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# Standing Committee on Citizenship and Immigration

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Chair: Mrs. Salma Zahid





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• (1535)

[English]

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

Welcome to meeting number 62 of the House of Commons Standing Committee on Citizenship and Immigration.

Before we begin, I have just a few housekeeping notes.

You will notice that our regular clerk, Stephanie, is not with us today. She has taken an indefinite leave, and I hope she will be back with us very soon. Until then, Keelan Buck will be filling in. Members can reach him via the general committee email.

Welcome aboard, Keelan.

In regard to scheduling, for Wednesday we have scheduled former member Marc Garneau for one hour and DND officials for one hour on the Afghanistan motion. We intend to begin consideration of the draft report on application processing times next Monday. I will note that, as the committee has prioritized legislation, these meetings will be moved back, as needed, until we have finished Bill S-245. Also, regarding today's meeting, I have verified with the House administration, and they have informed me that the resources are not available to meet for more than two hours.

Today we will be going through Bill S-245, an act to amend the citizenship act, granting citizenship to certain Canadians. Pursuant to the order of reference of Wednesday, November 16, 2022, the committee will resume consideration of Bill S-245, an act to amend the Citizenship Act.

Before we begin, I will just read some instructions so that all members understand how this meeting will proceed.

I would like to provide members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause consideration of Bill S-245.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote. If there is an amendment to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the bill or in the package each member received from the clerk of the committee. Members should note that amendments should be submitted in writing to

the clerk of the committee. I will try to go slowly to allow members to follow the proceedings properly.

Each amendment has been given an alphanumeric number in the top right-hand corner to indicate which party submitted it. There is no need for a seconder to move an amendment. Once an amendment has been moved, you will need unanimous consent to withdraw it.

In addition to having been properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill—both of which were adopted by the House when it agreed to the bill at second reading—or if they offend the financial prerogative of the Crown. A ruling of the chair is non-debatable, and the only recourse is to appeal that decision. If you wish to eliminate a clause of the bill altogether, the proper course of action is to vote against that clause when the time comes, not to propose an amendment to delete it.

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

Once every clause has been voted on, the committee will vote on the title and the bill itself.

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

Thank you. I hope everyone is clear.

Yes, we have Mr. Kmiec.

**Mr. Tom Kmiec (Calgary Shepard, CPC):** Madam Chair, you said we can't move new amendments, but at the table of every committee I've ever been on, with clause-by-clause, if an amendment does come to a member's mind, they can still read it into the record. Then it can be distributed to the rest of the committee. It goes beyond the package.

**The Chair:** Yes, the amendments can be moved on the floor.

Are there any questions before we start?

Ms. Kwan.

**Ms. Jenny Kwan (Vancouver East, NDP):** I'm sorry, Madam Chair. I have one further question of clarification before I move the first amendment.

In the event that we don't finish these amendments today, so that is to say that we don't finish the package for Bill S-245 to be referred back to the House, then this debate will carry on to Wednesday. Former minister Marc Garneau is supposed to come before the committee on Wednesday. That would mean, then, that the clerk would try to reschedule the Honourable Marc Garneau.

Am I right in understanding that process?

• (1540)

**The Chair:** In regard to Bill S-245, we already had one extension. We cannot get any further extensions. In our motions we have said that the legislation takes priority. If we are not able to finish clause-by-clause for Bill S-245, we will have to take this up on Wednesday and then reschedule the meeting with Mr. Garneau.

What we have scheduled right now is one hour with Mr. Garneau and one hour with the DND officials. We will have to reschedule them.

**Ms. Jenny Kwan:** I'm sorry, but I just have another question. I just want to get all the Afghanistan witnesses' issues....

Can we get a quick update on the other ministers who were supposed to come before the committee? Do we have dates scheduled for them? How would they be impacted with delays?

**The Chair:** In regard to the motion passed and the meetings that have been scheduled, the only missing minister is Minister Marco Mendicino. We have not received any notification in regard to the date he can come. All the others have been done.

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

I assume the clerk will continue to work to get the minister before the committee.

With that, I'd like to move my first amendment, if I may, Madam Chair.

**The Chair:** Let me just begin.

We have new clause 0.1, amendment NDP-1.

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

This amendment aims to address the second generation cut-off rule. Committee members will know that in 2009, under Bill C-37, the right for Canadians to pass their citizenship on to children born abroad was taken away. As a result, it has created a new class of lost Canadians. That's been extremely problematic. That was done back in 2009 by the Conservative government.

This amendment aims to restore that right to those individuals by establishing a connections test to Canada. I'm proposing that we establish the connections test in four ways. It says:

- (i) the person has been physically present in Canada for at least 1,095 days,
- (ii) the person has been registered as an elector or a future elector under the Canada Elections Act,
- (iii) the person has studied at an elementary, secondary, post-secondary or vocational school in Canada, or

(iv) the person has been employed by the Government of Canada, or has been a representative or delegate of Canada, at an international organization, summit or forum.

I'm moving this amendment, Madam Chair, because I think it is important to recognize those lost Canadians. If they meet any one of those connections tests that I've highlighted, I think they should be able to have the right restored to them.

Madam Chair, at this point I'm just wondering if I should I read out the content of the amendment as it is drafted by the legislative council. Can I just say that I move NDP-1?

**The Chair:** You don't have to, but if you want you can.

**Ms. Jenny Kwan:** Okay, I won't read it. I will spare everybody the pain.

I think I've explained what this amendment is purported to do.

To that end, Madam Chair, I'll move amendment NDP-1.

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

Ms. Lalonde is next.

[*Translation*]

**Mrs. Marie-France Lalonde (Orléans, Lib.):** I'd like to thank my colleague for the proposed amendment.

[*English*]

I would like to propose a subamendment to limit the definition of "substantial connection".

I move that NDP-1, proposing to add clause 0.1 to Bill S-245, be amended at proposed paragraph (d), after the words "connection with Canada", by adding "if the person has been physically present in Canada for at least 1,095 days", and by striking proposed subparagraphs (i)(ii)(iii) and (iv).

The explanation of my reasoning is that this subamendment changes NDP-1 so that the definition of "substantial connection" can only be met through a physical presence of 1,095 days, equivalent to three years in Canada.

The time spent in Canada does not need to be consecutive.

[*Translation*]

Thank you, Madam Chair.

• (1545)

[*English*]

**The Chair:** Now we have a subamendment on the floor.

I have a speaking list. Next is Ms. Rempel Garner.

**Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC):** Thank you, Madam Chair.

I'll direct some questions to officials with regard to the subamendment.

Does the department have the resources or a system to determine physical presence per the description in the subamendment? If so, what mechanism would that be?

Would it be consistent? How would someone verify substantive presence in this situation? Would you be looking at tax records or receipts? What would somebody have to do to provide a substantive connection should this amendment pass?

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

We have a speaking list.

Thank you, Ms. Kwan. If you can respond to that—

**Hon. Michelle Rempel Garner:** It was a question for the officials. I'm allowed to ask questions of the officials.

Thank you.

**The Chair:** Who would like to respond to Ms. Rempel Garner?

Please go ahead.

**Ms. Nicole Girard (Director General, Citizenship Policy, Department of Citizenship and Immigration):** Madam Chair, thank you for the question.

When legislation is passed by Parliament, we begin the implementation preparations, including developing changes to policy guidelines for decision-makers on the range of types of proof that could be accepted for the purposes of demonstrating things like a connection test and the types of evidence that the member was mentioning.

**Hon. Michelle Rempel Garner:** Thank you. I'll continue.

Has the government asked you for any advice on how a substantive presence test could be proved should this amendment be passed?

**Ms. Nicole Girard:** I'm not aware that any advice on this question has been provided at this point. As I mentioned, the implementation preparations begin once legislation is passed by Parliament.

**Hon. Michelle Rempel Garner:** Thank you.

Is it fair to say that at present there isn't a system to prove substantive connection per the way the amendment is laid out? Is that done in any other similar legislation right now? If so, how is that done?

**Ms. Nicole Girard:** As the committee may be aware, currently citizenship applicants are required to demonstrate three years of physical presence in Canada for the purposes of fulfilling requirements to become Canadian citizens. We would build on those systems and processes that we currently have in place with regard to any new legislative requirements that we may be implementing down the road.

**Hon. Michelle Rempel Garner:** Thank you.

I guess what I'm not clear about with this amendment.... My concern is that I'm not sure how many people it applies to and if perhaps it's broadening a scope beyond what was intended in the original intent of the bill.

Does the department have a sense of how many people the amendment would apply to? Is there any data to that effect, or for how many people it could apply to...?

**Ms. Nicole Girard:** Madam Chair, as I commented during my previous appearance, the department can't speculate on how many

persons who could benefit from these provisions will come forward in the future.

However, it's fair to say.... As a frame of reference, we could refer to the current number of Canadians born abroad applying to the department for what we call a "proof of Canadian citizenship", which tends to be between 40,000 to 60,000 such Canadians per year. It would be reasonable to assume there could potentially be thousands of applicants coming forward should these changes be passed by Parliament.

Thank you.

• (1550)

**Hon. Michelle Rempel Garner:** Thank you.

Could you give the committee a sense of what the delta is between how many people would be affected by what the original bill proposed and what this potential change we're now debating could mean, in terms of additional applicants?

**Ms. Nicole Girard:** Thank you for the question.

As I believe I referenced in previous comments to the committee, there were two main aspects of the original bill, in terms of impacting volumes, that the department could be called upon to process should the bill be passed.

The one was the very small cohort of so-called "lost Canadians" under section 8. Then, there was the second provision of the bill, which was from the perspective and analysis of the experts at this table, including my colleague from the Department of Justice. That was impacting the first-generation limit and moving the line on the first-generation limit. From our analysis, which I mentioned, this could impact tens of thousands or more persons born abroad.

During clause-by-clause, we'll see what transpires with that second part of the bill. I think it would be fair to say the motion proposed by the member here is certainly one that could extend to thousands of Canadians born abroad in the second generation and beyond. However, the number is dependent on the number who come forward. That is something we can't know in advance. I'm estimating to the best of my ability based on what we know at this time.

**Hon. Michelle Rempel Garner:** Thank you.

I understand it's dependent on what actually passes or doesn't, but was that potential additional number of people you're referring to now—which could be several thousand or more—accounted for in this year's immigration levels plan and targets?

**Ms. Nicole Girard:** The immigration levels target—while outside of my remit, I'll be clear—relates to the number of permanent residents who immigrate to Canada. It's the target for that in the year.

This cohort being discussed now is about persons who would be considered Canadian should the connection test outlined be met. Those persons would be eligible for a proof of citizenship as automatic Canadians, so they would be outside of the level's process, if I can put it that way.

**Hon. Michelle Rempel Garner:** My understanding from reading the testimony and the original intent put through the other place on this bill was to keep the band of focus to a very narrow cohort, such as the scope of the private member's bill.

What I'm concerned about is that we are now amending the bill significantly out of scope, which to the testimony here, could impact unknown thousands of persons. It perhaps hasn't been given thought in the broader context of Canada's immigration goals and policies. For that reason, I think that it should be brought forward in government legislation as opposed to amending a private member's bill through a process that, frankly, was.... We had to go through a motion in the House of Commons to extend the scope.

I understand that as Canadians we want to be an open and welcoming country, that immigration is a core and vital part of who we are as a nation and that the government has an onus to welcome people, but we also have to do it in such a way that we are coordinated and thinking about all the resources we need to address appropriate integration and ensure fairness and equity.

My concern is that by amending a private member's bill in a way that is very much out of scope to what was first approved, we are now.... The department is saying that we don't know how many people could be impacted by this. For us to consider this just at clause-by-clause without having a fulsome analysis from the minister and whatnot, it doesn't fit within the responsibility of what we've been tasked with here. By amending this without further diligence or without the government putting forward a bill on this—or another private member's bill—it sets a poor precedent.

My argument, Chair, just based on the testimony from the department is that we don't know how the test would be applied. We don't know how many people it would be applied to, but the estimate is in the thousands. It hasn't been talked about in any way in the levels plan. Now we are going well beyond the scope of the initial mover.

For all of those reasons, I would implore my colleagues to either withdraw the amendments or to vote against them. Then perhaps we could issue a report as a committee, after we go through clause-by-clause on this, with recommendations to the government on other things that they should include in future government bills, like the things that are being proposed here.

I would be more comfortable with that, as a legislator. Otherwise, I would just implore colleagues to think about this precisely and rationally, as opposed to essentially putting forward government legislation through a private member's bill from a senator. I think it's grossly irresponsible.

Thank you.

• (1555)

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

I have a speaking list. Mr. Redekopp is next.

**Mr. Brad Redekopp (Saskatoon West, CPC):** Thank you, Madam Chair.

For the record, to what my colleague just said, I would say, “ditto”, instead of repeating it all.

I have a couple of quick questions to the witnesses.

You had mentioned, Ms. Girard, in talking about the physically present testing, that it was similar in concept to what we are doing right now for PR and other applications. What is the test then that would be used? Presumably some of those methods could then be poured over to this system.

What actually are the methods that are used today for that?

**Ms. Nicole Girard:** We have policy guidelines in place with regard to assessing that the applicants have been physically present in Canada for 1,095 days. Initially, an applicant has to do a self-assessment and a declaration. If there are any issues, there are a variety of proofs that can be considered. Those guidelines are a matter of public record and could be provided to the committee, if that would be helpful.

Thank you.

**Mr. Brad Redekopp:** To go a bit further on this, basically you're saying it's an attestation that the person says, yes, I've been here for 1,095 days. Then the department would, after that, maybe come back and review some of those. Is that what you're saying? If so, what's the process that would trigger that and how does that work?

**Ms. Nicole Girard:** Madam Chair, I don't have all of the details available to me and on hand this afternoon, but we could certainly endeavour to provide that information to the committee.

**Mr. Brad Redekopp:** I get that it's a big scope of things here.

Is it fair to say that the process generally is that the applicant signs an attestation and then the government, after the fact, may or may not come back and double-check that and have some methods to prove that? Is that the general idea?

• (1600)

**Ms. Nicole Girard:** Yes, that's correct.

**Mr. Brad Redekopp:** I have one other question. If this sub-amendment doesn't pass, I'm just curious about the Canada Elections Act. Does IRCC have access to that data in order to see and confirm what the electoral status of that person would be?

**Ms. Nicole Girard:** There are legal authorities that carefully govern what information we're permitted to have access to, and they have to be for consistent use. It may be that, on the application form, the applicant ticks whether we're permitted to share the information of new citizens with Elections Canada for the purposes of exercising their rights, but it's not my understanding that the information is currently in the other direction, in response to the member's question.

**Mr. Brad Redekopp:** What you're telling me is that it would be very difficult to implement that because IRCC doesn't know if they've been registered as an elector. That's what you just said. Am I correct?

**Ms. Nicole Girard:** Yes, I think that's a fair characterization.

Thank you.

[Translation]

**Mr. Brad Redekopp:** I'm done, Madam Chair.

[English]

**The Chair:** Thank you.

We will now proceed to Ms. Kwan.

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

I'll just respond very quickly on the subamendment.

I would prefer to have broader categories of someone establishing a connections test such as the items that I had initially included in my amendment.

That being said, in the spirit of collaboration, I understand that the government wants to limit it to only applying the 1,095 days of physical presence. While I don't like it as much as the amendments that I tabled, I will support it because I do want to see this package move forward. I think it is important to restore the birthright of these lost Canadians and, because it's a birthright, it is not an issue that would impact the levels plan, Madam Chair.

With that, I will support the subamendment as tabled by the government, although I like it less than what I had tabled myself.

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

Mr. Dhaliwal, you raised your hand. Please go ahead.

**Mr. Sukh Dhaliwal (Surrey—Newton, Lib.):** Madam Chair, when the Conservatives brought in this second class of citizenship, there was an uproar in many different communities. I still remember that, and there were people who lost their citizenship because of this particular class that was brought forward.

Now, putting 1,095 days.... I still am not very happy, but I will be able to support the subamendment. The way I see it is this. Canada is a knowledge-based economy. Let me say, one professional—and it's perfectly known in my own home—an engineer, a doctor, an accountant or a consultant, goes and works for a Canadian company overseas for many years, and their child is born there. How will that child be able to come back and prove that they were able to live for three years in Canada? Basically, we still consider them second-class citizens. The child can't leave their parents until they are an adult.

I can give you a perfect example in my home. My brother is a professional engineer who works for a Canadian company. He has worked in many countries, and his son was born in Suriname. At that time, this law didn't exist, so he became a Canadian citizen right away because his parent was a Canadian citizen. My brother is still a Canadian citizen, and he's been stationed in different places by that engineering company to manage their offices.

I'm sure that there are many others like that, and it still bothers me that we are considering 1,095 days. Even though I will be able to support this, at the same time, it comes off to me as second-class citizenship. Can someone respond?

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

Mr. Dhaliwal, would you like the officials to respond to it?

Ms. Girard, would you like—

**Mr. Sukh Dhaliwal:** Either the officials or Ms. Kwan, who brought this forward as well, and Ms. Lalonde as well.

• (1605)

**The Chair:** Okay.

Ms. Girard, would you like to comment on it?

**Ms. Nicole Girard:** I'm not sure that I would comment, but what I could point out is that the 1,095 days is the same connection test that a newcomer to Canada needs to demonstrate. Therefore, from that perspective, it is consistent in terms of the policy that Canada currently has on demonstrating attachment.

The other consideration, in terms of what the member was outlining, and my understanding of the motion, is that it's backward-looking. It's addressing the concerns of parents and of stakeholders who have come forward to this committee to express that parents, in their lifetimes, have demonstrated an important connection to Canada through their studies, their work history or some combination thereof. If they've already demonstrated that connection of three years, then my understanding of the motion is that the child, who was born abroad in the second generation or beyond, would be considered a citizen, whereas now that's not currently the case.

Thank you, Madam Chair.

**The Chair:** Thank you.

The next person I have on the speaking list is Mr. Kmiec.

**Mr. Tom Kmiec:** I'm worried that Mr. Dhaliwal, by voting for this subamendment, would cause himself family strife at the dinner table, and I really don't want to do that.

Just to the officials, I have a quick question.

About a decade ago, the department used to do what was called "day counting". You would get these large applications to prove the three out of five years—it was four out of six at one point—and you would provide passport pictures of the stamps inside it. Now it's all digital and electronic. You would provide utility bills or whatever for proof, literally day to day, if you were travelling for work while a PR.

Has that been totally discontinued now? Is it only a declaration that you click on?

**Ms. Nicole Girard:** Madam Chair, as I have mentioned, and just further to the member's question, things have changed, I think, to some extent since then in terms of the different tools that are available to officers. However, I don't have the information at hand today.

I'll be pleased to provide the committee with the guidelines that support that kind of decision-making and how those assessments are made.

Thank you.

**Mr. Tom Kmiec:** That's a pretty substantial answer to get because, if we're creating an administrative burden for the department, especially 1,095 days that could be parsed out over many years.... For example, the older the person, and the more series of days, weeks, months or years they could be in Canada, if they travel back and forth for whatever reason, then they could make an application through the system. If it's just a declaration, the government, after the fact, would have to demonstrate...so then it's a different administrative burden to figure it out.

I think it would be much easier to say “consecutive”, “successive” or something like that. Then it would take, basically, someone living here, going to school here and working here and having established themselves for several years.

It would be an easier thing to prove to the department if you were in Canada for an extended period of continuous time and, therefore, have that substantial connection. That is easier to prove, so the department would have an easier way to understand it.

That information is actually really critical for us to understand. If that “day counting” is not being done anymore, and it's just an attestation, then the government would have to spend more time on the back end double-checking everybody's declarations when they submit them. I think that would be problematic without another subamendment to this. I know you can't move another subamendment to say something like “continuous” or “successive” so it's three continuous years. You could go to school here for three years, like high school or elementary school, or something like that.

I was just thinking out loud, Madam Chair.

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

Next is Mr. Maguire.

**Mr. Larry Maguire (Brandon—Souris, CPC):** Thank you.

I think Mr. Kmiec read my mind. In regard to the 1,095 days, I believe Ms. Lalonde indicated that it could be cumulative as opposed to consecutive. The more you have that, it seems to me, if you're trying to keep track of it, it's a much more difficult thing to do.

In regard to my colleague Ms. Rempel Garner's first question about how much more this could complicate a situation, that's what first came to my mind. I'll ask the officials if they can expand on exactly what it is now, what this change would make and how much more difficult that might be. Thank you.

• (1610)

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

Ms. Girard, go ahead, please.

**Ms. Nicole Girard:** Thank you, Madam Chair.

There are many who have made representations since 2009—and, I believe, to this committee as well—about having grown up in Canada, yet not having access to the kind of mechanism outlined in MP Kwan's amendment. One of the most often-cited examples of people who make these representations is that they did their schooling and university here and worked here.

Typically for individuals for whom that's the case, if they have a degree from a Canadian university at which they've done a three-year or a four-year degree, it will be fairly straightforward and will typically be one piece of evidence to demonstrate a three-year physical presence in terms of a connection test. There will certainly be circumstances outside of that, but there may be other ways and other things to look at in those other kinds of cases.

**The Chair:** Ms. Rempel Garner, go ahead, please.

**Hon. Michelle Rempel Garner:** Thank you.

I have a question to build on one of the answers that just came up here. Going back to the previous answers you've given the committee, I understand that this amendment would essentially confer citizenship on certain persons if they come forward to request it and if they meet the criteria outlined in the bill. Is that correct? Okay.

Would the typical screening process for an application for somebody to immigrate to the country through other means also be applied in this situation?

**Ms. Nicole Girard:** No, that wouldn't be the case, because my understanding of the criteria and the motion put forward is that the person has to have a Canadian parent. That has to be established, just like in the case of any proof application that's submitted to the department now.

In addition, in order to access Canadian citizenship, the connection test will have to be demonstrated, such as through the example I gave in my previous comments. That is more akin to a proof of citizenship process in that what the department processes now doesn't relate to the immigration process example.

Thank you.

**Hon. Michelle Rempel Garner:** Thank you for that clarity.

Given that this amendment could potentially impact thousands of persons who wouldn't be going through a typical screening process for a new Canadian and who would just have citizenship conferred on them, has there been any sort of impact analysis or potential risk assessment done, like the sorts of assessments that would be done prior to announcing a new immigration program or a pathway to enter Canada? Has there been any sort of analysis done within your department on the type of process that's being put forward in the subamendment?

**Ms. Nicole Girard:** I'm not aware of any such analysis. However, what I—as someone who is, for the third time, supporting parliamentary consideration of measures intended to restore citizenship to additional lost Canadians—could offer the committee is that, each time, there is maybe a bit of risk of overestimating the number of people who may come forward. As I mentioned to the committee during a previous appearance, between the 2009 and 2015 amendments that were similarly conferring citizenship to a number of cohorts of lost Canadians, we had just under 20,000 persons come forward to take up that opportunity to apply for a certificate of Canadian citizenship.

Thank you, Madam Chair.



**Hon. Michelle Rempel Garner:** You just mentioned an interesting point, and I'm trying to get a sense of whether it applies in the situation of the subamendment here. There have been previous attempts to clarify lost Canadians. It seems to me that any time there's a bill or a measure put in place to clarify lost Canadians, there seems to be another class of lost Canadians who come in on the back end.

Have you given any advice to the government or has the government asked for any advice in terms of, instead of continually amending the lost Canadian component, perhaps having a broader, more definitive class of what would constitute this and then drawing a line?

• (1615)

**Ms. Nicole Girard:** Currently, I'm not aware of any such advice. The consideration is up to this committee's deliberations, as we know. The last rounds were done in 2009 and 2015. However, at that time, the focus was on eliminating the problematic aspects with regard to the previous section 8 provisions, which caused the second generation and beyond to lose citizenship automatically from age 28 if they didn't take measures to retain it and replace it with a clear first-generation limit.

The discussion now is beyond the first-generation limit. What is the view of the committee today with regard to this motion on those who have parents who can demonstrate a strong connection to Canada with regard to those second-generation descendants and a pathway or access to citizenship?

**Hon. Michelle Rempel Garner:** Based on what's being proposed in the subamendment here, does your department foresee...? Could you perhaps clarify for the committee any potential additional people who would then come forward and ask for extensions on this?

How do I phrase this differently? What I've seen since the original fix that was put forward is that the definition keeps moving forward. Any time there's one group that gets fixes, it's, "Oh well, now there's another cohort over here that could apply." I would rather we take a position on just having a more concise and clear definition on where to draw the line, so that we can be fair and equitable in our immigration process.

What I'm concerned about here with the subamendment is that we are essentially conferring citizenship without having to apply for citizenship to an untold number of persons, while there are literally tens of thousands of persons, hundreds of thousands of persons, in a backlog trying to come to Canada even just to immigrate as PRs.

I'm just concerned that with this amendment, we are automatically conferring citizenship to a group of persons, while at the same time there are tens of thousands—I don't know what the backlog is now—of people trying to come to the country in other ways.

Do you have a sense in the department of how many people who would be affected by this subamendment have already applied for citizenship through another stream?

**Ms. Nicole Girard:** I'd have to check which statistics we may have to subsequently provide to the committee. However, as I referenced previously, we have about 40,000 to 60,000 applications for

proof in any given year for children born abroad in the first generation who are currently citizens. The question is about the numbers beyond that. They are likely in the thousands.

Currently, as this committee knows, applicants have to go through the immigration process, which means they will need to be sponsored by their parents, become permanent residents and then go through the second process of applying for citizenship. From a certain perspective, the amendment put forward by MP Kwan could be seen as a more efficient process, because, essentially, it's looking to extend citizenship to the same cohort without having to go through the immigration process first, on the main condition that the parent demonstrate the three-year connection test under the subamendment proposed by MP Lalonde.

• (1620)

**Hon. Michelle Rempel Garner:** Ms. Girard, with regard to your last comment, have you given advice to the government to that effect, perhaps prioritizing... How to put this? Would allowing people to show proof of citizenship through this potential route being proposed in this amendment be more efficient than encouraging people to apply for residency through other immigration pathways?

**Ms. Nicole Girard:** When asked about the impact of this proposal, yes, we have observed that, since 2009, families in this situation have been required to go through the permanent resident route because there is no immediate pathway to citizenship for the second generation born beyond. That does mean that under this proposal, there is a step that's saved. That's accurate.

Thank you.

**Hon. Michelle Rempel Garner:** Thank you.

Would it be fair to say, given what was just presented by the department, that if this amendment passes, we are prioritizing citizenship for access to Canada for a cohort of persons that we hadn't previously prioritized over people who are perhaps in the queue already for other immigration pathways?

**Ms. Nicole Girard:** It's not accurate actually.

Before 2009, the second generation and beyond were automatically citizens, but lost their citizenship automatically on their 28th birthday if they failed to retain it. The issue was that those of us who were born abroad didn't know because there was no centralized register to advise us. As testified by others in front of this committee, it led to all kinds of problems, which in turn created the drive for this proposal.

While the first-generation limit in 2009 eliminated that problematic regime—if I can put it that way—and put a clear regime in place, it still left out the second generation born abroad whose families had a significant connection.

**The Chair:** Thank you.

We have a subamendment on the floor, so we can vote on the subamendment. Is everyone okay with the subamendment?

(Subamendment agreed to)

**The Chair:** Now we have NDP-1 as amended.

Mr. Redekopp.

**Mr. Brad Redekopp:** I would like to propose another subamendment.

**The Chair:** Just to clarify, we have NDP-1 as amended. I will just read it so that everyone knows.

Motion 12263633, which proposes adding clause 0.1 to Bill S-245, is amended by substituting the following for that clause:

0.1 Subsection 2(2) of the Citizenship Act is amended by striking out “and” at the end of paragraph (b), by adding “and” at the end of paragraph (c) and by adding the following after paragraph (c):

(d) a person has a substantial connection with Canada if the person has been physically present in Canada for at least 1,095 days.

Go ahead, Mr. Redekopp.

**Mr. Brad Redekopp:** Thank you, Madam Chair.

I have a subamendment to that. It's very simple. I'll tell you what I want to do. I want to add the word “consecutive” in between “1,095” and “days”. In other words, it would say they have been “in Canada for at least 1,095 consecutive days.”

Now the logic of this goes back to.... Ms. Kwan mentioned that she liked her amendment with the additional, more detailed criteria, and then what Ms. Lalonde proposed was a much simpler criteria.

This is a little bit in the middle because it does make it a little bit tougher to meet a consecutive clause, but we also heard from our witnesses who said that the most common thing that they hear is that somebody studied here in school. You talked about university or other things and you said that, in those cases, it's very easy and straightforward to prove that.

To my way of thinking, this isn't a difficult test to match. It's also much simpler to prove at the end of the day when it's consecutive. That's why I would move this subamendment to put “consecutive” in there between “1,095” and “days”. I think that would be a stronger test and I don't think it's adding a lot of burden to people. It actually simplifies the department's work on this.

That's my proposal.

• (1625)

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

We have a subamendment to NDP-1 as amended. We have a subamendment proposed by Mr. Redekopp. Is there any discussion on that?

There is no discussion. Is everyone in agreement? No, so we will have to take a vote.

(Subamendment negatived: nays 7; yeas 4)

**The Chair:** We are back on NDP-1 as amended.

Mr. Kmiec.

**Mr. Tom Kmiec:** Madam Chair, it just came to me as I was looking at these, comparing them to some of the other amendments, that if this passes, then the only requirement....

I'm just asking the officials a question, Madam Chair.

If this passes, then the only requirement that there will be to regain your citizenship in Canada will be the 1,095 days, whichever way the department administers that check. What about those with criminal records from a foreign state, where they're convicted for whatever overseas?

**Ms. Nicole Girard:** My understanding of the amendment is that it's extending citizenship automatically to those born since 2009 who have a Canadian parent, which is the first requirement, and then where the family member is demonstrating the connection test. Criminality would not enter into the criteria or the assessment.

Thank you, Madam Chair.

**The Chair:** Thank you.

Seeing no further debate, we will take a vote on NDP-1 as amended.

(Amendment as amended agreed to: yeas 7; nays 4)

(On clause 1)

**The Chair:** Now we go to clause 1.

We'll go to Mrs. Lalonde and then Ms. Rempel Garner.

• (1630)

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

I move that Bill S-245, in clause 1, be amended by deleting lines 4 to 8 on page 1. As written, the bill only remedies the status of some of those who lost citizenship due to the former section 8 of the Citizenship Act, those who never made an application to retain citizenship. This amendment deletes these lines from clause 1 to allow for the introduction of a more inclusive provision through amendment G-3.

**The Chair:** Mrs. Lalonde has proposed amendment G-1.

Ms. Rempel Garner is next on the list.

**Hon. Michelle Rempel Garner:** Madam Chair, I have an amendment that I would like to add prior to clause 1. We're just getting advice.

**The Chair:** Okay, so an amendment has been proposed by Mrs. Lalonde—

**Hon. Michelle Rempel Garner:** I'd like to add a new clause prior to clause 1, so that's why I had my hand up before.

**The Chair:** Just wait one second. Let me just ask the clerk.

For everyone's information, as per the law clerk, if Ms. Rempel Garner is proposing to go back before clause 1, we need unanimous consent.

Do I have the unanimous consent of the committee to go?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Chair:** I don't see unanimous consent. There is no unanimous consent.

We'll continue with clause 1 and G-1. Ms. Lalonde has proposed an amendment for clause 1.

Go ahead, Mr. Redekopp.

**Mr. Brad Redekopp:** For my clarification, this is deleting lines 4 to 8. Is that right? That's what we're doing.

I heard you say, Madam Chair, that if we're deleting lines from the bill, it shouldn't be proposed as an amendment. It should be dealt with in the vote for the clause.

Is that what you said?

**The Chair:** That's to delete the entire clause. This is not for the entire clause.

**Mr. Brad Redekopp:** I see. This is a part of the clause. Okay.

**The Chair:** We have an amendment proposed by Ms. Lalonde on the floor for clause 1.

Is there any discussion?

Seeing no discussion, we will take the vote on G-1.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** I see Ms. Rempel Garner and then Ms. Lalonde.

**Hon. Michelle Rempel Garner:** Thank you.

Chair, I move that Bill S-245 be amended by adding the following after line 8:

Section 5 of the act is amended by adding the following after subsection (3):

Waiver by minister for administrative delays

The minister may, in his or her discretion, after having reviewed a person's particular circumstances, waive on compassionate grounds in the case of any person who has waited over five years for a response from the Department of Citizenship and Immigration with respect to their application due to administrative delays.

I'm happy to submit that.

Here's my thinking on this one, Chair. In the back-and-forth from the department on Ms. Kwan's amendment and then the government's amendment, we have all heard a lot about the impact of the administrative delays on people trying to enter the country through other administrative streams for which there are backlogs. I believe that there are over two million cases in the system right now, give or take.

There are many situations where persons are waiting over five years. I think what happens too is that, rather than look at how they can get through the regular system in a sensible period of time, they

seek to lobby us for changes like we're seeing in this bill or what-not, as a way to try to get to Canada. What I think is problematic is that when these persons come to us—

• (1635)

[*Translation*]

**Mr. Martin Champoux (Drummond, BQ):** Madam Chair, I raise a point of order.

[*English*]

**The Chair:** Wait one second, Ms. Rempel Garner.

Yes, go ahead, please, Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** I am sorry to interrupt my colleague, but would it be possible to pause for a moment until the paper version circulates around the table? We could then focus on what our colleague is saying and avoid...

[*English*]

**The Chair:** Okay.

[*Translation*]

**Mr. Martin Champoux:** Thank you, Madam Chair.

[*English*]

**The Chair:** We can do that, but before we do, I need to clarify one thing. The legislative clerk would like to clarify procedurally what we have to deal with first, before we go to Ms. Rempel Garner's amendment.

Can I ask the legislative clerk to please speak on how we can proceed?

**Mr. Philippe Méla (Legislative Clerk):** Thank you, Madam Chair.

The amendment that was moved is on the same line as amendment G-2. Since G-2 was proposed ahead of this one, G-2 should come first, because it's first-come, first-served, when it comes to the same line. It can be moved afterwards, after G-2 is dealt with.

**The Chair:** Okay.

We will have to deal with G-2 and then go to Ms. Rempel Garner's amendment.

As per the member's request to have a break, I would say this: Let's get through G-2 first. Then we can suspend the meeting for a few minutes so that everyone has the amendment proposed by Ms. Rempel Garner.

We will go back to Ms. Lalonde for G-2.

**Mrs. Marie-France Lalonde:** Madam Chair, I will not move G-2.

**The Chair:** Okay.

We will now go to the amendment proposed by Ms. Rempel Garner.

Yes, Ms. Rempel Garner.

**Hon. Michelle Rempel Garner:** On a point of order, I believe you said that once an amendment has been moved, it needs unanimous consent to be withdrawn. Is that correct?

**The Chair:** She hasn't moved it.

**Hon. Michelle Rempel Garner:** Okay. I'm sorry. I thought—

**The Chair:** The notice was given about the amendment. It was in the package, but she has not moved it.

**Hon. Michelle Rempel Garner:** Thank you.

**The Chair:** As per the member's request, we will take a little break so that everyone can have a copy of the amendment proposed by Ms. Rempel Garner. Then we will come back to that.

The meeting is suspended.

• (1635) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1700)

**The Chair:** Can I ask all the members to please take their seats.

Mr. Champoux.

• (1705)

[*Translation*]

**Mr. Martin Champoux:** Madam Chair, I'd like to comment on the proposed amendment.

[*English*]

**The Chair:** As per the advice of the legislative clerk, right now we are on clause 1, which is section 3 of the Citizenship Act. The amendment that Ms. Rempel Garner has moved goes in section 5. Procedurally we have to deal with a few things before we get into this amendment. Right now we cannot deal with this amendment. This procedurally will fall after NDP-8.

**Hon. Michelle Rempel Garner:** I have a point of order, Chair.

I would just note that I believe no amendments are public until they have been tabled so we should just be careful about discussing, even, numbers. Is that correct?

**The Chair:** When we come to section 5 with the amendments....

Right now, Ms. Lalonde is not moving G-2. Where we are is G-3. Can I ask the member if she wants to move G-3?

[*Translation*]

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

Indeed, I'd like to continue presenting amendment G-3.

[*English*]

I move that Bill S-245 in clause 1 be amended by replacing lines 11 to 14 on page 1 with the following:

(g.1) the person was born outside Canada after February 14, 1977 and, before April 17, 2009, ceased to be a citizen because they failed to make an application to retain their citizenship under section 8, as it read before April 17, 2009, or made such an application but the application was not approved;

This amendment introduces a more inclusive remedy to restore citizenship to everyone who lost citizenship status under the former section 8, those who never made an application and those who made an application that failed.

Madam Chair, that will ensure consistency. The people whose citizenship is restored by this amendment are added to the list of those who are subject to the first-generation limit.

**The Chair:** Ms. Rempel Garner.

**Hon. Michelle Rempel Garner:** Thank you.

I just want to clarify the intent of this amendment.

My understanding is that in G-1 what happened was that functionally the legislation would then make anyone who failed to apply for citizenship in that time cohort between the Citizenship Act and the changes automatically a citizen and that what is being proposed is to limit the automatic citizenship that's being conferred by excluding the second generation of classes of individuals listed in proposed subsection 3.

Perhaps the officials would want to clarify. I want to ensure that my understanding of the amendment is correct.

**The Chair:** Ms. Girard.

**Ms. Nicole Girard:** Thank you, Madam Chair.

This is the amendment that is looking to restore Canadian citizenship to all who lost it under the former section 8, not just those who never came forward and applied but also those who applied and for whatever reason their application was not approved, in order to have an equitable and inclusive remedy for those lost Canadians.

**Hon. Michelle Rempel Garner:** Through you, Madam Chair, to Ms. Girard, could you give us some sense of whether there was a uniform reason why those persons' applications weren't approved? I'm sorry for not knowing this.

**Ms. Nicole Girard:** Thank you, Madam Chair.

As I mentioned, this is a requirement that was required to be demonstrated since 1997, so we wouldn't necessarily have access to all of those reasons going back in time.

What we can say is that these are individuals born abroad in the second generation and beyond, and the main requirement they had to demonstrate was one year of residence in Canada. If the decision-maker wasn't satisfied that the connection test was demonstrated, then the application wouldn't have been approved. That was the main thing they had to demonstrate.

**Hon. Michelle Rempel Garner:** Thank you, Ms. Girard.

Functionally, if this amendment passes, based on what has passed already, there would still be a residency test that would apply. Is that correct?

• (1710)

**Ms. Nicole Girard:** For these, there is not a residence test in the restoration of Canadian citizenship that's being proposed for this limited cohort. The issue is that they were Canadian citizens until they turned 28 and, unbeknownst to many of them, they lost citizenship automatically for those reasons that I mentioned. Often, they didn't know that it was a requirement that applied to them and that they had to apply and meet it, and so on and so forth.

Consistent with previous legislative changes like those done in 2009 and 2015, this is intending to restore citizenship to them automatically, provided that they are described in that limited cohort impacted by the former section 8, which was repealed.

**Hon. Michelle Rempel Garner:** This is the last question.

What I'm trying to get at here is that, for the cohort that this would remedy and who weren't approved in the first place, would there be any instances where they weren't approved for security reasons or other issues that could be material to Canadian safety? Is this just more of an administrative issue?

**Ms. Nicole Girard:** Yes, I would agree with that characterization.

Security and background checks were not part of the original criteria. Similar to cohorts that were restored under previous initiatives, this is a straight restoration for those who fall within that limited cohort that lost it at age 28 because of the former section 8.

**The Chair:** Thank you.

Mr. Redekopp is next.

**Mr. Brad Redekopp:** Thank you, Madam Chair.

This is very complicated stuff and, in my simplistic mind, I just want to understand. The way I understand this is that the original wording in Senator Martin's bill, under her subclauses 1(1) and 1(2) is being replaced by these words, essentially to accomplish what she was trying to accomplish, but with wording that the government and the government lawyers are more comfortable with. Is that a fair characterization of this?

**Ms. Nicole Girard:** I would agree with that statement in the sense that this is proposed to be a more inclusive remedy, one that's more equitable and, to some of the concerns that were expressed by members previously, ensures that all of the lost Canadians in this limited cohort have a remedy.

**Mr. Brad Redekopp:** You say "more equitable". I believe that one of the things in here that wasn't in Yonah Martin's bill is that it includes those who were previously rejected for citizenship. Now they're allowed to have it. Is that what you mean by "more equitable"?

**Ms. Nicole Girard:** Yes, that is correct. They came forward and applied, so presumably could demonstrate in some sense that they had a connection to show, whereas for persons who never came forward, we don't know whether they were in a position to demonstrate a connection test.

If you follow that through to its logical conclusion, the bill as drafted—extending citizenship and a remedy automatically to those who never applied—may be benefiting persons who may or may not have had a connection but excluding, we would suggest, per-

haps unintentionally, those who could demonstrate some form of connection but were unsuccessful with their original application.

**Mr. Brad Redekopp:** Okay. I think I'm good with that.

Essentially, generally speaking, we're following the intent of what the senator intended in her original bill with this.

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

Is there any further discussion?

Seeing none, we will go to the vote on G-3. Before we take the vote, I just want to let everyone know that, if G-3 is defeated, amendment G-7 cannot be moved since it refers to the proposed paragraph 3(1)(g.1) that would have been created by G-3.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

**The Chair:** Thank you. Now we will come to NDP-2.

I would like to ask Ms. Kwan if she would like to move it.

Ms. Kwan.

• (1715)

**Ms. Jenny Kwan:** Thank you very much, Madam Chair. Yes, I would like to move this amendment.

This amendment is to recognize citizenship retroactive to birth for people born abroad between 1977 and 2009 who were not recognized as citizens at birth because of one of the discriminatory rules that Canada had in place such that the parent was not recognized as a citizen at the time of the person's birth. I am moving this amendment to rectify that.

From my perspective, I think it is important to do this because Canada has had a series of discriminatory policies in place. Some of them were gender based. For example, if you were a woman with a child, you were not able to confer your citizenship to the child. However, if you were a man, you were able to. That has now been deemed by the courts as discriminatory.

The legislative changes did fix that for people going forward but not going back in time. I feel that we should be consistent with that concept and go back in time to recognize those who were not granted citizenship based on their birthright because, as an example, women faced discriminatory rules.

To that end, Madam Chair, I would like to move this amendment.

**The Chair:** Ms. Rempel Garner.

**Hon. Michelle Rempel Garner:** I'm just looking to the department.

My colleague who has moved the motion said that there was discrimination based on gender of parentage. Is that correct?

**Ms. Nicole Girard:** The position of the department is that the legislation is compliant. However, the former legislation had a concept called “responsible parent”. What it meant was that citizenship was derived from the Canadian father if the child was born abroad, provided that the Canadian father was married, but there was no access to citizenship if the Canadian father was not married to his partner. Conversely, citizenship would derive from a Canadian mother if the child was born abroad but not if she was married. There were individuals who were born abroad to a Canadian parent in either of those scenarios who did not access citizenship. It was not limited to the descendants of women.

**The Chair:** Thank you.

Mr. Kmiec.

**Mr. Tom Kmiec:** Thank you, Madam Chair.

Again, it will be a question to the officials.

Is it fair to say that this is a different group of lost Canadians than the ones in those 50 months, or is this group connected to them? In the Senate testimony, one of the stakeholders who presented said there were about 15 groups of lost Canadians. Is this a different group, or is it a subgroup of those 50 months?

I'm just reading some of these sections here, and they make references to paragraphs going all the way to (s). It's hard to tell exactly which groups are being affected.

Can you just clarify whether it is a different group of lost Canadians or a subgroup of lost Canadians of those original 50 months that Senator Yonah Martin was trying to address?

**Ms. Nicole Girard:** Madam Chair, I'm not sure about the reference to the 50 months; however, this is a different cohort than the ones we've dealt with thus far. I believe that the member is correct that there was testimony. It may have been from the member from the Canadian Bar Association who referenced this cohort, if memory serves.

Thank you.

• (1720)

**Mr. Tom Kmiec:** This is a different group that goes beyond what Senator Yonah Martin asked to do. That's why we were willing to vote on the previous amendments; those were basically following the spirit of what our colleague from the Senate wanted to do.

I would like hear from the officials as to how this would function. You've explained somewhat who these groups would be, but how would this function and how many people do you estimate could be impacted by this?

**Ms. Nicole Girard:** It's difficult to estimate. A reasonable assumption would be thousands born abroad, but because the time frame is fairly long—between 1977 and 2009, if I heard the member correctly—I think the concern, and it's one I've referenced before, is that this particular amendment is looking to extend citizenship automatically to some in the second generation but not others. That is the distinction we would point out for the committee's consideration.

**Mr. Tom Kmiec:** One of the points here is that the first part of the amendment is to give citizenship to second-generation individu-

als who have deceased parents who were previously lost Canadians but regained their citizenship through a previous version of the Citizenship Act. Have I captured it there? Okay. Will this be by right or by grant?

**Ms. Nicole Girard:** This is by right. This confers citizenship automatically on a cohort who could be described as the descendants of those who were remedied by previous legislative changes in 2009 and 2015, but that only covered the first generation born abroad. This is a proposal that relates to a certain cohort of second-generation, born-abroad individuals.

**Mr. Tom Kmiec:** Back to administration of this, say this passed and this became law. How would someone in the second generation prove that they were eligible for it? They would need a substantial amount of paperwork. Would the department have to create a new process for this to be done, for these potentially few thousand or tens of thousands of people or more?

**Ms. Nicole Girard:** Madam Chair, it would be a proof of citizenship application, which is a process that exists. In this case, because it's the second generation born abroad, I would imagine that you would be demonstrating that your parent is an individual who was born abroad in the first generation known to the department, or that the grandparent was born in Canada or naturalized in Canada, like someone who immigrated to Canada and became a Canadian citizen. It's not that far off from what transpires in a proof application today. It would just be one generation removed.

**Mr. Tom Kmiec:** Can you make it clear, the one generation removed? If I'm a naturalized Canadian, would one generation removed be one generation behind me?

**Ms. Nicole Girard:** In the case of a naturalized Canadian who has a child born abroad, that child is the first generation born abroad and is automatically a Canadian today. It would be the child of that child who's born abroad in the second generation demonstrating that their parent is first generation born abroad and known to the department, in many cases, because those of us who were born abroad have had to get proof.

**Mr. Tom Kmiec:** In preparation for this, I went to go find my citizenship card. You used to do these citizenship cards; now you do these big certificates. The cards are way better. Everyone I meet prefers the cards just generally because they can carry them with them.

If my children had children overseas and they were impacted by something like this and had to prove it, I would then be their proof. My question to you, because you've now said it twice, is this: Does “known to the department” mean that you know you've issued a card or a document of citizenship at some point?

All of those documents are digital. Is that correct? Is there a digital database of all Canadian citizenship ever issued? This is something new to me, so I'm asking whether that's the case.

• (1725)

**Ms. Nicole Girard:** Yes, we have those records. I believe in some cases they're actually on microfiche. I too have a card and a certificate somewhere in my files. Yes, those records exist for the purposes of making those verifications. Thank you.

**Mr. Tom Kmiec:** Just as my last question here, what would happen in this case? As you just said, you have microfiche, archival documents. What would happen in a situation in which there was a disagreement between a document provided by a person overseas trying to retain or regain their citizenship and the department saying, "Well, our microfiche is not clear enough" if it's damaged or whatever, or the document cannot be found for whatever reason because there have been so many different versions of the act, changes at the department, movements among buildings and changes of staff? What happens in those types of situations?

**Ms. Nicole Girard:** Thank you for the question.

Generally the citizenship program is a facilitative program. The amendment moved by the member is to the effect that these are individuals who would be considered citizens by law. Within this program, we would be approaching that and looking at how we can facilitate a person's access to their documentation, because the law is telling us that person is a citizen. From time to time there may be a circumstance such as the member described, in which we have to go that extra mile, and the program does.

**The Chair:** We'll go to Ms. Kwan and then Ms. Rempel Garner.

**Ms. Jenny Kwan:** Madam Chair, I don't have anything else to add.

**The Chair:** Thank you.

Ms. Rempel Garner, go ahead.

**Hon. Michelle Rempel Garner:** Thank you.

I just want to build on some of my colleagues' questions but explore a concept. I want to see if the amendment actually fixes the problem.

I want to explore the concept of "responsible parent", because admittedly, I'm not familiar with the history of that term. I probably should be. Could the department give us a brief overview of what that concept was, how it was applied to programming and what has changed?

**The Chair:** Ms. Girard, go ahead.

**Ms. Nicole Girard:** Madam Chair, thank you.

Effectively this was the legal concept or regime for access to citizenship if your child was born abroad to a Canadian under the 1947 act. These were requirements that applied up until the law changed in 1977. For all of us who were born abroad—and I can include my own example in that if it is useful to illustrate—it means that the Canadian parent had to demonstrate that their child could legally be considered a Canadian and have access to that proof of citizenship, having been born abroad in the circumstance of fitting within that definition under the law at the time of "responsible parent". That meant that if your father was Canadian, your parents had to be married for you to be considered a Canadian citizen. If you were born abroad to a Canadian mother, then your parents had to be unmar-

ried. If the converse were true, you were not considered by law to be a Canadian citizen or to have access to Canadian citizenship.

That created many lost Canadians. Those provisions were changed in 1977 and were removed to make it equitable regardless of who your parent was or whether or not they were married.

The issue was that in 1977, when the law was changed, there were no remedies for those who had been excluded previously. Those remedies came only many years later, in 2009. Many of us know people who have benefited from those provisions in 2009 to restore citizenship to those who were born to what we would describe as the "wrong" responsible parent, the unmarried Canadian father or the married Canadian mother in cases where the child was born overseas.

I hope that's a reasonable summary. Thank you.

• (1730)

**Hon. Michelle Rempel Garner:** With regard to the amendment my colleague proposed, I'm trying to understand the scope change it would create from the bill that was originally proposed. I'm not sure whether the department is prepared or could comment on that. I'm just trying to get a sense of what the purpose is.

**Ms. Nicole Girard:** I think the legislative clerk is more of an expert on the question of scope.

However, for consideration, I would simply mention that the narrow provisions of the bill are addressing those born abroad in the second generation or beyond, the restoration of the section 8s. The committee has just dealt with others born abroad since 2009. This is a different cohort, but one defined in time and particular circumstances.

Thank you.

**Hon. Michelle Rempel Garner:** That was immensely helpful.

Could the department build on that and specifically define what the cohort would be and perhaps its size as well?

**Ms. Nicole Girard:** Someone can correct me if I'm not summarizing correctly, but I understood the amendment is referring to those born abroad between 1977 and 2009 in the second generation. They could be automatically considered citizens under this motion.

**Hon. Michelle Rempel Garner:** Just to clarify, it would essentially be grandchildren. It would be the second generation. As my colleague Mr. Kmiec said—I was valiantly trying to follow his train of logic—what is being proposed is the expansion of the cohort in the original bill beyond first generation to second generation for those who were impacted by the "responsible parent" issue.

Is that correct?

**Ms. Nicole Girard:** Yes, that's correct. It is addressing those born abroad in the second generation within that time frame.

**Hon. Michelle Rempel Garner:** Okay. Thank you.

**The Chair:** Go ahead, Ms. Kwan, and then I will have to end the meeting at 5:35.

**Ms. Jenny Kwan:** I was just going to say this is not related to the age-28 rule.

That's it.

**The Chair:** Okay. Seeing no further debate, we can vote on NDP-2.

Before we vote, I want to let everyone know that if NDP-2 is defeated, amendments NDP-7 on page 16, NDP-10 on page 22, NDP-11 on page 23 and NDP-13 on page 29, cannot be moved since they refer to proposed paragraph 3(1)(s), which would have been created by NDP-2.

(Amendment negatived: nays 10; yeas 1[*See Minutes of Proceedings*])

**The Chair:** As I said previously, if NDP-2 is defeated, NDP-7, NDP-10, NDP-11 and NDP-13 cannot be moved since they refer to proposed paragraph 3(1)(s), which would have been created by NDP-2.

With that, this meeting comes to an end.

Do I have the will of the committee to adjourn the meeting?

**Some hon. members:** Agreed.

**The Chair:** The meeting is adjourned.

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