections under the charter, then for Parliament to say there should be a process that can revoke their citizenship, I think is proper.

If the Supreme Court disagrees with me, I think they're going to have a bigger say than me. But until the Supreme Court disagrees with me, this is my position. Actually, it might still be my position after they disagree with me as well.

The Chair: Thank you.

Mr. Ali Ehsassi: Allow me to ask this question, because this was the subject of a lively debate with the previous witnesses as well.

Why is it that you feel that—

The Chair: Thank you, Mr. Ehsassi, but the time is up.

I'd like to thank all the witnesses for appearing today.

Before we conclude our meeting, I have a quick reminder to all committee members that it is a constituency week next week, but

Friday, April 29, at 5 p.m. is the last time for submissions to be sent in to the clerk of the committee.

Thank you. The meeting is adjourned.

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