



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Citizenship and Immigration

EVIDENCE

NUMBER 056

Monday, March 27, 2023

Chair: Mrs. Salma Zahid



Standing Committee on Citizenship and Immigration

Monday, March 27, 2023

• (1540)

[English]

The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)): I call this meeting to order.

Welcome to meeting number 56 of the House of Commons Standing Committee on Citizenship and Immigration.

Before we resume the consideration of Bill S-245, I would like to ask for the committee's approval of the study budgets and discuss the calendar briefly so we can schedule the studies.

The first thing I need to ask the committee members is this: Is it the will of the committee to approve a budget of \$7,250 for the study of Bill S-245, an act to amend the Citizenship Act regarding granting citizenship to certain Canadians?

Some hon. members: Agreed.

The Chair: Is it the will of the committee to approve a budget of \$1,500 for the study of the main estimates 2023-24?

Some hon. members: Agreed.

The Chair: Just to give a little glance of the upcoming meetings and the budget and some dates we need to be mindful of, this coming Wednesday the Minister of Justice and Minister of Defence will appear with officials for one panel each on the Afghanistan study. That is the meeting on Wednesday, March 29.

We go into two break weeks, so the next meeting after March 29 will be April 17. In order to respect the deadline of April 26, clause-by-clause consideration of Bill S-245 is scheduled for April 17, 2023. We have to take it back to the House before April 26. Amendments must be sent to the clerk by March 31, 2023. That will be this Friday.

Is everyone okay that we do this clause-by-clause on April 17, so that we respect the deadline Parliament has given to us? Good.

Senator McPhedran has accepted the committee's invitation to appear on Wednesday, April 19 for two hours on the Afghanistan study. She is already scheduled in. For Monday, April 24, Minister Harjit Sajjan is unavailable, but he has confirmed his availability on Wednesday, April 26. On Monday, April 26, we are already scheduled with Minister Fraser and officials. They confirmed that they are available to appear on April 26 on the main estimates.

How would the committee like to proceed?

I would like to get the committee's guidance on which study to prioritize. Minister Fraser was scheduled to come before the com-

mittee for the mains, but Minister Sajjan has also given the date of April 26.

Mr. Redekopp.

• (1545)

Mr. Brad Redekopp (Saskatoon West, CPC): Is there any possibility of getting Minister Fraser here on the Monday rather than the Wednesday?

The Chair: On Monday we have given the dates, so we are waiting for an answer. We have given Marco Mendicino two dates, which are April 24 and May 1. We are waiting for confirmation to come from these two ministers.

I would like to have Minister Mendicino on whichever date he is free—either May 1 or April 24.

Let me give you another... For April 26, how would the committee members like to proceed? Should we proceed with Minister Harjit Sajjan and reschedule the Minister for Immigration, or continue with the Minister for Immigration and we will have to get some date...?

Are there any comments?

Mrs. Lalonde.

Mrs. Marie-France Lalonde (Orléans, Lib.): Madam Chair, I would like to maybe mention that there's a strong possibility that the dates you are presenting to us as a possible switch for Minister Fraser may not be available.

He had secured this date again. He has been amazing in always attending our committee. April 26 is the date that I think they have secured with our officials.

I would like the committee to certainly look at this motion. I know the timeline is April 30, but maybe there's a little bit of leeway that we could propose to our chair, particularly on the motion.

Mr. Brad Redekopp: We would be okay with that. We haven't had the minister here for a little while. We have had other ministers. I think that would be okay.

The only request I would make is that we try to get through Michelle's motion as quickly as possible right after that.

The Chair: For that, I would like to put the schedule in front of you.

The Honourable Marc Garneau has accepted the date of May 3. He will only appear for an hour. He has confirmed that date.

We have to get through Bill S-245, if we are not looking for an extension from the House. We will finish the clause-by-clause on the 17th. Five meetings cannot happen on that motion before April 30.

I would request the members to please allow to extend the date beyond April 30 to work and fit in those five meetings. Is that okay?

Ms. Kwan.

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

It's just a question on clause-by-clause. I understand that April 17 is slotted for that. Then the whole thing needs to be done by April 26. The 19th is already scheduled for a different piece with the senator. What happens if on the 17th we're not done the clause-by-clause?

The Chair: Ms. Kwan, that's a very valid question. I was going to come to that.

We have to report it back to the House by the 26th. Based on the schedule, if it's the will of the committee members that we finish this legislation, if we don't ask for an extension and extend the date for the motion, what we can do is this. If we don't finish it on the 17th, then we can go to the 19th and do that. We would reschedule Senator McPhedran.

Right now, for Wednesday, April 19, Senator McPhedran is scheduled. If we cannot finish the clause-by-clause on the 17th, and the will of the committee members is to finish this legislation and report back to the House before April 26, then we can schedule another meeting on the 19th.

Mrs. Marie-France Lalonde: The legislation should be first.

The Chair: Is everyone agreed on that?

Some hon. members: Agreed.

The Chair: We are trying to do the schedule. We are waiting for the date from Minister Marco Mendicino. Marc Garneau has already given a date. We will have to reschedule Minister Sajjan's date if the will of the committee members is to have the Minister of Immigration on the 26th.

Madam Clerk, can you work on these dates?

We will try to schedule those meetings on the motion that was presented by Michelle Rempel Garner as quickly as possible.

Is that okay with everyone?

Some hon. members: Agreed.

The Chair: Thank you.

Yes, we have Ms. Lalonde.

• (1550)

Mrs. Marie-France Lalonde: Maybe I misunderstood, so I want to clarify. My understanding is Minister Sajjan had confirmed the 26th for the motions presented. We already had Minister Fraser scheduled. I was under the impression—I apologize for this misunderstanding—that we are wanting to see Minister Sajjan on the

26th, and we'll just allow the time, when it occurs, for Minister Fraser to come. I just want clarification from my colleagues.

The Chair: What Mr. Redekopp said was that we should have the Minister of Immigration on the 26th and reschedule Minister Sajjan. He's already scheduled to appear before the committee on the 26th. It's to have Minister Fraser come in, and then reschedule Minister Sajjan.

Mrs. Marie-France Lalonde: Thank you, Madam Chair.

Through you, I really don't know the position of Minister Sajjan, and with the fact that we have not seen him here, I would encourage that maybe the member consider having him come, since he is available on the 26th.

I know that Minister Fraser may not have availability other than the 26th. Considering the importance of maybe.... Like I said, I just want to make sure that everybody understands we're saying no to Minister Sajjan.

The Chair: Ms. Kwan, you have the floor.

Ms. Jenny Kwan: Thank you very much, Madam Chair.

Why don't we proceed this way? We obviously want both ministers to come before the committee. I think for the main estimates it's important for the minister to come before us. I also think it's important to have Minister Sajjan come before us. Why don't we then try to switch whomever, in order to ensure that we can secure a different date for whichever minister? For example, let's say, if, on the 26th, we're going to have Minister Fraser, and if we're able to secure a date with Minister Sajjan, let's say, in May, then we should move him to May.

The Chair: We'll request that. That's based on today's discussion.

Ms. Jenny Kwan: Yes, based on the availability....

The Chair: We will give new options to Minister Sajjan. He's not available on the 24th. We are waiting for an answer from Minister Mendicino also. We have given him two options, the 24th and the 1st. We will try to confirm these dates as soon as possible.

Ms. Jenny Kwan: Alternatively, Madam Chair, if, for example, Minister Sajjan said, "No, that's the only date. I don't have any other availability at any other time", then we should say to Minister Fraser, "It appears we have a conflict on the 26th, so do you have some other availability in May so we can accommodate your appearance?"

My point is that we should actually be flexible to see how we can adjust for both of these ministers to find the time.

The Chair: Okay. We'll do that.

Mr. Redekopp.

Mr. Brad Redekopp: I agree with that. I would just suggest that we use our executive committee, even informally through email or phone calls, to confirm amongst ourselves that we're all in agreement with that. We have a two-week break coming up.

The Chair: Yes.

That is fine. I will check with the ministers on schedules. The clerk will work on that. Then once I get any updates, I will update the members.

For May 3, Marc Garneau has agreed to come for one hour. Is it all right to schedule the officials from DND for the second hour? That was also in the motion.

Ms. Jenny Kwan: Which officials were those?

The Chair: It's part (c), "That, invites be issued for the appearances of senior departmental officials from the Department of National Defence to appear before the committee...." Is that okay? That's good.

Now we can proceed to Bill S-245.

You have my apologies, Senator Martin and Mr. Hallan.

Today, pursuant to the order of reference of Thursday, June 23, 2022, the committee will resume consideration of Bill S-245, an act to amend the Citizenship Act, regarding the granting of citizenship to certain Canadians.

On behalf of the committee, I would like to welcome the sponsors of the bill, the Honourable Yonah Martin, senator, and Jasraj Singh Hallan, member of Parliament for Calgary Forest Lawn.

• (1555)

The Chair: Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: Before we start, can I confirm that we are going to do an hour now? What's the timing going to look like for this meeting? Is it going to be an hour panel with these two?

The Chair: We started at 3:42, so we have two hours from 3:42. Is that okay?

The sponsors of the bill will have five minutes for their opening remarks.

Please begin, and then we will go into the rounds of questions.

Hon. Yonah Martin (Senator, British Columbia, C): Thank you, Madam Chair.

Good evening, colleagues.

It's a honour for me to speak to you about this Senate public bill. Bill S-245, formerly Bill S-230, is an act to amend the Citizenship Act to permit certain persons who lost their Canadian citizenship to regain citizenship. The bill is about a group of Canadians. I say, "Canadians", but they are lost Canadians until we are able to reinstate their citizenship rightfully.

I am a proud, naturalized Canadian. I was born in South Korea and first arrived in Vancouver in 1972. I became a citizen five years later. I understand the value, the symbolism and the importance of our citizenship. I come to you today humbly as a naturalized Canadian and someone who came across this important group of lost Canadians and their plight. I know that there are other groups as well, which I have learned, and I've been able to work on them with Don Chapman, who is here as one of the witnesses today. I know that he is a true champion of lost Canadians.

This Senate bill addresses a specific gap in the Citizenship Act to capture a group of Canadians, or lost Canadians, who lost their status or became stateless because of changes to policy.

In 1977, the Citizenship Act added a new provision that applied only to second-generation Canadians born abroad on or after February 15, 1977. In order to keep their citizenship, these individuals had to reaffirm their status before their 28th birthday. This law was passed and then forgotten. The government never published a retention form. There were no instructions on how an individual would reaffirm their Canadian citizenship, and those affected were never told a retention requirement even existed.

In 2009, the Citizenship Act was amended by Bill C-37. It was one of the first government bills that I had a chance to study as a member of the committee that studied Bill C-37. This change saw the age 28 rule repealed entirely. Canadians caught up in the age 28 rule but who had not yet reached the age of 28 were grandfathered in. However, what I didn't fully realize at that time was that Bill C-37 did not include Canadians who were born abroad between 1977 and 1981, essentially those who had already turned 28 before the passage of Bill C-37 in 2009. Today the age 28 retention rule still remains in effect only for those second-generation Canadians born inside a 50-month window from February 15, 1977, to April 16, 1981, those who had already turned 28 when that age 28 rule was repealed through Bill C-37.

Many of these individuals were raised in Canada from a young age. They were born abroad. Some, like me, came to Canada much younger, such as at two months of age. They went to school in Canada, they raised their families in Canada, and they worked and paid taxes in Canada, yet they turned 28 without knowing that their citizenship would be stripped from them because of the change in policy from that previous bill I spoke about. Bill S-245 will allow these Canadians to continue their lives without fear, knowing that they are valued and supported by reinstating them as Canadians.

Again I would like to acknowledge the work of Don Chapman, a tireless advocate and champion for lost Canadians who will appear before you later today.

Colleagues, Bill S-245 received unanimous support in the Senate, and today I invite your support of this bill here in the House of Commons committee.

I would also like to acknowledge MP Jasraj Hallan, the sponsor of the bill in the House of Commons, and thank him for his work and dedication to helping lost Canadians and to this bill, which will reinstate citizenship to a group of lost Canadians who have always been Canadians and rightfully deserve to be given back their citizenship.

I would be remiss if I didn't mention MP Jenny Kwan, who has also been a tireless champion on this particular issue.

Thank you, colleagues.

• (1600)

The Chair: Thank you, Senator Martin.

We will now go to our round of questioning. We will begin our first round of six minutes with Mr. Kmiec.

Mr. Kmiec, you can please begin.

Mr. Tom Kmiec (Calgary Shepard, CPC): Thank you, Madam Chair.

Thank you, colleagues, for your patience while we conducted committee business.

I'm going to ask you to wait a bit longer, because I have a notice of motion I want to give verbally to the committee. Then, I'll have a few questions to ask.

I'm providing a verbal notice of the following:

That, the committee report the following to the House: that Russian opposition leader Vladimir Kara-Murza is facing political persecution in the Russian Federation including a show trial with high treason charges following his public condemnation of the unjustified and illegal war by Russia against Ukraine. That Vladimir Kara-Murza has survived two assassination attempts by poisoning including in 2015 and 2017, and that he is currently imprisoned in Russia and his health is failing. That Vladimir Kara-Murza is the recipient of the Vaclav Havel Human Rights Prize awarded by the Parliamentary Assembly of the Council of Europe, and is a Senior Fellow to the Raoul Wallenberg Centre for Human Rights. Therefore, the committee calls on the Government of Canada to grant honorary Canadian citizenship to Vladimir Kara-Murza and demand that the Russian Federation set him free.

I have it in French and English, for the clerk's convenience.

Colleagues, that is the last bit of administration I want to cover off.

Senator Martin, perhaps I could ask you first.

This is the second time this bill is coming through here. Can you talk about the sense of urgency in having this bill pass? We are so close to completely closing this legislative hole created by Parliament inadvertently. This is an issue that's now lasted several decades, so perhaps I could start with that.

How close are we to completing this bill? If amendments are considered, it will get sent back to the Senate and cause further delay. I'll start with that.

Hon. Yonah Martin: Thank you for the question.

Yes, this is the second iteration of the bill. The first one, Bill S-230, died on the Order Paper. I don't even remember the year, but it was a few years ago. This is the second attempt, and it has reached this committee. I'm very pleased we are here, at this stage, and I thank all members for their attention to this bill.

The lost Canadians issue is decades old. As I said, I came across an individual, Don Chapman, with whom, I'm sure, some of you also met. He's quite a champion, because he was a lost Canadian. From that point of view, he has been very tireless. I've been educated through my meetings with him and in looking at some of the de-

tails of how we have groups of individuals who became lost and who need to be reinstated.

There are other categories of lost Canadians, for sure. To look at that separately would require government legislation, perhaps—other bills put forward. I know there have been piecemeal attempts in the past as well. For this specific bill, I decided to start with a very small cohort. It made sense, as they had already turned age 28 by the time Bill C-37 came into effect. Therefore, even though it was grandfathered to those who hadn't yet turned 28, those who did were left out.

That seemed like a natural group to address first. I looked at all the other categories, but this one seemed, I'd say, the least contentious or most obvious. That's why, I think, in the Senate, with my Senate colleagues, and before committee, the first time around, we didn't have any officials raising concerns. They just couldn't answer how many people would get captured, should this bill be adopted.

We don't know the exact numbers. The officials before the committee, last week, attempted to answer some of that. That's why it's very focused. I hope this committee and the House can get behind this bill. We are very close.

• (1605)

Mr. Tom Kmiec: As you said, Senator, I'm a naturalized Canadian from communist Poland. I know my dear friend from Calgary, just north of me—who's taking 40% of my riding—is a naturalized Canadian as well.

You talked about the fact that it's probably a few hundred people. There are varying numbers. The department said that approximately 130 individuals are affected by the 1977 act with retention requirements to receive a grant of citizenship through the Citizenship Act, subsection 5(4), as a discretionary grant. Since then, it could be a few hundred more.

We have another colleague, Robert Kitchen from Saskatchewan, who was one of the impacted Canadians. Thankfully, his grandfather told him this was going to be the case.

Do you think that, in this case, because it's a few hundred Canadians—some of whom may not know they have lost their citizenship—there's a sense of urgency in passing this bill as quickly as we can, before another election is potentially called?

Hon. Yonah Martin: Absolutely. Imagine if you go to renew some formal process that requires proof of citizenship and suddenly discover that you are not Canadian, or find out when you're retiring and need to collect your pension. It is a matter that's quite dire for those who are impacted by this. I would absolutely urge the committee to look at this very focused bill on this particular cohort and lend its support to the bill.

Mr. Tom Kmiec: Thank you.

The Chair: Thank you.

We will now proceed to Ms. Kayabaga.

Ms. Kayabaga, you have six minutes.

Ms. Arielle Kayabaga (London West, Lib.): I would like to welcome the senator to our committee today and to welcome back our colleague from the opposite side who has left our committee.

Senator, I want to ask you a few questions about this bill.

Last week, IRCC officials explained to us that Bill S-245 will restore citizenship only to some of the people who were impacted by the former section 8 of the Citizenship Act, but would remedy those who never applied to retain their status before they turned 28. However, those who have applied to retain it but were unsuccessful due to not meeting specific residency requirements will not see the remedy from your bill. It seems obvious to me that both groups impacted by the former section 8 should be scoped into this bill.

Do you agree? If you don't agree, could you share why?

Hon. Yonah Martin: As I read the Evidence from last week's committee, I saw the issues that were raised by the officials. The official was asked on what basis the application may have been denied with regard to those who applied to get their citizenship after the adoption of Bill C-37. There were several reasons that applicants were denied Canadian citizenship. The officials you heard from were not able to quantify what those exceptions were or why people were excluded decades ago.

For me, I would say that focusing on those who did not realize that they could apply, on the age 28 rule and on those who had not yet applied.... With regard to those who did and were rejected, those reasons could be serious. We don't know what they are. I'm not sure that we should open that door. I would just say that, if we adopt it as is, it would cover those who have been impacted by the age 28 rule.

Ms. Arielle Kayabaga: I understand that you developed Bill S-245 after consulting with stakeholders, as any good legislator would do, and there have been a number of submissions sent to this committee by stakeholders asking that Bill S-245 include a solution for people born abroad in the second generation after 2009. Would you say that you support expanding this bill to include provisions of this nature?

If not, would you care to explain why you would think it would be problematic to allow individuals born abroad in the second generation after 2009 to acquire Canadian citizenship?

Hon. Yonah Martin: This is a very narrow bill that is specifically targeting those who have been impacted by the age 28 rule. I know there are other categories of lost Canadians, as you've mentioned just now and for whom stakeholders are asking. It is something that could be done separately, perhaps in a government legislation or in another separate private member's bill from either the House or the Senate. It does go beyond the scope of what I have crafted, which is a very concise, focused bill to capture those caught up in the age 28 rule. I can be supportive, but it's not something that I can address right now because it's beyond the scope of this bill.

• (1610)

Ms. Arielle Kayabaga: When you've spoken on this bill in the past, you've also identified that you want to keep it narrow in order to try to avoid unintended consequences. Last Monday, IRCC officials were in this committee, and they told us that granting a large

number of people automatic citizenship would almost certainly lead to unintended consequences.

Do you agree that this could potentially cause these unintended consequences as the bill is written right now? What are some of the problems and the revisions that need to be amended for this bill? Could you comment?

Hon. Yonah Martin: I believe that's what was raised by the official: that the bill, as written, is unclear as to the effect of the first-generation limit, but could be interpreted as moving the limit for anyone born between April 2009 and June 2015. I found it interesting to hear her perspective in that it's not something that officials raised with us when we studied the bill in the Senate.

I had the law clerk in the Senate who helped me with Bill S-245 sort of give me a response to that concern, because it was not something that we encountered in the Senate. This is something that I received, actually, just before this committee: that subclause 1(3) was included to remove the current transitional provisions in subsection 3(4) and subsection 3(4.1) of the Citizenship Act, which have and will continue to have their effect.

Ms. Arielle Kayabaga: I'm sorry, Senator. I really do have to ask one last question before my time is up.

I want to go back to a similar question that I had asked you earlier. This is just for clarification. Bill S-245 proposes to move the application date of the first-generation limit rule to 2015, making it so that anybody born abroad between 2009 and 2015 would automatically become citizens by descent, regardless of generation. It does seem incongruous that you don't want to expand the bill to a very small group of additional people impacted by the former section 8 provisions, yet you seem to have no issue with the fact that this bill would see an untold number of people born abroad between 2009 and 2015 acquire citizenship, even though they may not have a connection to Canada.

Could you explain this inconsistency, please?

Hon. Yonah Martin: Okay. The second part of what I was going to say previously is that the date reflected in subclause 1(3) is the date of the coming into force of those subsections, the changes made in Bill C-24. While it could be made more clear, as written the bill does not purport to have retroactive effect. That would need to be explicit and cannot be implied. Without retroactive effect, anyone born between April 2009 and June 2015 would be governed by the Citizenship Act as it read prior to the enactment of this bill.

The Chair: The time is up, Ms. Kayabaga. Thank you.

We will proceed to Mr. Savard-Tremblay.

You have six minutes. Please begin.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ): Thank you, Madam Chair.

It's a pleasure for me to be sitting on this committee for the first time, temporarily replacing my colleague from Lac-Saint-Jean.

Thank you for your presentation, Senator.

First of all, would this bill guarantee that there will no longer be any more of what we might describe as lost citizens, meaning no more shortcomings, oversights or people who are left out.

[*English*]

Hon. Yonah Martin: Thank you for your question.

This bill will specifically address those who were captured in the age 28 rule. Hopefully, that cohort will all be captured by the passage of this bill, but there are other categories of lost citizens. I know that there are members who are interested in amending the bill beyond the scope of what this bill is putting forward.

Therefore, no, the answer is that there will still be other groups, and we do need to be vigilant. Maybe as a government the entire Citizenship Act needs to be reviewed carefully. It's a very thick act. It's quite complex. These are in essence piecemeal corrections. My bill attempts to address a very small cohort. There will still be other lost Canadians. I am aware of that, and I want to correct that in the future.

• (1615)

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: I understand why you are recommending that this committee should, at a later stage, carry out a review in greater depth. The purpose of your bill is to deal head-on with the situation in which these lost citizens find themselves. I think that summarizes what you have been saying.

Should a mechanism be introduced to ensure that there is proper follow-up action for the group affected by your bill?

[*English*]

Hon. Yonah Martin: Yes. I think that is a very good point. It was also raised in the Senate. Once this bill is adopted, if it is enacted, how do those individuals know that this change has been made? It will be the purview of the government of the day and the department to use various mechanisms, online as well as other campaigns. There will need to be a multipronged approach to get the information out. In the past when laws changed, people weren't aware and they lost their citizenship.

We do need to ensure that this kind of communication is done effectively. Thank you for raising that point.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: Of course it's easy to understand how loss of citizenship could have a number of negative impacts.

Based on what you know, concretely, has this loss of citizenship had any other negative consequences for those targeted in the bill?

[*English*]

Hon. Yonah Martin: My hope is that, with this focused bill, there will not be a negative impact. I know what was raised regarding the moving of the date to June 2015, that it could potentially create—

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: What I was actually talking about was those who had previously been victims.

[*English*]

Hon. Yonah Martin: I missed the first part of your comment.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: I just wanted to clarify my question. I wasn't talking about what would happen following the adoption of the bill, but rather about those who were victims of being forgotten in the past.

[*English*]

Hon. Yonah Martin: Yes, hopefully this bill will absolutely address that issue in the cohort we're aiming to address, and they would be reinstated as Canadians.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: Does the bill also provide some form of compensation for those past victims?

[*English*]

Hon. Yonah Martin: No, there's nothing regarding compensation in the bill. There's just the citizenship itself, which is very important.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: Do you think it would be useful to add some form of compensation for past victims in the bill?

[*English*]

Hon. Yonah Martin: It's not something I envisaged. It was more that everyone knows that citizenship is what is the most valued. It's invaluable, so to speak, so there is no compensation component that was considered, nor is it in this bill.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: How much speaking time do I have left, Madam Chair?

[*English*]

The Chair: You have one minute and twenty seconds.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: All right.

I'm going to reword my earlier question.

You were saying that it's citizenship itself that has the most value. Beyond the loss of citizenship, have any other unfortunate outcomes from this situation been identified? Have you heard about any cases in which the loss of citizenship caused genuine harm?

[English]

Hon. Yonah Martin: Yes, there is much suffering, as you can imagine, if one realizes that the country that they've known for most of their lives is no longer accepting them as a citizen.

The irreparable damage that this would have emotionally and mentally really is immeasurable. I understand that there are stories of various families—even those that are outside of this scope—who are suffering because of the rules that have been changed in the Citizenship Act. There are people who are lost Canadians.

That will still exist and we have to address that as a nation. You're absolutely right that the damages are grave and they're great. I don't know—

The Chair: I'm sorry for interrupting, Senator. The time is up.

We will now proceed to Ms. Kwan.

You can begin, please. You will have six minutes.

Ms. Jenny Kwan: Thank you very much, Madam Chair.

Thank you to the senator for bringing this important bill forward. I appreciate its giving us an opportunity to look at the issue of lost Canadians. As you've indicated, Senator, the scope of the bill is very limited. That means that many people will still be left out in the situation of lost Canadians.

You were just mentioning the suffering that people have to endure as a result of that. What we do know, of course, is that the second-generation rule cut-off from the previous administration took place in 2009. Consequently, a class of people—Canadians—all of a sudden lost their right to be Canadian and were deemed lost Canadians and second-class citizens in that way.

That said, we have an opportunity to fix this. I get that the scope of the bill only deals with the 28-year rule. Do you have any objection to the idea of fixing the other lost Canadians on the second-generation rule where people have been cut off? That's one piece.

The other piece is to fix the rule for those who were born before 1947—the war heroes, if you will, who fought for Canada and died for Canada and were never recognized as Canadians.

Would you agree that we should actually try to fix those? Would you have any objections to that?

• (1620)

Hon. Yonah Martin: First of all, I want to thank you and recognize the work that you have done on this issue for years.

The two groups that you mentioned—the second-generation cohort and those before 1947—I am aware of these groups of lost Canadians. It's very important to look at them. I would say that as a committee... I'm not sure if this committee has studied the lost Canadians issue in great length. Maybe those could be looked at together, whether it's the government of the day or yourselves or maybe even me from the Senate. We could work together and look at these categories separately.

This bill, which is very narrow in scope, was purposely designed that way so that everyone.... For all the other groups you're talking about, there will be much debate about these categories. I know that in the Senate, the bill was unanimously adopted. These are all things that will have to be looked at carefully.

I would say that I support it in spirit and it's something that we could do afterwards, but for the purpose of this bill, keeping it narrow is the what I would recommend.

Ms. Jenny Kwan: Thank you.

Of course, luckily, we will actually have experts who will come after this panel. Don Chapman, as you mentioned, has spent his entire life, virtually, fighting for this issue. He has actually brought, to share with all of us, this nifty little thing to tell us all about it. The matter, of course, has actually been looked at by committee at different times, with Bill C-37, Bill C-24 and so on. This has been debated over and over again.

What we do know is that there is a group of citizens who lost their “Canadianness” because of Bill C-37 repealing their right, so we need to make them whole. In fact, as a result of that, a group of Canadians are suing the government at the moment. As we speak, people's lives are being destroyed because of being separated from their loved ones. They can't come to Canada to live their lives.

I appreciate that we have time, but really we don't because people's lives are being impacted. I feel the urgency of the families who want to bring this forward.

What I'm hearing from you, though, is that you don't object to trying to fix this. Therefore, I certainly hope we at the committee will try to do that, because I think it is important to try to fix things so that people's lives are not being destroyed.

With respect to the age 28 rule, with the amendments you have brought forward there are still a couple of gaps, which the officials indicated when they presented to us last week. If the committee members were to bring amendments to fix those gaps for the age 28 rule, would you have any objection to that?

Hon. Yonah Martin: I'm not sure what amendments.... First of all, in terms of this bill, I would urge the committee to look at it in its current scope and to look at the other issues separately.

In terms of whether the amendments are going to clarify what's in the bill specific to this cohort, I am open to hearing what that will be. As I said earlier to the question from one of the members.... Regarding some of the gaps that have been pointed out, I did answer to one regarding those who have applied who were rejected. We don't know what those reasons were, so we should leave it to those who haven't yet applied.

Regarding the other issues that were raised by the officials, if the amendments themselves clarify the bill, then I would be open to that.

• (1625)

Ms. Jenny Kwan: Thank you.

Yes, I believe there will be amendments required to address specifically the age 28 rule. Then I think it would be important to bring forward amendments to address the second-generation cut-off and their descendants, and to address the issue around the war heroes and recognizing them. Hopefully the committee will get to that.

We will have opportunities. By the way, Senator, I think you might have copies of it. If you don't, I would ask the clerk to pass it on to you. We have received a giant stack of submissions from people on this issue, so—

The Chair: I'm sorry for interrupting, Ms. Kwan. Your time is up.

We will come to you in the second round.

Ms. Jenny Kwan: Thank you.

Madam Chair, can I just ask if the clerk can pass on the information that she has received to the senator?

The Chair: Yes.

Ms. Jenny Kwan: Thank you.

The Chair: We will now proceed to Mr. Kmiec.

Mr. Kmiec, you will have five minutes. Please begin.

[Translation]

Mr. Tom Kmiec: Thank you, Madam Chair.

My colleague reminded me that I had another notice of motion to give orally. The motion is as follows:

That, pursuant to Standing Order 108(2), the Minister of Immigration, Refugees, and Citizenship and department officials be invited to appear before the Committee to update it on the 2022 Additional Protocol to the 2002 Canada-U.S. Safe Third Country Agreement signed by the Government of Canada on March 29, 2022, by the Government of the United States of America on April 15, 2022, with a coming into effect on March 25, 2023.

I also have the wording in English. The notice of motion will therefore be given to Madam Clerk in both official languages.

[English]

I'll switch back to English, colleagues. I'll continue so it makes the meeting simpler.

Senator Martin, do you believe, when you had help from the law clerk in the Senate and that assistance in writing this bill, that they would have made a mistake in drafting the bill?

Hon. Yonah Martin: I have the explanation regarding subclause 1(3), and I could read that explanation again. I don't know if that's clear.

Mr. Tom Kmiec: I'm just wondering if you think you're not going to be able to address those lost Canadians you were hoping to address in this bill.

Hon. Yonah Martin: No, I don't believe that. I think as written it does address those who were captured in the age 28 rule. That's clear.

On the question about June 2015, which would effect moving the first-generation limit from April 2009 to June 2015, the second part of the explanation from legal counsel says that, while it could be made more clear, as written the bill does not purport to have retroactive effect. That would need to be explicit. It cannot be implied. Without retroactive effect, anyone born between 2009 and June 2015 would be governed by the Citizenship Act as it read prior to the enactment of Bill S-245.

The subclause was put in so that my bill, if enacted, will intersect and work effectively with the previous bill, Bill C-24, and not the opposite, as implied by the official. If there's something that could be amended to greater clarify this, I'm very open to that.

Mr. Tom Kmiec: You're open to it.

When Bill S-230 was being debated back on June 16, 2021, the most senior officials there were Catherine Scott, assistant deputy minister, settlement and integration, and Alec Attfield, director general, citizenship branch, strategic and program policy. We heard something different from officials here at committee last week. Some of them said that there were equity issues involved.

Did you hear something like that, that there were any problems? Just a quick yes or no would suffice, because I have a question for Mr. Hallan specifically on this.

Hon. Yonah Martin: No, we did not hear of any issues.

Mr. Tom Kmiec: There were no issues then, but now people of a lower grade.... There was no assistant deputy minister here last week. They said at the Senate two years ago that there was no problem. Now they've raised that there are problems.

Mr. Hallan, since you sit on the finance committee, and you've sat on this committee as well, have you ever heard of a situation where over the years officials have contradictory opinions on the same bill? This is the identical bill. From Bill S-230 to Bill S-245 nothing has changed in the contents, but now there are two opinions on the bill's content.

• (1630)

Mr. Jasraj Singh Hallan (Calgary Forest Lawn, CPC): Thank you, Mr. Kmiec, my good friend.

I'd just like to open by thanking the committee for letting us be here today and for all the hard work of people like my good friend Senator Martin and Don Chapman. I'd like to thank them for the incredible work they've done to get the bill this far. I think this is the furthest this bill has ever gotten.

To your question, Mr. Kmiec, definitely there are differences of opinion all the time inside the House. I think what is clear in this very narrow and specific bill is the spirit behind getting this specific group of lost Canadians the right to be granted their citizenship again. It was something that was stripped from them very unfairly, and something that they didn't know about. I think our action moving forward....

I think you highlighted something very important. This is a narrow bill, and we don't know how much time we have. An election can get called at any point. All the good work that's led us up to the furthest we've ever been with this bill can be wiped out if we don't move on this quickly. In my opinion, and I think it's the opinion of the senator as well, we should get through this as quickly as we can to give citizenship rights back to those who were stripped of them unfairly.

The Chair: Thank you. Your time is up.

We will now proceed to MP Ali.

MP Ali, you have five minutes. Please begin.

Mr. Shafqat Ali (Brampton Centre, Lib.): Thank you, Madam Chair, and through you, thank you to our witnesses for being here today.

Senator, you just said in response to MP Kayabaga's question that the bill should be made "more clear". Are you now saying that you would welcome an amendment to your bill?

Hon. Yonah Martin: The clarity I was referring to was regarding the concern that was expressed about the effect on the first-generation limit, that it would be moved to June 2015. I had not intended any unintended consequences with that specific subclause. If there's language that can clarify that, I would be open to it.

Mr. Shafqat Ali: Thank you.

Senator, you've agreed that there's some confusion with part of the bill. Just to make sure I'm understanding this correctly, IRCC officials have said that the mention of the 2015 date effectively changes the application date of the first-generation limit rule. Are you saying that this is not your intention?

Hon. Yonah Martin: Yes. That was not the intention of that subclause. The explanation that I've read twice from the Senate legal counsel about it is that the bill doesn't purport to have retroactive effect, which is what was being addressed by the officials last week.

As I said, for that specific subclause, if there is language that will clarify so that we don't create an unintended effect, I would be open to that.

Mr. Shafqat Ali: Again, through you, Madam Chair, can you explain, Senator, what it was that you wanted to achieve with the mention of the date and how legislative counsel advised you that it could be fixed?

Hon. Yonah Martin: Yes. The exclusion provision, which is subclause 1(3), was tied to the date of the coming into force of Bill C-24. There were some concerns during the drafting of Bill S-245 that not including the subclause may cause conflict between my bill and Bill C-24. That's why it was put in.

However, if what I'm hearing from departmental officials now is that there could be some confusion and an unintended consequence, as I said, I would be very open to an amendment that would clarify that specific section.

Mr. Shafqat Ali: Thank you, Senator.

Senator—again, through you, Madam Chair—in the United States, our closest neighbour, the rule is that all persons who are born abroad but have either a citizen parent or grandparent who meets the residency requirement are citizens by descent. Wouldn't this make more sense after the first-generation limit...?

• (1635)

Hon. Yonah Martin: We have our laws as is because of previous bills such as Bill C-37 and Bill C-24. What you're talking about is not captured in the bill that is before us. I won't comment on what makes more sense or not, but rather say that, for this specific bill, it's really addressing those who are captured by the age 28 rule. I ask the committee to support the bill.

Mr. Shafqat Ali: Wouldn't it make more sense to deal with this issue all at once rather than in pieces and add some amendments if needed? Why would you not be open to those amendments to make it clear once and for all?

Hon. Yonah Martin: The other categories are definitely different in scope, and it would require separate debate. For this particular bill, I'm just saying that it was very focused and narrow to begin with and that's what I am hoping this committee will support.

Mr. Shafqat Ali: Madam Chair, do I have...?

The Chair: You have 25 seconds.

Mr. Shafqat Ali: I'll have to.... I think that 25 seconds....

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Just say thank you.

Voices: Oh, oh!

Mr. Shafqat Ali: Thank you so much, Senator.

Hon. Yonah Martin: Thank you.

The Chair: Thank you, Mr. Ali.

Now we will proceed to Mr. Savard-Tremblay for two and a half minutes.

You can begin, please.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: Thank you, Madam Chair.

Senator, do you believe that people who have their citizenship reinstated might continue to encounter hardships, for example while travelling outside the country? Or have we really turned the page? Put another way, would these people, after regaining their citizenship, be treated exactly as they were before, like citizens who had never lost their citizenship?

[English]

Hon. Yonah Martin: Once they are reinstated and their documentation is complete, my hope is that they would be treated as any other Canadian. That's the purpose of this bill: to ensure that does happen. Hopefully, with the enactment of the bill, the reinstatement will be helpful to those individuals.

[Translation]

Mr. Simon-Pierre Savard-Tremblay: Do you think they might remain fearful in view of having lost their citizenship in the past, or lose their trust in the institution?

[English]

Hon. Yonah Martin: Yes, as with anything that impacts on one negatively, there is a possibility that there could still be the remnants of the trauma, of the emotional and mental duress. I don't know for each individual case how that will be, but my hope is that with this bill, when it corrects those who were captured in the age 28 rule, it will be permanent and definitive and it will help them to feel Canadian in the country that they call home.

[Translation]

Mr. Simon-Pierre Savard-Tremblay: In your respective roles, Mr. Hallan and Ms. Martin, have you ever heard about a concrete instance of someone losing their citizenship? Have you ever witnessed that? Have you ever been told about cases like that?

[English]

Hon. Yonah Martin: I have not dealt directly with a case, but I spoke of two very specific examples in my speech in the Senate.

I'll share one with you. She has regained her citizenship with the help of Don Chapman and ministerial discretion. An example is Ms. Byrdie Funk, who was born in Mexico to two Canadian parents and was brought to Canada when she was just two months old. She grew up in southern Manitoba, where she went to school, made friends and learned to skate on the pond behind her house. When, at age 36, she applied to renew her passport, she received a letter from the government explaining to her that she was no longer a Canadian citizen. Imagine, growing up—

The Chair: I'm sorry for interrupting. Time is up.

We will now proceed to Ms. Kwan for two and a half minutes.

Ms. Kwan, you can please begin.

Ms. Jenny Kwan: I'd like to turn for a moment to Mr. Hallan, who cares deeply about this issue and has been working closely with Don Chapman and others.

Would he be opposed to amendments or changing the laws to ensure that those who are second-generation born who have been affected as a result of Bill C-37 are able to have citizenship conferred to themselves and to their children? Would Mr. Hallan be opposed to that?

• (1640)

Mr. Jasraj Singh Hallan: Thank you, Madam Kwan.

I want to thank you as well for all your work on this.

I would reiterate what the senator said. I think that, if we want to address any of these other issues, they should come in the form of a

separate bill, with this one being so narrow and the scope of it being to recognize a group of lost Canadians and all the work that's been poured into it now. We know that, when there are bills with amendments, it takes that much longer to get them debated and passed. We have time working against us now. As I said before, this is the closest we've ever come with this bill to recognize that small group—

Ms. Jenny Kwan: What I'm hearing from you is that you're not opposed to those kinds of amendments and that you're not opposed to the idea of recognizing war heroes as citizens because they were born before 1947.

Am I hearing that correctly? Give just a yes-or-no answer.

Mr. Jasraj Singh Hallan: I just want to say that there's no opposition to recognizing those people, but not in the form of the bill in its current state.

Ms. Jenny Kwan: Thank you.

Yes, the form of the bill in its current state does not address it. Of course, what would be required would be amendments to the bill to address those properly.

I get it. We can always wait and wait, but as we wait people's lives are being destroyed.

I know, Mr. Hallan, that you would not want people's lives destroyed and that you would want them to be able to be united with their loved ones. Some of them are separated from their loved ones right now and are unable to come to Canada, because they are immobilized because of the bill changes from C-37. We would want to fix that expeditiously, one would assume.

I want to turn for a moment to this bill on the age 28 rule. The age 28 rule also meant that for people who applied before age 28 but were denied because they were not able to meet the residency rule due to the grant process and the residency rule, those people's lives have been destroyed. This bill does not—

The Chair: I'm sorry for interrupting, Ms. Kwan.

Ms. Jenny Kwan: Is that two minutes?

The Chair: Your time is up, Ms. Kwan.

Ms. Jenny Kwan: Thank you.

The Chair: We are on a tight schedule.

We will now proceed with Mr. Kmiec for four minutes.

We will then end the panel with Mr. Dhaliwal for four minutes.

Mr. Tom Kmiec: Thank you, Madam Chair.

I have no other motions to table or to give bullet points for, so I'll go straight to questions.

Mr. Hallan, I have a follow-up on Ms. Kwan's question.

Are you in favour of amending the bill at this stage, whatever those amendments are, to include other groups of lost Canadians not considered by the Senate or the House of Commons at the second reading vote, or were you saying that we should pass this bill and that it can be reconsidered by either a private member's or a government bill?

Mr. Jasraj Singh Hallan: Thank you, Mr. Kmiec.

Through you, Madam Chair, it's the latter—exactly what you said. It's working against time at this point to be able to address some of the hardships that those people face that are specific to this bill. Sometimes, when we open the scope with more amendments, it will open up debate further. We're working against time before our next election, as we're a minority Parliament. We may destroy all that work and leave out everybody if we don't get to this point and pass this one the way it is today. That's my fear.

Mr. Tom Kmiec: Thank you for that.

Senator Martin, I was going to ask you, if there are amendments made to this bill, and some of them I believe would be perhaps out of scope to the original intent when it was brought here.... Because the Senate didn't consider them—Bill S-230 at the time was considered and was studied at committee, and Bill S-245 was expedited through the Senate because it was the same bill—do you believe senators, your colleagues, will want to do a full review at a Senate committee before passing the bill?

Hon. Yonah Martin: Yes, there is that possibility. I did speak to my critic when I was going to be appearing here to say that there is talk of amendments and going beyond the scope. She just looked at me with, well, that will change how we respond in the Senate. Again, I would just urge the committee to look at this very narrow focus. We can get this done.

I started specifically with the small group we can all get behind. With the other lost Canadian categories we can look at them afterwards. I would urge the committee to support this bill as is.

• (1645)

Mr. Tom Kmiec: Okay.

Do you think there will be any concerns expressed by senators at the fact that this committee heard one version of testimony saying there are issues and then two years ago at a Senate committee government officials of a higher or more senior rank, including an assistant deputy minister, expressed no concerns with the content of the bill?

How will senators react to that? Are they likely to call more witnesses just to ensure that they get a fulsome answer to explain why the department's position seems to have shifted over two years?

Hon. Yonah Martin: It was curious to me when I read the Evidence, in fact. I'm assuming other senators will also have questions.

Mr. Tom Kmiec: Okay.

I wanted to ask this question about those who applied in that small window and who were rejected. They are not included. We talked a little bit about that.

Do you have any concerns or have you heard concerns from senators that this is an issue—those people who applied and were rejected at the time when they were making the application?

Hon. Yonah Martin: We did not address that in the Senate. We were looking at just those who will be captured by the age 28 rule.

Mr. Tom Kmiec: You are satisfied that those individuals, although not captured in this bill, have had a possibility of redress under previous legislation and that it is not an issue for Bill S-245.

Hon. Yonah Martin: I don't see that as an issue. Again, I just put forward the bill in its very narrow and specific form, and I hope the committee will support the bill.

Mr. Tom Kmiec: That's all the questions I had, Madam Chair.

The Chair: Thank you, Mr. Kmiec.

We will now go to Mr. Dhaliwal for four minutes.

Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

Senator Martin, I want to thank you for thinking about the lost Canadians.

I want to thank you for helping me. I'm sure you recall, when I brought in a private member's bill and one of the Conservative senators took an adjournment. You were the deputy leader. You were there and Senator Ataullahjan was there to help me with my bill on April as Sikh Heritage Month. I see the passion on your side, as well, to get it through.

On the other hand, I have some questions here that I am sure you and Mr. Hallan will be able answer. I'm also one of the people who came to Canada in 1984 as an immigrant in Calgary. I got my citizenship at the very first opportunity in 1987.

Senator, I know you have done significant research into the changes made to the Citizenship Act in 2009 and 2015. We know those changes came into effect on a delayed basis with a coming into force provision.

Considering all the complications highlighted by IRCC officials, do you think a coming into force provision might help ensure that Bill S-245 doesn't lead to unintended consequences? If not, why?

Hon. Yonah Martin: Yes, I have no issue with adding a coming into force clause. I hadn't thought of that, but having heard from the officials, if that will provide some stability, I would be open to that clause.

Mr. Sukh Dhaliwal: I will go to Mr. Hallan because I love Calgary and Forest Lawn of course. I used to go every day.

Mr. Hallan, you were saying to MP Kwan that you aren't against ultimately recognizing other lost Canadians, understanding that there are big groups. We have talked about a very small group of former section 8 people. Why would you disagree that this bill should scope those other people in?

Mr. Jasraj Singh Hallan: I am not at all opposed to getting those other people recognized, but my fear is that we're running against time right now.

Mr. Dhaliwal, you've been around here much longer than I have. We know that time sometimes works against us in these bills. I'm afraid that the bigger this scope gets, the more complicated it will become and the more debate will take place. My friend, Hon. Yonah Martin, was very specific to this group in order to get it this far now. If an election were called, all that good work would go.

I would encourage, just like my friend did, that any one of us as parliamentarians, and even someone in the Senate, can bring forward another bill much like this one that could address other people who fall into different categories. That's another option that can be brought. I'm afraid that if an election gets called, because we're in a minority Parliament, this group of lost Canadians will, unfairly, not have the justice they deserve, and we'll start from scratch all over again.

We've gotten this far. It's taken a lot of work from the good people on this committee and in Parliament, my good friend Yonah Martin, and Don Chapman, who's been an absolute champion in getting things this far. It would be wrong for us to not right the wrong for these people who lost their citizenship unfairly.

• (1650)

Mr. Sukh Dhaliwal: Mr. Hallan, I totally understand. When an election is called....

I too had my bill go through a minority Parliament. I can see—

The Chair: I'm sorry for interrupting, Mr. Dhaliwal, but time is up. Your three minutes are gone.

Mr. Sukh Dhaliwal: They went by so fast.

Thank you.

The Chair: We will have to end this panel. We will now proceed to the second panel.

I want to thank Senator Martin and MP Hallan for appearing before the committee and for all the work they have put into this bill.

I will suspend the meeting for a few minutes, so we can allow the next panel to come.

Thank you.

• (1650)

(Pause)

• (1655)

The Chair: I call the meeting to order.

On behalf of the committee members, I would like to welcome our witnesses for this panel.

Today, we are joined by Randall Emery, executive director, Canadian Citizens Rights Council; Daniel Bernhard, chief execu-

tive officer, Institute for Canadian Citizenship; Don Chapman, founder and head of Lost Canadians; and Amandeep Hayer, Canadian Bar Association, British Columbia immigration law section.

After the opening remarks, we will go into rounds of questioning.

Mr. Hayer, please begin. You have five minutes for your opening remarks.

Mr. Amandeep S. Hayer (Lawyer and Secretary, Canadian Bar Association, British Columbia Immigration Law Section, The Canadian Bar Association): Thank you very much.

My name is Amandeep Hayer. I am the secretary of the Canadian Bar Association's B.C. immigration law section, and I appear today on behalf of the CBA national immigration law section.

The CBA is a national association of 37,000 members, including lawyers, judges, notaries, academics and law students. We have a 120-year-old mandate to seek improvements in the law and the administration of justice.

Thank you for having me address the committee from Surrey, B.C., which is the traditional and unceded ancestral territory of the Katzie, Semiahmoo, Kwantlen and other Coast Salish first nations.

My purpose for being here today is to, first, express our support for the bill and the goals advanced by the bill; second, suggest an amendment to the bill to clarify when citizenship will be restored to; and third, address two specific concerns the CBA section has with the state of citizenship law today.

The section supports the goals advanced by this bill. The bill allows another group of lost Canadians to reacquire the benefits of Canadian citizenship, but we note there is an omission. It does not state when citizenship will be restored to. Will it be the date the bill comes into effect, or the date citizenship was lost? These are important questions, because they will have implications for the subjects of the restoration.

If the restoration is the date the bill is approved, it could impact the legal rights they have in other countries. For example, in a country that does not permit dual citizenship, acquisition of citizenship after birth may be grounds to revoke their citizenship in that country.

Previous amendments to the act designed to restore citizenship on those Canadians who had lost it intentionally specify to what date citizenship will be restored. See subsection 3(7) as one such example. Our recommendation is that the bill be amended to clarify to what date citizenship will be restored.

The next issue is the forgotten Canadians. Citizenship law has evolved over time. As the values that underpin the social fabric of our nation have changed, citizenship law has followed suit, but echoes of former laws and values still reverberate through the current legislation. One such example is a group of Canadians related to the subject of this bill who were denied access to Canadian citizenship from the outset.

Between January 1, 1947, and February 15, 1977, a person born outside of Canada could only inherit Canadian citizenship if their parents were married and their father was a Canadian citizen or, if their parents were unmarried and their mother was a Canadian citizen.

On February 15, 1977, the current act came into effect. For those born before that date, the act continued to apply the old law under paragraph 3(1)(e). However, under subsection 5(2), a provision existed for people to be granted Canadian citizenship if they could not qualify for it under paragraph 3(1)(e) because the wrong parent was Canadian.

However, the grant had an issue. For those who qualified under section 3(1)(e), their effective date of citizenship was their date of birth, while for those who qualified under subsection 5(2), it was the date the grant was approved.

Since citizens by descent are only citizens if they were born after their parents became Canadian, there was a direct implication on their children. For those who were approved under subsection 5(2), only those children born after the date of approval would be Canadian. For those who were approved under paragraph 3(1)(e), their effective date of citizenship was their date of birth, but the children would be subject to the section 8 retention requirements that are the subject of this bill.

Since which section applied depended entirely on the gender and the marital status of the parents, we contend that it is contrary to section 15 of the charter, as the Supreme Court held in *Benner v. Canada*. Therefore, our recommendation is that the act be amended to deem everyone whose parents applied for Canadian citizenship under subsection 5(2) as Canadians today.

Finally, I would like to address the first-generation limit. We note that the first-generation limit has unintended hardships for people who have certain strong ties to Canada but may have been born in the second or subsequent generation. One such example might be a mother who goes into labour while shopping in the U.S. The CBA section encourages Parliament to consider these impacts and possible mitigating measures.

Thank you very much. I welcome your questions.

• (1700)

The Chair: Thank you.

We will now proceed to Mr. Daniel Bernhard, who is the chief executive officer of the Institute for Canadian Citizenship.

Please begin. You have five minutes.

[*Translation*]

Mr. Daniel Bernhard (Chief Executive Officer, Institute for Canadian Citizenship): Madam Chair, Mr. Vice-Chair, and com-

mittee members, thank you for having invited me to testify today on the importance of Canadian citizenship.

Even though I'm not an expert on the lost Canadians issue that you are discussing this afternoon, I'd like to situate this conversation within the overall context of Canadian citizenship and its importance.

[*English*]

The Institute for Canadian Citizenship, which I am so honoured to lead, facilitates and encourages newcomers to complete the journey to full and active Canadian citizenship, not just in their passports but also in their hearts.

Our work, therefore, is an act of service not just to immigrants but to all of Canada, because when newcomers decide that this is their place and that these are their people, they contribute their talent, energy and resourcefulness to our shared success. With the best of the world on our team and contributing to their full potential, Canada can be unstoppable. Citizenship, I believe, is at the heart of that promise. It's all about whether immigrants believe they're on our team.

Each of you, of course, is a member of a team—a political team—so you would understand the power of that experience well.

Our organization hosts 60 enhanced citizenship ceremonies per year in partnership with IRCC. I get to attend a handful of them, and I can say without a doubt that this is the best part of my job. Unlike standard ceremonies, we hold wonderful round table discussions where new citizens reflect on their journeys and on the significance of the moment. No two stories are the same, but they are uniformly moving.

From these new citizens I've learned that becoming Canadian is like passing through a one-way door. Behind them lies a long path of hard work and often hardship that sometimes spans multiple generations. Before them, however, lies another path, also reaching deep into the future, but this one is paved with a sense of peace, security and relief, which many of us who are born in Canada may struggle to understand.

I know a bit about this and many of you do as well. When my daughter was born, she was the first person in our family born in the same country as her parents in almost 150 years. For a century, we were on the run. Thanks to my parent's decision to immigrate to Canada, we're now finally home for good.

Today's conversation, however, is particularly important because of plummeting naturalization rates. In February, our organization released new data showing that the proportion of permanent residents who become citizens within 10 years dropped 40% between 2001 and 2021.

These data draw attention to uncomfortable truths about Canada that we have really yet to confront. They compel us to change our perspective from a, frankly, self-satisfied view that we must restrict Canadian citizenship lest everyone in the world pursue it, to a more humble outlook that is centred around a commitment to restore the promise and desirability of being Canadian.

In other words, I urge you not to limit your gaze to the so-called lost Canadians of the past, but also to remember the lost Canadians of the present and future. They are the millions of people who could join team Canada but are choosing not to.

• (1705)

[*Translation*]

The marked decline in the number of permanent residents who obtain citizenship in their first decade in Canada has deep and serious consequences. For example, imagine a future in which a large percentage of the population did not have the right to vote. It wouldn't amount to an apartheid policy, but the impact would be very similar.

The sense of belonging is very powerful. If people don't consider Canada to be their society, then they won't dedicate themselves to it, or get involved in our culture and contribute their utmost to making our society a success. That's a danger of concern to all of us.

[*English*]

We must roll up our sleeves to restore the value of being Canadian.

The Institute for Canadian Citizenship is leading the way with our Canoo access pass, which today gives over 150,000 newcomers free, VIP entry to over 1,400 of our country's best cultural and nature attractions, making Canada easier to love and harder to leave. With your support, we can continue to grow and become a standard feature of the Canadian immigration experience.

[*Translation*]

Thanks to Canoo, our cultural access pass, about 1,000 newcomers visit some of the best cultural and nature attractions every day. They enjoy themselves, meet us, discover our culture, and become a part of it.

[*English*]

We need an all-hands-on-deck mentality to restore the promise of being Canadian, not just for the few but also for the many. I hope today's conversation supports, for their own sake, those who were edged out of citizenship in the past but also reminds us about all those who can and should become Canadians in the future, but may choose not to.

Thank you very much.

The Chair: Thank you.

We will now proceed to Mr. Emery, executive director, Canadian Citizens Rights Council.

You can please begin. You will have five minutes.

Mr. J. Randall Emery (Executive Director, Canadian Citizens Rights Council): Thank you, Madam Chair, members of the committee.

My name is Randall Emery. I am a regulated Canadian immigration consultant and the executive director of the Canadian Citizens Rights Council, which stands for democratic, equality, multicultural and mobility rights.

We applaud Senator Martin and MP Hallan for sponsoring Bill S-245, which would address one of several inequities in citizenship law for children born abroad. We also call on them, and all parties, to champion amendments to address more lost Canadians.

As we balance competing concerns, we should think about three things: our constitution, international considerations and the human cost of continued inaction.

First, Canada should respect equality and mobility rights when addressing citizenship by descent. I've met many of you personally, and I understand the concern for people passing through Canada. However, just as people pass through Canada, Canadians pass through other countries. Moreover, some Canadians have genuine connections to Canada and other countries at the same time. If we employ some connection test, we should apply it equally to all three groups. Failing that, we should at least give impacted Canadians the same deal we afford government workers.

Current law forces some Canadians to choose between mobility rights and the legal and moral duty to care for their children. For example, as described in the ongoing charter challenge, a Canadian parent has been exiled with her children on multiple occasions since 2017, with the child now experiencing suicidal ideation. This is unjust and unfair.

Second, Canada should follow other countries to avoid the worst unintended consequences. Canada ranks dead last on family unity when we compare ourselves to the G7, our European trading partners, Australia, New Zealand and other continental American countries. Half of these countries ensure unlimited citizenship by descent by simple operation of law. Another quarter ensure citizenship retroactive to birth provided the birth is registered. We are the bottom of a cohort dominated by English-speaking countries, which creates its own problems for us as a shared culture.

The counterpoint to concerns about job restrictions abroad due to automatic citizenship is the concern for family separation due to lost citizenship. Some countries revoke citizenship if you voluntarily apply for another. Examples include Japan, Spain, Germany and Austria. To avoid the more serious consequence to a much larger group of people, we recommend that citizenship be opt-out with renunciation versus opt-in with a grant application.

Finally, we must consider the human cost of continued inaction. In addition to the charter challenge, stories submitted during this study clearly illustrate the harm to individual families. One mother has three daughters, two are Canadian and one is not, simply because of the year of her birth. One family has ended six generations of Canadian heritage, because the mother was born abroad in the eighties, lived in Canada for nearly 30 years and then went on to have children in the U.K. The problem also impacts my children, who are seated in this room today.

Officials told you last week that the scope includes untold numbers of children, possibly in the tens of thousands. In other words, the law inflicts severe harm to Canadian families in vast numbers. The egregiousness of the issue calls for an immediate response.

Let me conclude by, again, thanking Senator Martin and MP Hallan for sponsoring this bill. We implore them to champion amendments with members of all parties to address as many lost Canadian issues as possible, including the many historical ones.

Thank you.

• (1710)

The Chair: Thank you.

We will now proceed to Mr. Don Chapman, founder and head of Lost Canadians.

You have five minutes for your opening remarks.

Mr. Don Chapman (Founder and Head, Lost Canadians): Thank you.

When Canada stripped me of my citizenship in 1961, many of you had not been born. I was six, so I relate to the lost Canadian children of today. They're watching you, and, by not including them, you're compounding their rejection and pain. They're not stupid. They know that Canada doesn't want them. It's akin to being booted out of your own family. I know the agony and the gut-wrenching feelings both as a child and as an adult.

With Bill S-2 in 2005, I could be Canadian again but my minor-aged daughters weren't welcome, and I was born in Canada.

Canada must practice what it preaches: fairness, compassion, inclusion, peace, order, good government, equal rights and, above all, human rights. With lost Canadians, Canada has failed miserably.

As an airline pilot, I'd never ditch an airplane and willingly leave my passengers behind. As a Canadian, I can't leave fellow lost Canadians behind, particularly children and babies, and neither should you. Without amendments, you'll be condoning forced family separation, tiered citizenship, statelessness, women having fewer rights than men and booting out 111,000 of Canada's soldiers.

“To stand on guard for thee”—is that just hyperbole?

Canada is contravening three UN human rights conventions, the charter, the Canadian Bill of Rights, the Universal Declaration of Human Rights and the rule of law. Are you okay with that?

Lost Canadian children face depression, anxiety, loss and suicide. They suffer no differently than the residential school survivors. Did you know that lost Canadians include indigenous peo-

ple and that the Catholic Church sold Canadian babies? Did you know about the murdered butter box babies and the pre-1947 Chinese Canadians? Should they be remembered as only stateless, registered aliens?

Bureaucrats talk about unintended consequences and of creating future lost Canadians. Well, that ship has sailed. Let's talk about intended consequences. By not adding amendments, you'll be creating far more lost Canadians.

Thirteen years ago, I gave a detailed report to Nicole Girard. Nothing happened except that the issue got exponentially worse. We're here today because of intended consequences. Bureaucrats want subsection 5(4) grants. It's a cruel and awful solution. An IRCC director general recently explained how the 5(4) process has become political, with the outcome being at the whim of a bureaucrat or politician. It should be by operation of law.

The children of one family have been denied five times in 14 years. From newborns to teenagers, all they have known is rejection. There's a 12-year-old Canadian citizen, an orphan boy, currently in Syria. IRCC cancelled his caretaker aunt's citizenship without a hearing or judicial review. One day she's Canadian; the next she's not. IRCC encouraged her to apply for a grant. It was approved three years ago, but two citizenship ministers won't sign off. This Canadian child is currently in an earthquake war zone. His twin sister and father were killed by a random terrorist bombing. If anything happens to this boy, Minister Fraser, by his inaction, makes Canada an accomplice.

Remember Alan Kurdi? Are you ready for that negative press from around the world? I have 28 other horror stories of 5(4) grants, including my own.

Sometimes individuals got deported. For example, Pete Geisbrecht, a 28-year-old, was given by IRCC 30 days to voluntarily get out of Canada. If he didn't leave, he would be shackled with bracelets. The authorities threatened him in front of his wife and child, and they will never forget.

Lost Canadian Roméo Dallaire called IRCC's process “inhuman” and “bureaucratic terrorists”. Bureaucrats are consistently inconsistent and make lots of mistakes. Case processors often don't know the laws, and they come and go. There have been four citizenship ministers just under Mr. Trudeau. What's needed is a dedicated citizenship ombudsman.

Since 2009 CIMM has done 128 studies. Only six were on citizenship, so obviously, citizenship is not your priority.

Canada is supposed to turn immigrants and refugees into good Canadian citizens, and I can show, with me, that they often turn Canadian citizens into immigrants. They do it the wrong way. After one of our court cases, Monte Solberg said the decision could cost tens of billions. That's a lot of money just to keep Canadians out of their own country.

• (1715)

There's another charter challenge. It's going to be heard next month. The government's arguing against equal rights; we're arguing for equal rights. If the government wins, out goes the Charter of Rights and Freedoms as you know it.

Without amendments, there will be many more charter challenges. With amendments, that becomes moot.

As for derivative claims or conferring citizenship to people unknowingly or any other concerns, I can help you. I want to fix the issue once and for all, and I hope you do too.

Thank you.

The Chair: Thank you, Mr. Chapman.

We will now proceed to our rounds of questioning. We will begin our first round with Mr. Redekopp.

Mr. Redekopp, you can begin, please. You have six minutes.

Mr. Brad Redekopp: Thank you, Madam Chair.

Thank you to all of our witnesses for sharing their valuable testimony today.

What's the value of Canadian citizenship? I believe that's the question we have to look at. Seven days ago, a week ago, we began our study of this legislation. At that time, I gave notice of a motion regarding citizenship ceremonies, which are the backbone of our immigration system. My motion basically calls on the government to prioritize in-person citizenship ceremonies—but allow virtual ceremonies if those are specifically requested—and, most importantly, not allow people to get their citizenship by clicking a mouse. Newcomers I talk to really value these citizenship ceremonies, but the government seems to be trying to downplay and even eliminate these ceremonies.

My first question is for Mr. Bernhard from the Institute for Canadian Citizenship.

Your organization puts on many citizenship ceremonies. Do you see the inherent value of in-person ceremonies?

Mr. Daniel Bernhard: Yes, absolutely. Any deviation from that is like going through a university degree and not having the oppor-

tunity to graduate in public and reflect on the significance of that moment.

Becoming Canadian is a momentous occasion for individuals and for families, as many of the witnesses today have testified. There's a strong desire to re-establish their Canadian citizenship. For the hundreds of thousands of people who become Canadian citizens every year... I think one of the fellows mentioned that there were perhaps 10,000 people affected by the current subject. We're talking about 1,000 a day, in some cases, who are eligible to become Canadian citizens through naturalization. If they're deprived of this opportunity to reflect, I think that degrades the importance of Canadian citizenship, not just for them but for all of us who can participate in that celebration.

Mr. Brad Redekopp: If the government continues to minimize ceremonies with this latest idea of, for example, just an online click kind of a situation, does that hurt the overall value of citizenship in Canada?

Mr. Daniel Bernhard: I think it's a contributing factor. One of the other witnesses mentioned that the committee spends relatively little time studying citizenship. I think citizenship is the forgotten member of the trio of immigration, refugees and citizenship that the ministry is tasked with and that the committee is tasked with. There is a number of factors that I think are leading to this, but the data show clearly that Canadian citizenship is becoming less desirable. The market value of Canadian citizenship is plummeting among permanent residents who are eligible to claim it, and this certainly wouldn't help.

• (1720)

Mr. Brad Redekopp: It's almost like the government is using the pandemic and the backlog they created as a convenient excuse to implement this new plan for people to gain citizenship as though it was nothing more than just clicking—scroll through Facebook, look at some TMZ gossip, watch a cat video, and then click a link and become a Canadian citizen.

Have you seen a change in the way the government treats citizenship ceremonies since March 2020?

Mr. Daniel Bernhard: They've gone virtual, obviously. I can't speak to the government's motives.

I would just like to point out that there are people who do suffer very real harms as a result of delays in having their citizenship applications processed. Their permanent residency expires. They are waiting for their citizenship application to come through, and it's two or three times longer than the service standard. A relative gets sick in another country, for example, and they can't go and visit them because they're worried they won't be able to come back in.

We've seen that there are real consequences for people. I understand the government's and the ministry's desire to speed up this process. I would just hope that they would be able to find those efficiencies elsewhere.

Mr. Brad Redekopp: We heard some testimony in the last hour about this bill, Bill S-245. The purpose of this bill is really to rectify mistakes that have been made in the past, and it affects a very small cohort of people. We also heard from others who would like to expand this bill and make it a bit larger to include many other people, and that would potentially complicate and perhaps even prevent this bill from going forward.

I'm curious to know what your thoughts are on Bill S-245, if you have any thoughts on it, if you've looked at it at all.

Mr. Daniel Bernhard: I have looked at it. I think there are other witnesses who, obviously, have stronger personal and, in some cases, professional connections to the subject. I would encourage you to seek out their opinions.

In terms of the overall prioritization of who is and is not becoming a citizen, I would just repeat what I said earlier: If we're talking about maybe 10,000 people who might be affected by something like this, in the last year alone we put through that many citizens in 10 days. The number of lost Canadians, in some sense, is as a result of the dropping desirability of becoming Canadian. That's far larger and, in my mind anyway, a far more pressing priority for the committee and for the Government of Canada to be looking at than a relatively smaller group of people who are clearly suffering personal consequences from this. The fact that we can refer to them by name suggests that the group is, in many cases, small.

Mr. Brad Redekopp: I have one last question.

You talk about the percentage of PRs who fail to become citizens. What's a number? What's an idea? What are your thoughts on how we could improve that and encourage more people to become citizens?

Mr. Daniel Bernhard: In 2001, 75% of permanent residents became citizens within 10 years of arrival. In 2021, that number had dropped to 45%, so there's been a precipitous decline.

There are a number of factors, including factors relating to the cost of applying for citizenship, which is over \$600 per person. For a family of four, for example, that's real money. It's also about people's experiences in Canada in getting to the point where you want to apply for citizenship: economic integration, credential recognition, social integration, having fun and having friends. This touches on housing and the availability of our services like health care and child care.

We need to make sure that immigrants have a successful time of it in Canada and that they want to be considered Canadian. I think there are a number of different ways to look at this, but the data have been declining for over 20 years. It's a concerning trend that I think we ought to turn our attention towards—

The Chair: I'm sorry for interrupting. The time is up for Mr. Redekopp.

We will now proceed to Mrs. Lalonde.

You will have six minutes, Mrs. Lalonde. Please begin.

Mrs. Marie-France Lalonde: Thank you very much, Madam Chair.

Thank you to each of our witnesses for being here today.

I do have a few questions. I would like to focus my attention on Mr. Hayer for this particular Bill S-245.

In the previous hour, Mr. Hayer, we talked a lot about the scope of people who would be impacted by Bill S-245. In your professional opinion, do you think Bill S-245 is too narrow or too broad, or does it strike a good balance? As I'm going to be asking you more questions, could you briefly elaborate on why you've chosen that option?

Mr. Amandeep S. Hayer: Yes.

I think that on the question of whether or not the bill is of whatever scope, that is more for Parliament to decide. Our position is that there are others who have been impacted by the loss of Canadian citizenship who should also be considered. Whether that will be within this bill or within a future bill, we would like those people to be considered as well.

• (1725)

Mrs. Marie-France Lalonde: Thank you very much for that.

If I could go on, I'll say that basically every speech I've listened to on this topic, sadly, has pointed out that every time someone tries to tinker with the Citizenship Act, we end up with unintended consequences, which typically take the form of a new group of lost Canadians.

Do you have any concerns that Bill S-245 as written may create additional or different groups of lost Canadians? If so, how do you recommend that we stop that from happening?

Mr. Amandeep S. Hayer: I recognize one in the group. There is a very closely related group of individuals who have similar birth-dates and similar sorts of circumstances. The only thing that's different is the gender and marital status of the grandparents, so that is a group that will come up and that I think should be addressed. These individuals just happen to be born to the wrong gender or marital status of a grandparent and, as a result, their citizenship was denied because their parents applied for a grant under subsection 5(4) that was approved after their date of birth. They just will never be Canadian under the current legislation.

As for improving it, that deserves more study by Parliament. There have been several committee reports, we note, at the CBA immigration law section, that have made recommendations. I would refer to those as well.

Mrs. Marie-France Lalonde: I'm going to talk to you about it because you've written articles for the Canadian Bar Association on past changes made to the Citizenship Act. In 2020, you wrote an article entitled "Citizenship Law is Too Rigid for Those Abroad with Family Ties to Canada", in which you stated: "Arguably the first-generation limitation has merit."

Could you elaborate on where you can see merit in this rule?

Mr. Amandeep S. Hayer: The position of the CBA on that is different from my position, so I'd like to refer to the CBA position, which is that we should look into this. One of the reasons we want to look into this is that the CBA does not want a situation where people with ties to Canada are being denied access to Canadian citizenship, and I would like to put it again back to Parliament to figure out how we can expand access beyond the first generation.

Mrs. Marie-France Lalonde: I'm sorry to have to come back, but I really want to come back to that article from 2020, Mr. Hayer. You actually identified that the U.S. has a different approach to generational limits to citizenship. Can you explain to us how the rule works in the U.S. and how that differs from Canada's approach, please?

Mr. Amandeep S. Hayer: I can provide some commentary, which is that in the U.S. the way it works is more based on residential ties after your 14th birthday.

The specifics are basically that, if you have lived in the U.S. for a certain period of time and then you happen to have a child born outside of the U.S., that child would be a U.S. citizen. You just have to make an application to prove that's the case, and part of the application would be the equivalent of a U.S. citizenship certificate.

Mrs. Marie-France Lalonde: Thank you again.

Could you explain to this committee the difference between someone who has received a grant of citizenship versus someone who has had their citizenship restored through a change in legislation, such as what is proposed through Bill S-245, please?

Mr. Amandeep S. Hayer: Another term for a grant of citizenship is naturalization. The date the grant is approved or a person takes the oath of citizenship, depending on how the grant works, is the effective date of their citizenship.

I'm assuming what you mean is what was in my specific submission, which was on the questions of subsection 5(2) and paragraph 3(1)(e).

With subsection 5(2), when the grant was approved, IRCC would send out a letter saying, yes, we agree that your parent was Canadian. They were the wrong gender and therefore, we are going to approve you with a grant. Your effective date of citizenship is the date of this letter.

For somebody whose citizenship was restored afterwards, with restoration they took everyone back. They created a bit of a magic pencil and said they would go all the way back in time to someone's date of birth and deem them to have been a citizen the entire time.

For those individuals I mentioned with respect to subsection 5(2), that's what happened to them in 2009. In 2009, they retroactively cancelled all those grants. They made them all retroactive to the someone's date of birth. In our submissions, it says their children were never put into the system, so under subsection 3(4) there was a transition clause that, if somebody was a citizen, they would be able to continue to maintain their citizenship if they were born in a second or subsequent generation.

With the subsection 5(2) applicants, there was an exemption. They said, if you had a child born in a second or subsequent generation, you would not have your citizenship restored retroactively.

• (1730)

The Chair: Thank you.

Mrs. Marie-France Lalonde: Thank you, Mr. Hayer.

The Chair: We will now proceed to Mr. Savard-Tremblay.

You will have six minutes. Please begin.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay: Thank you, Madam Chair.

Thanks to all the witnesses for their presentations.

Mr. Chapman, you are what we might call a pioneer in terms of knowledge and recognition of the issue before us today. I would imagine that you have a lot to say about all of the various short-, medium- and long-term consequences on everyone who has experienced it. You even ventured into legal terrain, which I found somewhat surprising.

I know that the time available for your address is limited, and accordingly invite you to take all the time you need to tell us more.

[*English*]

Mr. Don Chapman: The first thing I'll say is that I learned from the woman behind me, Meili Faille, that Quebeckers, French Canadians, understand the *book de famille* more than the English side. They understand what it's like to be stripped of their identities and culture, and that's exactly what we're doing with the lost Canadians.

As far as Nicole Girard's comments saying we're going to create new lost Canadians, no, I don't agree with that. The argument that they're going to.... What the gentleman from the the Canadian Bar Association just referred to was that we're going to give them retroactive citizenship, which takes away their ability or their right to say they were born in Canada—like being in a citizenship ceremony. The government didn't seem to have a problem doing that with Bill C-37, because that's exactly what it did to children of lost Canadians who were naturalized. They were deemed to be born in Canada, and then the government retroactively took that right away.

He also made reference to the Supreme Court decision in *Benner v. Canada*, which was about women's rights and criminality, both of them. What the government did was freeze into law that gender discrimination, so that today women have fewer rights than men to confer citizenship.

This is devastating, and to be really honest with you, I want all of this done. I wanted it done 10 years ago, 20 years ago. I lost my citizenship in 1961, and I've been fighting ever since. I was an airline pilot. I would not leave people behind, and I won't do it now, because we're going to keep fighting. In all honesty, this a choice and the bureaucrats have made the choice to deliberately leave people out. They've been doing this for decades. This is just a matter of sitting down, really checking this out and talking. We can fix this very easily.

There are a lot of people. Pre-1947, the Chinese were considered to be stateless registered aliens. They were not; they were citizens. The government is still, to this day, saying citizenship began on January 1, 1947. Most people do not realize that Mackenzie King stripped the Japanese of their citizenship in 1946 and deported them. Minister Hajdu, just a year ago, announced that the government is going to give citizenship back to those people who enfranchised before 1946. There are huge ramifications.

It's not a small group of people. It's a million to two million people. When Bill C-37 passed, since then, there have been about 20,000 people who have had claims, even though there are a million to two million people. For all these reasons of derivative claims, it's not going to happen.

Thank you for what you're doing. It's very important to fix this bill.

The Chair: Mr. Savard-Tremblay, you have two minutes.

[Translation]

Mr. Simon-Pierre Savard-Tremblay: As he was alluded to, would the representative of the Canadian Bar Association like to respond or add anything to what we have just heard?

[English]

Mr. Amandeep S. Hayer: No. I'll let Don Chapman's work stand for itself.

• (1735)

Mr. Don Chapman: Could I add?

The Benner decision was about Mark Benner, who was a convicted murderer from the United States, born in wedlock to a U.S. father and a Canadian mother. It was a unanimous Supreme Court decision in 1997. A lone bureaucrat cancelled that decision in 2004 and immediately went back to discriminating against women. The Supreme Court has answered the question on whether you're a criminal or not a criminal, whether you're born in or out of wedlock. I don't know how the government is not being held accountable for this, because the gentleman from the Canadian Bar Association is right. For the second generation born abroad, by operation of law, it should already be there.

[Translation]

Mr. Simon-Pierre Savard-Tremblay: So my understanding is that Bill S-245, in its current form, needs the changes that you mentioned, because there are still what might be called some grey areas.

[English]

Mr. Don Chapman: Yes. I can also say that, on the restoration of citizenship, there are consequences when you go to retire. Just because we give it back to you, there could be a period in a pension down the road where they say, "You weren't paying into it or you weren't Canadian for a 10-year period." We've already gone through that with the war bride children.

[Translation]

Mr. Simon-Pierre Savard-Tremblay: Thank you.

[English]

The Chair: We will now go to Ms. Kwan.

Ms. Kwan, you will have six minutes. You can please begin.

Ms. Jenny Kwan: Thank you very much, Madam Chair.

Thank you to the witnesses.

I want to make a distinction about lost Canadians versus immigrants. With lost Canadians, we're talking about when Bill C-37 came in and took away the right of passing your citizenship on to your descendants for second generation born and on. It's the loss of those individuals' birthrights. Immigrants are people like me, who immigrated to Canada, and through the naturalization process became a citizen.

I just want to hear from the witnesses on the distinction between those two things. What are we talking about here when we're talking about lost Canadians? Are we talking about people's birthrights that have been taken away from them?

The question is to both Mr. Chapman and Mr. Emery.

Mr. J. Randall Emery: Yes, we're talking about Canadians who lost their birthright. In my own family, we came in the 1800s and this has been a recurring pattern for a long time.

Mr. Don Chapman: This should be a birthright and it has nothing to do with immigration. By the way, when they did take away rights, that goes against what's called the Interpretation Act, which says you cannot obliterate rights, and that's what happened in Bill C-37.

Ms. Jenny Kwan: Thank you.

We heard and you both heard from the previous panel: Senator Martin, who brought this bill before us, and of course, the sponsor of the bill in the House of Commons, MP Hallan. Both said that we should not be advancing amendments to Bill S-245.

Would you agree with that and, if not, why not? If yes, you can expand.

Mr. Don Chapman: This is a tough question because again, as I mentioned to Mr. Savard-Tremblay, I wanted this to be done 10 years ago, but it's not. It's a gamble, really, that's what it is. Do I turn and say, okay, I'll take the bill as is in case there is an election, or do I put it off? To be honest with you, I want the children.... They're the ones who are suffering with suicide, mental problems, families being torn up and forced family separation where they can't even live together. That, to me, is the most important, so I would gamble on this bill just to get those amendments in because I want the children in first.

Mr. J. Randall Emery: I concur, also. Just to give you a very personal example, my oldest daughter was one year old when the after first-generation exceptions were first put into place and she's a young woman now. In a couple of years she could have children of her own. How much longer do we have to wait?

Ms. Jenny Kwan: Okay, so—

Mr. Don Chapman: Can I just mention, when Bill S-230 died, it was brought back in the Senate and passed third reading in five days. It was sent to the House and in the first month it was passed. Really, I don't see, if there's an election, that it's going to be any different.

• (1740)

Ms. Jenny Kwan: It's not necessarily the case that we can't shepherd this through. If there's the political will to do so, we can do so. I heard comments about bureaucrats and bureaucrats do their thing, but what happened here with lost Canadians is this. Under Bill C-37 it was the politicians of the day who stripped the rights of Canadians of passing on their citizenship with the second-generation rule cut-off. It's the politicians who did that.

Here we have a situation where we have an opportunity to make changes for the better, to restore the people who've had their rights taken away. Should we not take every chance to make them whole, as was indicated through the impact of the families and how children have been impacted and left languishing because they've lost their rights and been rejected? Should we not take every opportunity, right now, to actually make them whole and to address this question?

Mr. Don Chapman: Every opportunity—thank you.

Mr. J. Randall Emery: Yes, absolutely.

Ms. Jenny Kwan: On the question around the stripping of rights, one perspective is to say, give them a grant process so they can apply. Another perspective, as I think has been mentioned by both of you, is to say to do the reverse onus. For those who do not want it, which is their right, they can say they don't want it if they don't want it. Then if they notify IRCC, upon notification could we not then put in changes to say that upon notification their citizenship would be of no force and effect, that is to say, the bill would be of no force and effect for them, for those who do not want the citizenship conferred to them?

Mr. Don Chapman: Absolutely.

Think about it. If you're Irish, you have the right to Irish citizenship. If you're Israeli, you have the right to Israeli citizenship. It doesn't mean you're a citizen.

If two Canadian parents have a child born in the United States, that child is not Canadian until they apply and get it. Just because you have a right, it doesn't mean you are....

Ms. Jenny Kwan: Go ahead, Mr. Emery.

Mr. J. Randall Emery: In addition, there are countries I mentioned, before, as examples, where, if you voluntarily apply for another citizenship, you will lose your citizenship. Anyone who comes by multiple citizenship through their parents and has family in more than one country would lose the ability to see them and lose their rights.

That is a much bigger issue to be concerned about, when we talk about unintended consequences.

Mr. Don Chapman: The other thing is that citizenship is not a right in Canada. It's a privilege. Anybody at this table could have their citizenship taken. I've dealt with members of Parliament who, all of a sudden, showed up one day and they weren't Canadian anymore.

Ms. Jenny Kwan: On the question—

The Chair: I'm sorry for interrupting, Ms. Kwan, but your time is up.

With that, this panel comes to an end. On behalf of the members of this committee, I want to thank all the witnesses for appearing before the committee and providing their input on this important legislation.

The meeting is adjourned.

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

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

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

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>