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• (1645)

[English]

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

Welcome to meeting number 68 of the House of Commons Standing Committee on Citizenship and Immigration.

A reminder to all the members that we will be meeting for three hours today, so the meeting will continue for three hours. We'll try to have a little break halfway through.

Today, 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, granting citizenship to certain Canadians. We are continuing our clause-by-clause study of the bill.

When we left off, we were debating the amendment moved from the floor by Ms. Kwan, which is a new version of NDP-8.

The floor is open for debate. Thank you.

Mr. Kmiec.

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

I think I had the floor when votes happened on Monday, so I was about to begin my line of questioning.

I've had some time to compare the two versions. I'm not sure which version I prefer, or whether I think some subamendments might be necessary to bring it back to the previous one. Can the department officials maybe explain what the difference is between the two, the original NDP-8 and this new version of NDP-8? I want to understand the differences in how adopted children and adoptive parents would be affected.

The Chair: Go ahead, Ms. Girard.

Ms. Nicole Girard (Director General, Citizenship Policy, Department of Citizenship and Immigration): Thank you, Madam Chair.

As was stated in the previous hearing, one of the important differences is that this version does not include grandparents for the purposes of the connection test, so the connection test is available solely for parents.

I'll turn to my Department of Justice colleague in case there is anything else she may wish to mention.

Ms. Erika Schneiderit (Counsel, Legal Services, Department of Citizenship and Immigration): Thank you for the question, Madam Chair.

My understanding is also that the amendment includes a number of cross-references to previous amendments that were already passed, so it's sort of a coordinating amendment.

The Chair: Thank you.

Mr. Kmiec.

Mr. Tom Kmiec: In the latter part of the amendment it reads, "Paragraph 5.1(4)(b) of the Act is replaced by the following", there's a paragraph here, and at the very end, it makes a reference. I'll just read the last part of it. It says, "and, at the time of their adoption, neither of the adoptive parents was a citizen who had a substantial connection with Canada."

Is this "substantial connection" a reference to the substantial connection test that this committee has amended, or is it a different substantial connection test?

Ms. Nicole Girard: No, that's correct. It's the connection test this committee has voted on.

Mr. Tom Kmiec: Is it possible to have two different substantial connection tests for different parts of the legislation, one of which would apply only to adoptive parents? For example, if we were to amend this to have a different one, is that something that's possible to have within the bill? Could a different part of the bill have a different substantial connection test you could apply?

I'd also like to hear if there's a judicial opinion on that. Would that also stand up in court if it was amended to have two different tests for two different situations where a person is either trying to regain or retain their citizenship?

Ms. Nicole Girard: Madam Chair, it's open to Parliament to legislate. As has been mentioned before, this amendment is seeking to make the connection test available for international adoptees where there's a Canadian parent with the same connection test that was previously voted on by the committee, which would apply to natural-born children. As discussed previously, it's looking to minimize those distinctions between the natural-born and adopted children of a Canadian with respect to the second generation born abroad in both cases, so while it's possible, it's not necessarily desirable for the purposes of equity with regard to this proposed amendment.

Mr. Tom Kmiec: Could I hear from the legal services official? What would happen if the committee were to amend it or, in the future, if the government or any member through a private member's bill were to amend the original substantial connection test to exclude adoptive children?

I tried to do a subamendment at the time that would have made it a consecutive 1,095 days. We considered doing things like applying a test to see whether a person would.... If they have a criminal record, that would be grounds for not being able to show or demonstrate a substantial connection.

If this stays as it is but applies differently to adoptive parents and adoptive children who are trying to regain their citizenship—I actually like that idea—is that likely to stand up in court, or is that likely to cause a lot of problems?

Ms. Erika Schneidereit: Thank you for the question.

As we've said, in general it is open to Parliament to legislate however it sees fit. The scheme of the act, for example, currently has an interpretation section, which is definitions that apply throughout the act. It's my recollection that this specific substantial connection definition is included in that interpretation section or that it will be.

If there is an interest or an intention, the way the act is structured right now, you have interpretation provisions that apply throughout. I can't think whether, off the top of my head, there are other specific definitions in other pieces, but of course if there were a term that only applied in one section of the act, that would be specified in that one section.

The scheme of the act is set up to have a general definition section and then specific provisions in other areas, if that's helpful.

• (1650)

Mr. Tom Kmiec: As you say, you can't recollect an example that would be a similar situation, but the Supreme Court found years ago that you couldn't prohibit Canadians overseas abroad from voting. There used to be a limit. After five years you couldn't vote. Through a point of equity that we've heard many times now—fair point—the Supreme Court raised the point that it was a violation of the constitutional rights of citizens.

In this situation, either through amendments that we do here or through amendments that could be done in report stage, to protect adoptive parents and adopted children.... I quite like this amendment generally. I'm just trying to get down to...if we were to amend the original substantive connection test, they not be impacted by anything we do with that particular one.

I also understand that if this bill passes here, it will go back to the Senate for review, and potential amendments could be made there on the substantial connection test. I just want to better understand. In other court cases and something similar to this in legislation, can you use the same word but, for different sections of the act, have a different interpretation as a direction given to judges who may consider it and the department in order to try to handle that? That's what I'm trying to get at.

Ms. Nicole Girard: Yes, Madam Chair, the member is correct that, in theory, if not in practice, it's certainly possible to legislate

different tests, but that's not what's proposed here because the natural-born children and the adopted children of a Canadian in the second generation and beyond are in a similar situation. Therefore, it's proposed under this amendment to have a consistent test with regard to connection.

It is possible, however. The member is correct.

Mr. Tom Kmiec: On this one, because this would be different in the way we apply the rules, has the department ever done an assessment to determine the potential impact on existing adoption processes and regulations internationally? I think this will only impact international adoptions. Correct me if I'm wrong, but this will only impact international adoptions with the automatic right to citizenship for adoptive children that would basically make them equal. Basically the rule applies to the first generation exactly the way it would to those who are naturalized in Canada.

Has the department done an assessment in the past? Is one being done while this committee is considering this legislation?

Ms. Nicole Girard: I'm not aware of any such assessment, but as I think I've stated before, it is desirable to have this mirroring amendment benefiting international adoptees in the second generation where we have Canadians who are adopting internationally to have the same connection test available. This will benefit potentially all those who are already first-generation Canadians born abroad who may either have children abroad themselves in the future or choose to adopt internationally, should Parliament choose to pass the bill.

Thank you.

Mr. Tom Kmiec: My next question is going to be this: Are there processes at IRCC for identifying and distinguishing between various adoption systems internationally?

I have a follow-up to that, but that's my first one.

Ms. Nicole Girard: Madam Chair, as I mentioned previously, there are dedicated staff in the department for the purposes of processing citizenship applications, including proof of citizenship applications for international adoptees. There are criteria, as I mentioned previously, that are standard to be met in these cases. These are around three considerations: ensuring the best interests of the child; that there is a genuine parent-child relationship, as I mentioned; and then there are other legal criteria to be satisfied. The adoption has to be legal in the country where it took place and in line with the laws where the Canadian is living.

• (1655)

Mr. Tom Kmiec: My understanding of this amendment and how this would work, then, is that the adoption is legal in the place that it takes place. This would apply equally to Canadian parents adopting, from Canada, a child internationally or two Canadians who are parents overseas who adopt in another jurisdiction. Is that correct?

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

Mr. Tom Kmiec: There's nothing in this legislation.... Again, in 2009, there were unforeseen consequences, and then we had 2015. We've been through this before.

There's absolutely no difference in these amendments. They will both be treated equally.

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

Mr. Tom Kmiec: That question I had goes back to the first one, because they're related.

There are processes in place for the Canadian government to determine whether an adoption done overseas, in another legal jurisdiction, is done according to those laws in place in that jurisdiction. Is that the paperwork that needs to be provided to the department during the adoption visa process when coming to Canada?

Ms. Nicole Girard: That's correct, yes.

Mr. Tom Kmiec: Okay.

In that process, and in your experience as well, has there ever been a court case or an issue where, years afterward, the department was found not to have done all the work, where there were changes made in processes, or where that idea or concept was litigated in Canadian courts where there was disagreement between parties on whether the adoption was indeed legal?

Has there ever been a case like that?

Ms. Nicole Girard: Madam Chair, I'm just conferring here with my colleague from the Department of Justice.

No case comes to mind in recent memory. By recent memory, I include my own experience from 2009 working in the citizenship policy arm of the department. I can't say definitively whether there's ever been a case, but not in recent years to my recollection.

Mr. Tom Kmiec: I have a letter here, and I think all committee members had this sent to them. As we've been doing these hearings—and they've taken a few meetings—members of the public have sent us information. Some of it is very helpful because it comes from Immigration Canada, so it has some content information.

This one is from the executive director, Denise Mildner, who is from Saskatchewan, the Evermore Centre. It provides data on the back end. I want to read it into the record and make reference to it, because it feeds into my next question. It says:

The voices of many parents have gone unheard. Since 2010, 13,791 children were born abroad and adopted by Canadian parents since bills C-14...and C-37...were passed.

That's going as far back as 2007.

Of these, 63% or 8,632 children were adopted through the Citizenship Stream. Unknowingly, by choosing this route, however, these children do not have the same rights as other Canadians and cannot pass on their citizenship. Regardless of which route was chosen, there should not exist any discriminatory laws against an internationally adopted child.

Does this amendment fix this particular situation, or does it address a different issue of just passing it on and the treatment of the children as Canadian children for the first-generation limit?

Ms. Nicole Girard: From my perspective, this amendment is providing an avenue to address those concerns.

As I understand it, since 2009, some parents of adopted children who have gone the direct grant of citizenship route have been concerned that the first-generation limit applies to them as it does to the natural-born children of Canadians who were born abroad.

As discussed in this committee, this current amendment would be providing an avenue for those international adoptees who are considered the second generation born abroad in line with the previous amendment that was considered by this committee, which is extending an avenue to the natural-born children of a Canadian abroad in the second generation or beyond.

Mr. Tom Kmiec: The letter writer in this case, the executive director, mentions that there are these two streams: the immigration stream and the citizenship stream. Could you explain the difference between the two? Will this amendment then collapse one of these streams so that it will no longer be necessary and will not exist?

Ms. Nicole Girard: The amendment is not collapsing either of the streams. The benefit that this amendment would have is that, for Canadians who are now adopting internationally, where they're selecting the direct grant of citizenship route, that child who's mentioned is considered first generation born abroad. With this amendment, should that child have their own child abroad in the future or choose to adopt internationally, there would be access to a direct grant of citizenship, provided the parent is meeting the connection test.

Thank you.

• (1700)

Mr. Tom Kmiec: I have numbers here going all the way back to 2010 for both streams. You're saying that it's not collapsing them. The numbers show that the number through the adoption stream... This is the header: "New Citizens from Citizenship and Immigration Streams of Adoption, by Citizenship Effective Year". It goes back to January 1, 2010, and then to April 6, 2023. It shows that adoptions generally are going down in both streams. About 63% are in the citizenship stream, and 37% are in the immigration stream.

These two streams will still continue to exist. They're both still necessary for adoptive parents.

Ms. Nicole Girard: That's correct. They'll continue to exist.

Mr. Tom Kmiec: How can you know...but I'm going to ask anyway: Is the expectation that these numbers would then be lifted up if you make these amendments and that this would give parents more security in knowing that their children would be treated equally to children who were naturalized in Canada or born in Canada? Is there potential for that, then, for international adoptions, to be more...? Would it just encourage more people to take that step, to take it on as an option?

Ms. Nicole Girard: From the perspective of the department, international adoptees, since Bill C-14's opening up of the direct grant of citizenship to international adoptees, are considered equal to children born abroad to a Canadian who are Canadians from birth, because those distinctions, any distinctions, are minimized to the extent possible.

As previously discussed, the benefit of this amendment, once again, is that it will extend an avenue out for international adoptees in the second generation and beyond. That may allay some of the concerns that the member is sharing on the part of the letter writer.

Mr. Tom Kmiec: I want to correct myself. I said that this letter was from Denise Mildner. Denise Mildner was the person the letter writer was connecting with. The actual letter writer is Marlyn Wall, the executive director of Child and Youth Permanency Council of Canada. I want to give appropriate credit to the person who wrote this. I do read these. If anybody's wondering, I do read all of it.

In here, there is mention of what they consider the easiest solution, which is the elimination of the reference to paragraphs 3(1)(c.1) and 3(3)(a). Then they make a reference to another piece of legislation that I'm unfamiliar with, because a C-14 can happen in every Parliament. It says, "There is already Bill C-14 that is specifically for Internationally adopted children for direct grant of citizenship and this should preclude them from being lumped in with other forms of immigration".

Can you explain to us Bill C-14 and which Parliament this might have been in, or is she in error?

Ms. Nicole Girard: Before Bill C-14 came into effect, a Canadian parent of an international adoptee needed to sponsor that international adoptee through the immigration route and then apply for a grant of citizenship. What Bill C-14 did was that it removed that requirement to go through the immigration sponsorship route and opened up instead access to a direct grant of citizenship for an international adoptee, thereby minimizing the distinction with the first-generation child born abroad to a Canadian.

Mr. Tom Kmiec: Is it fair to say that this legislation and this amendment, as is, right now, would close some of those unforeseen consequences from Bill C-14 back in 2007?

Ms. Nicole Girard: In 2009, when the first-generation limit was brought in, it was not an unforeseen consequence that the first-generation limit would apply and that it would apply consistently to the natural-born children and the adopted children of Canadians abroad in the first generation. This amendment is providing an access to citizenship to those adopted abroad in the second generation or beyond and addressing a concern that we have been hearing since the first-generation limit was imposed in 2009.

• (1705)

Mr. Tom Kmiec: Madam Chair, I'm good. I have no more questions on this amendment.

The Chair: Seeing no further debate, we can vote on new NDP-8.

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

The Chair: Go ahead, Mr. Redekopp.

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

We have an amendment that we want to move, but before we do that, I want to return to the issue we spoke about with regard to the Indian students who were given fraudulent acceptance letters, who ended up in Canada for a long time and who recently have been given deportation notices. This is something that's very important.

The reason I want to bring this up again today and the reason this is so important is that these students are facing deportation right now. We can talk about doing something later and having the min-

ister come in or whatever, but I believe we need to actually look at this now. We need to deal with it. Even today, I believe, there are protests going on in Brampton about this. It's a very relevant issue.

Madam Chair, I want to make the following motion:

That, pursuant to Standing Order 108(2), the committee conduct a study into news reports that international students admitted into Canada with valid study permits were issued fraudulent college acceptance letters by immigration consultants, and are now facing deportation, and that this study undertake at least three meetings; that the committee invite the Minister of Immigration, Refugees and Citizenship for one meeting along with his departmental officials to testify; that the committee invite the Minister responsible for the Canada Border Services Agency for one meeting along with his departmental officials to testify; that the committee invite affected international students and representatives from Colleges & Institutes Canada; and that the committee request that the Canada Border Services Agency temporarily suspend the deportation of affected international students until those selected as witnesses can testify before the committee.

I think it's very important that we deal with this issue now. I'd like to hear the committee's will on that. We on the Conservative side are getting a lot of calls. We have a lot of people who we know are impacted by this. I think it's something that is important and that really needs to be dealt with. As we know, time is running short before the end of the year. There are only so many things we can do. This is something that we think could be done relatively quickly. We could get it done and get to the bottom of it. We could get to the real issue of why it happened and why it was allowed to happen. We feel that there are probably some processes or things that need to be looked into, fixed and corrected so that this doesn't happen again.

At the end of the day, these students had no idea that this was going on. They weren't trying to game the system in any way. It was fraudulent immigration consultants who caused this problem. Now these students who have been in Canada and gotten their degrees—many of them have been here for years working, contributing to Canada and doing all these things—are surprised to find out that they can't get their permanent residency and are going to be deported.

That's why I think it's really important to deal with this now, and that's why I'm making this motion.

I think we should deal with this right away, Madam Chair.

The Chair: Thank you, Mr. Redekopp.

I have a speaking list with Mrs. Lalonde and then Mr. Maguire, Ms. Rempel Garner and Mr. Kmiec.

Mrs. Lalonde.

[*Translation*]

Mrs. Marie-France Lalonde (Orléans, Lib.): Thank you very much, Madam Chair.

• (1710)

[*English*]

I would, in principle, agree on the significance and on the importance of my colleague's request. I think from this side of the House, and I would say for all members of Parliament, we realize how individuals who are fraudulent should never be part of the immigration process for those who are the victims of this.

I also know, with confidence, that the government is taking this very seriously, Madam Chair. However, I am left thinking that we have something here, which we are already discussing, that has a meaningful impact for many individuals. This particular bill we are studying, Bill S-245, is of value also.

Without undermining what I think we, collectively, from all sides of the House, would like to do.... Also Madam Chair, I think a motion was actually requested by my esteemed colleagues a few months ago that legislation should set precedents in this particular committee. It was passed unanimously and was brought by my Conservative colleague.

At this time, I would like to adjourn debate.

The Chair: Mrs. Lalonde has moved a motion, which is non-debatable, so we will have to go for a vote.

Ms. Rempel Garner.

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): She did not move to adjourn debate. She said that she “would like to” adjourn debate. She no longer has the floor since you have it.

The Chair: She said that—

Mrs. Marie-France Lalonde: It's because I'm francophone.

Hon. Michelle Rempel Garner: She said she “would like to”—not that she “moved” it.

Mrs. Marie-France Lalonde: Are you discriminating against my French and my English?

The Chair: It's just a translation issue. She said that she would move to adjourn the debate.

We'll go for a vote.

(Motion agreed to: yeas 6; nays 5)

The Chair: The debate on the motion is adjourned.

Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair. That's very disappointing.

We do have an amendment. It's from my colleague, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

I move that Bill S-245 be amended by adding before line 18 on page 1 the following new clause:

1.1. Section 5 of the Act is amended by adding the following after subsection (3):

Waiver by Minister for administrative delays

3.01 The Minister may, in his or her discretion, after having reviewed a person's particular circumstance, 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.

Thank you.

My rationale for this amendment is as follows. My understanding is that the.... I do have it in both official languages here, if colleagues need it.

Ms. Arielle Kayabaga (London West, Lib.): Can we suspend so we can have it circulated?

Thank you, Madam Chair.

The Chair: Ms. Rempel Garner has moved an amendment. This is being circulated to all the members, so I will suspend the meeting for a few minutes so that everyone can get that in both official languages and can look into it, and then we will get back.

The meeting is suspended.

• (1710) _____ (Pause) _____

• (1730)

The Chair: I call the meeting to order.

I hope everyone has seen the amendment moved by Ms. Rempel Garner. That amendment is on the floor.

Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you, Chair.

I'd like to state my rationale for this amendment and explain its potential benefits. We all know how important immigration is to Canada. We also know, when we talk about immigration levels and immigration numbers, that part of the challenge in the past has been that any sort of response from the department can become an impediment to either immigrating to the country or obtaining citizenship. Many of us around this table have constituents that this motion speaks to exactly, where their cases are just lost in limbo in a massive backlog in the system.

I don't have the current stats as of today, but I think there are around two million cases—I'm looking at my colleagues—in the inventory. Right now we don't have any recourse as parliamentarians, or people who are in the system really don't have any recourse, for when the Department of Immigration doesn't meet its service standards. That is very detrimental to mental health and to Canada's reputation in terms of attracting and retaining talent. What I'm thinking is that if this were embedded in the act, the department would all of a sudden become motivated to look at these cases that are wasting in the inventory and that haven't met service standards, because they will be inundated with requests for a review based on this component. I think it would also motivate the department to not let things get to this point.

I want to state why I think it's so important that we do this. I have had numerous cases, particularly in family reunification, where people have not received responses from the department. The tools I have as a member of Parliament to respond to them are very limited. Frankly, what we hear from the department quite often is, “Sorry. We can't do anything. We're working on the backlog, so don't worry.” It doesn't seem like there's political impetus right now from the minister to push down into the department. I know that we have colleagues here from the department. I don't really feel like there's any sort of managerial motivation to move faster or to do things better. We're still moving at this pace.

We are actually talking about non-compassionate actions at this point. That's really what it boils down to. I personally know what it's like to be separated from a spouse across a border. It wasn't due to the department's backlog, but I was separated from my spouse during the pandemic for a period of nearly a year. That was very difficult for us, but we made it—God bless you, Jeff.

Chair, I would like to put it on the record, if my husband is watching, to tell him to not get on the tractor today. He had abdominal surgery. I feel as though this is a very good opportunity for me to scold him in public.

It is very difficult, particularly in cases of family reunification, when there is not an end date in sight. The department has an onus to consider compassionate grounds when they're responding to people who are sitting in the inventory. What we would be doing as parliamentarians, colleagues, is essentially enforcing a service standard upon the department but also giving people who really feel like they have no hope a little bit of hope.

Also, frankly, in the minister's defence, we'd be giving the minister a tool. I know. I've been in cabinet before. I worked with some very talented public servants whom I still very much appreciate to this day, but I also know what it's like to be told, "No, we can't do that", instead of looking for solutions. As a minister, it takes time. You have to convince cabinet colleagues and people in your department, the PMO and the PCO that, "Do you know what? Telling me that it's not good enough or that I can't do that is not enough." That process does take time, and it takes a lot of political will to end up pushing against your bureaucrats and saying, "No, we have to do better."

• (1735)

What this would do is actually give the minister a tool so that while they are doing that, while they are pushing their department to do better or perhaps clean up the mess of a previous minister, as happens from time to time, some of the worst cases will actually have some hope.

In many of these cases, the only tool an opposition member has to try to get a response from the department is to take the case to the media or to raise the issue day after day in the House of Commons, knowing that the department doesn't care if you raise it in the House of Commons. They don't care. It doesn't matter to them. They're just going to continue on their merry way. I think instead of having to do that, this would give people, like all of us sitting around the table, a tool to communicate with our constituents and say, "Listen, this seems really bad. We've done everything we can to try to figure out what's going on in the department, so now we're going to appeal to the minister on your behalf." That's better than my just saying, "Okay, I'm going to try to make a big case out of this in the House of Commons" or "I'm going to go to the media."

That is a better way, because sometimes, as people sitting around the table, we don't actually know the details of these cases. As parliamentarians, we also have to rely on the independent third party arm's-length review of an immigration process, because it shouldn't be politicized. We just had an entire series—and I have to give all colleagues in this room credit—of very troubling meetings in which we essentially heard that a member of the other place was issuing travel documentation out of her office without oversight.

My colleague Ms. Kayabaga and I were looking at each other incredulously as the details of this were coming out and thinking "how did this happen?" The job of parliamentarians is not to actually make determinations ourselves, as I think our colleague from the other place did. We have to rely on arm's-length processes from within the department. This amendment, if it were in the act, would allow us to say, "Look, we can now appeal to the minister on your behalf, but we're going to let the minister and the department sort this out for you." That would be a better route than taking things to the media or, let's say, issuing travel documentation off the corner of one's desk. This is a common-sense tool.

Also, colleagues, frankly, the reality is that there's a massive backlog of responses within the immigration department. I appreciate and I know that the department has a new deputy minister, who seems very dynamic and who understands the gravity of the situation, but I also appreciate that she's probably facing a lot of inertia in her department. It's incumbent upon us as parliamentarians to look and think outside the box, beyond just having more consultants.

We've been talking about only the McKinsey contract. I have no idea what happened there. That was a bit of a surprise, but there was a lot of money spent on a consultant and I'm not sure that really resulted in anything. As parliamentarians, we should be looking outside the box at low-cost, easy ways to have extra tools to expedite cases that clearly need to be expedited when the department is saying, "We're implementing all these other systems", because at the end of the day this is about compassion.

I hate being in a situation where I have to say to a constituent, "I don't know what I can do next outside of taking this to the media and making this a political issue." I would like to occasionally not make things all about politics but instead work collaboratively with the minister and say, "Look, I appeal to your heart. I appeal to your sense of justice. Your department has been sitting on this for five years. I don't understand why I can't get a response. Can you look at this from a compassionate grounds perspective?"

My understanding is that we are now looking at amendments to the broader scope of the Citizenship Act. I would hope....

• (1740)

This is not a partisan amendment in any way, shape or form. It doesn't take a partisan ideological perspective on immigration. It's very much a process-oriented amendment. It says that, if the department is running so far behind in their inventory, in spite of staffing up and spending millions of dollars on consulting contracts—but I digress—there is a tool the minister can use to address situations where families are separated or people are facing extreme persecution. We're on the eve of Pride Month, which starts tomorrow, and I think all of us here understand the gravity of, let's say, members of the LGBTQ+ community who are in Uganda.

There sometimes are people who need to come to this country to get safe haven. It really bothers me and it cuts my soul when I hear from the department, "I don't know where this case is" or "there's nothing more we can do right now". I'd like to say, "There is something you can do. It's this, and it's in the act, and it's hope." I don't think that's a partisan thing. I think it is something that all of us here would agree is a great process amendment. It's not ideological. It doesn't add more burden. It just gives the minister a tool to say yes or no, a tool that thinks around the box, thinks around pedantry and is nimble. It speaks to nimbleness and the ability to have nimbleness in government.

I will point out technically.... I understand that I've just made this argument that parliamentarians can't and shouldn't, and I want to be very clear on that. Parliamentarians should never be making decisions on immigration files. That's not our job, but the minister is duly constituted to do that and what this would do explicitly is give him a tool, when his department is not responding to a case, to allow him to do so.

I have been waiting for years to move an amendment like this. I think this is an easy no-brainer amendment. I also think that I can't see a lot of resources having to be expended to do this. I think we would have a lot of support from the immigration lawyer community and the larger civil society groups. I would ask my colleagues to support this. This is, to me, a no-brainer. My understanding is, given the instructions in the motion that was passed in the House to this committee, that this is easily in scope, and I ask my colleagues to support it.

Thank you.

• (1745)

The Chair: Thank you, Ms. Rempel Garner.

We have a speaking list.

Next is Ms. Kayabaga.

Ms. Arielle Kayabaga: Thank you, Madam Chair.

I do appreciate my colleague's comments and her intent to be compassionate, and I think that's what this whole entire bill is doing. It's to be compassionate. We do have an expectation from the people who are watching. They're waiting for us to get going and to pass these amendments so that we can be compassionate in this approach of making sure we respond to this need.

I do have some questions for my colleague around this amendment.

First, what does it have to do with lost Canadians?

Second, does this amendment impact anything outside of citizenship applications? My understanding of this is that the amendment to the Citizenship Act could apply only to citizenship applications and not PR or temporary visas, so what is the relation?

If she could respond with the relevance to what we're talking about here today so that we can actually be compassionate by moving these amendments fast enough.... People who have been waiting have been waiting for years and talking about things that are not relevant to stretch time is.... I have lots of respect for my col-

leagues, but it's inappropriate, and we are actually putting more of a burden on these people.

The Chair: Thank you, Ms. Kayabaga.

Next I have Mr. Kmiec and then Mr. Dhaliwal.

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

I can answer some of those questions.

There's a 294,000 citizenship application backlog. I think there must be, in that 294,000 group of people, some people who would benefit from the minister being able to look at their files personally and being able to, on compassionate grounds, waive the requirement.

I would then hope that they do the citizenship ceremony in person. I think they should be doing all of them in person, and virtual ceremonies should only be done in cases where a person's health is failing. Who knows, maybe in those situations, again, the minister could go and provide a waiver.

As a general rule, I don't like giving the executive even more discretionary powers. However, on this side, as my colleague said, most of our constituency offices are inundated with individual case files. It's about 80% to 90% of the work that our constituency offices are now doing. I've heard that individual members of Parliament are now having more than one case file manager. That was not the case eight years ago, before this government took charge of the immigration system. One case file manager for EI, CPP and immigration case files was usually enough. That person usually handled 80% to 90% of them.

However, I know there are 294,000 citizenship applications in the system right now. Overall, like my colleague said, there are two million applications. The department claims that 1.1 million are within their standard processing time. However, since the department sets its own processing time, it can be whatever it wants to be for any one of them. Of these, 800,000 of them are over the 80%...which the department then claims are considered backlogged applications.

I think this could apply to anything beyond just simple citizenship applications. I think in the way it's written, it could apply to other particular situations where a waiver on compassionate grounds could apply. That's directly what's proposed in the amendment. It's also time-limited. It specifically says, "over five years". We're not talking about people who are just a day over a standard processing time. However, if the department were ever to set a standard processing time of five years for an application, I think most of us would find that ridiculous.

I've recounted this story now multiple times, but I have a constituent who has a TRV application for a family member to come to Canada. It has been 1,113 days in the system when they last checked a few weeks ago. That's an incredibly long time to wait. It's not quite five years. In that particular situation, that wouldn't apply.

Because it's so limited, I think providing an executive ability to waive is actually reasonable. It's a very small group of people. If you just use citizenship ceremonies.... Out of 294,000 citizenship applications in the system right now, how many of them are over five years? It could be a very small pool, and how many of them...? There are compassionate grounds.

We saw just a few months ago that, and I'm going to get the acronym wrong, but the GMCS or GCMS system—there are lots of acronyms in government—was up to 60,000 files that had a code assigned to them. Sometimes these were with employees who were no longer working.

The oldest file that was still open was 2006. That person, whoever they are, has been waiting a very long time to have their application processed. That is an inordinate amount of patience that someone out there has with the IRCC department. I know that in 2006, it was a different government in charge. It's not as if it's related.... This is a bipartisan issue, I would hope, as my colleague said. This would provide a very narrow scope for a minister to use a very broad range of factors.

Regarding compassionate grounds, I don't know whether there actually is a definition that is being used in the legislation. What are compassionate grounds? I think it's broad enough that a minister could determine whether a particular situation applies. It has to be over five years that the person has waited for a response from the department.

We hear this constantly. That's the reason people come to members of Parliament. They have emailed, they have called and there's nobody responding to them in any way.

I think that this provides an out. Like the debate in the House, when the report was considered on expanding the scope of potential amendments to this legislation—this is basically a statutory review of the Citizenship Act—we could insert this in here. The moment that this receives royal assent, if this passes through the House, passes through the Senate, the minister would then have the ability to use this particular power. We could even set out what types of rules would need to be considered.

I sent the minister a public letter back in April 13 about Iranian spousal sponsorships. I think this could apply in cases at the Ankara visa processing office, where Iranian nationals, whether they are Azerbaijani, Persian, Kurdish or Baluchi, are waiting multiple years, some for over five years, and there are compassionate grounds for them to receive a waiver of some sort.

• (1750)

My interpretation, potentially, will be on Citizenship Act applications. If someone wants to make a subamendment to limit it only to citizenship applications, perhaps that could be done here, in order to stay within the title of the act. I don't think it's necessary.

I know a lot of Turkish exiles. I've met some who have waited multiple years in third countries. Some of them are not in safe countries right now, and they're waiting to hear back from the IRCC department so they can also come to Canada. They're fleeing the Erdoğan regime, and I note Erdoğan was re-elected once again. I

have a lot of Kurdish friends who have no time for his authoritarian politics.

I'll note, also, that I have.... He's not a constituent of mine. He's actually the constituent of another Calgary MP who wouldn't help him on his group of five sponsorship. He is from the Skyview area. This is a Kurdish man who was trying to do a group of five sponsorship for his family members. He waited three years just to get a no. That could have come a lot faster for him, because he had bonded.... He had cash set aside to demonstrate to the department that he'd take care of them. He was at the third-year mark and he wouldn't even be covered by this provision. He told me there's \$24,000 for each family member. He had demonstrated to IRCC that he was willing to set that aside. He had the funds necessary. He's been incredibly successful. It's one of those great success stories in Canada, but he wouldn't be able to have his family members apply to get an answer or, in this case, a waiver.

There is another method for a person to get an answer from the IRCC department, and that's to go to court. I don't have the legalese text or the Latin word for when you go to court to get them to force the department to give an answer. I'll note those cases are way up. There are over 1,000 right now. This gives us another avenue to avoid court. That's why I think this is so reasonable. It's limited in scope. It provides the minister with a very limited discretionary power, which Parliament is governed by. I don't believe there's a definition in the act.

I'm going to turn to the department.

Is there a definition of “compassionate grounds” in the Citizenship Act that could refer to this?

• (1755)

The Chair: Go ahead, Ms. Girard.

Ms. Nicole Girard: Madam Chair, there isn't a definition in the Citizenship Act, but I would note that the minister already has the discretionary authority to grant citizenship for reasons of hardship. That is a broad, flexible concept for some of the reasons that have already been mentioned.

Thank you.

Mr. Tom Kmiec: I should follow up on cases of hardship.

In those cases, then, does that person need to have an active application with the department, or could they have no application at all?

Ms. Nicole Girard: It requires an application.

Mr. Tom Kmiec: Then the example I would use.... I put it on notice many months ago now, when his case was concluded and he was sentenced to 25 years in a Russian gulag. Vladimir Kara-Murza, who's the same age I am, with three kids, is one of the Russian opposition leaders—he and Alexei Navalny. Both of them are facing imprisonment until death, basically. In their situations, they don't have an application with IRCC. They could use this if they had one. If it were over five years, they could seek this type of waiver.

There are many different types of situations. This was specific, I think. If it's not described in the act, it's a different method of doing it. This is a waiver on compassionate grounds for five years. I think it's infinitely reasonable in the way it's written. We should support it, because that would help our constituents and help families in Canada. There are people, I'm certain, who have citizenship applications and who have been waiting for a long time. That's a different type of lost Canadian. They've been here 18 to 20 years and are now waiting over five years to have their citizenship confirmed after they've taken the tests and done everything they're supposed to do. They could just apply for a waiver if this passes.

I think it's a good idea and I want to support it.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Kmicc.

Go ahead, Mr. Dhaliwal.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): [*Inaudible—Editor*]

The Chair: Mr. Dhaliwal, we cannot hear you.

Mr. Sukh Dhaliwal: It's this new phone.

Can you hear me?

The Chair: Yes, we can hear you now. Please go ahead.

Mr. Sukh Dhaliwal: Thank you, Madam Chair, for recognizing me.

I also want to thank the Honourable Michelle Rempel Garner for thinking about these spousal cases. I want to wish Mr. Garner well with his surgery.

There might not be many people who recall the Conservative way of abolishing or diminishing or cutting the waiting list or backlog. I still remember, Madam Chair. It was the previous government, before 2015. If I'm correct, it was Mr. Harper's government, and that was a Conservative government.

Do you know, Madam Chair, what they did? The minister had a power. He came in one day—there were almost 250,000 applications in waiting—and do you know what he did? He came in, and with the press of one button he said that none of those applications would be considered and all those applicants who were waiting in line were gone.

I still remember because I was an MP when Mr. Harper was in power during the previous government. It was taking almost two to three years for a spousal case to process. In 2015, when the Liberals and Prime Minister Justin Trudeau took over, they brought in a policy that every spousal case, 99% of them, would be cleared within one year.

It happened. Spousal processing time, which was from two to three years under the Conservatives, came down to 13 months. Sure, under COVID it went up, but now the minister is bringing families together. This is the first time. Last week, in fact, there was an announcement made by the Minister of Immigration. I had a very good discussion with him—

The Chair: I'm sorry, Mr. Dhaliwal. There's an interpretation issue.

Can you stop for a minute? It was French coming in.

Mr. Dhaliwal, can you please say one or two sentences, just to check the interpretation?

Mr. Sukh Dhaliwal: Certainly, Madam Chair.

I'll have to say a few sentences before I go back to the topic. I hope the interpretation is working well.

● (1800)

The Chair: It's working.

Please go ahead.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

I was talking about bringing spouses together. It's a recent policy announcement by Minister Fraser—last week—that anyone whose application is in the queue will be able to apply for a temporary resident visa, and they will be issued a TRV.

I'm sure the parliamentary secretary to the minister who's sitting with us today will witness that I had a good discussion with the minister yesterday about this, and now these spouses will be able to come together in no time. I haven't seen certain policies under the previous government.

More importantly, Madam Chair, I was talking to my dear friend, Mr. Ali. He was very excited to attend many of these citizenship ceremonies last week when he was in his riding. I'm sure there are many other members who were attending those ceremonies.

Most important is the question raised by Madam Kayabaga: What does this have to do with lost citizenship? That is my question as well.

If Conservatives want to take longer, I think they can probably borrow from my dear friend, Mr. Brunelle-Duceppe. He had a novel there he didn't finish previously. They can borrow that novel and carry on. I would suggest that—

The Chair: I'm sorry for interrupting, Mr. Dhaliwal. The meeting you are quoting from was in camera, so you cannot talk about that.

Mr. Sukh Dhaliwal: Thank you, Madam Chair, for reminding me. That's all I wanted to say.

Let's not waste any more time. Let's get this important bill through so that the people who are lost Canadians and have lost their citizenship are able to regain it. I'm sure Senator Martin will be very happy as soon as this bill goes through and she puts her name and stamp on this bill.

The Chair: Thank you, Mr. Dhaliwal,

Next on the list is Ms. Kwan.

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

Madam Chair, first off, I want to say this. There's no question that, for people whose applications are faced with processing delays, there should be a mechanism to deal with them. I absolutely agree with that.

Now, before I go on with further comments, I want to ask the legislative clerk for a clarification.

With respect to this amendment here and the way in which it was explained by Ms. Rempel Garner, is this to say that this will now apply to every application, whether it's PR, work permits, study permits, citizenship or anything?

When there is a processing delay of over five years, the matter would automatically be referred to the minister, or there would be an ability to refer the matter to the minister, to review the cases, waive those delays and approve the application. Is that what this means?

My question is to the legislative clerk, please.

The Chair: Thank you, Ms. Kwan.

The legislative clerk has referred this to the officials, so I will ask Ms. Girard to please respond to Ms. Kwan's question.

Ms. Nicole Girard: Thank you for the question.

This amendment is seeking to amend the Citizenship Act. The Citizenship Act refers only to applications in process under the Citizenship Act, and grant applications in particular.

I just wanted to take the opportunity to clarify that.

Ms. Jenny Kwan: Thank you, Madam Chair.

That's very helpful because it clarifies the muddiness that's been presented, as though this would apply to every other case and every other stream. That clearly is not the case.

Now, of course, I would be tempted—although I'm not going to do so, so you don't need to respond—to ask the officials how many people are in the situation of having to wait over five years for their grant application to process, and so on and so forth. However, the officials are not here and equipped to answer those questions because we're here to deal with the issue of lost Canadians. I would be happy to entertain these kinds of suggestions at a different time, and even a study if people want to take a look at that and to initiate that process.

I would also say that, for people who need, perhaps, an urgent recognition for citizenship, such as in the examples Mr. Kmiec has mentioned, there is of course a provision in which that could happen, and that is honorary citizenship, which the minister has the authority to grant as well. Because citizenship applications have a hardship component within them, in respect of which the minister can exercise that right to look at those cases for delays, I think that at this point we should focus on what is before us, which is the issue of lost Canadians.

I'm tempted to bring forward all manner of amendments that would be outside the scope of Bill S-245 but are something I really want to see through, such as, for example, an amendment to deal with statelessness. I recognize, however, that maybe I would not be doing that appropriately and would, therefore, be undermining the very people who are trying to get their situation addressed. That would be the families with lost Canadians, who have been waiting patiently to see what this committee does. To that end, I will not be supporting this amendment, and I'm hopeful that we can actually

get through the entire package of all the amendments that are before us by 7:30 p.m. today.

• (1805)

The Chair: Thank you, Ms. Kwan.

I have three more people on the speaking list. Before I go there, I would request that all the members please stay on topic. We are dealing with Bill S-245, an act to amend the Citizenship Act. All your comments should be within that scope, please.

Next on this list is Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you, Chair.

I'll use my time to respond to a few questions.

I'd like to draw colleagues' attention to the instructions given by the House to this committee on the review of the bill, based on a motion that was passed in terms of how this committee should be reviewing the bill. I think this is important for people who are watching.

The motion, which was voted on in the House of Commons, and that I voted against but others voted for, was that.... I'm sorry. This is the motion that was passed here, but then there was a subsequent reflective motion in the House. It is:

...that the committee recommends to the House that it be granted the power during its consideration of Bill S-245, An Act to amend the Citizenship Act (granting citizenship to certain Canadians) to expand the scope of the Bill such that the provisions of the bill be not limited to an application to retain his or her citizenship under section 8 as it is read before April 17, 2009.

I just want to be clear with colleagues, and I want to reiterate arguments that I made earlier. The Standing Orders and rules and procedures regarding the review of bills typically are that amendments are focused on the very narrow substance that is included within the bill as presented before our committee. What this committee—and then subsequently the House—decided to do was to expand the scope explicitly to go beyond those provisions.

My colleague Ms. Kwan argued that this wasn't in scope, but it is in scope. This amendment is in scope.

Essentially, that's what she was intimating, and also that it didn't have anything to do with the bill, but what we are now looking at, for people who are watching, is that what happened here was rather than the government introducing.... They even could have put it in the budget implementation act, frankly, if they had wanted to. Instead, the government.... I'm guessing what happened is that part of the NDP-Liberal coalition deal was that they made a bit of a behind-the-scenes deal on what needed to go into this private member's bill, which was very narrow in scope.

Again, just to reiterate, my understanding from Senator Martin is that this was expedited through the Senate with all-party consensus so the bill could go through. My understanding is that stakeholders were, like, “yes, let's keep it narrow and to the point so it can go through”, but what happened here was that, when whatever deal was made to assuage whoever, the subsequent motion on how this bill would be disposed of was passed before this committee and the scope was opened up.

What is good for the goose is good for the gander, and since we have now increased the scope of the bill, we all have the right and, frankly, the obligation and duty to follow the terms of that motion, which is what this amendment does. It is completely acceptable. It deals with the matter at hand and I am following the order presented to this committee.

I want to be clear that many of us, when we were deliberating on this particular motion, made the point that we should be carrying forward in the spirit of non-partisanship and out of a desire to help the people Senator Martin set out to help. We all want to do that.

When we debated this motion to increase the scope, there were concerns raised, such as what my colleague Ms. Kwan said: that the department officials wouldn't be prepared to look at amendments. Well, now the members of the opposition have been forced to look at very technical, very substantive changes to the Citizenship Act with table-dropped amendments and without data on impact, on costing or on terms.

I understand that the intent is to help people here, but my job and my first responsibility—my fiduciary responsibility to the Canadian public—when I'm reviewing legislation is to understand things like cost, what the role of government is and what the impact is. Does this impact one group of people and not another? Is this going to cause downstream problems? It might not, but I don't have that data.

● (1810)

That is why the Standing Orders usually restrict amendments to a narrow scope of a bill. However, what we've done here is say, “Be darned with the Standing Orders and the review of legislation. We're just going to open this up.”

What I've done with this is to try to put in place a very common-sense amendment that does actually affect the scope of this bill, because we know that even people who are in this boat—lost Canadians—are subject to the same delays and same incommunicado status that we often get from the department.

I just want to be very clear to anybody who is watching. I take my duty to review legislation very seriously. Opening up the scope of the bill to put in things that aren't in scope on a bill that was already agreed to in the other place puts me in a situation where I am not prepared to vote appropriately without due diligence, and that due diligence will happen here. This is not any sort of game outside of... It is not fair for me to be put in a position to vote on legislation without due diligence.

When there is an opportunity, when the committee has voted, to essentially do a statutory review of the Citizenship Act, then that is what we will do. We will take the time to do that because we all

have the same rights on this committee to do that—opposition, in a coalition agreement or not. We all represent close to a million, roughly... Well, I represent 120,000 people. In this room, we probably represent close to a million or over a million people. For us just to push this through because somebody in some backroom deal says that we're going to increase the scope because their private member's bill didn't get through in the last Parliament... That's not my problem. I have to make sure that I'm doing my due diligence, and I'm not sorry for that.

My colleagues have been asking very good questions. Frankly, we haven't even received responses on some of the data we've asked for. We've been put in a position to vote on amendments that were done in a deal, and frankly, we've now had a point of privilege on this matter with stakeholders when we weren't even looped into the matter. I find this atrocious, the whole process atrocious, and I will try to maintain my composure here.

However, for somebody to intimate that it is somehow not appropriate to follow the letter of a motion that they themselves put forward and voted in favour of... They have another think coming on how this is going to proceed. We are going to proceed with diligence and also undertake the order of that ruling. If they wanted to push this through quickly, then what should have been done was that we should have relied on the work that was done in the Senate, because it was done quickly and with diligence. However, that is not what happened here. What happened was this: “Let's put in place a whole bunch more amendments that are out of scope and then expect everybody around this table to vote without doing that diligence.” That's just not fair. It's not right, and that's why there are rules on order.

Let's get back to the matter at hand. One, this amendment here is in order, based on the instructions of the House. Two, it does impact the people who are with the original scope of the bill. Three, the staff here have, with regard to my colleague Ms. Kayabaga's question, talked about scope in terms of what it would apply to. Four, I'm just going to argue that some people have said the minister may already have certain powers and whatnot. It's not clear in this regard, and there's nothing in the Citizenship Act that talks about processing delays. It's a very unclear, nebulous process on which the minister can and can't do this. Then what happens is that, when we are communicating on this with constituents or if there are immigration lawyers who are looking at this, they are unclear as to what and when the minister may intervene. I would like more clarity, and that is why this motion is here right now. That's why we're seeking to amend this act.

Colleagues, if other colleagues are looking at amendments that are far beyond the scope of the original bill, then so will we. Again, Madam Chair, I want to re-emphasize that, should the government have wished to have done this, it could have put any other amendments in the budget implementation act. It could have put in place another piece of government legislation, or people could have put a private member's bill forward. However, that is not what happened here.

● (1815)

They changed the rules of Parliament, essentially. Now we are just responding to those changes.

I hope my colleagues will support this, because it gives the minister an additional tool. It recognizes the fact that oftentimes the department doesn't really have any political imperative to maintain service standards, even within a narrow scope, and it clearly gives people who are stuck in quagmire situations, such as the ones we've been discussing in the scope of this bill, some hope. I would hope that my colleagues would give the minister another tool and give people some hope.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

Next is Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

I'm not going to rehash what my colleague Ms. Rempel Garner just said, as I think she said it well, but I do want to remind us here and anybody who might be watching that we were on a certain track. The track was that the Senate had provided this bill to the House without even studying it. They knew the content of it had previously gone through the Senate, so they entrusted it to the House. Why did they do that? It was because they wanted it done quickly. Everybody agreed that this needed to be done quickly.

That was the track we were on. It came here. One of the key issues was lost Canadians. Was that all of the issues? No, of course not. It was one of them, but that was the whole point of it. Rather than fix everything at once, the sponsor of the bill wanted to fix one significant chunk of this problem and actually get it done.

The fix has been attempted numerous times. There's always been too much bitten off and too much attempted at once to fix it. It's never made it through. It was a new strategy this time to keep it simple, focus on one thing, go through the Senate quickly and come to the House. That was the track we were on. Here at this committee we would have looked at it. I think there was broad agreement for what was in that bill. Once we had completed it and sent it back to the House, had the House voted in favour, that would have been the end of the story. It would have been implemented. That's the track we were on.

The track we are now on is because of, as my colleague described, the motion in the House to expand the scope of this. The government, the NDP and whoever else wanted to go back to the former strategy of doing everything at once. You know, if at first you don't succeed, try again—except the definition of insanity is doing the same thing multiple times and expecting different results.

What has happened now is that we've expanded the scope of this bill broadly. Yes, it's taken longer to get through committee here, but this isn't the end of it, because the track we're now on, should it be voted through the House, is that it will have to go back to the Senate. The Senate will not just rubber-stamp it. We already have indications—

- (1820)

Mrs. Marie-France Lalonde: Madam Chair, I'm so sorry. I have a point of order.

Listen, I'm a very big proponent of

[*Translation*]

history and history classes, but I'd like my colleague to go back to the motion that was put forward by his colleague on

[*English*]

the relevancy of this discussion on history, Madam Chair. Let's go back to the point that we are having a conversation on, which is my colleague's.

[*Translation*]

Thank you.

[*English*]

Hon. Michelle Rempel Garner: On a point of order, Madam Chair, with regard to relevancy, my colleagues Ms. Kayabaga and Ms. Kwan in their remarks both raised questions about process and scoping. I believe my colleague's comments are relevant, because he is talking about how the expansion—

The Chair: We're getting into debate. It's not a point of order.

Hon. Michelle Rempel Garner: It was on the point of order. It's just before you make a ruling, that's all. I do get to intervene. Isn't that correct?

The Chair: Yes. That's what I'm saying. We are getting into debate. This is not like a point of order. It's getting into debate.

I will go back to Mr. Redekopp.

Mr. Brad Redekopp: The reason I'm going through this is because of exactly what was just said and what the questions were. Why do we seem to be going beyond lost Canadians? I'm just reminding—

The Chair: Just as a reminder, as I said previously, everyone should stay on the bill that we have before us. Let's not go too much into other discussions or side discussions. Let's focus on the bill that we have before us.

Mr. Brad Redekopp: Madam Chair, the question asked was, why are we going down this path that isn't directly on the subject of lost Canadians? That's part of the answer to that question being asked. That's why I am—

Hon. Michelle Rempel Garner: It's an inconvenient truth.

Mr. Brad Redekopp: Yes. I'm trying to answer the question as to why we are going down that path. I'm reminding the committee of the path we are now on. The significance of this is that, because we're now on this other path.... I've explained that. It's going to take longer in the Senate. It's just a longer process and the odds of this finally being approved are getting smaller because of the longer process due to this path.

The other point of this path is that, as my colleague Ms. Rempel Garner just explained, we now have the ability to do the same. It's a fair point. You don't often have a chance to change things in the Citizenship Act. The government and the NDP have said, "Hey, let's fix problems two, three, four and five." I think the amendment being proposed is problem six. We have a few ideas, as well, about things we would like to do. Since we've opened the hood, so to speak, on the Citizenship Act, now we have a chance to throw in our few cents on what we think should be fixed. This is one of the amendments we discussed.

I think it's perfectly relevant for us to suggest something like this and get it done. For that, I support it.

The Chair: Thank you, Mr. Redekopp.

I have more people on the speaking list. I'll just remind all the members that, right now, we are debating the amendment moved by Ms. Rempel Garner. I would request that all members stay on that amendment, please.

I have Mr. Kmiec and then Ms. Kwan.

Go ahead, Mr. Kmiec.

Mr. Tom Kmiec: To reiterate, there are 294,000 citizenship applications that are backlogged right now that this could apply to. There must be some that have extensive delays assigned to them that this would directly help.

My colleagues have raised the issue that this is.... All of this is germane to the discussion. We're trying to find ways to propose amendments so that, when we go back to our caucus to seek caucus solidarity, we can all vote for the final product that this committee produces for the House to consider, and our Conservative team will be for it.

When this went through our caucus, it was.... Basically, it's what we call a slam dunk. Everybody agrees. We agreed with the original principle and scope of the bill, and we were onside, because there were two different versions of it.

This amendment would help us make the case that the other portions of the amendments that have been introduced and passed over our objections.... This would help us to say, "Okay, we got a few things we like. There are some things we don't like, but on balance, it is, perhaps, a bill that we can live with on a go-forward basis." This amendment does exactly that. We would be able to achieve that, I think, with our caucus. We would have to go back and convince them that this bill has been used for other purposes to expand to other groups of lost Canadians.

We've been very amenable. We voted for some amendments, like the previous one on matters of adoption. After asking a few questions to get a better understanding of it, Conservative members were for it. It can't be said that we haven't been reasonable when there was reason.

There are other amendments that we could not agree with. Those are amendments that our caucus colleagues will look at and say, "Why did these pass? This is not what was originally agreed to. They go far beyond the original scope." We'll remind them of what happened in the House. I mentioned in the House that this would essentially be treated like a statutory review, so why not put in a

compassionate waiver provision for the minister to consider? That's almost 300,000 applications right there. When there's a backlog of almost two million, that's still a large amount that could be considered. Who knows, into the future, how many more extra ones could occur?

I'm hoping that IRCC, the department, and the minister abandon the plan to do that click citizenship and the attestation format, and that we move back to in-person ceremonies. They are, maybe, more difficult to do, or maybe it's more inconvenient to hold in-person ceremonies, but I think they're important.

Again, I had a naturalization ceremony back in 1989. I think they're very valuable. It's the third word in the department's name and it's the first one in this committee's official name—"citizenship". That's the whole point of immigration. It's to make new citizens in Canada, and that's what we want.

Providing a waiver for some of these applications that are massively backlogged, and again, only those over five years—it's a very narrow scope—and only those on compassionate grounds.... Maybe there are certain situations whereby a person missed a lot of ceremonies they were invited to. Maybe they were invited to a virtual one and they dropped out before it could be completed. I know that would be a problem as well. Because it's a narrow scope, because it's a delegation of a bit more executive authority by Parliament in the Citizenship Act to the Minister of Immigration, Refugees and Citizenship, it's only for waivers on compassionate grounds, only for those over five years and only for citizenship applications. That's what I've come to understand would be the general interpretation of this. I don't see why not. It's a reasonable amendment, and it would help us go back.

I want to remind you, Madam Chair, that you allowed another member from the opposite side to speak. I have a great appreciation for Mr. Dhaliwal. He is a veteran of the House and has been here for a long time. I will remind him that, actually, the number for parents and grandparents, family class and PRs is 39 months right now. That's according to data sent to this committee by IRCC. As of March 2023, it's 60 months for applications for spouses, partners and children. It's way beyond the 12 months. I'm going back to 2019, when it was 12 months. It was very quick. There have been long delays.

When he spoke about the applications that were returned, everybody's money was returned, as well, in that situation. We're not talking about returning the 294,000 applications for citizenship, their money and their applications. That's not what we're doing. We're creating a waiver here.

I would remind him that this was a Liberal backlog that was created. The minister of immigration at the time returned everybody's applications and reset the system, because there was no other choice. It was so backlogged because of what the previous Liberal government had done under former prime minister Paul Martin. It completely jammed the entire system right up. That's just a reminder of history. The numbers provided here are not correct. I checked today and, again, it's 294,000 citizenship applications.

• (1825)

Let's vote yes for this and move on to the next one. I think it's entirely reasonable.

Thank you, Madam Chair.

The Chair: Next, I have Ms. Kwan.

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

Very briefly, the amendments that are out of scope pertaining to Bill S-245 on the lost Canadian issue were items I brought to the attention of Senator Yonah Martin. I actually had a discussion with her. She indicated she would support that, if I were able to get the government's support. She advised me that she met with the minister in this regard as well. I know there was literally a last-minute change of mind out of respect for her Conservative colleagues around this table here.

With that being said, though, my focus here is.... It has always been. I think there has never actually been, at any point in time throughout this entire process, from the minute Bill S-245 was tabled or coming.... I indicated that the scope was too narrow and we needed to address these other things specifically related to lost Canadians.

On this amendment here.... As I said, I would be happy to entertain this in a different arena. That is not to say you can't bring out-of-scope amendments to Bill S-245. Yes, you can. However, I have indicated to everyone that the amendments I intend to bring forward are related to lost Canadians. I was always open and transparent on what my intentions were with anyone who cared to talk to me about this.

To that end, Madam Chair, I'll reiterate that I will not be supporting this amendment.

• (1830)

The Chair: Thank you, Ms. Kwan.

Next, I have Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you, Madam Chair.

I'd like to respond, as well, to some of the assertions of Mr. Dhaliwal and Ms. Kwan.

My colleague Mr. Kmiec had also.... I think it was important to put on the record that the current backlog for spousal applications is 39 months, so it's well beyond the time frame Mr. Dhaliwal asserted to. I think that's very important to have on the record.

As well, to respond to Mr. Dhaliwal's comments, which were ruled in scope, what happened at the end of the Chrétien-Paul Martin government was this: The immigration system was so backlogged that, essentially, anybody who applied to come to the coun-

try was on a "no hope" waiting list. It was like saying, "Yes, apply. That's fine, but you're never going to be processed." There was really no hope of being processed. We are again in the same situation, eight years into a Liberal government. In 2015, at the end of the Harper government, I think the inventory caseload was well under 100,000. Now we're in the millions again. I think that's very important to clarify.

The other thing, for Mr. Dhaliwal's sake, is this: It was also this government that, I believe, on family applications, tried to put a lottery in place—a very unpopular lottery—where people were, essentially, randomly allowed to come to the country, which is eminently unfair. I think it's very unfair to intimate to Canadians...and set immigration targets such that, even if people apply, they won't be processed to come into this country for a decade plus, or whatever the waiting time is now. What should happen is, if we are setting immigration levels, the processing timelines should be such that people actually have hope and can plan to enter the country. I think recognizing the fact that there was a "no hope" wait-list the former Liberal government put in place is very important.

It's across political lines. We all understand immigration is important to this country, and we need to ensure there are expeditious but rigorous processes in place to review applications. I think there is a bit of revisionist history on what happened, as well as on what the current status is.

Thank you for allowing me to respond to that comment.

The last thing I'll talk about is Ms. Kwan's comment. I am going to try to convince her to vote in favour of this motion.

She said she would consider this in other arenas. What other arenas? This is the arena she asked for when she voted to expand the scope. Now, she says she didn't ask for amendments that were beyond lost Canadians, but that is precisely what the instructions in the motion said. It's amendments to the Citizenship Act, so this is the arena, per the instructions from this committee, in which to look at amendments like this.

Now we have a common-sense amendment on the floor. I have heard no arguments against it. I have only heard arguments around process, so I think that, at this point, if people are voting against this motion, it's some sort of coalition deal. Now that we are going through this process, there are common-sense amendments on the floor that make a lot of sense. I think any voting against this is preposterous, frankly, particularly since, throughout all the discussion today, nobody has given an argument against it. I think any voting against this motion is, frankly, partisan in nature. This is a no-brainer amendment. It's exactly what this committee asked for when opening up the scope of this bill.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

I'll just give everyone a five-minute break. I think people need to go to the washroom and have a cup of coffee.

I have Mr. Kmiec on the speaking list, but I will suspend the meeting for five minutes so everyone can have a little break. Thank you.

• (1830) _____ (Pause) _____

• (1845)

The Chair: I call the meeting to order.

We have the amendment moved by Ms. Rempel Garner on the floor. Next on the speaking list is Mr. Kmiec.

Mr. Kmiec.

Mr. Tom Kmiec: Madam Chair, all I wanted was to just rebut one point made by Ms. Kwan.

I spoke with Senator Yonah Martin just this morning. She doesn't like what's happening with her bill. Just to reiterate the points she had made, amendments made to the original parts of her bill were entirely okay with her if it was to correct wording that the department deemed necessary in order to address the original principle of her bill, which was to help a small group of lost Canadians between 1977 and 1981. Those were the people they wanted. We got expert testimony from the department that the new wording was necessary. She was okay with that.

Now we are going through it clause by clause, amendment by amendment. The scope has been expanded, so we can consider other matters that would reduce the number of lost Canadians and that would reduce the potential for a person to be stuck in an endless queue on their citizenship application. This waiver that's being proposed on compassionate grounds, I think, meets the principle of the bill. It's well within the scope of the bill.

I will also add that, in testimony at the Senate, at the time there was discussion and debate. One witness said, "That said, if amendments would delay the passage of this bill, then please pass it as is." Since we're not doing that, it will take a little bit more time.

In the grand scheme of things, the grand scope of things, I'd rather do a good job this time to make sure, for all the matters we would like to consider for lost Canadians and for the changes to the Citizenship Act—like I've said before and have said in the House, I consider this now a statutory review—that we do these properly instead of quickly. Quickly usually leads to unforeseen consequences.

I see an opportunity here to plug a hole and to help stop more future lost Canadians.

Thank you.

The Chair: Thank you.

Seeing no further debate, we will take a vote on the amendment moved by Ms. Rempel Garner.

(Amendment negated: nays 6; yeas 4)

The Chair: Now we will proceed to NDP-9.

Ms. Kwan, would you like to move that?

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

I'm sorry. I'm just going to find the page on NDP-9. I think the next one that I'll go to will be NDP-12.

Mr. Brad Redekopp: Madam Chair, I have a point of order.

I just want to advise you that we have an amendment to do after NDP-9 before we move to the next one.

The Chair: Ms. Kwan, are you moving NDP-9?

Ms. Jenny Kwan: I am not.

The Chair: Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

I want to move the following amendment, and it would look like this. It's just coming around to you now.

It's new clause 1.1. I move that Bill S-245 be amended by adding after line 18 on page 1 the following new clause:

1.1 Section 5(5) of the Act is amended by replacing paragraph 5(f) with the following:

(f) has not been charged with, on trial for, convicted, subject to or a party to an appeal relating to an offence under subsection 21.1(1) or 29.2(1) or (2), or an indictable offence under subsection 29(2) or (3) or any other Act of Parliament outlining criminal offences, other than an offence that is designated as a contravention under the Contraventions Act.

I'm happy to speak to it. If you want, take a moment to make sure we all have the proper paperwork.

• (1850)

The Chair: Do you have it in both languages?

Mr. Brad Redekopp: I do. They are right here.

The Chair: We will have to get this circulated to all the members. I will suspend the meeting for two or three minutes so that it can be circulated and members can have a look. Then we will come back and I will come to you, Ms. Lalonde, after that.

The meeting is suspended.

• (1850) _____ (Pause) _____

• (1900)

The Chair: If I can have everyone's attention, I call the meeting to order.

Mr. Redekopp has moved an amendment. I hope everyone has that in both official languages.

We have the amendment on the floor, and Mrs. Lalonde was on the speaking list.

Yes, Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

As a little background on what's going on here, if you look at the Citizenship Act, subsection 5(5), the headline there says "Statelessness—bloodline connection". It's talking about granting citizenship.

If you look at paragraph (f), which is the part that I am proposing we amend, it lists some offences. It says that a person can be granted citizenship if they have “not been convicted” of some offences, and then these offences are listed. It talks about “terrorism”, an offence under very specific sections of the Criminal Code, or “an offence under subsection 5(1)” of another...

Basically what it does is it lists some very specific offences. What I am proposing in my amendment is to simplify this a little bit. You can ask why we would not grant citizenship to somebody who has been convicted of this offence but we would grant citizenship to somebody who has been convicted of another offence. Why is there the difference between the two?

What my amendment is proposing is to basically say that, if you have been convicted of anything that is a criminal act—in common terms, it would be anything with more than a two-year sentence—it doesn't matter what it is, any criminal offence that is a federal crime would be the test. Rather than cherry-picking this or that or the other thing, it would simply be that, if you have been convicted of a criminal offence, that is essentially what this is intended to do.

I think it simplifies things a bit, because you're not cherry-picking certain offences to say that one is better than the other, or whatever. You're saying that, if you've committed a criminal offence that is more than two years, that would be the criteria upon which you would not be given citizenship.

I think there are some very good reasons we would want to do that. We don't want to be granting citizenship to people who have criminal records. That doesn't make a lot of sense. If we do that, it can create a lot of headaches down the road. Even from a government perspective, we could end up with a whole lot of extra work in departments, whether it's the immigration department or the consular department or other things. There are a lot of headaches and complications when we discover that we have granted citizenship to somebody who maybe shouldn't have been granted citizenship because of these crimes.

One thing I think about this is that Canada has a bit of a spotty record sometimes on things like money that comes in from countries in questionable ways. A lot of us would be familiar with the Iranian situation right now, and how there are people who would be part of the IRGC in Iran who are now in Canada. I'm not talking about conscripts. I'm talking about actual members of the IRGC or their families.

This is an example of a case where we, as a country, maybe aren't quite as diligent as we should be on some of these situations, and we end up having people in our country—and in this case, we're talking about granting citizenship—who just shouldn't be accepted as citizens of our country because of a criminal background. I think it's okay for countries to have criteria and have boundaries on what's acceptable to become a citizen of the country. We have the English requirements and knowledge tests and things like that, which we require, and this is just another part of that test.

Having this tightened up and having it as something that is clear and simple to understand is a benefit and something we should do.

At the very end, it talks about contraventions. If you're not sure what that is, it's that if it has been reduced to a ticket rather than

time served, that would not be part of this. It's basically that, if you've been in jail for two years or more, that would be the criteria.

That's my preamble to this and I would move this amendment.

• (1905)

The Chair: Thank you, Mr. Redekopp.

I have Mr. Kmiec next.

Mr. Tom Kmiec: I was just going to begin by noting that this would basically be the same idea as the substantive connection test. We've already imposed a requirement by which you could regain your citizenship.

There's a burden of proof that you have to give. I think this is very reasonable. It's that burden of proof, such that the person, even if they meet the over 1,000 days that would be required, would have to then disclose to the department that they have not been “charged with, on trial for, convicted, subject to or party to an appeal”, and then it lays out the offences that would be excluded.

I'm trying to bring them up very quickly here, just so I can refer to some of them.

It's just two years or over. I think it's a pretty reasonable thing to add in. It's part of our due diligence. I think there would be a huge problem if there were former Canadians who are overseas, who maybe have.... There are a lot of honourable people who move on and go on to do other things overseas. They join different international organizations. They move for family. They move for love or what have you, or they're pursuing their careers or a better quality of life somewhere else. I think that's reasonable, but in certain cases, some of those people do get involved in criminal organizations and criminal acts, and we just want to make sure that they don't have a method of regaining their citizenship. I imagine there will be, again, a very small group of people who will be excluded by this extra provision.

It says, “or an indictable offence under subsection 29(2) or (3)”. It really refers to people who have already done something wrong or could have done something wrong, because if you're charged with an act you'll have to wait until basically the end of your trial and you'll need to have exhausted appeals. We will know, based on the judicial system in other countries, if you've been found to be innocent or not, and we take that at face value for what it's worth.

I think it's very reasonable. I think it's a method of protecting the Canadian population and Canadian citizenship from having, potentially, people who may.... The one I'm thinking of most of all, because we had the Federal Court of Appeal rule on this case today, is that Canada actually doesn't have a requirement to repatriate those four ISIS fighters, the suspected ISIS fighters, including one of the Canadians, Jack Letts. He is among those four. They went to fight for the Islamic State.

I have a lot of Kurdish friends who are from Rojava. Many of their families were affected by what ISIS did, and they don't want to see these people forcing the government to return them. I'm glad this court found in favour of the government. I'll say a nice thing: I'm glad they found in favour of the government. The government is right.

I've always been told that the Federal Court of Appeal is where the best judicial opinions are laid down because many of these people have extensive opinions. They're actually asked to interpret Supreme Court rulings at the Federal Court of Appeal because that's where the final decisions are made.

I think this is reasonable. It's basically my understanding that it would be two years plus in terms of those who would be excluded by this provision. I imagine that it's a very small group of people, but again, it's just for the safety of Canadians that we want to increase it. Because it's a small group of people and because it's very limited, and again, completely germane to the issue, it just adds something else to the substantive connection test.

I'm going to support it. I'd ask members to support it too. It's something that we have talked about with other members of other parties and that we thought would be a reasonable thing to do, so we're introducing it here.

I'm glad that my colleague, Mr. Redekopp, pushed for it.

• (1910)

The Chair: Thank you, Mr. Kmiec.

I have Ms. Rempel Garner next.

Hon. Michelle Rempel Garner: Thank you, Chair.

I'm supportive of this amendment. In earlier discussions with officials on some of the other amendments that were made to this bill, which were substantive, part of what we heard was that there's a ballpark but there's really not a clear line of sight on how many people would be impacted by the amendments that have been made to this bill so far.

I understand that some of the government subamendments that were made to the NDP amendments were essentially to clarify and put some guardrails around some of these things. Even though we might not have as clear a line of sight on how many people this would impact as compared to what would be the case with the original scope of the bill, there were clear definitions around whom it would apply to and under what circumstances.

Because we don't have a clear line of sight right now on how many people are impacted, where I can see this particular amendment having benefit to government operations is on consular services.

With the original scope of the bill, I think the government had a pretty good line of sight on how many people would be impacted and who they were. What I worry about is that, now that we have expanded the scope to potentially tens of thousands of people, I would not like to see our government in a situation of having to provide consular services to a new Canadian citizen who might be in a thorny political situation or something because we have not defined whom this could apply to.

As my colleague Mr. Kmiec said, I do think this amendment falls within the spirit of some of the other amendments that have been made, particularly around the substantive presence test. We've already qualified whom this would apply to with the substantive presence test. We're now adding another qualification.

I think this is also in alignment with other types of definitions that are included in broader immigration policy. This type of information is looked at in terms of applications to come to the country and in various other circumstances beyond citizenship. It's not as though we're setting a new precedent here.

I would urge colleagues to support this amendment. Because we have now broadened the scope of this bill so much, and we don't have a clear line of sight on how many people it applies to, it behooves us to ensure that we have all the guardrails in place so that there aren't serious unintended consequences, particularly given that we have not had time to study this bill or to have witnesses appear and testify on some of these expansions in scope.

I urge my colleagues, particularly those from the government, to support this amendment. I think this amendment would be helpful to the government in particular. I think that, without it, we are lacking a guardrail on qualification.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

Next up is Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

I have some questions for the officials on this.

First of all, I know this is new, so I don't expect you to pull things out of the air too much, but do you have any sense of numbers on this? My colleague just referenced numbers. Do you have any sense of those, either from maybe some past experience on cases like this or from things you may know? I'd be curious about that.

The Chair: Ms. Girard, go ahead.

Ms. Nicole Girard: Madam Chair, thank you for the question.

To begin with, I'd like to clarify that subsection 5(5), on the statelessness grant of citizenship, to which this amendment pertains, is available only as a result of the first-generation limit to a child of a Canadian who is born abroad and who is stateless. The subsection 5(5) grant was created as a guardrail or a safety valve when the first-generation limit was put in place in 2009. It's a rare circumstance and a rare occurrence. Nevertheless the safety valve is there.

For the committee's consideration, in general the number of applications received under these provisions is going to be extremely low. I'll ask my colleague in a moment to give the statistics we have on that, in response to the member's question.

In addition, for the committee's consideration, because the provision was created as a safety valve in response to the first-generation limit for a child born abroad to a Canadian, who may find themselves stateless for that reason, the new connection test available for the second generation born abroad and beyond, for whom the parent is meeting a connection test, will very likely result in this provision being used even less than it would in the exceptional circumstances under which it may be used now. That's in response to the member's question.

I'm going to turn to my colleague Uyen, who will give the most recent statistics we have with regard to how many times this provision has been used already, to provide an order of magnitude in response to the member's question.

• (1915)

Ms. Uyen Hoang (Senior Director, Legislation and Program Policy, Department of Citizenship and Immigration): What I can share with you today is with regard to the requests for statelessness. Since 2013, we have received eight applications.

Mr. Brad Redekopp: Okay. Thank you.

That's some helpful information.

You referred to the substantial connection test that we talked about. In your opinion, would there be value in having an amendment like this on that particular part of the Citizenship Act?

Ms. Nicole Girard: Madame Chair, I'm not going to express an opinion other than to recognize that it's open to the committee to legislate. However, what I want to get across for the committee's consideration is that, generally, we would expect the applicants under these provisions to be children in the vast majority of cases. The only reason the prohibitions are there is on the off chance that it is a young adult who is applying, but that would be an even more exceptional circumstance to an already exceptional situation.

The one other element for the committee's consideration is that, when we put together the original provisions for subsection 5(5), they were based on criminality-type prohibitions that are broadly in line with what our international convention obligations are. I'm not certain how any change would affect our compliance, because we're just seeing this amendment for the first time.

Mr. Brad Redekopp: Thanks.

I can appreciate that. Again, the whole reason we're here is the unintended consequences. The last thing we would want to do is create new unintended consequences, so I appreciate that.

On this subject of statelessness, just to help us out a little bit, could you help us out with an example of the kind of person...? Like you said, it's younger people. Can you give us an example of how a person would end up in this subsection 5(5)? What's an example of the type of person?

Ms. Nicole Girard: In general, the example would be.... A child can derive citizenship by descent from either parent. The situation may be one where the child of a Canadian is born abroad. If they're born in Canada, or whatever the situation is, they automatically have citizenship from birth in Canada. Therefore, it would be a situation where a child is born abroad and where they may have a Canadian parent, for example, who is already born abroad in the

first generation. That's my personal situation and the situation of many people we all know.

If you're the first generation born abroad, you're not able to automatically pass on your Canadian citizenship to your child born abroad, hence the discussion we've had in this committee about the helpfulness of a connection test on the parent.

The statelessness will arise when the other parent is not able to transmit another citizenship, for whatever reasons, due to the laws of the country that this parent comes from. We know there are places in the world where persons who are stateless come from. It's those kinds of examples and cases. Some countries have laws where you may be able to derive citizenship by descent from a grandparent, or parents may have multiple citizenships. They may not only have one. That's the reason why....

Really, a case of true statelessness for the child of a Canadian would be rare. I'm not saying that it hasn't happened because, as you've just heard, we've had a small number of applications since 2013. However, it's rare because you would derive citizenship from both parents and sometimes the grandparents as well.

Thank you.

• (1920)

Mr. Brad Redekopp: I have just one further question.

Those eight case examples.... Generally speaking, are those types of things approved? What would be a typical expectation in a case like that?

Ms. Uyen Hoang: Thank you for the question.

In terms of the status for those eight applications I spoke about, one has been approved, one has been refused and six are pending decisions.

Mr. Brad Redekopp: I'm good for now.

The Chair: Seeing no further debate, we will....

Go ahead, Mr. Kmiec.

Mr. Tom Kmiec: I'm sorry. I was going to ask.... You said that in 2013, there were eight cases.

Ms. Uyen Hoang: That's since 2013.

Mr. Tom Kmiec: It's since 2013. Okay. I was thinking there were six people waiting since 2013.

Since 2013, there have been eight total cases involving this. You said there are six pending. I'm not asking you who they are for. I don't want to know. You said one was accepted, one was refused and six applications are still pending.

Can we find out how long they have been pending? Is that possible to know? I'm just asking if these are very recently made applications in the last few months, or if some of those have been pending for five years plus and might need a waiver.

Ms. Nicole Girard: Madam Chair, we don't have that information at hand, but we can endeavour to obtain it and provide it to the committee as soon as is feasible.

The Chair: Thank you.

Go ahead, Ms. Larouche.

[Translation]

Ms. Andr anne Larouche (Shefford, BQ): Thank you, Madam Chair.

In the proposed amendment to subsection 5(5), it says “any other Act of Parliament”. Is it appropriate to write “under [...] any other Act of Parliament”? Does this open the door to too broad an interpretation?

Is one of the officials able to answer my question?

Ms. Nicole Girard: Madam Chair, I thank the member for her question.

As I mentioned earlier, the application of this provision is very limited. The proposed amendments would have even more limited application, if I can put it that way.

Moreover, given the committee's deliberations and consideration of a new connection test allowing access to citizenship for those born abroad to second and subsequent generation Canadian parents, this is a provision that, in the future, will apply to far fewer cases than the eight we've seen so far and that my colleague mentioned.

I hope my answer has given you a better idea of the scope of the provision and the proposed amendment.

Thank you.

Ms. Andr anne Larouche: Thank you, that answers my question.

At first glance, “any other Act of Parliament” seemed broad in scope, but you explained the limited scope of it all quite well. That's fine with me.

[English]

The Chair: Thank you.

Go ahead, Mr. Kmiec.

Mr. Tom Kmiec: I was going to ask about the conditions of statelessness again, just to follow up on something, because you said this was only under 18. There's this ugly practice in certain parts of the world of using child soldiers. They would be under 18. It would be a series of very unusual circumstances if you were to find yourself there. Since there are only eight cases and six are still pending, is the case of statelessness...? You described the conditions it could be under.

Am I to understand they would be countries that do birth citizenship or lineage, like Germany only does? You have to prove that you have some type of German ancestry. There's this large population of permanent residents of Turkish heritage. There's quite a large population of ethnically Polish people who live in Germany but cannot become citizens of Germany. In those situations, a child born there to a Canadian parent would be potentially stateless.

I'm trying to understand. Is that one of the countries where you could find yourself in a situation of statelessness, or is it more like in Dubai, which simply has a group of citizens? Again, you cannot be naturalized as a citizen in Dubai if you are from overseas.

Is it those types of countries? I'm trying to understand this statelessness at birth that you could experience.

• (1925)

Ms. Nicole Girard: Without trying to hold myself out as an expert on other countries' citizenship legislation, because I wouldn't want to do that or mislead this committee, I can for the committee's consideration agree with the member that the kinds of circumstances where statelessness may arise would more likely relate to a birth abroad where the country does not have citizenship by birth on soil, which tends to be less common outside of North America to begin with. It may be where the Canadian parent is already first generation born abroad and is, therefore, not able to transmit automatic citizenship, and where the other parent due to any number of circumstances, which could include the kinds of circumstances the member has described, is also not able to transmit citizenship to the child. Furthermore, none of the grandparents on either side are having a citizenship to transmit to that child. This is why the cases of statelessness tend to be more exceptional. There are some, but they tend to be more exceptional.

Just to be clear, statelessness is not really an issue where you have access to a citizenship but you don't really want to apply for it. You wouldn't necessarily be considered stateless in that situation. It's a situation where, in the circumstance I've described, the child does not have access to citizenship through descent or through birth on soil.

Mr. Tom Kmiec: In this case, statelessness truly means you don't even have the right to apply for citizenship in another state.

Ms. Nicole Girard: That's correct.

Mr. Tom Kmiec: Do you have to prove that to the department?

Ms. Nicole Girard: Yes. The member is correct in the sense that in the subsection 5(5) grant, one of the criteria is that the person must be stateless. That's who the safety valve is available for. Some evidence has to be provided. Ultimately, if the parent is a first generation born abroad, that's not difficult to demonstrate, nor if the other parent comes from a community where it's known internationally that those populations are stateless.

In any event, there is a requirement to demonstrate that, and different types of proof could be accepted.

Mr. Tom Kmiec: You mentioned our international commitments regarding persons who experience statelessness. Is the definition of statelessness used in the Citizenship Act in any way related to the one used in the additional protocol for the safe third country agreement, or are they using two different versions of statelessness? I know that in the protocol there's an update to it. I'm just wondering if they're the same or different.

Ms. Nicole Girard: Madam Chair, they're similar, but the parameters we're operating under in the Citizenship Act are informed by the statelessness convention that Canada's a signatory to. There are two. Off the top, I'm not able to quote the correct year of which one it is.

• (1930)

Mr. Tom Kmiec: This will be my last question on this. You mentioned these treaty obligations. It's hard to tell whether this would be compliant with our obligations. Can you mention what our international obligations are? What are the treaties or commitments we've made to other countries, if you have those on hand?

Kind of related to that, is it possible for the department to provide us with...? I hope this passes, because I think it's reasonable. Very few cases would be affected by it. Those are usually the best types of examples. Could we get the department to maybe give us some analysis on whether this would be compliant? If we produce more amendments on the floor that are similar in nature, I'd like to be assured that we don't pass legislation with a clause that could be found in contravention and where a court will then rule that this contributes and just knocks it down. That would take litigation for someone to prove it. In these particular cases, it would likely be someone who doesn't really have the means to do it. They would need to get a pro bono lawyer or a foundation to take it on.

Is it possible for the department to provide that type of quick analysis on whether this would be compliant with our treaty obligations—for a future meeting and not necessarily this one—in the case of future amendments that are in the same vein and have the same content principle, let's say?

Ms. Nicole Girard: Madam Chair, my colleague has helpfully reminded me that it's the 1961 Convention on the Reduction of Statelessness. In response to the first part of the member's question, generally, the obligation we have and take very seriously is not to render our own citizens stateless. Hence, there is the subsection 5(5) grant and safety valve available to a stateless child of a Canadian, as we discussed.

With regard to any analysis, I can't say at this time, Madam Chair, how long that may take. I am mindful that we have been reminded on a few occasions that there are some time considerations for the committee's consideration of this particular lost Canadians bill.

Thank you.

Mr. Larry Maguire (Brandon—Souris, CPC): To that point, you mentioned this statelessness conference of 1961. Just for my information, how many other conferences on statelessness have we had since then? Are these annual events or decade events?

Ms. Nicole Girard: I'm sorry, Madam Chair. I was referring to the 1961 convention on statelessness. It's not so much a conference as an international legal instrument.

Thank you.

Mr. Larry Maguire: Yes, “convention” is the word I meant, because that's what you used. I apologize.

Have they had other conventions since then?

Ms. Nicole Girard: Madam Chair, there is one other I'm aware of, but I forget the year for that one.

My colleague here tells me that it's the 1954 convention, but Canada is not a signatory to that one, as far as I'm aware.

Thank you.

Mr. Larry Maguire: I was pretty sure it might have been since 1961, but it was 1954. Thank you very much for that.

We've had 62 years without another convention on that particular topic, so it's very relevant that we follow the guidelines from the 1961 convention and deal with that in our own legislation here.

We have some of the situations listed under proposed paragraph (f): “charged with, on trial for, convicted”. It's those types of areas. Is there any other area you think we could have included in this amendment?

Ms. Nicole Girard: I'm not aware of any at this time. As we've only had this amendment tabled during this session, we haven't had the opportunity for a deeper study.

Thank you.

Mr. Larry Maguire: That's all I have.

The Chair: Thank you.

Go ahead, Mr. Kmiec.

Mr. Tom Kmiec: Very quickly, Madam Chair, I want to give a notice of motion. It is a notice of motion verbally.

Here it is, and I will give it to the clerk afterwards. It is that the committee report the following to the House: that international students who are victims of fraudulent admission letters deserve to be heard and their testimony is of critical importance to a future investigation by this committee, and therefore stays of deportation must be issued for the victims of this fraud until the committee can hear their testimony.

● (1935)

The Chair: Thank you.

Seeing no further debate, we will go to a vote on the motion.

Go ahead, Ms. Larouche.

[*Translation*]

Ms. Andréanne Larouche: Madam Chair, I just want to make sure that the amendment that was just read will be forwarded to us.

Mr. Tom Kmiec: It is a notice of motion.

Ms. Andréanne Larouche: Will you pass it on to us?

[*English*]

The Chair: Ms. Larouche, he has just put it on notice. It will be circulated.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Thank you.

I have one more quick comment for Madam Larouche, whom I am very glad to see at our committee.

Ms. Andréanne Larouche: Didn't you see me before?

Hon. Michelle Rempel Garner: No, I did. It was nice.

I also want to re-emphasize the comments of the department.

My understanding is that the scope this would apply to is very narrow. I understand her question: Would it apply to broader pieces of legislation? It would not. To give her an example, we have already qualified some of the other parts of the provisions in this bill with things called a “substantial presence test”. There are rules in place, so it wouldn't just... There are rules for when it would apply, but it would be very narrow in scope.

I just wanted to make sure her concerns were taken care of prior to the vote being taken here.

The Chair: Thank you.

Seeing no further debate on this, we will go to a vote. We are voting on the amendment moved by Mr. Redekopp.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: We will now proceed to G-6.

Ms. Lalonde, would you like to move G-6?

Mrs. Marie-France Lalonde: No.

The Chair: Next we have NDP-10. I'll let everyone know that NDP-2 was defeated. It makes a reference to proposed paragraph 3(1)(s), which would have been created by NDP-2 had it been adopted, so we cannot move that.

Next is NDP-11. That also, as NDP-2 was defeated, makes a reference to proposed paragraph 3(1)(s), which would have been created by NDP-2 had it been adopted.

Next we will go to NDP-12.

Ms. Kwan, would you like to move it?

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

I have a new NDP-12, which has been provided and circulated to all of the members. Effectively, the NDP-12 amendment I am moving provides for an exemption to the automatic conferring of citizenship for those who don't want it, and includes a mechanism for people to be able to provide written notice to the minister that they are exempt from the application of the new provisions of the act under which they would otherwise be citizens.

We had some discussion during committee with witness's and, I think, officials' concerns as to how we ensure that people who don't want this automatically conferred to them are addressed. I believe that the amendment that I've tabled addresses that.

• (1940)

The Chair: Thank you, Ms. Kwan.

This is just to remind everyone that this is a new NDP-12, which was circulated to all the members. New NDP-12 is reference number 12456801.

Go ahead, Mr. Redekopp.

Mr. Brad Redekopp: Thank you, Madam Chair.

To start with, to the officials, give us your thoughts on this amendment.

Ms. Nicole Girard: This is a necessary provision and safety valve to address the circumstances of those who this bill would automatically make citizens, and for whatever legal, professional or personal reasons, it may be problematic. The proposed provision is crafted in such a way that it would.... The persons notifying the minister and the department, and fulfilling these limited conditions—i.e. they have another citizenship and they don't reside in Canada—would be deemed never to have automatically been made Canadian citizens.

The reason that's desirable, as we spoke about some committee hearings ago, is that it's difficult to know ahead of time how the automatic citizenship provisions in this bill and these amendments may interact with other countries' laws. This proposal is the most effective way of addressing that concern by deeming someone to never have been a citizen. It leaves no room for interpretation, we would suggest, by another jurisdiction.

Thank you.

Mr. Brad Redekopp: I'm just a little confused. Is the reason for this because of prior amendments we made, or is this related to the way the Citizenship Act is currently written?

Ms. Nicole Girard: Even if the bill had not been amended, a provision like this is helpful with regard to the section 8 persons who are being remedied by the bill, as was proposed by the bill's sponsor. That's because there could be circumstances in which some of the people who never came forward for the original remedy may find themselves in situations where they don't wish to be a Canadian citizen automatically. It may cause them professional, legal or other challenges.

This amendment is helpful for the original scope of the bill, as well as for the subsequent amendments.

Mr. Brad Redekopp: That's helpful.

We just talked about the original track we were on, where we were going to have this passed quickly. The new track we're on adds all that complexity to the bill. What you're saying is that the original changes proposed by the senator and the wording that was modified according to the department—which was agreed upon—would still need a clause like this to protect it from unintended consequences, or to give people the ability to opt out of citizenship. Is that what you're saying?

Even if we hadn't made all the other amendments related to adoption and other ones, we would still need this amendment in order to make sure the original intent of what the Senator proposed works properly.

Ms. Nicole Girard: Some safety valve is always necessary whenever citizenship is being accorded automatically and retroactively. That was the case with the previous legislative amendments. I would say that's the general answer to the member's question.

My recollection is that, in the discussion with this committee, there was particular consideration for those benefiting from the connection test. A mechanism like this will also be available in those cases.

Thank you.

• (1945)

Mr. Brad Redekopp: Thanks.

In terms of numbers.... Right now, the way the act is written, can a person get in a situation with the law where they need to not have Canadian citizenship? Is that a situation today?

Ms. Nicole Girard: Yes, that's correct. Currently, someone has to apply to renounce their citizenship.

Mr. Brad Redekopp: What are some of the circumstances you've run across where people would want to renounce their citizenship?

Ms. Nicole Girard: They may vary, but one of the circumstances we're aware of and that I mentioned previously is when someone is working abroad in a profession where they may not be permitted to hold another citizenship, whether they're a legislator or another holder of high office.

It's not uniquely that circumstance, but that is one example discussed in the media on a number of occasions in recent years.

Mr. Brad Redekopp: How many cases like this occur in the department, in your experience?

Ms. Nicole Girard: I don't have those statistics in front of me, but we do have them. I believe we were to provide them to the committee. We may have done so recently, or perhaps we were close to doing so. Certainly, if we have not recently provided them, we will follow up and ensure that's done.

Mr. Brad Redekopp: That would be good. It would be very good to know the scope.

I guess, with this clause—

Wait a minute. Do I see a late answer coming in?

Ms. Nicole Girard: In response to the member's question—because I didn't have it in my own binder, but a colleague has passed it—between 2018 and 2022, the department processed a total of 1,362 applications to renounce Canadian citizenship. Between the years of 2018 and 2022, I see between 99 and 393 such renunciation applications processed. It's a bit of a range there, but it gives at least the order of magnitude.

Thank you.

Mr. Brad Redekopp: Just to clarify.... Between 2018 and 2022, you said, there was a range of 99 to 303. Is that what you said?

Ms. Nicole Girard: Yes. There were 1,362 applications to renounce citizenship processed in total—that's decisions—and in any one of those five years, there was a range of between 99 renunciation applications processed in 2020 as compared to 393 applications processed in 2022.

Mr. Brad Redekopp: Do you have any idea, Ms. Girard, as to why, all of a sudden, it went up so much in 2022? Was that potentially a carryover from COVID issues? Do you have any idea?

Ms. Nicole Girard: We don't have any information to that effect. It may vary depending on individual circumstances and the desire to come forward to pursue an application and so on and so forth.

Thank you.

● (1950)

Mr. Brad Redekopp: If these changes are enacted as they are, what's your feeling as to where those numbers will go? Are they going to be higher, or are they going to be, more or less, the same kinds of numbers? What's the department's view on that?

Ms. Nicole Girard: It's not possible to estimate with any certainty, but the numbers that I've quoted for those five years are not very significant by any stretch. It's reasonable to anticipate that we may have less or have similar volumes and that the volumes would re-

main in the hundreds per year. That would not be an unreasonable assumption.

Mr. Brad Redekopp: With regard to the 1,362, were those acceptances, or were those requests?

Ms. Nicole Girard: That was the total processed. Of those 1,362 applications to renounce processed, 1,262 were approved. Nine were refused, and 91 were withdrawn. My colleague confirms to me that these are statistics that we've recently shared with the committee.

Mr. Brad Redekopp: Thank you.

That's very interesting. What would be the reason for a refusal? I'm struggling to understand that.

Ms. Nicole Girard: The renunciation applications are covered under section 9 of the Citizenship Act. The first thing is that someone who wishes to renounce their citizenship has to be a citizen of another country, or if their application is accepted by Canada and our department, they will become a citizen of a country other than Canada. That's in line with our obligations to not make our citizens stateless. To sort of rejoin our previous conversation.... They have to not be a minor, not be prevented from understanding the significance of renouncing their citizenship by reason of a disability and also not be residing in Canada.

Those would be reasons for refusal. If someone was residing in Canada, we wouldn't be in a position to accept the application, for example, or if the person didn't hold another citizenship, we wouldn't be in a position to accept.

Mr. Brad Redekopp: Can you just explain again the disability one? I don't quite understand that one.

Ms. Nicole Girard: Under the legislation, it reads under paragraph 9(1)(d), "is not prevented from understanding the significance of renouncing citizenship by reason of the person having a mental disability".

Mr. Brad Redekopp: That makes sense.

Would it be fair to say that of the withdrawn applications, typically, they maybe didn't understand those rules you just mentioned and the person withdrew that, or are there other reasons why people would withdraw their applications?

Ms. Nicole Girard: I believe that's probably a fair understanding or assumption. I do not have any detailed breakdown as to why applications may have been withdrawn.

The Chair: Thank you.

Mr. Redekopp, do you have some more questions?

Mr. Brad Redekopp: I think I might be done for now.

The Chair: That's good.

Do you have some questions?

Mr. Tom Kmiec: Yes.

The Chair: Okay. We will have to stop here, because we don't have the services beyond eight o'clock.

We have a time slot available for 11 to one tomorrow, and I am requesting that we have the meeting for Bill S-245. I have checked and the resources are available. We can get that time slot, so I will request that the meeting be called. Details will be sent out to you with regard to the room number and everything.

We will have the meeting tomorrow from 11 a.m. to 1 p.m. Details will be sent out. It will be on Bill S-245's clause-by-clause consideration.

Go ahead, Ms. Rempel Garner.

Hon. Michelle Rempel Garner: On a point of order, since this meeting is going to occur tomorrow, it behooves me to point out that it is my colleague Mr. Maguire's birthday tomorrow. I would just ask that perhaps we sing him happy birthday tomorrow during

the meeting, or give him a slice of cake or Mr. El-Khoury's famous baklava with a candle in it.

Thank you.

● (1955)

The Chair: We can get a cake.

I will get a cake. It was also my birthday last Friday. We were not here. It was May 26.

To give an incentive, we will also have a cake tomorrow. From 11 to one, we will have the meeting.

Now the meeting is adjourned.

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