



HOUSE OF COMMONS  
CANADA

## **UPDATING CANADA'S CITIZENSHIP LAWS: IT'S TIME**

### **Report of the Standing Committee on Citizenship and Immigration**

**Hon. Andrew Teledgi, P.C., M.P.  
Chair**

**October 2005**

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Citizenship and Immigration**

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# **THE STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION**

has the honour to present its

## **TWELFTH REPORT**

In accordance with its permanent mandate under Standing Order 108(2), your committee has conducted a study “*Updating Canada’s Citizenship Laws: It’s Time*” and reports its findings:



## ACKNOWLEDGEMENTS

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The Committee could not have completed its study *Updating Canada's Citizenship Laws: It's Time* without the cooperation and support of numerous people. The Chairman and members of the Committee extend their thanks to all the witnesses who shared with them their insight and their knowledge on this subject.

Our task could not be completed without the valuable work of the Analyst of the Parliamentary Information and Research Services, Library of Parliament, Benjamin Dolin. The Committee also wishes to acknowledge the Clerk, William Farrell, and Denyse Croteau for the administration and support throughout the course of this study.

The members of the Committee also wish to express their appreciation to the staff of the Translation Bureau of Public Works and Government Services Canada, the Department of Citizenship and Immigration staff and the support services of the House of Commons Committee Directorate who have provided logistic and administrative support to elaborate this report.

Finally, the Chairman wishes to thank the members of the Committee for the hours they dedicated to study this question and to prepare this report.



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# INTRODUCTION

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At the beginning of this parliamentary session, the House of Commons Standing Committee on Citizenship and Immigration determined that a study of Canada's citizenship laws would be our first priority. In November 2004, in response to a request from then-Minister Judy Sgro, the Committee tabled a report entitled *Updating Canada's Citizenship Laws: Issues to be Addressed*. In that report, the Committee identified the citizenship issues that we believed were most pressing and summarized witness testimony from previous studies of citizenship bills in the 36th and 37th parliaments.

In a February 2005 letter from the new Minister, Joseph Volpe, the Committee was asked to respond to six specific questions:

1. Should new citizenship legislation include a preamble in which the rights and responsibilities of citizenship are clearly addressed? Citizenship legislation is perhaps the most concrete instrument with which to articulate our collective understanding of the meaning of citizenship, for all Canadians. Is a preamble the most effective way of expressing this?
2. Should legislation limit the ways citizenship can be obtained by birth? Under citizenship law, citizenship by birth can be obtained in one of two ways: by birth on soil, *jus soli*, or through a bloodline connection, *jus sanguinis*. Does Canada need to consider and possibly re-evaluate how Canada bestows citizenship by birth giving consideration to both Canadian values and today's global context?
3. What criteria should there be for granting citizenship to newcomers to Canada? Requirements for naturalization become the standard newcomers must meet in order to gain full membership into the Canadian community. It is therefore important that these requirements accurately reflect the values with which Canadians imbue their citizenship. What should be expected from individuals who seek to become citizens?
4. What are the appropriate reasons to remove citizenship and what is the most appropriate process to follow? Currently in Canada, the only basis on which someone can have their citizenship taken away is if they engaged in misrepresentation about important facts before they obtained it. Actions after becoming a citizen have no consequence on citizenship, even if those actions are highly reprehensible (e.g. murder or terrorism). Should Canada consider other grounds for revocation? Under current legislation, those who have misrepresented themselves to obtain Canadian citizenship can only have their citizenship removed in one way: revocation. Having one method for removing citizenship is a clear way of dealing with citizenship application fraud, and ensures that all individuals subject to removal of citizenship undergo the same process. However, lack of flexibility can also constrain the government's ability to deal with fraud that involves more serious activities or more clear-cut facts. Given differing circumstances,

what is the best process or processes for removing citizenship? Should citizenship be removed solely via a revocation process, or should a simpler process such as annulment be considered for objective factual errors?

5. What is the most appropriate text for a new oath of citizenship? In the current *Citizenship Act*, new citizens swear or affirm their allegiance to the Queen, Her Heirs and Successors, and pledge that they will observe Canadian laws and fulfill the duties of citizenship. Is pledging loyalty to these ideals and institutions sufficient for a new oath of citizenship or should different principles be included?

6. What kind of citizen engagement strategy does Canada need to make sure that all Canadians are encouraged to recognize and celebrate the value of our shared citizenship? A new *Citizenship Act* brings with it the opportunity to create and strengthen bonds between all Canadians, and to elevate and celebrate our core principles. What are reasonable, cost-effective strategies to engage all Canadians on the rights as well as responsibilities of citizenship?

In June of this year, we responded to the fourth question in a report entitled *Citizenship Revocation: A Question of Due Process and Respecting the Charter*. In that report, the Committee indicated that a comprehensive response to the Minister's remaining queries would be forthcoming in the fall of 2005. However, we found that adequate time was available before the summer break to substantially complete this project. Although we were unable to table this report before the House of Commons adjourned, the Committee agreed to immediately provide a copy to the Minister and did so in July of this year. We are pleased to now table this report in the House of Commons and to provide the following comments and recommendations.

## **THE EVIDENCE**

On 28 October 2004, the Committee passed a motion providing that the evidence and documentation presented to the Committee during the 36th Parliament and the Second Session of the 37th Parliament in relation to the study of citizenship legislation be deemed received by the Committee in this session. We reviewed this material and it formed the basis for our November 2004 report. Since that time, we have also heard presentations from witnesses in Ottawa, including officials with Citizenship and Immigration Canada (CIC), and in April 2005 the Committee travelled the country, visiting all the provincial capitals as well as Calgary, Montreal, Vancouver and Waterloo. While citizenship was just one of three issues being studied in the course of our cross-Canada consultation, a large number of Canadians came forward to provide their views on a new citizenship act. In total, we have heard from 131 witnesses on the issue of citizenship during this Parliament.

## BACKGROUND

Our November 2004 report provided an overview of the long and difficult process involved in renewing Canada's *Citizenship Act*. Those earlier comments bear repeating in this context.

Citizenship is an acknowledgment by the state of membership in the Canadian community. It represents a sharing of sovereignty and a social contract between individuals and our society as a whole. Practical benefits flow from this status, such as the right to vote, the right to enter or remain in Canada, and the right to travel abroad with a Canadian passport. But citizenship is also highly symbolic. It is an expression of attachment to this country and a commitment to collective ideals, such as respect for diversity, minority rights, our Charter of Rights and Freedoms, and the rule of law.

Prior to 1947 and the introduction of Canada's first *Citizenship Act*, there was legally no such thing as Canadian citizenship. Both native-born and naturalized citizens were considered British subjects. Canada was the first Commonwealth member to establish a citizenship status that was distinct from the "mother country." The 1947 legislation clearly played an important role in the development of Canada's national identity.

Thirty years later, the current *Citizenship Act* came into force. Intended to modernize the citizenship regime, the legislation removed special treatment for British nationals, established citizenship as a right, rather than a privilege, for qualified applicants, and encouraged naturalization by removing or lowering barriers to citizenship.

Canada has changed since 1977 and there is widespread recognition that it is time that our citizenship legislation should again be revised. There have already been attempts to update and strengthen Canada's *Citizenship Act*. Only 10 years after it came into force, the government of the day signalled its desire to bring in amendments and released a discussion paper entitled *Proud to be Canadian*. Public input was received, but no legislative action was taken. The new government elected in 1993 announced its intention to modernize Canada's citizenship laws and asked for this committee's advice. In June 1994, the report *Canadian Citizenship: A Sense of Belonging* was tabled in the House of Commons.

A series of bills followed, none of which were passed. Bill C-63, introduced in the first session of the 36th Parliament, died on the *Order Paper*. Its successor, Bill C-16, was introduced in the second session of that same Parliament and passed third reading stage in the House of Commons in May 2000. However, it died on the Senate *Order Paper* when the election was called. Bill C-18, *An Act respecting Canadian citizenship*, was introduced in the second session of the 37th Parliament and this committee held hearings across the country and received extensive and

thoughtful input from numerous groups and individuals. Clause-by-clause consideration was begun by the Committee but not completed and the legislation again died when Parliament was prorogued in late 2003.

When this Parliament began with the Speech from the Throne in October 2004, the government indicated its intention to introduce new citizenship legislation, stating:

What makes our communities work is our deep commitment to human rights and mutual respect. The Government is committed to these values. It will modernize Canada's *Citizenship Act* to reaffirm the responsibilities and rights of Canadian citizenship and our values of multiculturalism, gender equality and linguistic duality.

In November 2004, the then-Minister of Citizenship and Immigration indicated to the Committee that new citizenship legislation was forthcoming and would be tabled early in this Parliament. As a result of this assurance, we scheduled our cross-country travel for the spring of 2005. The government did not introduce a bill.

The Committee is troubled by the lack of progress in this regard. We trust that our response to the new Minister's six questions will ensure that a new citizenship act will be tabled at the earliest possible opportunity.

## **RECOMMENDATION 1**

**The Committee recommends that the government meet its commitment to update Canada's citizenship laws by tabling a new citizenship act within two weeks of the return of the House of Commons in the fall of 2005.**

## **RESPONSES TO THE MINISTER'S QUESTIONS**

- 1. Should new citizenship legislation include a preamble in which the rights and responsibilities of citizenship are clearly addressed?**

In our November 2004 report, the Committee clearly stated that it would be appropriate to include such a preamble in the new Act. While only a few witnesses were prepared to address the inclusion of a preamble without first being presented with specific wording, those who did discuss the issue were supportive. Given the highly symbolic nature of citizenship, the Committee feels that specific guiding principles should be reflected in a preamble.

## RECOMMENDATION 2

**A new citizenship act should contain a preamble that reflects important Canadian principles. Some suggestions include:**

- **There must be equal treatment of Canadian-born and naturalized citizens;**
- **There should be no “probationary” citizenship status;**
- **The legislation should enhance English and French as the official languages of Canada;**
- **The legislation should recognize the contributions of the Aboriginal peoples of Canada and the need to preserve and develop their cultures;**
- **Citizenship should be seen as a right for those who qualify, rather than a privilege;**
- **Citizens must understand and obey Canada’s laws, in particular the Canadian Charter of Rights and Freedoms;**
- **Citizens should participate in the democratic political system;**
- **Citizens should care for our heritage and protect the environment;**
- **All determinations under the Act should be made by an independent decision-maker in a judicial process free from political influence; and,**
- **Rights come with citizenship, but also responsibilities.**

### **2. Should the legislation limit the ways citizenship can be obtained by birth?**

Under the current *Citizenship Act*, any person born in Canada after the Act came into force is a Canadian citizen, with limited exceptions. Children born in Canada are not entitled to citizenship if either of their parents is a diplomatic officer<sup>1</sup>

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<sup>1</sup> The Act refers to: a diplomatic or consular officer or other representative or employee in Canada of a foreign government; an employee in the service of such an officer; or, an officer or employee in Canada of a specialized agency of the United Nations or any other international organization to whom there are granted diplomatic privileges and immunities.

*and* neither parent is a Canadian citizen or permanent resident. A child born in Canada to a parent with any other status (a visitor, refugee claimant or temporary worker for example), or a child born to a parent with no legal status in Canada at all, is a Canadian citizen.

The Committee discussed this issue at some length. Some members favour maintaining the current provision that anyone (except the child of a diplomat) who is born here should be automatically entitled to citizenship. Some argued that placing a requirement of attachment to Canada would be appropriate. Other members found it difficult to make a determination one way or another given the lack of statistical information regarding so-called “births of convenience.” We heard anecdotal evidence of visitors giving birth in Canada so that their child would gain citizenship. It has also been suggested that people facing deportation may have children so that they can enhance their humanitarian application to stay in the country. There are several cases of deportation from Canada that have been bitterly contested because they involved a mother who had given birth in Canada and whose child was therefore a Canadian citizen. In these situations, the government must either separate the mother and her child upon deporting her or else, in effect, deport a Canadian citizen. Unfortunately, we have not been able to determine the full extent of the alleged problem.

The few witnesses who addressed this issue opposed introducing limits on the *jus soli* principle, with one witness arguing that it would be improper for citizenship laws to be used to address the issue of refugee flows. We also note that in the government’s previous attempts to pass a new citizenship act, no change to the status quo was proposed.

The Committee is aware that some countries have restricted the *jus soli* principle by requiring that at least one of the child’s parents be a national or legal permanent resident of the state in question at the child’s birth. The primary reason for imposing this requirement is to limit or prevent people from travelling to a country with the specific intent of gaining citizenship for a child.

In Ireland, for example, a citizenship referendum was held in June 2004 on this issue. In a government document regarding the proposal to restrict *jus soli* it was stated:

Maternity hospitals in particular in Dublin are experiencing a high incidence of the unannounced arrival in their facilities of non-national women in late pregnancy, or in the early stages of labour and have expressed concern that as a result the lives of the mothers and children are put at risk. This phenomenon is directly related to the fact that Irish law at present gives to children the entitlement to Irish citizenship and thus to citizenship of the European Union.

The people of Ireland voted to change the law on Irish citizenship, with 79.17% in favour of permitting the Oireachtas (the national parliament) to impose limits. In September 2004, the Irish Government published the proposed new legislation on citizenship and the new law came into effect on 1 January 2005. Under the new *Irish Nationality and Citizenship Act*, children born on or after 1 January 2005 of non-national parents are not automatically entitled to Irish citizenship. Non-national parents of children born in Ireland must now prove that they have a genuine link to Ireland. This may be demonstrated by being resident legally in Ireland for three out of the previous four years immediately before the birth of the child. Time spent in Ireland as a student or asylum-seeker will not be included in calculating a non-national parent's period of residence in Ireland.

The Committee has determined that we have inadequate evidence at this time to properly assess whether the problems identified in other jurisdictions, such as Ireland, exist here. As such, we will reserve judgment pending our hearings on the citizenship bill the government is expected to table this fall.

With respect to children born abroad to a Canadian parent, the Committee does not believe that changes to the present rules are necessary. Currently, a person born outside of Canada after 14 February 1977 to a Canadian parent is a citizen.<sup>2</sup>

### **RECOMMENDATION 3**

#### **A child born abroad to a Canadian parent should automatically acquire Canadian citizenship.**

The somewhat related issue of Canadians adopting children abroad was also identified as a concern by various witnesses. Canadian citizens who adopt children outside of Canada can face a lengthy process in bringing their children into the country. In contrast, children born to Canadian citizens abroad are automatically citizens. Currently, a foreign-born child adopted by a Canadian must first obtain permanent residence status. After meeting residency and other *Citizenship Act* requirements, they would be able to apply to become naturalized Canadians. The immigration process can be time-consuming, requires the child to undergo medical screening and involves significant processing fees.

Bill C-18 would have allowed a foreign child adopted by a Canadian citizen to be granted citizenship without any permanent residence prerequisite. To respect the Hague Convention on Intercountry Adoption, the proposed legislation would have required a foreign adoption to meet certain specific criteria. While we have some

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<sup>2</sup> Later in this report, we address the issue of the loss of derivative citizenship for children who are the "second generation born abroad"; that is, children born abroad to a Canadian parent who was also born outside of Canada. See question 4, part b.

concerns regarding the subjective interpretation of the elements of a *bona fide* adoption and urge those processing such applications to be alive to the norms of other cultures, the Committee supports granting citizenship to the adopted children of Canadians without requiring that they first obtain permanent resident status.

One of the concerns expressed by some witnesses was that refusal of a citizenship application for an adopted child would only be subject to a judicial review in Federal Court. Refusal of a sponsorship application for permanent residence, on the other hand, can in many cases be appealed on humanitarian grounds to the Immigration Appeal Division of the Immigration and Refugee Board. Some suggested that it would be illogical to have a more limited review process for citizenship applications involving adoption than for immigration applications involving adoption. The Committee has concluded that a full appeal on the facts and law should be permitted in Federal Court when an application for citizenship for an adopted child is denied. A full appeal on the merits — rather than a more limited judicial review of the decision — should be available.

Most witnesses did, however, agree that the proposal was a step in the right direction and would be beneficial for adoptees and their families.

#### **RECOMMENDATION 4**

**Children adopted by Canadian citizens should be entitled to Canadian citizenship without first obtaining permanent resident status or meeting a residency requirement, provided it is a *bona fide* adoption and the requirements of the Hague Convention on Intercountry Adoption are met.**

#### **RECOMMENDATION 5**

**When a citizenship application for an adopted child is refused, a full appeal on the facts and law should be permitted in Federal Court.**

### **3. What criteria should there be for granting citizenship to newcomers to Canada?**

The Committee's examination of this question involved various issues. Witnesses discussed the following: What would be the appropriate residency period before being eligible to apply for citizenship? What knowledge should be required of the applicant? Should citizenship judges continue to exercise discretion in the granting of citizenship? Should Cabinet have the power to deny citizenship to a person who otherwise qualifies if there are reasonable grounds to believe that the

person has demonstrated “a flagrant and serious disregard for the principles and values underlying a free and democratic society” as proposed in Bill C-18? What prohibitions should preclude a grant of citizenship and what safeguards should exist in this regard?

#### a. Residency Requirement

The current *Citizenship Act* requires a three-year period of residency before a permanent resident can be naturalized as a citizen. However, the term “residency” is not defined. As a result, judicial decisions with conflicting interpretations have complicated the application of the law. An early decision of the Federal Court held that actual physical presence in Canada was not necessary in order to fulfil the legislative requirement.<sup>3</sup> The judge in that case determined that all that was necessary was that the applicant show a significant attachment to Canada throughout the period, even if physically absent. Attachment could be established by indicators such as residential real estate holdings, accounts in Canadian banks, investments, club memberships, provincial driving licences, and so on. As a result, some applicants have been granted Canadian citizenship even though their actual time in Canada amounted to only a few months or less. Other decisions of the Federal Court have applied a different standard.

Bill C-18 would have clarified the residency requirement by defining residence as actual physical presence in Canada. It would also have required an accumulated three years (1,095 days) of residence within the previous six years.

Some witnesses argued that it is impractical for many people with business and family commitments outside of the country to be physically present for the period of time required. Greater flexibility was suggested and some pointed to section 28 of the *Immigration and Refugee Protection Act* (IRPA) as a possible guide. That Act’s residency requirement will be met if the person is:

- physically present in Canada;
- outside Canada accompanying a Canadian citizen who is their spouse or common-law partner or, in the case of a child, their parent;
- outside Canada employed on a full-time basis by a Canadian business or in the public service of Canada or of a province;
- outside Canada accompanying a permanent resident who is their spouse or common-law partner or, in the case of a child,

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<sup>3</sup> *Re Papadogiorgakis*, [1978] 2 F.C. 208.

their parent and who is employed on a full-time basis by a Canadian business or in the public service of Canada or of a province; or

- referred to in regulations providing for other means of compliance.

An exception to the physical residency requirement is currently made for the foreign spouses of Canadian citizens working abroad with the Canadian armed forces, the federal public service, or the public service of a province. Bill C-18 would have expanded this to common-law (including same-sex) partners.

The Committee has determined that it would be appropriate that Canada's *Citizenship Act* mirror the exceptions to the residency requirements for permanent residents in the IRPA. As for the length of time required before citizenship can be granted, we agree that three years of residency is an appropriate period to demonstrate an attachment to Canada. We have decided, however, that setting an arbitrary time period in which this residency time must be accumulated is not necessary. We cannot conclusively say that someone who spends three out of six years here has a greater attachment to Canada than someone who spends three out of seven years here.

The Committee also notes the submissions of witnesses with respect to refugees who have been granted permanent residence in Canada following what is often a very lengthy determination process at the Immigration and Refugee Board. The witnesses suggested that credit should be given to citizenship applicants for all their time spent in Canada prior to obtaining permanent residence (i.e. for the period involving determination of their refugee claim and their subsequent application for permanent resident status). It was argued that their time in the country during that period is not qualitatively different than their time in the country after being accepted as permanent residents. Currently, the *Citizenship Act* provides that applicants will be credited with one-half day of residence in Canada for every day that they were resident here before being granted permanent residence. A maximum of one year out of the three years of residence required by the Act can be obtained in this manner.

The Committee agrees that refugees and protected persons should be given *full* credit for every day in the country from the time they initiated their claim. Failed claimants who are subsequently permitted to stay on humanitarian and compassionate (H&C) grounds or as a result of a positive pre-removal risk assessment (PRRA), should be credited for their time in Canada from the date they submitted their H&C or PRRA application. We also wish to make clear our concern about the delays involved in the processing of inland refugee claims. In recommending that successful claimants be credited for their time in the country prior to landing, we do not wish to be seen as simply accepting the lengthy processing times currently involved in refugee claims.

## **RECOMMENDATION 6**

**Before being eligible for citizenship, applicants should acquire three years of residence in Canada. Residence should be defined as actual physical presence in the country with exceptions being permitted for people who are:**

- **outside Canada accompanying a Canadian citizen who is their spouse or common-law partner or, in the case of a child, their parent;**
- **outside Canada employed on a full-time basis by a Canadian business or in the public service of Canada or of a province; or**
- **outside Canada accompanying a permanent resident who is their spouse or common-law partner or, in the case of a child, their parent and who is employed on a full-time basis by a Canadian business or in the public service of Canada or of a province.**

## **RECOMMENDATION 7**

**There should be no limit on the amount of time within which the three years of residency should be accumulated.**

## **RECOMMENDATION 8**

**People who are granted refugee or protected person status should be given full credit for every day in the country from the time they initiated their claim. Failed claimants who are subsequently permitted to stay on humanitarian and compassionate grounds or as a result of a positive pre-removal risk assessment should be credited for their time in Canada from the date they submitted their H&C or PRRA or application.**

### **b. Knowledge Requirement**

The *Citizenship Act* requires that an applicant for citizenship demonstrate an “adequate knowledge of one of the official languages of Canada” and an “adequate knowledge of Canada and of the responsibilities and privileges of citizenship.” Applicants are required to pass an exam, although the Minister has the discretion to

waive the requirements on compassionate grounds and has done so for various groups, such as people over 54 years of age and minors.

During our cross-Canada hearings, the vast majority of witnesses addressing this issue agreed that there should be knowledge prerequisites for the granting of citizenship. The Committee agrees, provided the discretion continues to exist to make exceptions for the elderly, refugees suffering from post-traumatic stress, people with learning disabilities and others who would face similar challenges in passing a knowledge test.

In the context of this discussion, many witnesses also referred to the lack of citizenship education for native-born Canadians. Some suggested that naturalized Canadians who have passed the citizenship exam may be more knowledgeable about Canadian history, politics and geography than citizens who were born in Canada and who have never been required to demonstrate an adequate knowledge of the rights and responsibilities of citizenship. The Committee believes that more should be done to encourage all Canadians—both naturalized and those who acquired citizenship through birth—to recognize and understand the meaning of citizenship.

With respect to the language requirements for a grant of citizenship, the Committee does not feel that significant change to the current system is needed. We note the Minister's discretion to waive on compassionate grounds the requirement of a basic facility in English or French. This should remain in the new legislation.

#### **RECOMMENDATION 9**

**Applicants for citizenship should be required to pass an exam to demonstrate their knowledge of Canada. Exceptions to this requirement should be permitted for the elderly, refugees suffering from post-traumatic stress, people with learning disabilities and others who would face similar challenges.**

#### **RECOMMENDATION 10**

**Applicants for citizenship should be required to demonstrate an adequate knowledge of one of Canada's official languages. The Minister of Citizenship and Immigration should continue to have the power to waive this requirement on compassionate grounds for individual applicants.**

### **c. The Exercise of Discretion — Citizenship Judges**

Under the current Act, citizenship judges are responsible for making decisions on citizenship applications, presiding over citizenship ceremonies and administering the oath of citizenship to new citizens. They are appointed by the Governor in Council and are considered to be at arms-length from the Department.

Bill C-18 would have eliminated citizenship judges. Their substantive duties would have been taken over by the public service, acting under the delegated authority of the Minister. Their ceremonial duties would have been taken over by full-time or part-time citizenship commissioners, appointed by the Governor in Council. In essence, it was proposed that the decision-making powers regarding citizenship grants would be dealt with administratively by departmental employees. Citizenship and Immigration Canada officials argued that this would create a more efficient system, particularly if changes clarifying citizenship requirements, such as residency and knowledge requirements, removed much of the discretionary nature of such decisions.

The Committee expects that future citizenship legislation will address the concern expressed by witnesses that where there is discretion involved in the grant of citizenship relating to questions of residency and adequate knowledge, it should be exercised by a person who is independent of the Department. We are also in agreement with the majority of witnesses who addressed this issue that citizenship judges and their current duties should be maintained.

As we previously expressed in our fourth report of February 2005, the Committee is concerned about the appointment process for Order-in-Council appointees. Greater parliamentary scrutiny is necessary.

#### **RECOMMENDATION 11**

**Citizenship judges should be maintained and their duties should continue to include presiding over citizenship ceremonies and exercising discretion in respect of questions of residency and adequate knowledge in the granting of citizenship.**

#### **RECOMMENDATION 12**

**The Government of Canada should develop skills and competence-related criteria for all government appointments, including citizenship judges, and these criteria should specifically address the non-partisan nature of these appointments. The criteria for citizenship judges should be submitted to the Committee for consideration and approval, with**

**amendment if necessary. The names and background of each nominee for appointment should then be referred to the Committee prior to the date of their appointment, with an explanation of how each nominee has met the established criteria.**

**d. Denial of Citizenship**

Clause 21 of Bill C-18 contained a contentious provision that would have authorized the Cabinet to deny citizenship to an applicant when “there are reasonable grounds to believe that a person has demonstrated a flagrant and serious disregard for the principles and values underlying a free and democratic society.” The stated purpose for this provision was to deny citizenship to people who publicly promote ethnic hatred or who are known to have committed horrible crimes abroad for which they have never been convicted.

In our November 2004 report, the Committee indicated that we are not convinced that the power of Cabinet to deny citizenship on vaguely worded grounds to otherwise qualified applicants is necessary or appropriate. The majority of the Committee is still of this view.

**RECOMMENDATION 13**

**There should be no “public interest” provision in the legislation that would permit Cabinet to deny citizenship to otherwise qualified applicants.**

**e. Prohibitions**

Currently, the prohibitions under which a grant of citizenship can be denied relate mainly to criminal activity in Canada, or unresolved immigration matters. Bill C-18 would have expanded the list somewhat. Indictable offences committed outside Canada would be taken into account and treated in the same way as those committed in Canada. The prohibition relating to offences abroad would have applied to the entire criminal process: being charged with, on trial for, and requesting appeals and reviews of such offences. A new prohibition proposed in Bill C-18 would have seen a one-year delay in the grant of citizenship where the person had been convicted of two or more summary conviction offences. The bill also would have precluded citizenship for anyone under a removal order, or subject to an inquiry under the *Immigration and Refugee Protection Act* that could lead to removal or the loss of permanent residence status.

It was the issue of criminal charges and convictions outside of Canada that witnesses found most problematic. Many of the world's judicial systems are not on par with Canada's and witnesses urged the Committee to recognize the criminalization of political activities in some countries. The fact that Bill C-18 would have made an outstanding foreign charge a permanent bar to obtaining citizenship was also criticized as unreasonable.

As we stated in our November 2004 report, the Committee shares the concerns expressed by witnesses relating to foreign convictions and outstanding foreign charges that render applicants ineligible for citizenship. This sentiment was reinforced in our 2005 hearings.

#### **RECOMMENDATION 14**

**The prohibition section of the new citizenship act should contain a timely process to address outstanding foreign charges and convictions to ensure that they are not abusive or the result of an unfair judicial process.**

**4. What are the appropriate reasons to remove citizenship and what is the most appropriate process to follow?**

**a. Citizenship Revocation**

In our report tabled in the House of Commons on 7 June 2005 entitled *Citizenship Revocation: A Question of Due Process and Respecting Charter Rights*, the Committee recommended significant changes to the existing citizenship revocation process. Specifically, the following principles were enunciated:

**The process for revoking citizenship should be an exclusively judicial process.**

**To revoke citizenship, false representation or fraud or knowingly concealing material circumstances should be proven beyond a reasonable doubt in a criminal court.**

**The legal protections of the Canadian Charter of Rights and Freedoms — specifically section 7 to 14 — must apply.**

**There should be no special limits placed on the right to appeal.**

**Whether to revoke citizenship or impose another punishment should be left to the discretion of the trial judge.**

**When a judge orders that a person's citizenship is revoked, the judge should also be empowered to order that the person be deported if the false representation or fraud or knowing concealment of material circumstances related to the person's application for permanent residence in Canada.**

**Before deporting an individual, there must be a risk assessment to determine whether they will face torture. Where there are reasonable grounds to believe that torture will occur, deportation should not be permitted under any circumstances.**

For further details regarding these recommendations, reference should be made to our aforementioned report.

#### **b. Loss of Derivative Citizenship**

Another aspect relating to the removal of citizenship that was not addressed in our recent revocation report involves the loss of derivative citizenship for people who were born outside Canada after 1977 and who are citizens because one of their parents has derivative citizenship (i.e., the parent was also born abroad to a Canadian citizen). A "second generation born abroad" Canadian will lose their citizenship when they turn 28 unless they make an application to retain it, have registered as a citizen, and have either lived in Canada for at least one year prior to the application or can establish that they have a substantial connection to Canada.

Addressing this matter is now becoming urgent, because in 2005 the first people affected by this provision of the 1977 Act are turning 28. They face the loss of their Canadian status if they do not meet the legislative requirement to make an application to retain their citizenship. The Committee is concerned that people in this situation may not be aware of this requirement; in fact, we would be surprised if many were. When these "second generation born abroad" Canadians turn 28, their citizenship will cease to be valid, even though they may have lived in Canada for 27 of their 28 years. Ignorance of this fairly obscure legal requirement could have extremely serious consequences.

One group that testified before the Committee noted that prior to the 1977 *Citizenship Act*, when a citizenship certificate was issued for a Canadian born abroad, it included a notice that, under the 1947 *Citizenship Act*, the person would cease to be a citizen at age 22 unless a "declaration of retention" was registered

with the government during his or her 21st year. No such notice has been provided to those who face a loss of their derivative citizenship under the 1977 Act. The Committee finds this disconcerting.

While the Committee has no objection to the principle of limiting derivative citizenship in the manner set out in the 1977 Act, the practical issue of notice must be addressed.

## **RECOMMENDATION 15**

**The government should place a notation on the citizenship certificates issued to citizens who are the second generation born abroad to inform them that their status ceases to be valid when they turn 28, unless an application for retention of citizenship is approved by the Minister of Citizenship and Immigration. As for those who have already received a citizenship certificate without such a notation and who face a loss of citizenship, the legislation should provide for special consideration of their cases — taking into account whether they were aware of the requirement to apply for retention of citizenship — in order to alleviate any hardship that might result.**

### **5. What is the most appropriate text for a new oath of citizenship?**

The current oath of citizenship is as follows:

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

Bill C-18 had proposed changing the oath to:

From this day forward, I pledge my loyalty and allegiance to Canada and Her Majesty Elizabeth the Second, Queen of Canada. I promise to respect our country's rights and freedoms, to uphold our democratic values, to faithfully observe our laws and fulfil my duties and obligations as a Canadian citizen.

In the course of our 2005 hearings, there was some discussion of removing reference to the Queen in the oath and mentioning the Charter. One witness proposed the following oath: "I promise my loyalty to Canada and thus take my place among Canadians, a people united by their solemn trust to uphold these five

principles: equality of opportunity, freedom of speech, democracy, basic human rights and the rule of law.”

While the Committee supports revisiting the current oath, we are not prepared to suggest a specific text. Broader public debate will occur when a citizenship bill is tabled and we look forward to that opportunity to receive further input.

**6. What kind of citizen engagement strategy does Canada need to make sure that all Canadians are encouraged to recognize and celebrate the value of our shared citizenship?**

Currently, the citizenship ceremony presided over by citizenship judges is the main public expression of the values of citizenship and the responsibilities it entails. The Committee heard witnesses express how profoundly moving they found their citizenship ceremony and we are informed that many other countries, including the United Kingdom, have been looking to our system as a model citizenship engagement strategy.

We also heard from representatives of West Coast First Nations communities who suggested that citizenship ceremonies should make reference to our Aboriginal peoples, emphasizing the connection to the land and the duty of stewardship.

As stated earlier, the Committee believes that citizenship judges should remain both as decision-makers and as masters of ceremony. We also believe that encouraging people to renew their citizenship vows by taking part in citizenship ceremonies for new Canadians would be a positive engagement strategy.

**7. Fees for Citizenship Applications**

Although not specifically referred to in the Minister’s letter to the Committee, the concern was raised in the Committee’s hearings that fees for citizenship applications are high and may preclude people with low income from applying for citizenship and thereby pursuing their full participation in Canadian society. The Committee believes that no one should be denied citizenship, or have their application for citizenship fail, solely because they cannot afford the application fee. This situation could be applicable to seniors on fixed incomes, people with disabilities living on disability pensions, the working poor or those on social assistance. Means testing is not a solution to this dilemma and would only complicate the application process unnecessarily. Instead citizenship applications should not be subject to a fee of any type.

## **RECOMMENDATION 16**

**Citizenship should not be denied to those applicants who qualify in every other way except the ability to pay a fee for their application. There should be no fee for the application to be naturalized as a citizen.**



# **LIST OF RECOMMENDATIONS**

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## **RECOMMENDATION 1**

**The Committee recommends that the government meet its commitment to update Canada's citizenship laws by tabling a new citizenship act within two weeks of the return of the House of Commons in the fall of 2005.**

## **RECOMMENDATION 2**

**A new citizenship act should contain a preamble that reflects important Canadian principles. Some suggestions include:**

- **There must be equal treatment of Canadian-born and naturalized citizens;**
- **There should be no "probationary" citizenship status;**
- **The legislation should enhance English and French as the official languages of Canada;**
- **The legislation should recognize the contributions of the Aboriginal peoples of Canada and the need to preserve and develop their cultures;**
- **Citizenship should be seen as a right for those who qualify, rather than a privilege;**
- **Citizens must understand and obey Canada's laws, in particular the Canadian Charter of Rights and Freedoms;**
- **Citizens should participate in the democratic political system;**
- **Citizens should care for our heritage and protect the environment;**
- **All determinations under the Act should be made by an independent decision-maker in a judicial process free from political influence; and,**

- **Rights come with citizenship, but also responsibilities.**

### **RECOMMENDATION 3**

**A child born abroad to a Canadian parent should automatically acquire Canadian citizenship.**

### **RECOMMENDATION 4**

**Children adopted by Canadian citizens should be entitled to Canadian citizenship without first obtaining permanent resident status or meeting a residency requirement, provided it is a *bona fide* adoption and the requirements of the Hague Convention on Intercountry Adoption are met.**

### **RECOMMENDATION 5**

**When a citizenship application for an adopted child is refused, a full appeal on the facts and law should be permitted in Federal Court.**

### **RECOMMENDATION 6**

**Before being eligible for citizenship, applicants should acquire three years of residence in Canada. Residence should be defined as actual physical presence in the country with exceptions being permitted for people who are:**

- **outside Canada accompanying a Canadian citizen who is their spouse or common-law partner or, in the case of a child, their parent;**
- **outside Canada employed on a full-time basis by a Canadian business or in the public service of Canada or of a province; or**
- **outside Canada accompanying a permanent resident who is their spouse or common-law partner or, in the case of a child, their parent and who is employed on a full-time basis by a Canadian business or in the public service of Canada or of a province.**

#### **RECOMMENDATION 7**

**There should be no limit on the amount of time within which the three years of residency should be accumulated.**

#### **RECOMMENDATION 8**

**People who are granted refugee or protected person status should be given full credit for every day in the country from the time they initiated their claim. Failed claimants who are subsequently permitted to stay on humanitarian and compassionate grounds or as a result of a positive pre-removal risk assessment should be credited for their time in Canada from the date they submitted their H&C or PRRA or application.**

#### **RECOMMENDATION 9**

**Applicants for citizenship should be required to pass an exam to demonstrate their knowledge of Canada. Exceptions to this requirement should be permitted for the elderly, refugees suffering from post-traumatic stress, people with learning disabilities and others who would face similar challenges.**

#### **RECOMMENDATION 10**

**Applicants for citizenship should be required to demonstrate an adequate knowledge of one of Canada's official languages. The Minister of Citizenship and Immigration should continue to have the power to waive this requirement on compassionate grounds for individual applicants.**

#### **RECOMMENDATION 11**

**Citizenship judges should be maintained and their duties should continue to include presiding over citizenship ceremonies and exercising discretion in respect of questions of residency and adequate knowledge in the granting of citizenship.**

## **RECOMMENDATION 12**

**The Government of Canada should develop skills and competence-related criteria for all government appointments, including citizenship judges, and these criteria should specifically address the non-partisan nature of these appointments. The criteria for citizenship judges should be submitted to the Committee for consideration and approval, with amendment if necessary. The names and background of each nominee for appointment should then be referred to the Committee prior to the date of their appointment, with an explanation of how each nominee has met the established criteria.**

## **RECOMMENDATION 13**

**There should be no “public interest” provision in the legislation that would permit Cabinet to deny citizenship to otherwise qualified applicants.**

## **RECOMMENDATION 14**

**The prohibition section of the new citizenship act should contain a timely process to address outstanding foreign charges and convictions to ensure that they are not abusive or the result of an unfair judicial process.**

## **RECOMMENDATION 15**

**The government should place a notation on the citizenship certificates issued to citizens who are the second generation born abroad to inform them that their status ceases to be valid when they turn 28, unless an application for retention of citizenship is approved by the Minister of Citizenship and Immigration. As for those who have already received a citizenship certificate without such a notation and who face a loss of citizenship, the legislation should provide for special consideration of their cases — taking into account whether they were aware of the requirement to apply for retention of citizenship — in order to alleviate any hardship that might result.**

## **RECOMMENDATION 16**

**Citizenship should not be denied to those applicants who qualify in every other way except the ability to pay a fee for their application. There should be no fee for the application to be naturalized as a citizen.**



# APPENDIX A LIST OF WITNESSES

Associations and Individuals	Date	Meeting
<b>Canadian Arab Federation</b> Ameena Sultan	2005/02/08	18
<b>Canadian Islamic Congress</b> Khurram Awan, Law Student		
<b>German Canadian Congress, National</b> Ulrich Frisse, Kitchener-Waterloo		
<b>Metro Toronto Chinese and Southeast Asian Legal Clinic</b> Avvy Yao-Yao Go, Director		
<b>Ukrainian Canadian Congress</b> Paul Grod, Canadian Citizenship Coalition Bill Pidruchney, Edmonton		
<b>B'nai Brith Canada</b> David Matas, Lead Counsel Alan Yusim	2005/04/04	28
<b>Ukrainian Canadian Congress — Manitoba Provincial Council</b> Lesia Szwaluk		
<b>Ukrainian Professional and Business Federation of Canada</b> John S. Petryshyn, President		
<b>Saskatchewan Intercultural Association</b> Kebrom Haimanot, Member, Board of Directors	2005/04/05	30
<b>Ukrainian Canadian Congress — Saskatchewan Provincial Council</b> Tony Harras, Standing Committee on Immigration Edward Lysyk, Vice-President Danylo Puderak, Executive Director		
<b>City of Regina</b> Pat Fiacco, Mayor Larry Hiles, Chief Executive Officer, Regina Regional Economic Development Authority		31
<b>As Individual</b> Joseph Garcea		

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Ethno-Cultural Council of Calgary</b> Lloyd Wong Teresa Woo-Paw, Chair	2005/04/06	32
<b>Pakistan Canada Association of Calgary</b> Masood Parvez, President		
<b>Ukrainian Canadian Civil Liberties Association Calgary Office</b> Borys Sydoruk, Director		
<b>Ukrainian Canadian Congress, Calgary Branch</b> Michael Ilnycky, President		
<b>As Individual</b> V. Nallainayagam		
<b>Fédération des communautés francophones et acadienne du Canada</b> Georges Arès, President	2005/04/07	34
<b>As Individuals</b> Chinwe P. Okelu Bill Pidruchney William Zuzak		
<b>Inter-Cultural Association of Greater Victoria</b> Mavis DeGirolamo, President	2005/04/08	36
<b>Qualicum First Nation</b> Kim Recalma-Clutesi, Chief Councillor Bill White		
<b>As Individual</b> Eswyn Lyster		
<b>As Individuals</b> Donald Galloway Joe Taylor		37
<b>As Individuals</b> Jocelyn Boyce Bobby Brown Don Chapman Norm Chapman Mary Lou Fraser Ron Nixon	2005/04/09	39

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Committee for Racial Justice</b> Aziz Khaki, President	2005/04/11	40
<b>Fédération des francophones de la Colombie-Britannique</b> Yseult Friolet, Executive Director Michèle Rakotonaivo		
<b>Grassroots Women</b> Rachel Rosen, Coordinator		
<b>Hungarian Cultural Society of Greater Vancouver</b> Andrew Jakoy, Vice-President Les Szanyi, President		
<b>National Congress of Chinese Canadians</b> David Choi		
<b>Sponsor Your Parents</b> Peter Li, Greater Vancouver Branch Irina Portnova, Vancouver Branch Evelyn Zhang, Greater Vancouver Branch		
<b>Success</b> Ansar Cheung, Program Director, Public Education and Settlement Lilian To, Chief Executive Officer		
<b>Ukrainian Canadian Congress, B.C. Provincial Council</b> Myroslav Petriw, Past president		
<b>University Colleges of British Columbia Consortium</b> Robert Buchan, Executive Director Barb Smith, Manager, International Education — Kwantlen University College		
<b>Vancouver Status of Women</b> Junie Desil, Volunteer/Resource Coordinator		
<b>As Individuals</b> Kate Manvell Sheila Walshe		
<b>African Canadian Legal Clinic</b> Nkiru Agbakwa, Policy Researcher Marie Chen, Acting Director, Legal Services	2005/04/13	42

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canadian Association of Professional Immigration Consultants</b> Keith Frank, Vice-President Berto Volpentesta	2005/04/13	42
<b>Canadian Centre for Victims of Torture</b> Ezat Mossallanejad, Settlement Counsellor		
<b>Canadian Civil Liberties Association</b> Motek W. Sherman, Student-at-law Alexi Nicole Wood, Policy Analyst		
<b>Chinese Canadian National Council</b> Apollo Chung, National Executive Christine Li, National Executive		
<b>COSTI Immigrant Services</b> Josie Di Zio, Senior Director, Planning and Development		
<b>Ukrainian Canadian Congress</b> John William Pidkowich, Government Liaison, Toronto Branch		
<b>As Individuals</b> Louis R. Béliveau Charles William Esser Oksana Miroutenko		
<b>Norwegian Parliamentary Committee on Local Government</b> Torbjorn Andersen, Second Deputy Chairman, The Progress Party Barbro Bakken, Director General, Norwegian Ministry of Local Government and Regional Development Peter Skovholt Gitmark, The Conservative Party Sigvald Oppeboen Hansen, The Labour Party Ingvard Havnen, Ambassador, Ottawa and Toronto Hans Kristian Hogsnes, The Conservative Party Heikki Holmas, The Socialist Left Party Kari Lise Holmberg, The Conservative Party Jannicke Jaeger, Minister Counsellor, Ottawa, Toronto and Montreal Ivar Ostberg, The Labour Party Signe Oye, The Labour Party Anita Apelthun Saele, The Christian Democratic Party Ingrid Sand, Committee Secretary Reidar Sandal, The Labour Party Per Sandberg, Deputy Chairman		43

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Ukrainian Canadian Congress</b> Alexandra Chyczij	2005/04/13	43
<b>Undocumented Worker's Committee</b> Manuel Alexander Tony Letra, Chair Theresa Rodrigues, Member		
<b>As Individual</b> Olya Odynsky		
<b>German Canadian Congress, National</b> Ulrich Frisse, Kitchener-Waterloo	2005/04/15	46
<b>Golden Triangle Sikh Association</b> Kuldip Singh Bachher, Secretary		
<b>Kitchener-Waterloo Multicultural Centre</b> Myrta Rivera, Executive Director		
<b>Ukrainian Canadian Liberal Committee</b> Jurij Fedyk		
<b>As Individuals</b> John Bryden Herb Epp, Mayor Elmer Menzie Irene Rooney Bob Sommerville Lorna Van Mossel		
<b>Canadian Council for Refugees</b> Nick Summers, President	2005/04/18	48
<b>Council of Canadians with Disabilities</b> Mary Ennis, Vice-Chairperson Leslie McLeod, Member, Human Rights Committee		
<b>Newfoundland and Labrador Families Adopting Multiculturally</b> Lynn Haire		
<b>As Individuals</b> Remzi Cej HuaLin Wong		

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As Individuals</b> Annet Told Riedijk	2005/04/20	49
<b>As Individuals</b> Ron Barrett Edward Guergis Virginia Gundaker Gary Luhowy	2005/04/20	50
<b>Canadian War Brides</b> Melynda Jarratt	2005/04/21	51
<b>New Brunswick Multicultural Council</b> George Maicher, Vice-President, Fredericton Asma Regragui, First Vice-President, New Brunswick		
<b>University of New Brunswick</b> Kumud Dekka, South Asian Student, Physics Department		
<b>Centre ressource à la vie autonome de Métro Montréal</b> Amy E. Hasbrouck, Executive Director	2005/04/22	53
<b>Coalition of Concerned Congregations on the Law relating to War Crimes and Crimes against Humanity including those of the Holocaust</b> Kenneth Narvey, Legal Researcher, Chief Operating Officer		
<b>Montreal Action Refugee</b> Glynis Williams, Director		
<b>National Association of Canadians of Origins in India</b> Flora Almeida Marlow, President		
<b>Rassemblement canadien pour le Liban</b> Marie-Claire Namroud, Executive Director		
<b>Table de concertation des organismes au service des personnes réfugiées et immigrantes</b> Rivka Augenfeld, President		
<b>As Individual</b> Cathal Marlow		
<b>Atlantic Metropolis Centre</b> Ather Akbari, Domain Leader, Economic Consequences of Immigration Marjorie Stone, Co-Director	2005/04/26	55
<b>As Individual</b> Stuart Martin		

<b>Associations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Canadian Jewish Congress</b> Victor Goldbloom, Chair, National Executive Eric Vernon, Director, Government Relations	2005/05/03	57
<b>Canadian Labour Congress</b> David Onyalo, National Director, Anti-Racism & Human Rights Department Hassan Yussuff, Secretary Treasurer		
<b>Canadian Tourism Human Resource Council</b> Wendy Swedlove, President		
<b>Mennonite Central Committee Canada</b> Bill Janzen, Director, Ottawa Office		
<b>Canadian War Brides</b> Melynda Jarratt	2005/05/10	59
<b>Department of Citizenship and Immigration</b> Clark Goodman, Acting Director, Citizenship Division, Acting Registrar, Citizenship, Integration Branch Daniel Jean, Assistant Deputy Minister, Policy and Program Development		



## APPENDIX B LIST OF BRIEFS

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African Canadian Legal Clinic

Atlantic Metropolis Centre

Béliveau, Louis R.

Bocek, Mirko

Brown, Bobby

Canadian Association of Professional Immigration Consultants

Canadian Centre for Victims of Torture

Canadian Civil Liberties Association

Canadian Jewish Congress

Canadian Tourism Human Resource Council

Cheung, Rosanna

Chinese Canadian National Council

City of Regina

City of Vancouver's Special Advisory Committee on Diversity Issues

COSTI Immigrant Services

Council of Canadians with Disabilities

Dane, Allan

Department of Citizenship and Immigration

Esser, Charles William

Ethno-Cultural Council of Calgary

Fédération des francophones de la Colombie-Britannique

Feng, Catherine

Galloway, Donald  
Garcea, Joseph  
Geoffroy, Sylvie  
German Canadian Congress, National  
Golden Triangle Sikh Association  
Grassroots Women  
Guergis, Edward  
Inter-Cultural Association of Greater Victoria  
Kitchener-Waterloo Multicultural Centre  
Lebanese Islamic Centre  
Lyster, Eswyn  
Martin, Stuart  
Matas, David  
Mennonite Central Committee Canada  
Menzie, Elmer  
Military Dependent  
Miroutenko, Oksana  
MOSAIC  
Newfoundland and Labrador Families Adopting Multiculturally  
Odynsky, Olya  
Ontario Council of Agencies Serving Immigrants  
Pakistan Canada Association of Calgary  
Pidruchney, Bill  
Quebec Immigration Lawyers Association  
Rassemblement canadien pour le Liban

Rooney, Irene

Saskatchewan Intercultural Association

Semotiuk, Andy J.

Singh, Gurvinder

Sponsor your Parents

Success

Table de concertation des organismes au service des personnes réfugiées et immigrantes

Taylor, Joe

Ukrainian Canadian Civil Liberties Association Calgary Office

Ukrainian Canadian Congress

Ukrainian Canadian Congress — British Columbia Provincial Council

Ukrainian Canadian Congress — Calgary Branch

Ukrainian Canadian Congress — Saskatchewan Provincial Council

Ukrainian Canadian Congress — Toronto Branch

Ukrainian Canadian Liberal Committee

Undocumented Worker's Committee

University Colleges of British Columbia Consortium

Vancouver Status of Women

Walshe, Sheila

Williams, Rhonda

Winter Gundaker, Virginia

Wong, HuaLin

Zuzak, William W.



Copies of the relevant Minutes of Proceedings (*Meeting Nos. 18, 28, 30, 31, 32, 34, 36, 39, 40, 42, 43, 46, 48, 50, 51, 53, 55, 57, 59, 61, 62, 63, 64, 66, 67, 68, 69 and 70*) are tabled.

Respectfully submitted,

A handwritten signature in black ink that reads "Andrew Telegdi". The signature is written in a cursive style with a prominent initial 'A'.

Andrew Telegdi, MP  
*Chair*



## MINUTES OF PROCEEDINGS

Tuesday, October 4, 2005  
(Meeting No. 70)

The Standing Committee on Citizenship and Immigration met *in camera* at 3:31 p.m. this day, in Room 209, West Block, the Chair, Andrew Telegdi, presiding.

*Members of the Committee present:* Diane Ablonczy, Hon. David A. Anderson, Roger Clavet, Meili Faille, Hon. Hedy Fry, Bill Siksay and Hon. Andrew Telegdi.

*Acting Members present:* Nina Grewal for Rahim Jaffer and Borys Wrzesnewskyj for Colleen Beaumier.

*In attendance: Library of Parliament:* Benjamin Dolin, Analyst.

The Committee proceeded to the consideration of matters related to Committee business.

The Committee commenced consideration of a draft report.

It was agreed, — That the report be entitled: *Updating Canada's Citizenship Laws: It's Time*.

It was agreed, — That the draft report, as amended, be adopted.

It was agreed, — That the Committee append to its report supplementary or dissenting opinions provided that it is no more than 3 pages in length and submitted electronically in both official languages to the Clerk of the Committee, no later than 3:00 p.m., on Wednesday, October 5, 2005.

It was agreed, — That the Chair present the report to the House.

It was agreed, — That the Chair, Clerk and Analyst be authorized to make such grammatical and editorial changes as may be necessary without changing the substance of the report.

It was agreed, — That the Committee print 550 copies of its report in a bilingual format.

The Chair presented the Fourth Report from the Subcommittee on Agenda and Procedure which read as follows:

It was agreed, — That the Committee invite departmental officials on Thursday, October 6, 2005 to update the Committee on the following:

- Refugee Numbers
- Safe Third Country Agreement — (what stats are there and what monitoring

agreement was finally reached with the UNHCR)

- Processing of Lost Canadians and status of their children
- Processing of Viet-Phi
- Plan for people without status
- Plan for reuniting grandparents
- War brides update
- Why the 1% Immigration levels have not been met — Information on the process for setting immigration target numbers
- Any labour market studies undertaken for specific professions (e.g. engineers) as part of the foreign credential recognition efforts
- Bill C-283: if CIC accepts sureties in Canada in some situations why would it be administratively burdensome to do the same at visa posts overseas?
- The Refugee Appeal Division (RAD) (a response to Madame Faillie's motion)

It was agreed, — That on October 18 and 20, 2005, the Committee work on a draft report on Family Reunification

It was agreed, — That on October 25 and 27, 2005, the Committee hear witnesses and Clause by Clause of C-283

It was agreed, — That the Committee invite the Minister to appear on November 1, 2005, to speak on the Departmental Supplementary Estimates

It was agreed, — That on November 3, 2005, the Committee commence their study on the Citizenship Bill — if the Bill is tabled, and if not, commence work on a draft report on Recognition of the International Experience and Credentials of Immigrants

By unanimous consent, it was agreed, — That the report of the Subcommittee be concurred in.

At 3:39 p.m., the Committee adjourned to the call of the Chair.

William Farrell  
*Clerk of the Committee*