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—
Chair

The Honourable Andrew Telegdi

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•(0920)

[*English*]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): I call the meeting to order.

I would like to start with a moment of silence for Pope John Paul II.

[*A moment of silence observed*]

The Chair: Thank you very much.

I fell asleep last night watching the funeral. I woke up this morning and the funeral was still on. It brings back memories. When we were living in Hungary and we had some of our darkest moments, we got a lot of comfort from the late Cardinal Mindszenty, who was the focal point of opposition to the Communist regime. Clearly, it's very easy to understand how the world has responded to the life of the Pope. Celebrating, I would say, is what they should be doing. He really helped to bring down the Iron Curtain. He brought religions closer together. The rapprochement between the Catholics and the Jewish people, for one, is very significant. Josef Stalin found out how many divisions the Pope does have.

The House is not in session today in honour of the Pope's life.

If anybody has any thoughts on this, feel free to join in.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Thank you, Mr. Chairman.

One of the interesting things about the death of Pope John Paul II is that all of us are reflecting on the spiritual dimension of our lives. We are profoundly spiritual people. Human beings are. The human spirit informs and energizes everything we do. We have phrases in our society such as "his spirit was broken" or "she has such a loving spirit". That inner energy and that dimension of us is so important in our human relationships and our endeavours.

Although I'm not Catholic, my father is a pastor, so I've been exposed to spiritual leaders all of my life, some of whom I have great regard for and others whom I have absolutely no regard for. In my situation, you get an inner meter of who's genuinely a spiritual person and who puts it on. I want to say that I believe Pope John Paul was a truly godly man. He was very deeply committed to a relationship with God and to pleasing Him and to being faithful to God's direction as he saw it.

I think the Catholic Church and Catholics everywhere have been greatly enriched under the leadership of Pope John Paul II. He leaves big shoes for his successor to fill. I know that Catholics around the

world are very much looking for his legacy and his spirit and his commitment to be carried on in the future.

I just express, on behalf of myself and probably all of us, condolences to those of the Catholic faith and best wishes as they move forward under a new leader.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Chair, I want to say very simply that it was certainly a remarkable life that Pope John Paul II led. I think we're all incredibly impressed by the breadth and depth of his life.

What I also think is remarkable is that it was a real time of transformation for the Catholic Church, and to see the leader of such an ancient and large organization become the popular leader he became was quite remarkable as well. I certainly think the experience of the last week in Rome is testament to that as well. I think his was truly a remarkable life.

The Chair: Thank you.

Hon. Hedy Fry (Vancouver Centre, Lib.): Well, as a lapsed Catholic, which is what I really am, I think that Pope John Paul II has done some remarkable things. He's demystified in many ways the papacy, because he has gone out to so many countries and met so many people. He's made Catholicism something far more palpable than it has ever been in the past.

Controversial, indeed, are some of the things he has said and done, but I think that for many Catholics, as you've heard, the church is still divided. I think this does not detract from many of the things he has done. His courage and bravery during communist times, and his ability to move forward and, as was just said, his ability to bring together the Jewish people and the Catholic Church with his apology for the Holocaust was a truly remarkable thing to have done, and has done a lot to heal lots of rifts and peoples around the world with old pain and old scars. So for that, I think he will be remembered well and fondly, not only as a spiritual leader but also as a political leader, in many ways, of the Vatican as a state.

•(0925)

The Chair: What is really incredible is that he was probably the biggest rock star for young people, which is really amazing.

Anyway, we're on David's home turf. Mr. Anderson, you will note that we have a bigger turnout of members here, the highest number so far, with 9 out of 12 here, which says something about your constituency. I'd like you to maybe give some words of welcome for your home community, where you were born.

Hon. David Anderson (Victoria, Lib.): Thank you very much.

It's a pleasure to welcome my colleagues here. I assure you that many colleagues from all parties have asked me whether I know of discreet real estate agents in Victoria for their retirement.

Some hon. members: Oh, oh!

Mr. David Anderson: None wish to suggest, to their existing or current constituents, that they wish to leave, of course. But surprisingly, I've been able to provide that service for quite a number of people. In fact, I can look at all of you and say you're all prospective constituents of mine, because so many people have retired to Victoria.

That said, and in all seriousness, I would like to welcome you here, and welcome you here because, obviously, it is my home town, but also because Victoria has a very successful history of involving people from different parts of the world in its society. Mavis will be talking to us about the great work done by her organization, which I'm certainly looking forward to hearing.

In addition,

[*Translation*]

I would like to point out that, even in Victoria, and maybe especially in Victoria, there is a large and very active Francophone population. There are many military whose knowledge of English is not very good and who come directly to Victoria. Not only do they have access to French immersion schools, but 25% of our elementary schools offer a French immersion program. There are also French language schools for those whose mother language is French. It is for them that we have, here in Victoria, not only immersion schools, but also French language schools.

[*English*]

So thanks to the military, retirement, and other issues, we have a large population from elsewhere in Canada. It's very much a microcosm of the country as a whole.

We've also had—I say this with some pride—a certain success in the relationships between the many different groups that come to Victoria. This is not a homogeneous population by any means. We have the oldest synagogue in western Canada here in Victoria. We have a very vibrant Sikh community and many other communities. Only a month ago, I attended the opening of the new Hungarian Canadian Centre, and it was a standing-room-only crowd. So we have had cultural enrichment from many parts of the world, and I'm sure we'll get some indication of that today.

Welcome, colleagues. Thank you for coming. It is a Friday, but I can still arrange the odd real estate agent for you if that is your wish.

The Chair: That's certainly the reason we arranged to be spending the weekend here.

While I have everybody together, I should mention that we're not sure, in terms of the votes, what's going to happen to our meeting in Halifax. We might have to cancel that meeting and look at rescheduling. Also, we have a fair number of requests from Quebec City. Quebec City is the only provincial capital we would have missed on our tour, and so we thought we should try to figure out a time to make a visit to Quebec City, possibly coupled with a visit to Halifax.

● (0930)

The Clerk of the Committee (Mr. William Farrell): We could make it the 26th in Halifax and the 27th in Quebec City. That's a week the House does not sit. We'd have to let the Halifax witnesses know at least a week ahead of time—call them up and reschedule them. The committee's coming off the road on the 22nd, so members and staff would have at least three days off before we go back out for two days.

Mrs. Diane Ablonczy: I wasn't planning on attending the Halifax leg, actually. Rahim is going to do that, but that week is very much booked for me. As most of us do, I put a lot into those break weeks—town hall meetings and all those good things.

The Chair: Anyone else?

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): I don't have any problems with the 26th and 27th. I'm available.

The Chair: Okay.

Mr. Bill Siksay: For me, those dates might conflict with the Bill C-38 committee, if we get to that point with that committee. But I think it's important that we go there.

It would be great if there were government representatives from the provinces appearing before us. At this point, we've only heard from the NDP governments in Canada. It would be nice if we could hear from some of the other political parties that hold government across the country. So if we could redouble our efforts to have some of those witnesses, that would be great. But I'm up in the air about those dates.

The Chair: Maybe I'll send them another fax to make sure they get it early. We sent the letter off to everybody else.

Hon. David Anderson: Did you send a letter to all the provincial governments?

The Chair: Yes.

Hon. David Anderson: As I mentioned yesterday, 75% to 90% of what we're hearing is within provincial jurisdiction. It's very important to hear these people. I don't want anyone to get the impression that we have not been willing to have provincial governments present, and not just as witnesses. I see no reason why we should not invite MLAs to sit on the committee. Much of what we hear has more to do with the provinces than the federal government.

The Chair: I specifically asked for representation from all the provinces, so I guess we can get another fax out and try to see if we can make that happen, because you are dead-on. When we decided we wanted to go to the provinces and raise the flag, DIAND was quite adamant about it, as were others, because it is a shared jurisdiction. So we'll try once more.

Does anybody here want to say something on the trip?

Hon. Hedy Fry: I'm up in the air on that one because there may be some things I have to do at that time, but we're still planning them. It's with the Prime Minister's Office, so I don't know what's going to happen.

The Chair: Lui.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): My schedule is full for that week.

The Chair: Well, I think what we can do, since we only need two—I would certainly like to have more there—is get hold of our colleagues from our parties to say we're going to be there, and hopefully they can fill out our presence there.

Is that okay? We'll proceed, and whoever can come, comes, and whoever cannot, doesn't, and we'll see what we can get from our colleagues in the area.

But it's interesting, because we ran into Gary Lunn, who is the member for Saanich Peninsula, and he was surprised that we were having this. I guess maybe we have information overload in our offices. He didn't know that we were having the meeting today.

Ms. Colleen Beaumier (Brampton West, Lib.): This is kind of late to be planning for our weeks off, because most of us really jam stuff in when we're in the ridings on those weeks.

• (0935)

The Chair: I appreciate it's a challenge.

Mr. Bill Siksay: We have a reduced quorum for these meetings, don't we? It's just two members, isn't it?

The Chair: That's right.

Mr. Bill Siksay: It may be worthwhile proceeding even on that basis so that we can get folks on the official record, and at least we'd have the testimony, if it comes to that. I'd be in favour of trying to arrange that if we can make sure we have at least two folks there.

Hon. David Anderson: Mr. Chairman, again, Bill is also from British Columbia, but of course, in mainland Canada, not on Vancouver Island. But we do have four of us who come from the west. It's very difficult to get to Halifax if you're out in your riding in Vancouver or Victoria or Calgary, and that's to be considered. It's not difficult to get to Halifax from Ottawa, and we're frequently in Ottawa. But if we know we're going to be in our ridings, as we almost invariably will be in a break week, it makes it very difficult to cross the country.

Hon. Hedy Fry: It takes two days.

Mr. David Anderson: I would think we'd be better off to try to take off a Friday or a Monday of a sitting week, when we know we're in Ottawa, because it's easy to go from Ottawa. It's much more difficult for the four of us. Actually, it's more than the four; I guess we'll have to include Manitoba as a western province, although I regard it as the middle east there.

As I say, it's quite difficult for us to rearrange and go in the other direction across the country.

The Chair: As long as you don't say anything about the easterners freezing in the dark.

The only problem we have is that the frame of reference for committee travel expires as of the end of April. Those are the logistics we have.

Ms. Meili Faille: How about Saturday, the 23rd?

The Chair: I don't know. Is that an option?

We have until the 30th to do it under the present reference. Can I suggest we canvass the members who are not here?

We have a reduced quorum for the hearings, and if we were to go to that, you can get members from the area. I will go after members of the Liberals out there.

Ms. Meili Faille: If we have five groups from Quebec City, from the experience we've had, I think we could do it in one morning. It could be squeezed into one day, if possible.

The Chair: But then we have Halifax.

Ms. Meili Faille: Yes. I don't know how many groups from Halifax, but if we travel in the afternoon to Halifax and have an evening session, we can come back....

The Chair: One thing I learned from this is that travel is brutal.

Ms. Meili Faille: We have four days to sleep afterwards.

Hon. Hedy Fry: I just wanted to point out that some of us do this every week when we come back to this beautiful province—right, David and Bill? And we don't get four days to sleep it off.

The Chair: I appreciate the challenges.

Could we get a motion just to say that we're going to do it, as long as we have a quorum? We will endeavour to do our best to add to the quorum.

Basically, we're up there to hear witnesses. If we miss Halifax, then it's not fair to the witnesses who have said they would be coming. What if we just do that? If I could get a motion on that, then we could go ahead and plan and get it done.

Mr. Lui Temelkovski: I so move.

The Chair: Okay.

We'll go to Halifax on April 26, and then on April 27 we'll go to Quebec City. That's the motion.

Mr. Bill Siksay: If that's necessary.

The Chair: Right.

Is there any more discussion on that?

Mr. Bill Siksay: Mr. Chair, I'd like to renegotiate when we go to Quebec City if we don't have to rearrange for Halifax, because it may not make sense to have it in the middle of the week if we're.... This is if we have to go this vote and miss Halifax on our scheduled tour.

• (0940)

The Chair: We don't know when the main motion is going to be coming up. The only problem is that we want, as much as possible, to give advance notice to it.

Mr. Bill Siksay: But we're not cancelling Halifax yet, until we know. We're telling them that we may have to move them?

The Chair: That's right.

Mr. Bill Siksay: Can we ask them to be prepared for that and try to clear both dates?

The Clerk: The only thing I know is that maybe the House leaders will be meeting next Tuesday, and they might have an idea of when the vote will be on the main motion on Bill C-38. I guess members come back to Toronto next Wednesday, and then we could probably say okay.... If we still don't know, then we can contact the Halifax witnesses and reschedule them.

The Chair: This certainly shows the wisdom of the request we sent to the House leaders about looking at committees, when we're travelling, as an extension of Parliament.

Could we have a vote on it?

(Motion agreed to)

The Chair: I'd like to welcome Mavis DeGirolamo. She's with the Inter-Cultural Association of Greater Victoria.

You have five minutes to make a presentation. Committee members will ask questions and engage in discussion.

Thank you very much for coming. Go ahead with your presentation.

Ms. Mavis DeGirolamo (President, Inter-Cultural Association of Greater Victoria): Thank you so much, Chairperson.

I would like to take a moment, rather than the five minutes, to say you have my sympathies in attempting to set a date together. We have the same problems with a much smaller board at the ICA; sometimes it takes several phone calls and several e-mails before we're able to finally coordinate schedules. As I say, you have my sympathies.

My name is Mavis DeGirolamo. I am president of the Inter-Cultural Association of Greater Victoria, an organization that has provided services to immigrants and refugees for approximately 30 years. I also volunteer as a tutor of Canadian citizenship classes there.

I truly thank you for the opportunity, Chairperson and members of the committee, to address you on the matter of a new Canadian citizenship act. I would like to specifically refer to four of the six questions posed in the committee publication.

The first question is this: "Should new citizenship legislation include a preamble setting out the rights and responsibilities of citizenship?"

The challenge of citizenship within a country of great ethnic, religious, regional, and linguistic diversity has been a constant topic throughout our history. In 1982, when the Charter of Rights and Freedoms was added to our Constitution after its repatriation, it posed a further dilemma for the citizens and Government of Canada, namely that of our shared values and how to articulate them.

I believe a preamble to a new citizenship act stating definitively our rights and responsibilities is an important first step to defining the values that make us uniquely Canadian. Obviously, universal values of freedom, justice, equality, and the rule of law are inherent within the rights of citizenship, but of equal importance are the accompanying responsibilities that ensure these rights are respected and maintained.

Our responsibilities are the tangible ways in which we express our beliefs in our country's values. Such values as the dignity of the individual, the peaceful resolution of conflict, the respect for diversity, and the rule of law are encompassed in the many responsibilities outlined in the booklet given to would-be citizens, *A Look at Canada*. These responsibilities are surely worth stating in a new citizenship act.

The second question is: "What are the appropriate reasons to remove citizenship and what process would be most appropriate?"

This question relates to a difficult issue of citizenship removal. I noted with interest the many presentations made to this committee by members of the Canadian Citizenship Coalition on February 8 and concur with their presentations.

In particular: ...there must be equal treatment of Canadian-born and naturalized citizens; second, there should be no "probationary" citizenship status; third, citizenship should be seen as a right for those who qualify rather than a privilege; fourth, no one should be deprived of Canadian citizenship if doing so would render them stateless; and fifth, all determinations under the act should be made by an independent decision-maker in a judicial process free from political influence.

It is my firm conviction that Canadian citizenship must be irrevocable. If a citizen of Canada is accused of a crime by his or her government, said citizen should be prosecuted by the Canadian justice system and have the right to full legal representation in answering such accusations. Furthermore, any power to deny citizenship must be based upon clear criteria, and determining the facts must be assigned to the courts. Assigning the power to government is a mockery of the judicial process in that it permits government to become the prosecutor, the judge, and the jury.

● (0945)

Any form of deportation and denaturalization of a Canadian citizen conflicts with international law and contravenes article 15 of the United Nations Universal Declaration of Human Rights, which declares that no one shall be arbitrarily deprived of his nationality.

A third question is, “What should be the text of the new citizenship oath?”

The present oath states:

I 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 fulfill my duties as a Canadian citizen.

I feel it should be broadened. I would not wish to denigrate the role of Her Majesty in any way, and I acknowledge her title as head of state, but perhaps it would be more meaningful to swear to being a law-abiding citizen and clarifying the duties that embraces prior to swearing fealty to a head of state.

In addressing the first question, I believe I clarified the duties and responsibilities inherent within citizenship. I further believe a citizenship oath should encompass an acknowledgement of Canada's values—in particular, the respect for diversity as well as respect for Canadian traditions and heritage. All citizens hold an expectation of each other that, in a democratic, pluralistic society, each has both a right and a responsibility to contribute to the country's harmonious growth. I believe this should be reflected in the oath of citizenship.

The final question, Chairperson, was: “What sort of citizenship engagement strategy does Canada need to make sure that citizenship is recognized and celebrated?”

I have been privileged to attend and organize many citizenship courts in which new citizens shared their joy and pride with family and friends. I have organized and attended public reaffirmation of citizenship ceremonies. In all these occasions, a momentous outpouring of love for and pride in country has been evident.

I believe the challenge is to engage greater numbers of our citizens in these celebrations. I believe we must be more vigilant about strengthening the positive elements of our shared citizenship. It is important to recognize our diverse cultural stories, our ability to join in and have access to the multicultural life of our country, and the wonderful interconnectedness we have with each other through sharing values, rights, and responsibilities of our lives as Canadians.

Whilst a new citizenship act may not be able to address the issue of delays in processing applications, I would be remiss in not mentioning the concern elicited by this issue within this context. If we are to truly value citizenship and celebrate those who choose our country through declaring their allegiance, then we must accommodate the applications with improved processing times. One, two, even up to three years of delay might suggest that we do not value the commitment of our would-be citizens.

In conclusion, I thank you once again for this opportunity to address you today and wish to reiterate that new legislation is essential to all Canadians, legislation that encompasses a commitment by government that every Canadian citizen will walk proudly in a free, democratic society knowing that our participation in its growth has truly made a difference to future generations.

I thank you, Chairperson.

● (0950)

The Chair: Thank you very much for an excellent presentation. Let me say, it truly underlines in my mind that we have to keep the citizenship court judges. We have so many people across this country of ours who have such passion for this whole issue of citizenship that they would do a wonderful job. Maybe that will come out in questions.

Ms. Ablonczy.

Mrs. Diane Ablonczy: Thank you, Mr. Chairman.

Thank you for that presentation. I had to be outside the door for some of it, so I wonder if you have a written brief of those remarks that you could share with us as well.

Ms. Mavis DeGirolamo: Yes, I do. I have left them with the front desk, because I'm afraid they're only in English. My apologies.

Mrs. Diane Ablonczy: Well, they can easily be translated, so thank you for that.

Ms. Mavis DeGirolamo: Thank you.

Mrs. Diane Ablonczy: One of the problematic areas of the last draft of the Citizenship Act was section 21, which said that citizenship could be denied for flagrant and serious disregard for the values underlying a free and democratic society.

Are you familiar with that section at all?

Ms. Mavis DeGirolamo: Not totally, I apologize.

Mrs. Diane Ablonczy: That's fine. I think I've summarized it.

You've talked to so many people and have addressed your mind to this. Do you believe such an approach is appropriate in citizenship legislation? If it is, what kind of wording do you feel might be appropriate?

Ms. Mavis DeGirolamo: Thank you.

Obviously I'm not a lawyer, so I would not want to suggest a wording. However, there are certainly instances where flagrant disregard for the values for which Canada stands could be considered appropriate for denying citizenship. But I would not want to see us give citizenship to someone and then say, “Oh, sorry, we made a mistake. We're going to take it away from you”. I think that would be flagrant disregard for justice.

● (0955)

Mrs. Diane Ablonczy: That's a good way of putting it.

The other question about citizenship that has come up in these hearings—and if you have addressed this, just let me know—is whether people born in Canada, no matter what the status of their parents is, should automatically have Canadian citizenship.

Ms. Mavis DeGirolamo: I have not actually addressed that one. I do believe that if people are born here this is their home, and to deny citizenship to them would leave them stateless. What happens to children whose parents, for whatever reason, were sent back to a country or had to return to a country, and may not still have citizenship in that country? They must be allowed to keep their Canadian citizenship and have the right to stay here.

Mrs. Diane Ablonczy: Would that include people who are here visiting, for example—

Ms. Mavis DeGirolamo: That's an interesting question.

Mrs. Diane Ablonczy: —or just people here seeking status?

Ms. Mavis DeGirolamo: It definitely applies to people here seeking status. On the question of visitors, I believe if their children are born here....

It's a hard question to answer. I would like to do more research on it and have more statistics available on how many people this actually impacts. My feeling initially is that they would be guaranteed the right to citizenship in Canada. On the other hand, if statistics prove or bear me wrong in those feelings, I would certainly be willing to reconsider that statement.

Mrs. Diane Ablonczy: Of course, policy-makers struggle with that as well.

With respect to citizenship in general, just to recap, what would you say is the number one concern of your association in this whole area?

Ms. Mavis DeGirolamo: The main concern is the whole question of delays in accessing citizenship testing. So many people come to us and say, "How can you help us? I applied for my citizenship two or three years ago and have heard nothing". I realize that's not a question particularly of the laws that are in place, but of perhaps needing more people within the department.

I just feel so bad for people who come to my classes, as an example, assuming that in a month or two they may get the notice to go for their test. They're all excited. They have studied. They are coming to classes to make sure they know the information. Six months later I am still getting phone calls from them, saying, "But we haven't heard anything. What are we going to do? Who do we contact"? The only thing they can do is make contact, usually through e-mail or the Net, and find out their application has been transferred to Victoria, where it now sits. They're still waiting after a year.

I just think that is an appalling situation to put people in who truly want to become Canadian citizens and participate in the whole democratic process. One of the joys I always have in teaching the citizenship class is to be able to say, "Now you'll be able to get involved in voting, because there is an election coming up". Then I have to say, "Sorry, you can't vote because there has been this dreadful delay". To me that's a number one priority to sort out.

•(1000)

The Chair: Thank you very much. That was a quick session.

Madame Faille.

[*Translation*]

Ms. Meili Faille: In fact, the presentation was rather complete, and rather interesting too. I cannot say I disagree. Diane's questions explain certain points of view. I agree with you on the timeframes. People feel papers are very important, and the fact of having the card in their wallet is a first step in allowing them to feel Canadian. Nobody should be arbitrarily deprived of their nationality, or any nationality, and nobody should become stateless here, in Canada.

I did not have any specific questions. I think you addressed the issue rather well and answered the questions we ask ourselves at the committee. I just wanted to say that I found that interesting.

However, I do have a little problem with the oath. I think Canadian values can be recognized without necessarily referring to the Queen. For the rest, it seems fine.

[*English*]

Ms. Mavis DeGirolamo: Thank you.

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

Thank you, Mavis, for your presentation. It was very helpful.

It's good to be reminded of the joy of a citizenship ceremony. I think all of us know that feeling. We've heard so many times in this trip how immigrants to Canada are almost the ultimate optimists. It really comes together at a citizenship ceremony. The sense of hope and optimism is very thick at those ceremonies. It would probably be good for us to attend one of those when we get the new citizenship act and just put it in the context of that moment and see how it comes out.

I appreciate that you've reminded us we can have a good piece of legislation but that if we can't deliver on the values that are in that legislation administratively, then it really demeans the value of what we've done in that context. I think, too, that with the increasing concern around security, having good citizenship documents and identity documents becomes very important for newcomers to Canada, and that delay becomes even more frustrating because it limits your mobility in very significant ways that are new to our experience.

So I agree wholeheartedly that we have to deliver better on that. We have to reduce that timeline. We have to have a greater commitment from the government to the bureaucratic process. This department has taken a significant hit in recent history and that hasn't been made up yet, in terms of the budgeting that comes from the government. So it's important.

You talked about teaching citizenship classes. That's something I did when I was an assistant to an MP, but also since I've been an MP. It has always been a lot of fun to go to those classes and do that work.

I wonder if you could talk about the resources that are available to you as someone who does that. Are there enough? Is there a gap there? Is there something else that would be helpful to get from the government to assist with that process? What kind of assistance do you get from the department in terms of resources or funding to help with that process?

Ms. Mavis DeGirolamo: Thank you for your question.

There is no funding available, just so that you are aware. I am certainly a very willing volunteer and delighted to do this because it is something I feel very passionately about.

Some of the resources I have accessed, which have been wonderful, are the Senate booklets that talk about the Government of Canada and how it is set up and how the process works. The one I have tried to get on a number of occasions is a very small booklet called *I Can Vote!* It's a wonderful booklet for would-be Canadian citizens who perhaps are not totally fluent in English, which of course applies to many of the students who come through my classes. The last time I phoned for it, I was told I could only have one booklet because it had to be duplicated and shared. I just find that says that we don't think this is very important.

It would be wonderful to have access to more materials. I download many of them, but then, of course, the cost of reprinting, downloading, and so forth is borne by me or by the Inter-Cultural Association, as the case may be. So yes, it would be helpful to have more. When documents are published, they are great documents and helpful, but if you're only allowed one, that doesn't really go very far.

•(1005)

Mr. Bill Siksay: The Internet has been a valuable tool in giving us access to a lot of things, but we now off-load all the printing costs onto the person who's accessing the information. It's an interesting thing.

I'm glad you mentioned Senator Forsey's book, *How Canadians Govern Themselves*. Having distributed thousands of those in my day, I realize, too, how important and what a great resource that's been to all of us.

When you go to a citizenship ceremony, do you get any sense of how many people in Victoria have actually taken a formal class or have participated in a formal discussion of citizenship, such as the ones you offer?

Ms. Mavis DeGirolamo: Not a larger number. We have tried very hard to get our information about our classes out through libraries, through the other intercultural associations, through churches, through the community associations. But probably, I would say, on average, I teach perhaps between five and ten people. I have two classes per month, sometimes three, depending on how eager people are to take the classes before a test.

It would be wonderful to have more. Unfortunately, no matter how we advertise, it seems it's not enough. I have people who come to me during the ceremony itself and actually say they wish they had known about my class. People who do take it tend to become really involved and seem to enjoy themselves. I try to make it as lighthearted and as much fun as possible.

So I don't know what the answer is. We have tried, actually, through Citizenship and Immigration Canada, to spread the word, but it seems that what happens is that it only goes to those who have a problem and actually seek out immigration and citizenship information at the office.

If there were some way of having a slip of paper in every envelope that went to a would-be citizen, because each person does get *A Look at Canada*, which is a wonderful book, and very helpful.... But there's so much more that needs to be discussed. If somehow, as I say, we could have the information attached, I think that would be a wonderful thing for would-be citizens—as well as, of course, for having more discussion in my classes.

Mr. Bill Siksay: That's a helpful suggestion. We're fond of using 1-800 numbers for all kinds of other things. A simple thing like being able to call and find out who to contact for information about a citizenship class, if that were included in *A Look at Canada*, might be helpful for people.

Ms. Mavis DeGirolamo: That would be absolutely superb. Thank you for the suggestion.

The Chair: Thank you very much.

Mr. Anderson.

•(1010)

Hon. David Anderson: Thank you very much, Mr. Chairman.

Thank you, Mavis. I promised my colleagues we would have an excellent presentation in Victoria. You have lived up to that advance billing in a very fine way.

Ms. Mavis DeGirolamo: Thank you.

Hon. David Anderson: What I'd like to question a little bit more is your very clear statement that citizenship is a right; it should not be revocable.

Now, some countries, such as Australia and Germany, have an extra five-year or ten-year period following the citizenship grant, and in those cases, if anything comes to light, it could be denied. You're saying no. You're saying, once it's granted, that's it. I just want to be clear on this, because this is one of the great dilemmas.

Ms. Mavis DeGirolamo: Yes.

Hon. David Anderson: Thank you very much.

Ms. Mavis DeGirolamo: Yes. I think probationary citizenship is an unfair burden to put on people, and in fact it says to them that they are only partially citizens. I don't think anybody should be given that kind of statement from any country, particularly one as wonderful as Canada.

Hon. David Anderson: Thank you, because that, I believe, is the most logical position. I've had some difficulty with the probationary citizenship, as you've described.

In any event, you went on to say that the government should not be able to state that unfortunately it made a mistake. You were not, at that time, referring to citizenship. You were referring, I believe, to deportation prior to citizenship. Nevertheless, the principle you've established, that a government should not be able to say it made a mistake, would also, I presume, apply with respect to granting citizenship.

Ms. Mavis DeGirolamo: Absolutely.

Hon. David Anderson: Here is the crux of the problem we face. What if that mistake the government made was based upon lies told by the applicant for citizenship in his presentation somewhere in the process, and which, had he told the truth, would have resulted in his being turned down?

Ms. Mavis DeGirolamo: That is always a dilemma. I think in many cases the biggest question around this should not necessarily be what lies were told and when they were told but perhaps, who is to judge? I think this is where, rather than having government involved in that process, it should go to an independent body with judicial decision-making power.

If it is discovered that lies were told, perhaps there was a mitigating circumstance for those lies being told. Perhaps they were under threat or under torture and they felt they had to lie in order to remove themselves from that situation.

I don't think that could truly be encompassed within a piece of legislation. I think the process for making a judicial statement could be encompassed within the legislation, but I don't think every eventuality could be covered.

Hon. David Anderson: Yes, I see that point.

Going back to the principle involved, you can see, then, the irrevocable nature of citizenship being eroded to a certain degree, at least in situations where there has been—I think the legal term is—misrepresentation of a material fact, which in our more common, everyday language is lying.

Ms. Mavis DeGirolamo: Yes, in certain circumstances it would be possible. One primarily thinks of the war crimes tribunals that have been held and of people who committed war crimes within their country before coming to Canada denying all of those things.

I think, however, that one has to still ensure that we are not rendering a person stateless and that we are giving them due process in terms of a hearing. We want to know they have been treated fairly and equitably through our Canadian justice system.

•(1015)

Hon. David Anderson: I would like to follow up on my colleague Ms. Ablonczy's question about birth, and it relates exactly to what you've just said.

Say there was a situation where somebody was born in Canada simply by convenience. I have to say my mother came to Canada three months before my birth and, I believe, left about three months after. She happened to be a Canadian-born citizen, but that's irrelevant to the fact that I came *dans le ventre de ma mère* and left shortly after.

Nevertheless, say somebody is born in Canada by deliberate choice of the mother and they have another citizenship. In other

words, we have this birth of convenience. Would you say there are then grounds for saying the Canadian birth might not lead to Canadian citizenship?

Ms. Mavis DeGirolamo: I suppose there are grounds for that, although perhaps the mother has chosen to give birth in Canada for a very specific reason. Maybe the mother is afraid in her own country, where she might otherwise have given birth. I think that if you are born here, you are in fact Canadian.

Hon. David Anderson: Regardless.

Thank you.

The Chair: Thank you very much.

Mr. Mark.

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Thank you, Mr. Chairman.

Like other members of the committee, I welcome you and congratulate you on a great performance. You've really hit the nail on the head, because in essence that's what we're debating and talking about, the business of two classes of citizenship.

I agree with you that citizenship should be a right, but again, as Mr. Anderson indicated, we're still concerned about people who lie their way into the country and want to stay. There always has to be a mechanism to deal with those kinds of individuals. I agree, we need to do it judicially, but if they are guilty, what do we do, throw them in jail and leave them there for the rest of their life?

Actually, I have two questions on the whole issue of citizenship. The first one deals with dual citizenship. As you know, as the world turns and changes, a lot of Canadians and others, foreign nationals, have dual citizenship. How would you deal with dual citizenship so we don't have cases like Maher Arar resurfacing? If you're a Canadian, how do we tell the world you should be treated first as a Canadian and not as someone with another citizenship?

Ms. Mavis DeGirolamo: That's a difficult dilemma, obviously, but if a person has chosen to become a Canadian, then I think the Canadian people have a responsibility to that person to treat them as Canadian even though they may in fact have dual citizenship.

I think the case of Maher Arar, as you say, is a dreadful case, one that hopefully will never happen again. But it certainly created the need for us to determine that if someone is deported to another country, perhaps their country of origin, and if they have chosen Canadian citizenship, they should be treated as Canadians.

Mr. Inky Mark: You see, that's the very dilemma I have. I'm a foreign-born Canadian and was offered the chance to get my citizenship back from the country I was born in, which is China. My concern has always been, what if they apply the laws of China to me if I'm out of this country? Then it creates a dilemma for both countries. My fear is that I wouldn't be treated in as democratic a fashion as I would if I was only Canadian, so forget about the second choice.

Ms. Mavis DeGirolamo: I understand what you're saying. I'm not sure how I would actually react in a personal situation like that either, but I still think that even where there's dual citizenship, the fact that one has chosen to be a Canadian citizen means they must be treated as a Canadian in whatever country they happen to be.

• (1020)

Mr. Inky Mark: My other question goes back to the business of revocation. If citizenship becomes an absolute right, then should we make the test of becoming a citizen more difficult?

Ms. Mavis DeGirolamo: Well, I would hope not. I think the questions are fair now, particularly with the emphasis on rights and responsibilities and the emphasis on voting and involvement in the democratic process. Those are the ones you must get right, no matter how many of the other questions you actually do get right in order to pass. Those are really part of the essential understanding of what being in a democracy really means.

I would hate to see the test become more difficult, but what I would love to see, though not as a compulsory kind of measure, is certainly more encouragement to take part in discussions and to take part in classes. It's the kind of encouragement that perhaps was suggested by MP Siksay, where the information on how to get to those classes might be more readily available.

Part of the reason for that is not for me or to swell the numbers in my classes; that is not the reason I am suggesting that. It's because there is so much good discussion that happens when you have would-be citizens, even two or three, coming together and asking, what are the responsibilities of being a good Canadian? What are some of my rights under the charter, and what does it really mean? To me that would be really important, much more so than making the test more difficult.

The Chair: Thank you very much.

Dr. Fry.

Hon. Hedy Fry: I was very moved by your presentation, but I think I am going to pick up where Inky Mark left off.

I am a foreign-born Canadian. I was born on the tiny little island called Trinidad and its...*[Inaudible]*...Tobago.

I am a Canadian citizen. For my own particular and personal reasons I am no longer a citizen of Trinidad and Tobago. I chose not to take out dual citizenship for the simple reason.... It's not that I am afraid somewhere along the way somebody might think Trinidad and Tobago will go to war with someone—it's too tiny to go to war with anybody—but because I believe I can't have divided loyalties. Yes, I love Trinidad and Tobago; it's where I was born; the culture was mine. I'm proud to be that, but I am now Canadian. My duty, my obligation, and I say my responsibilities lie with Canada. That's my

personal feeling. I am not suggesting anyone else should have to feel that way.

But I believe that for me citizenship is not a right—it was an honour conferred on me, because I wasn't born here—and that I have to live up to certain responsibilities of the honour that was conferred on me. I believe it means I have a duty to understand the responsibilities of being a Canadian. That means, obviously, observation of the rule of law; it means belief in the values. And I think those values, as you and other people have said, shouldn't just be nebulous. They shouldn't just be “Canadian values”. They should be specifically laid out as to what they are—belief in minority rights, in the charter, in multiculturalism, in equality under the law, and all of those kinds of things—because I believe those are the responsibilities I have to fulfill as a Canadian.

While I agree with you on the issue of revocation, because I don't want to be a second-class citizen, I believe personally that my responsibilities are to be carefully carried out. Again, it's because I wasn't born here. I believe I have a right to ensure that I am true to Canada and true to Canadianism and true to all those things.

So while I agree with you that you shouldn't be allowed to revoke citizenship, I think the question people have been asking about people who conveniently become Canadian citizens; people who come here and—we know there are stories, and I won't go over them—at certain points in time have their babies here but have no intention of living in Canada ever.... It's as if they just bought a little bit of insurance in case something ever happened, so that they can then send their child here to be a Canadian citizen. I don't believe that is taking the responsibility of being Canadian clearly. They are not intending to live in, be loyal to, pay taxes to, obey the laws of, build a nation.... It's just like saying, if ever I get into trouble, I know where I can run and plonk my name down, because I am a citizen.

I think there needs to be some other way of looking at people who seek citizenship of convenience and then leave and go to live in another country, where they spend most of their lives, without any intent of coming back unless there is a problem. If you agree with the responsibilities of citizenship, then there has to be some way of seeing citizenship as more than merely a right. I think that is what I would like to see in the new citizenship act: some way of ensuring that this is taken seriously; that it's not a convenience, not something we embark on lightly. And because of what you said that was so moving, the whole concept of being a Canadian must not be undertaken lightly.

I must admit I am quite torn about dual citizenship. That is something I am torn about; I believe you can't serve two masters very well. But that's my personal opinion.

I think there needs to be some way of looking at people who use citizenship as a convenience, and I don't know what we can do about it. I am hoping you can give me an answer. I would like to hear about something more than just a voluntary going off and reading about Canada and trying to understand what it is to be a Canadian. I believe there must be some clear responsibilities enacted in the act that people do not undertake lightly.

● (1025)

My older son is a dual citizen. He was born in Ireland, so he has taken out his Irish citizenship. He is now a Canadian and an Irish citizen. I did not approve, but it's his business as a grown-up who can do what he wants, but he said, "You know what, I can go and work in the European Union", and blah, blah. I said, "Well, you know, you are using it as a convenience. You don't want to go to live in Ireland, as you will never have any hope of building any loyalties to Ireland; therefore, you are abusing this particular right that you have".

So I feel this is something we need to really think about, this convenient citizenship, and to find a way of ensuring that it is clear to people when they take out citizenship that they not only understand the history of Canada and all those nice things, but they also understand that tied into that citizenship is a responsibility that they must vow to accept and undertake in being a citizen. It's not just a case of knowing the rights of being a citizen. So this is a real concern to me, and obviously if the person is stateless, you cannot revoke their citizenship.

Then you beg the question, if the person is a dual citizen, what if it turned out they knowingly—I am asking this as a devil's advocate—had done criminal activity, such as international crimes and war crimes, and knowingly hid that when then came to Canada and got away with it for a long time?

How do you believe that should be dealt with? Do you believe they should be punished under Canadian law, or that they should be taken to court under the full weight of the law of international crimes? Do you think they should be sent back to be tried in the country where they committed those crimes, without giving up their Canadian citizenship, but at least be sent for trial in international courts and other things? How do you believe that should be done?

Ms. Mavis DeGirolamo: Thank you. That's a very powerful question.

I think the Canadian courts have a responsibility to Canadian citizens to ensure that justice through our system is in fact perpetrated—and not only be seen to be done, but be done. I think that if we were in fact to have an international court that was effective, that was honoured by the majority of countries in the United Nations even, then I think we could possibly send the kind of crime you speak of to an international court for some sort of disposition. But we don't have an international court of law on that scale, so my feeling would be that we, as Canadians, use our judicial processes to try these people.

● (1030)

Hon. Hedy Fry: I hear that we do have an international court for that, but about five countries haven't signed on to it.

Ms. Mavis DeGirolamo: Yes, but—

Hon. Hedy Fry: Every other country has.

Ms. Mavis DeGirolamo: May I just say that I am also a proud Canadian-citizenship, card-carrying person, and I take my responsibilities very seriously also, which is obviously why I am here.

Thank you.

The Chair: Thank you.

Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair, and thank you, Mavis, for coming out and taking the time to be present with us.

I was born outside of Canada, as were many of us, and I believe in the birthright that if you're born in a country, you are a citizen of that country. As you mentioned, if anybody is born in Canada and then leaves, they are still Canadian because they were born here.

That carries with it the birthright. And it's an international birthright, because if I go back to Macedonia, and they are at war with somebody, they can take me into the army, and Canada cannot do squat to get me out of that country—because I was born in that country—unless we strengthen our citizenship to be able to do so. And the only knowledge I have that Canada can do so is a verbal or written record discharging me of citizenship of the country that I come from. And then I will no longer have that birthright.

Other than that, whether I like it or not, I'm a citizen of that country. I may not hold a piece of paper saying that I am a citizen of that country. I'm a citizen of that country for the same reason we say when somebody is born in Canada they are Canadian for the rest of their life.

● (1035)

Ms. Mavis DeGirolamo: Yes.

Mr. Lui Temelkovski: So these other countries feel the same way. The dual citizenship issue is not a problem for me, and I don't think it's a problem for many Canadians, because we have so many people who have come from so many countries. I believe we understand that dual citizenship and the birthright... And sometimes people abuse it; they become citizens of another country. But I think the majority of people, when they become citizens of a country, do so wholeheartedly, with all of their abilities, to become good citizens of that country and involve themselves in all of the rights that citizenship carries in that country.

But that brings us to the point of revocation or whether we can then take citizenship away from somebody. It is a challenge, but do you think maybe we should have the courts deal with those people and deport them if they are found guilty of whatever crime or of not disclosing all the facts upon coming to Canada; or should we deal with them legally here and maybe take away their citizenship and not deport them, have them as immigrants in the country as opposed to citizens of the country?

Ms. Mavis DeGirolamo: I would think your suggestion is perhaps a more judicial one. I certainly believe we should try them here in Canada, that we should determine their guilt or innocence. The interesting question of deportation in many instances is, I believe, that if we were in fact to deport someone whom we are saying has lied or cheated or done whatever to come into this country and to become a citizen, I think we probably would in fact be sending them back to quite a horrendous situation.

I think that if we were to try them and find them guilty, perhaps we could say—because Canada is, I think, a very fair country—that we would in fact accept them as immigrants without citizenship standing. But of course it would depend upon the situation, and the court of law would determine that, when in fact they had proper legal representation and they were able to put forward their case as well.

Mr. Lui Temelkovski: The same as any other citizen.

Ms. Mavis DeGirolamo: Precisely.

Mr. Lui Temelkovski: Thank you.

Ms. Mavis DeGirolamo: Thank you.

The Chair: Ms. Beaumier.

Ms. Colleen Beaumier: The revocation of citizenship is something that concerns me. I wasn't around when some of these so-called war criminals who we are talking about now were allowed into Canada. However, a part of me can't believe that when they were allowed into this country our immigration officials and our government officials did not know exactly who they were letting into this country. As we know, each year goes by, and history is rewritten, and our values change, and our conscience levels rise and fall. I've been given information that in the early nineties we allowed a number of people who were members of the FLA in Lebanon into Canada. They were given Canadian citizenship and they can—in fact, they do, or did in the nineties—travel back and forth to Lebanon to do whatever it is alleged that they do.

Now, if in 15 or 20 years from now we as a nation wake up and we have a new awareness, and a new consciousness, and a new group begins to dominate the policies of government, I don't know how.... I believe these people should not have been given citizenship in the first place. I also believe that those who were responsible for giving this citizenship weren't totally innocent or in the dark about knowing what the history of these individuals was. So if our consciousness changes in 15 years, how do we deal with revocation of their citizenship based on the fact that conditions have changed and they have now become undesirable Canadians?

Ms. Mavis DeGirolamo: You pose an interesting dilemma, and I really don't know the answer to that. I think if Canadian citizenship is in fact irrevocable, then you don't have to deal with it, because in spite of the fact that you may not want these people in the country, they are here and they are Canadian citizens. If they are doing

something that is appalling within Canadian society, then fine, we try them as Canadians, and they have a chance to verify or justify their actions in the same way as any one of us could if we were charged with something. I think perhaps the dilemma you pose does in fact state the case for the irrevocability of citizenship more strongly than ever.

Ms. Colleen Beaumier: So if in our consciousness, charges come up that these people were violators of human rights elsewhere in the world, should they be tried here in Canada for their past sins, or do we send them as Canadians to an international court?

• (1040)

Ms. Mavis DeGirolamo: I think we send them as Canadians to an international court.

Ms. Colleen Beaumier: I think you're right. I agree with you.

Ms. Mavis DeGirolamo: Thank you.

The Chair: Madam Ablonczy.

Mrs. Diane Ablonczy: I just have a couple of questions. I know you have talked to so many newcomers and potential citizens, and I really value the insights you've brought us.

This is a difficult question to ask, but I really want your perspective on this. Earlier when you were giving some advice to the committee, you mentioned that people who had lied on their citizenship application should not necessarily have that bar them from obtaining citizenship. I'm just looking at stories from the Gomery testimony, where deceit and lies were very troubling. I'm really struggling with how we can say misrepresentation, falsehoods, lying is okay, because we see what it leads to when this attitude is accepted—when in certain circumstances, for a good enough cause, or if the pressure is great enough, lying is excusable, understandable, and can be ignored.

The Chair: Could you come to the point?

Mrs. Diane Ablonczy: Yes. I wonder what your perspective would be on that.

Ms. Mavis DeGirolamo: If what we had done was to find out why those lies were told, we would deal with them appropriately. Canadians sent to an international court would have the protection of being Canadian, because we have given them citizenship. But as international citizens, they would have to prove or disprove whatever they were being accused of.

Mrs. Diane Ablonczy: I'm sorry, Mr. Chair, I honestly was not trying to be partisan. I know it sounded that way. I'm just saying that we're struggling with this whole notion.

Anyway, I'd like to move to my second—

The Chair: No, we've run over time and we can't get into another round.

Hon. David Anderson: We still have time allotted for this witness.

The Chair: No, we don't have any more time. I'm getting pounded by the—

Hon. David Anderson: I thought we had this witness scheduled until 11 o'clock.

The Chair: No, no, I think you're...

Ms. Mavis DeGirolamo: I started very early.

Hon. David Anderson: The point raised by my colleague Ms. Ablonczy is an important one. This is the crux of the issue. It's not whether people have committed crimes 50 years ago, where the evidence is next to impossible to obtain, where the trail is completely cold, where witnesses may have died 50 years ago; it's whether people are able to benefit from their lies. That's the point that Ms. Ablonczy raised, which I think is tremendously important for us to recognize. It's quite easy to say it should only be a criminal trial, but that's not the point, from a citizenship point of view.

The point in citizenship is this: if people lied and got into Canada, while others didn't lie and didn't get in, should those who got in continue to benefit from their lies? I'm not making a value judgment. I'm simply saying that this is the crux of the problem we're facing. Ms. Ablonczy put it rather well with reference to a very recent case of people benefiting from fraud and lies.

The Chair: We really have run over time. One of the things we've been hearing is that we should let due process in the courts or the inquiry take its place, which is a very fundamental principle. But the discussion brings something to my mind: there's no perfection. People come to Canada, they take a chance on Canada, and Canada takes a chance on them.

My wife marries me, then finds out that—

•(1045)

Mr. Lui Temelkovski: Don't go there.

Hon. David Anderson: Mr. Chair, if you were married before, your wife wouldn't be married to you. That's the point.

The Chair: But I could have been married before and then divorced. She might not have known about it. What I'm saying is that there is no perfect solution to all the questions.

I thought about the concept of being “foreign-born”. I'm not foreign-born; I'm born abroad or born in Hungary, a Canadian Hungarian who was born in Hungary. Hungary is not foreign to me; it's where I come from.

I'm sure you must have seen *Return to Sender* on CBC. That really is a heart-wrenching story, and I'm hoping the committee can have that young woman here. It underscores the importance of citizenship and how somebody who came to this country could end up losing her citizenship. She ends up going back to Romania, stateless. Her child becomes stateless too.

Ms. Mavis DeGirolamo: She fell through the cracks, totally.

The Chair: That's what happened. It just ruined her life. Citizenship is something visceral for those of us who acquired it, particularly for those who acquired it in difficult circumstances.

I want to thank you very much for your presentation. You engaged in very lively discussions, and you did a wonderful job.

Ms. Mavis DeGirolamo: Thank you so much for the privilege of being here. I wish you well in all your deliberations.

The Chair: Thank you.

I am going to suspend the meeting for a few minutes and we will get set up.

•(1047)

_____ (Pause) _____

•(1053)

The Chair: Okay, we will resume. I would like to make sure we all understand the schedule. We are running a little behind, but that certainly was an interesting one.

I would like to welcome Eswyn Lyster and thank her for being with us.

Please go ahead. You saw how it went. A five-minute presentation.

Ms. Eswyn Lyster (As an Individual): Yes, when you said five minutes I was scared, because my document said seven.

The Chair: No, seven minutes. Go ahead.

Ms. Eswyn Lyster: I read it to my writers' group and it timed out at nine, so I had to cut it.

The Chair: David is an incredibly influential member. He ruled that seven is fine, so you go ahead.

Ms. Eswyn Lyster: Thank you for allowing me to make this presentation. I'd like to say I may sound English, but I'm a proud Canadian.

My presentation has confirming material at the back, and copies are available.

I'm a writer living in Qualicum Beach, B.C. I was born in London, England, and came to Canada as a war bride in 1946. I hope everyone knows what a war bride is. Every British war bride was told that immediately upon marriage she would remain a British subject but gain the Canadian status of her husband. This is supported by Order in Council No. 858, February 9, 1945, which states in part:

1. a “dependent” means the wife, the widow or child under eighteen years of age of a member or former member of the Canadian Armed forces who is serving or has served outside Canada in the present war.

3. Every dependent who is permitted to enter Canada...shall for the purpose of Canadian immigration law be deemed to be a Canadian citizen...

I realize that at that time there was no such thing as a Canadian citizen with a capital C, but that information was very misleading to war brides. I have found nothing to alter this ruling.

I speak for a very large number of women, as approximately 48,000 Canadian servicemen married while overseas. The greatest number, 44,000, married British women. The remaining 4,000 married women from 19 other countries. Records of the Canadian Wives Bureau, a branch of Canada's Department of Citizenship and Immigration located in London, show that from August 1944 to the end of 1947 approximately 44,000 of these war brides came to Canada. The majority came in 1946.

My son and I were on the first war bride sailing of the *Mauritania* on February 5. We travelled on Canadian travel certificates issued by the Canadian Wives Bureau. I have seen hundreds of these documents, and all were stamped "landed immigrant" by Halifax immigration officials. I doubt that any war bride regarded "landed immigrant" as meaning our legal status in Canada. We had just landed. We were immigrating to Canada. We had been assured by Canadian authorities that we would have the same status as our husbands. My own husband was a fifth-generation Canadian.

At the time of my arrival in Halifax my husband, a major with the Calgary Highlanders, was in Calgary's Colonel Belcher Hospital undergoing reconstructive surgery for severe chest and shoulder wounds received in northwest Europe. We had endured a rough voyage. My 18-month-old son was very ill. I was worried about my husband and paid little attention to the rubber stamp. I have corresponded with Canadian Citizenship and Immigration for many months in an attempt to clarify this conflict between what we were told in Britain and our landed status. I have never received a ruling.

When the 1977 Citizenship Act was passed, many—probably the majority of war brides—did not apply for citizenship because they firmly believed they were citizens. Consequently, many have run into difficulties. In the 1980s Mrs. Rose Roy of Calgary applied for a Canadian passport and was told she was not eligible because she was not a Canadian citizen. Unfortunately, my supporting evidence for that has disappeared in my files, so that's not included.

• (1055)

Gertrude Flatman of Victoria, B.C., reported that years ago her widowed British mother was in Canada as a visitor. When Mrs. Flatman asked that her mother be granted landed immigrant status, the son-in-law's ability and willingness to provide a home for his mother-in-law was ignored. Landed immigrant status was denied on the grounds that her daughter was a war bride. The department's representatives said that there had been too many broken marriages that had led to a parent becoming a ward of the state.

When Mrs. Flatman appealed for some way to keep her mother in Canada, he suggested that she find a job and employ her mother at an adequate salary as her housekeeper and nanny. Mrs. Flatman complied and was required to submit weekly receipts as proof that her mother was paid a salary. This went on for many years, denying Mrs. Flatman the choice of staying home and raising her four children, which in those days was the normal thing to do.

Many children of war brides born overseas have been adversely affected, as you will hear this afternoon when Mr. Joe Taylor makes his presentation. This is because so many war brides did not take out citizenship, because they believed they had it.

The very title of my book *Most Excellent Citizens*, which is a quote from war historian Colonel C.P. Stacey, turns out to be ironic. In the 1940s many things conspired to convince war brides that we were coming to Canada as citizens. The correspondence war brides received from the Canadian Wives Bureau was headed, "Civilian Repatriation Section". How is it possible to repatriate civilians by signing them in as landed immigrants? Did we undergo a change in status in mid-Atlantic? If so, where is the documentation?

In 1942, Gray Campbell, a pilot for the RCAF, was posted back to Canada from Britain to instruct with the air training plan. He encountered Lester B. Pearson and told him the British were holding up his war bride's passport. Mr. Pearson agreed that she was now a Canadian and managed to reunite the Campbell family.

At least one Halifax immigration officer told a war bride, "Take care of your travel certificate. It is your proof of citizenship".

Mrs. Rosemary Bauchman wrote the following:

...disembarking at Pier 2...where we walked through long, wide passages to go through the formalities of Customs and Immigration. We were told that as we stepped ashore we became Canadian, as a tribute to the Canadian Servicemen whose were our husbands.

The year 2006 marks the 60th anniversary of the year when most of Canada's 44,000 war brides arrived. Canadian citizenship granted, even at this late date, would honour them and the brave men they married. It would also straighten out a lot of the problems their children have encountered by the fact that they have no Canadian citizenship. I am speaking of the children born overseas who came with their mothers to Canada.

Thank you for allowing me to make this presentation.

• (1100)

The Chair: Thank you very much.

You mentioned you had a book on this?

Ms. Eswyn Lyster: Yes, I've been working on it since 1998. It's taken a lot of research, and I've spent the last two years writing and rewriting. I've corresponded with many war brides, and I continue... even yesterday, I had interesting information. Now that my manuscript has gone to the publisher, it's doubtful whether I can get it in. But that is always the case when you're trying to write a book of this kind.

The Chair: I would love to see a copy of it as soon as possible.

Ms. Eswyn Lyster: I would love to see one myself. I'm hoping it will come out next year.

The Chair: It's coming out next year. I wonder if you could get us a copy of the manuscript that we could look at. This is very important information that you're giving us.

Ms. Eswyn Lyster: It will be a very unfinished manuscript, and perhaps someone could tell me where I should send it afterwards.

The Chair: Oh, that's for sure. You could give it to the clerk, or you can give it to Mr. Anderson. He'll deliver it.

Thank you very much for that presentation.

We'll start with Mr. Inky Mark for five minutes, back and forth.

Mr. Inky Mark: Thank you, Mr. Chair, and thank you to the witness for coming here today.

It's really a tragic and sad story you're telling us this morning. For men who have gone overseas to fight for this country's freedom and brought brides back with them...I mean, this is the kind of thing that Canadians are shocked and surprised to hear, because they themselves don't expect—

• (1105)

Ms. Eswyn Lyster: They just don't believe me. Even war brides don't believe me when I say this. I happened to address about a hundred war brides at a war bride reunion, and I asked—and I know when you ask a question like that, it's not very valid evidence—if they believed when they came to Canada that they were Canadian citizens. Without a doubt, all the women in the room put their hands up.

Mr. Inky Mark: It's very tragic and unfortunate that—

Ms. Eswyn Lyster: I mean, who would know better than you? Citizenship is such an important thing. We wouldn't have given it up lightly and come to Canada, I don't think, although we were blinded by love, most of us. But we would have taken a lot more thought if we had realized that we didn't come into Canada as full-fledged Canadians.

Mr. Inky Mark: You said there were 44,000 war brides. Do you have the numbers in terms of the brides who are not naturalized?

Ms. Eswyn Lyster: No. In my supporting documents I quote either the Canadian Wives Bureau figures or a researcher in New Brunswick who has done her thesis on war brides. She has done a lot more research than I have, but more into the statistics, and I've based my information on that—but I have no idea of individuals.

Mr. Inky Mark: Would you say the manner in which to correct this problem is for the government to grandfather these individuals and record them?

Ms. Eswyn Lyster: I would think so, yes.

Mr. Inky Mark: Do you have any numbers on the children born abroad to war brides?

Ms. Eswyn Lyster: Some time ago it was estimated at 300,000, but of course there's now another generation, and they are all affected.

Mr. Inky Mark: Well, we still have the same myth in this country. I know even in our respective constituencies that visitors who come here and marry a Canadian just assume they're Canadian, and unfortunately they're not. We still have that same problem. Obviously, the message is not out there that just because you marry a Canadian, whether in Canada or abroad, it doesn't automatically

make you a Canadian citizen. But in your case, it's a sad note about this country's....

Ms. Eswyn Lyster: I have a little quote at the head of my presentation, which I didn't read: "A nationality is an accident of time." And that is so true. That's by Canadian poet David Helwig. It's a line in one of his poems.

The Chair: Thank you.

Madam Faille.

[*Translation*]

Ms. Meili Faille: In fact, what fascinates me in the testimonies we've heard up to now is the personal way of evaluating social issues and looking at the political future...

[*English*]

Ms. Eswyn Lyster: Excuse me. I'm not getting anything but the French. I'm sorry.

There's the English, on channel 1. Thanks for your help.

[*Translation*]

Ms. Meili Faille: I come from a region of Quebec where most people may have a different political opinion. This does not exclude the fact that the current contribution of the committee throughout Canada comes down to the expression of a right, i.e. the right to citizenship.

What fascinates me, in fact, is the personal way of evaluating social issues and looking at the political future of the nation. For my part, I want to live in a society which is based on values, and in a place that supports democratic participation—I think we agree on this—, preserves our social programs, and guarantees, among other things, equality between all citizens.

The situation you described to us—and I thank you for telling us about it—shows how much you care about people who could be excluded or who are already excluded from the current legislation. I simply wanted to add a comment to the effect that it is important that people have a citizenship. The most important, I believe, is to be able to participate, to be recognized, and to fully contribute to the advancement of one's nation.

On this issue, I would simply like to add my voice to yours as regards caring. I did not really have any questions, because you simply illustrate the results we get when legislating in this area, i.e. that people can be excluded, and that ways to remedy and correct these situations should be examined.

Thank you.

• (1110)

[*English*]

Ms. Eswyn Lyster: Thank you very much.

The Chair: Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

Mrs. Lyster and I just discovered that I went to seminary with her son, who is a United Church minister, and that's a happy coincidence—one of those small country moments we've had this morning. So it's great to meet Stuart's mom, finally.

I wanted to say that it's not a story—I vaguely remember the story—I knew many of the details about, so I'm very glad to have your presentation this morning. And it's certainly not the first time we have heard of confusions caused by mixed messages from Canadian officials. It's still going on in immigration policy, and people are coming to Canada with expectations that aren't being met and leading us to question the kind of advice they often get overseas. It's still going on and it's something we are working at clarifying.

I was concerned to see that there were times when you had never received a reply from immigration officials here in Canada. I wonder if you can tell me a little bit more about your experience in contacting the government around this issue and what kind of responses you get.

Ms. Eswyn Lyster: It has been very frustrating. I simply wanted a statement as to the status of war brides when they landed in Canada. I've had several letters. One said that this information came under the privacy laws, and then they referred me to the National Archives. The National Archives merely sent me a document. Actually, I must say the department did send me documents, and that is where I quoted the order in council. That's where the document came from.

That address didn't mean anything to me in London, England, and I didn't receive a reply, so that was a dead end. I was referred to the British Embassy in Ottawa. Pardon me, it was the British Embassy in Ottawa that I was referred to by the citizenship department. Then they referred me to this unknown party in Britain. I've received no further information.

There was something else, which eludes me. I'm afraid my long-term research has resulted in piles of paper. My house is full of piles of paper.

I've had no funding. I apparently can't get funding for the first book. It's not my first book; my first book was privately printed, and that doesn't count. I wasn't eligible for any funding.

In the middle of my research, I had a stroke and was out of the picture; not literally, but with rehabilitation and everything else, I was away from it for a year.

• (1115)

Mr. Bill Siksay: Mrs. Lyster, is there an organization of war brides pursuing this issue that has made representations?

Ms. Eswyn Lyster: I can't get very much interest from war brides, because most of them think it's a non-issue. They think they are Canadian citizens.

Mr. Bill Siksay: Do most of these people vote, for instance?

Ms. Eswyn Lyster: I understand they do. They receive old age pensions.

Mr. Bill Siksay: So they're exercising citizenship in many ways without actually holding it.

Ms. Eswyn Lyster: Yes, it seems to be such a mixed message from the immigration department.

I know of a war bride who didn't leave England. Her husband was killed in an accident. I corresponded with her daughter, and she told me that her mother received a widow's pension from Canada. I haven't inquired whether she was interested in knowing whether she was a Canadian citizen or not, because she obviously didn't come to Canada. But she said that she was well looked after by the Canadian government.

Mr. Bill Siksay: So that I'm clear on this, you have never received a clear policy statement from the government, a general policy statement, about this.

Ms. Eswyn Lyster: No. All I wanted was a statement, in a few words, on the status of war brides as they stepped ashore.

Mr. Bill Siksay: Have you consulted a lawyer about pursuing this kind of thing, some type of legal action?

Ms. Eswyn Lyster: No.

Mr. Bill Siksay: Thank you very much.

The Chair: Thank you very much.

Mr. Anderson.

Hon. David Anderson: Thank you very much.

I'd like to thank Mrs. Lyster for the brief she has presented.

In my constituency experience, I've had a number of cases dealing with the war brides of the Second World War, particularly with respect to passport applications.

Ms. Eswyn Lyster: Passports seem to be the big problem with the war brides.

Hon. David Anderson: I noticed that in response to the questions of my colleagues, in particular Mr. Siksay, you mentioned that voting takes place, pensions come in the normal course of events to most of the people, and from what you stated, you are certainly not aware of problems in that area.

Basically, I would like to follow up a little on the passport issue simply to see whether it is in fact similar to an experience I have had with the absence of documentation for issuing a passport. When the passport request comes in, there is then a request for a birth certificate or some other proof. It's at that point that the difficulty occurs.

Ms. Eswyn Lyster: It is at that point that it falls down.

I travelled on a Canadian passport for some years before the 1977 issue with citizenship, and I would like to bet it said I was a Canadian citizen, because they usually did. But I don't have that passport.

This only became an issue with me since I started writing the book. I was just so annoyed to be asked to prove—as I thought—that I was a Canadian citizen, you see. I sent in my marriage certificate and my birth certificate and received a fairly big paper, in those days, for citizenship.

Hon. David Anderson: If it corresponds to my constituency office experience, this is related—

Ms. Eswyn Lyster: The problem is when it affects the children and the children's children.

Hon. David Anderson: But the particular difficulty has become worse, in fact, in recent years because of security issues surrounding Canadian passports.

Ms. Eswyn Lyster: Yes, there are many other issues impinging on it. I realize that.

Hon. David Anderson: Let me quickly say I wish no disrespect towards ministers of the church, but there was one who, I believe, signed the application forms of 850 people who were outside of Canada to give them Canadian passports, because he thought it was only fair. This led to a fair number of Canadian passports that were clearly invalid being in use in the world.

We heard yesterday of an Israeli secret agent in New Zealand using a Canadian passport, and we have heard of quite a number of cases of Canadian passports being used by people who had no right to use them. There has thus been, there is no question, a real tightening up, which has led to some real difficulties with people such as you describe, who had made assumptions over many years and then were required to produce paper proof they didn't have, or had lost, or that maybe through a house fire or something like that had somehow or another disappeared. So I am extremely sympathetic.

Now, let me ask two other questions. One is whether the Canadian Legion has taken up the case of the war bride issue that you see.

• (1120)

Ms. Eswyn Lyster: I don't think the Legion is aware of it; I really don't. I have never inquired. I was a member at one time. It is a long story, but I am not any more a member.

Hon. David Anderson: Well, the Legion is a very active organization and it does a great job.

Ms. Eswyn Lyster: Yes, I was very active in the Legion myself.

Hon. David Anderson: Okay, that ends that one.

Have you had any dealings with Veterans' Affairs, or has it entirely been with Citizenship—or with the archives, as you mentioned?

Ms. Eswyn Lyster: Maybe I should have been.... I was expecting that the citizenship department would have some historical information and would be able to give me a ruling. Maybe that is not their due in this case; maybe it is from some other authority. But you would think they would tell me. This is correspondence over a number of months, probably a number of years.

Hon. David Anderson: As well, let me add that if the book becomes available—or when it becomes available, as I am sure the publisher will want to publish it—we will look at it with great interest.

Ms. Eswyn Lyster: I sent my publishers a book proposal, and they asked me to go ahead and write the book, which is not quite the same thing as having a contract, but it is not quite the same thing as just sending in a manuscript, so I am hoping for good news.

Hon. David Anderson: Well, I certainly hope there is good news—

Ms. Eswyn Lyster: Thank you.

Hon. David Anderson:—and I certainly hope we get the chance to look at it.

My mother, Canadian-born, married a member of the British armed forces, and so in a sense we have the reverse situation in our family.

Ms. Eswyn Lyster: Yes, I call them reverse war brides.

Hon. David Anderson: Yes. Many of her friends were of course people in your situation. They were all of much the same generation, and people she knew well.

Ms. Eswyn Lyster: Yes, we can't hide our ages, unfortunately.

Hon. David Anderson: My experience with friends of my mother's, in terms of contact with British war brides and others who came from elsewhere, was not necessarily wildly extensive, but it certainly was there, and I appreciate the fact that you have come to highlight this particular problem for us.

Thank you very much.

Ms. Eswyn Lyster: Perhaps I may speak a little longer about something that I didn't address at all.

When the ship arrived in Halifax, those of us who were coming to the west—and I was coming to Alberta—did not disembark the first day. We stayed another night on the ship. But when the first group was disembarking, a message came over the loudspeaker that *x* number—I don't know from memory whether it was one, two, or three war brides—would not be allowed to land because they had misbehaved on the ship.

What was meant by “misbehave”, whether it was actually just having a drink with somebody—there were no troops on board—with the crew.... These ships were under military discipline, and we were advised that we must not consort, whatever “consort” meant, with any male members of the crew.

So it was announced that there would be people returned to Britain. By what authority, I've been trying to find out. When I asked this researcher, she said, “Oh, I think they were having you on. They were trying to keep you in line”. And I thought, well, why wait until the last day when we're getting off the ship? It seemed so odd. But I have heard that story from many war brides.

Now, if we came in as landed immigrants, they could.... They must be undesirables. But I understand that you had to go through some kind of...not a trial, but a hearing, to find out if you really were an undesirable. I mean, surely the captain of the ship couldn't make that decision. It's a mystery.

• (1125)

Hon. David Anderson: Well, it certainly is a mystery to me, and if it's a mystery to you, who travelled on the ship, I imagine it may be lost in history.

Ms. Eswyn Lyster: Well, I think it is now.

Hon. David Anderson: Thank you very much.

Ms. Eswyn Lyster: Thank you.

The Chair: Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair.

Thank you very much Ms. Lyster.

I have a couple of points. You mentioned that you have voted. In Canada there are different levels of voting, and for some levels you do need citizenship and for other levels you might not.

Ms. Eswyn Lyster: I have never had trouble voting, but then I did take out my citizenship in 1977.

I must say, I was very mad at the time. I said to my husband, "I think I'm going to just have a British passport". I didn't have one, but I thought I could apply for one. I thought that at least I was surely still British. And he told me not to make such a fuss. And then he gave me the clincher. He said, "You realize you won't be able to apply for an old age pension if you're not a Canadian citizen". So I thought maybe I'd better.

Then, of course, I read about the Japanese affair, people born in Canada who were interned, which I could not understand. Now, maybe I don't know enough about it, but I thought, in the remote possibility that Britain went to war with Canada, where would I be? That was my thinking at the time.

Mr. Lui Temelkovski: I can appreciate that. But in terms of voting, there may be confusion about the level of government where one is—

Ms. Eswyn Lyster: No, I have voted in all three.

Mr. Lui Temelkovski: In federal levels?

Ms. Eswyn Lyster: Yes.

Mr. Lui Temelkovski: Okay, good. Widow pensions in Canada are received whether you are a Canadian citizen or not. Company pensions transfer over to spouses regardless of their status. So I can see the continued assumption that one is a citizen until one applies for a passport. And that's the clincher.

Ms. Eswyn Lyster: That seems to be what often is the trouble. I mean, at this point we're a dying breed, so it's not for any monetary gain. But I think it would be a nice gesture to the war brides to declare that they came into Canada at least with the same status as their husbands.

Mr. Lui Temelkovski: That's the question I'd like to ask you. Prior to coming to Canada, without any doubt, was your understanding that you were coming here as a Canadian citizen?

Ms. Eswyn Lyster: That's what I was told. Not as Canadian citizens, but we would gain the status of our husbands.

Mr. Lui Temelkovski: I also understand that under the Citizenship Act some years ago, British citizens were able to get their citizenship within a year, while other foreign-born people had to wait five years or longer.

Ms. Eswyn Lyster: British subjects were given special consideration. And then that was changed, and quite rightly so, I think.

Mr. Lui Temelkovski: Do you think many war brides applied for Canadian citizenship afterwards?

Ms. Eswyn Lyster: I think a lot of them didn't, because they—

Mr. Lui Temelkovski: Did not?

•(1130)

Ms. Eswyn Lyster: I believe that a lot did not, because they believed it was unnecessary. In fact, I had an e-mail a few weeks ago from the daughter-in-law of a war bride. She said her husband was having problems. He had thought he was a Canadian citizen because his mother always said that she was, and she had not taken out.... Now, why it devolved upon the mother, I don't know. Maybe the father was dead or something.

Mr. Lui Temelkovski: Do you know whether the situation of travel abroad, whether it's to the United States or back to England, has heightened in the last number of years since 9/11?

Ms. Eswyn Lyster: Visiting other countries, you mean?

Mr. Lui Temelkovski: Visiting other countries, yes.

Ms. Eswyn Lyster: I have no idea about that. But this seems to be when it comes to light that there's a problem.

Mr. Lui Temelkovski: Even going to the States. If you like to go down to the States you need a card.

Thank you.

The Chair: Thank you very much. You can be assured that when we get back to Ottawa we're going to be asking for some response from officials. You raised an incredible situation with us.

Ms. Eswyn Lyster: Yes, as a writer trying to finish a manuscript and not being able to make a statement as to the status of the war brides, I found it very frustrating. I still do, because I still don't have it.... All I can do is report what has happened.

The Chair: Well, thank you very much. We will be looking for your manuscript.

Ms. Eswyn Lyster: Thank you. In its unfinished state, I will send you what I have.

The Chair: We will very much appreciate it.

Ms. Eswyn Lyster: If someone will give me the address—

The Chair: You can give it to Mr. Anderson and he will deliver it, or you can give it to the clerk.

Ms. Eswyn Lyster: I live in Qualicum, you see, and everything is up there.

The Chair: A wonderful place.

Ms. Eswyn Lyster: Thank you.

The Chair: I think the next witness is just above Qualicum. Thank you.

Okay, we'll take a two-minute break, and then we'll reconvene with our final witness.

•(1131)

_____ (Pause) _____

•(1136)

The Chair: I'd like to call this session back to order. We have as our last witness for the morning Ms. Kim Recalma-Clutesi.

Welcome, Chief Clutesi.

Ms. Kim Recalma-Clutesi (Chief Councillor, Qualicum First Nation): I thank you. I thank you all for the opportunity to be here today, but mostly I thank the Lax Kw'Alaams people, or the Songhees people, in whose traditional territory we hear these deliberations. The Lax Kw'Alaams people are from the Coast Salish Nation, and I am their neighbour to the north. My territory is the boundary for the Kwaw-Kwaw-Apiltt people, who are a different nation. So I am an immigrant to this land as well, at this present time. I must acknowledge that.

It may seem a little odd that I come today to speak to this issue, but it is vitally important. And it was an important issue for my late father for most of his life.

Citizenship was not an automatic thing for aboriginal people until 1960—in fact, until aboriginal people were granted the vote in Canada. I actually grew up and was born prior to aboriginal peoples were able to vote in this country. My father had to actually test and look through old files from a residential school to prove he was baptized in order to prove he was a citizen, even though he was a hereditary chief and could trace his lineage to the beginning of time in our territory.

I speak of these things primarily because we are facing so many challenges in our world, particularly in Canada. I speak of them because, if we cannot afford those rights, which we did not afford even in my childhood, in every document and piece of legislation, and in particular around citizenship, which is the core of who you are, the core of your central being, then it is not appropriate for this government, or any government, to enact legislation that would be in contravention of the Charter of Rights and Freedoms. It would be absolutely inappropriate.

So if any part of this legislation would deny those things that I grew up with, then I have to stand here today, because I believe that the aboriginal people of this land are in fact the first immigration officers. I believe strongly that it was that kind of welcoming—the protection of the newcomers to this place—that allowed this country to be as it has become over the years.

I also would be remiss if I did not speak briefly about David Ahenakew at this point. I think it is deplorable the words that have been said. I cannot comment on the proceedings, whether or not they are fair, but I also think it is deplorable that we have only focused on one ethnic group that has been spoken about. I don't like the sensational aspect of it.

Anyone in leadership has to have a higher standard. Anyone who is in governance of any kind must have a higher standard. So I feel very strongly, as I have related to the people who have also felt strongly, that you may have personal opinions but you may never, if you are in a position of leadership or governance, harbour any of those opinions. There is a higher standard and a cultural standard that we uphold. So I have to disrespect what he did and said. I have to let the courts proceed with what they are working on at this time. But it is appropriate to what we are speaking about here as well.

We cannot point a finger at anything else in the world if we cannot afford the basic, fundamental human rights afforded by the Charter of Rights and Freedoms to, in particular, the issue of citizenship—the granting of citizenship, the review of whether or not citizens stay

in this country—because it has been a foundation on this coast for only 150 years, but in the rest of Canada for almost 500 years. I speak of those other incidents because they are significant with respect to a violation that we ourselves feel has taken place, and so those violations may never take place in these forms.

● (1140)

I'm open as well to, and mindful of, the kind of historical relationships that we have had in terms of citizenship. And because we still live on reserves today, and on reserves we are not afforded even the basic democratic electoral process that the rest of Canada has, I am also mindful that citizenship comes with many obligations from the Government of Canada. Because we still live on reserves with restricted access to those rights, we cannot ask anybody else if we're fighting for them. We cannot, even for a moment, support anything that would not support the full rights of others within this country and those wishing to become part of this country. This is a matter of principle, the reason I am here, and it is why I wrote to the former Prime Minister and it's why I'm writing to this Prime Minister, because I feel very strongly about that.

As we're working towards recognizing and making sure the full rights of all Canadian citizens are afforded to aboriginal people in this country, many of us do not have the time to be able to do these kinds of presentations, but I do know from my discussions that this is a feeling that many aboriginal people and leadership in this territory feel very strong about as well.

I'm willing and open to answer any questions that people may have.

The Chair: Thank you. Could you introduce Mr. White?

Ms. Kim Recalma-Clutesi: Yes, this is Mr. William White, who works at the University of Victoria but is a member of the Coast Salish Nation, whose traditional territory we're on.

Thank you.

The Chair: Thank you very much.

Madam Ablonczy.

Mrs. Diane Ablonczy: Yes, thank you.

This is a matter we haven't heard before the committee, so we really appreciate your bringing it forward. It's a very important aspect of citizenship, because of course aboriginal peoples are our first nation, so they certainly should be given strong consideration when it comes to our citizenship deliberations.

I want to assure you, with respect to the case you mentioned, that there would be no one here...and certainly I think most Canadians would not be judging a whole group by the actions of one person. I hope we would be that way for all groups.

With respect to the human rights you mentioned, we have heard concerns about women's rights when it comes to first nations, and I think you'd be an excellent person to let us know whether there are any concerns about how those are being dealt with and whether you think there need to be some changes there.

Ms. Kim Recalma-Clutesi: You mean with respect to aboriginal women's rights on reserves?

Mrs. Diane Ablonczy: That's right, with respect to matrimonial property, for example, and that sort of thing.

Ms. Kim Recalma-Clutesi: There are definitely some flaws in the area of matrimonial property. But I also have to be extremely mindful. You are speaking to a traditionalist when you're speaking to me, and so I highly respect some of the very strong rigours and standards that we have within our culture. I speak only in political forums. I never speak in the cultural forums. We have very strict laws regarding genders and how genders operate, but all the laws of this exterior land are not restricted in that same way; it only pertains specifically to specific cultural rules that have a strong foundation in those areas.

Matrimonial law is a very tough issue. You have to be very cautious on reserves about the transfer of property, about divorce. You have to be very mindful. It's difficult to sue and to have access to a share of the assets of your partner. But I'd like to say that non-aboriginal men who marry women are actually in a worse situation; they have no rights whatsoever, whereas women actually do have some rights and can remain on the reserve. Non-aboriginal men who marry on reserve and divorce have fewer rights. So again, the inequity is there.

• (1145)

Mrs. Diane Ablonczy: Thank you for that. I can sense it's a difficult balancing. What I sense from what you're saying is that you feel the balance, although difficult, has been pretty acceptable as far as you're concerned. Is that fair?

Ms. Kim Recalma-Clutesi: No. I don't think you've—

Mrs. Diane Ablonczy: Then what changes would you like to see?

Ms. Kim Recalma-Clutesi: It's inappropriate for the Government of Canada to impose rules on jurisdictional issues that do not allow people to have fair and equal access to basic property and human rights.

When it comes to the ritual world in our culture, that's not your concern, and it's protected by law. But that's why I made that qualifier. It's not difficult for me at all, actually. With all due respect, it's not difficult at all. I only said it so that you would recognize that I have to introduce the authority by which I am speaking today, which I did not do formerly, and that is under a delegated authority as an elected chief. It is not as a cultural person today. I have absolutely no problem whatsoever in separating the two, just as many people have no difficulty, when they go to church, in keeping that separate.

My cultural rights are totally protected, and I would like them to remain that way. The reason I speak strongly about this issue today—and I have to be very clear about this—is that four generations have been working to correct the wrongs that I live with right now. If you enact a body of legislation...I am aware of how slowly the parliamentary and judicial systems work in order to rectify things and how costly that is. I speak now because I understand how it is when you have to live with those kinds of situations.

When it comes to the kinds of issues we are speaking about around women's issues, those are more about the outside values and laws that are imposed by society. They have no reflection whatsoever on the intact traditions and cultures that still operate.

Thank you. I hope that clarifies it.

The Chair: Thank you.

Madam Faillie.

[*Translation*]

Ms. Meili Faillie: I also wanted to add that, in Quebec, we have signed agreements with the First Nations, and that we fully recognize aboriginal people. I would add what I mentioned earlier in the presence of the previous witnesses, i.e. respect for nation-to-nation relationships. I agree with your principles and the values you outlined regarding exclusion, i.e. that we should be careful and settle all situations in which people could be excluded or have their rights violated. I believe it is important to respect egalitarian values as regards access to citizenship and the expression thereof.

As regards the situation of aboriginal people, there is a native chief in my riding who comes from a place near the Gaspé Peninsula, near Acadia. He once told me, somewhat jokingly and reading a poem in a public place, that if the aboriginal people had had the opinion they have today of some of us, they would not have let us settle and would have sent us back on the spot.

Considering the way relations are currently evolving, I believe that the expression or definition of what citizenship means should also include respect for the First Nations. In this regard, we in Quebec have drafted and concluded fairly important agreements with the First Nations, and we recognize this principle.

• (1150)

[*English*]

Ms. Kim Recalma-Clutesi: I want to acknowledge your work and the kind of deliberations that you have undertaken to speak with those who are what we would call Nogaad, knowledgeable in the territory that you reside in.

The chief is right. We have very strict laws of banishment. It would have ended most of what has happened today had we understood the behaviour of people today. It is true that it is a joke, but it is an underlying truth as well. We do not operate under those laws, but our minds still think that way sometimes.

The Chair: Thank you.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Mr. Chair.

I want to thank Chief Recalma-Clutesi for being here this morning. It's very important. I think it's the first time, in our tour at least, that we've heard from the aboriginal people of Canada. I also want to acknowledge that we're here on the traditional territory of the Lax Kw'Alaams people and Coast Salish people. My constituency is also in the territory of the Coast Salish people, and I want to acknowledge that as well.

I really appreciated your comment about aboriginal people being the first immigration officers in Canada. Luckily, as you stated, they were very generous and welcoming. We newcomers were very generously received when we came to Canada. Unfortunately, the values we brought to that same exercise have not been quite as generous. They have been more about limitations, barriers, and gate-keeping, and it's good to be reminded of that.

I know you've said that you're separating your political representations here from some of your cultural aspirations, but you did remind us of the different approach to newcomers. I'm just wondering if there's anything else in terms of membership in the community and responsibilities of being a part of a community that you might reflect on, in light of a possible change to the Citizenship Act in how we deal with people.

You mentioned the question of banishment. In a sense, we talk about that in terms of revocation in this act. We've heard from many people that once someone has been granted citizenship, revocation may never be appropriate in our terminology. I'm just wondering if you have any opinion on how that might affect aboriginal Canadians, and in terms of traditional values.

Ms. Kim Recalma-Clutesi: Of course, I can only speak of the culture and traditional values I grew up with, and perhaps this might shed a bit of light on why I feel very strongly that revocation should never be in a political leadership.

Within our culture of the Kwakwaka'wakw people there were several levels of ceremony and governance, and one of the seats was called the *pasa*. It was a governance system that was wrapped up with an economic system. It had what was called a Qwiuk, which was eagle sentinels that oversaw law and order. People born into those seats who oversaw that work had a very strict obligation, very similar to that of the Supreme Court of Canada, the judicial system. They had no loyalties to the individual families, although every family had their own sentinel. They had an obligation to correct behaviour and bring forward difficult issues, which were corrected very clearly.

So in effect, we had a very clear system that separated our governance and our system of law and order. We always had management of behaviour that was hurtful to the community. Probably one of the largest issues for banishment was incest and hurtful behaviour towards children—anything that was hurtful towards the family unit. It was also for anything that had to do with stealing resources and harming the resources and the territories. Our material wealth had very little to do with ownership; it had to do with your history and being able to provide for your family—the resources that could make your tradition strong.

Again, you can make all of these parallels today in this government. You can talk about very similar parallels. But I do not believe for a moment that people who govern this land should ever make those decisions. It has to be a separate entity that has no power whatsoever and no influence whatsoever. It must be at arm's length. We had those solid traditions, but we also had banishment for deviant behaviour. The entire culture supported correction of that deviant behaviour.

I hope that has helped, just for that small area you spoke of.

• (1155)

Mr. Bill Siksay: Terrific.

The Chair: Thank you very much.

Dr. Fry.

Hon. Hedy Fry: Thank you very much, Chief. Thank you for coming.

I must say I had never thought about it. You reminded us very clearly that many people have come today and talked about the right to citizenship, that if you're born on this soil you have this automatic right to be a citizen. You have talked about your people, who were born on this land 45,000 years ago and were still refused that very basic right of citizenship. So I think sometimes we have to put things into historical perspective, which makes us really stop and think about what we tend to take for granted and what we believe is a right.

I want to ask you an important question. We're dealing here with looking at our Citizenship Act, the oath of citizenship, and the rights and responsibilities of citizenship. I believe those responsibilities are very important. I'd like to hear your opinion on that.

What would you like to see or think would be appropriate to put into the Citizenship Act that would be an oath, or would ensure responsibilities of citizenship? You have said that people could be removed from the community if they had done certain things. Do you think we should do that with Canadian citizenship?

These are some of the questions we're struggling to answer here, and I would like to hear your thoughts on them.

Ms. Kim Recalma-Clutesi: Thank you. I appreciate that, and I also appreciate the other subjects that we have spoken about in depth and very candidly.

I'll put my cultural hat on for a moment. I believe very strongly in banishment and revocation. I believe that rights come without any strings attached, but citizenship does.... Citizenship rights really speak to a set of rules, as well, that are attached to them and around how we exercise them. It doesn't mean it's just totally wholesale citizenship, that we can do whatever we please.

I believe very strongly that citizenship is something that we hold dearly. When a chief transfers his rights from one generation to another, one of the typical speeches that is said, which is about the same thing as citizenship, is this. You have inherited this name. It has been built up for generations and it has been made good. Your responsibility is to make that name good and uphold it and keep it that way. If you don't, it will be removed from you.

So in leadership you have a weighted responsibility. I'm not allowed to do many things in society because of different rites I'm initiated into, because I am not a private citizen in the cultural world. I am an extension of a chieftain house, which is what you are in Canada. So if I do something that is inappropriate, to shame, then the chief of my house has an obligation to review that behaviour and to decide whether or not some of my privileges to represent people can be removed. And they can decide whether or not I can have a second chance to do that work.

So there are weighted rules when you are doing cultural work, but when we are coming to citizenship as a whole, your behaviour doesn't have as high a standard, so even minor infractions in the cultural world are called upon. Your name as a Canadian has a very strong weight in the rest of the world. I believe that the oath of office should speak to that. It should speak to what we have collectively built here, because another part of me comes from Iceland, on my mother's side, and had it not been for Canadian immigration rules in the 1940s, that little town that had been wiped out by a volcano would never have survived, because they had to relocate. So we are all an amalgamation of a form of immigration and citizenship here. That has to be expressed in the oath. The Charter of Rights has to be expressed in the oath.

The rules that we decide to say as common, that we have to say are the fundamental issues of human rights, are extremely important. So I believe this strongly, because when our people are initiated into different practices, we have to take oaths as well to uphold those rules and laws, but the first thing we do is recognize our Creator and where we came from.

In my wildest dreams, I would be really happy if a citizenship court was held here in Victoria and they recognized the flood story of the Lax Kw'Alaams people, or, if they had it in Montreal, they would recognize the flood story of those people. I don't hold a lot of hope for us to be that open-minded, to go that far into our past and to have that amount of recognition, but you did ask. That would be the appropriate thing to do if we wanted to truly have citizenship on the land—not just to be pasted on like icing, but to be part of the land.

Thank you.

•(1200)

The Chair: Thank you.

Mr. Mark.

Mr. Inky Mark: Thank you, Mr. Chairman.

Thank you for being here today. There is no doubt that the way Canada has treated the aboriginal community is certainly a bleak moment in our history.

This morning we talked about dual citizenships, and the new Immigration Act recognizes aboriginals as having North American mobility rights, in essence, I guess, like quasi-North American citizenship. At the same time, first nations are members of Canadian society. In other words, they are Canadian citizens. They are also citizens of first nations.

Could you comment on some of the conflicts or loyalties that this creates or may not create?

Ms. Kim Recalma-Clutesi: That's a good question. I believe you're speaking to the Jay Treaty around the North American mobility rights. It doesn't pertain to most people on this coast. In particular, it's for the people of the area around the Six Nations.

When I travel to the United States, I can't wear some of my jewellery because it's contraband in the United States. I've had regalia confiscated. My partners had regalia cut open to see if there were drugs in it. We do not have free mobility. I have to be really clear about that. Yet, we have relatives in the United States who we routinely potlatch with in the Makaw' territory and the Lummi

territory. We routinely cross the border to do cultural work. But we do not have full mobility in North America. The Jay Treaty does not apply to me, though it may be applicable in the Salish area.

•(1205)

Mr. Bill White (Aboriginal Liaison Officer, University of Victoria): Speaking of northwest Washington State and southwestern British Columbia, the largest title group in British Columbia is the Coast Salish. The Coast Salish have a powerful pre-contact traditional institution called the Coast Salish Winter Dance. The Coast Salish Winter Dance is responsible for reinforcing values such as respect for the old, sharing, and cooperation. Our ancestral names are reinforced during these winter gatherings, at which you might have anywhere from 500 to 1,000 people.

The difficulty with the Salish people is that they must undergo the search mechanism when they go through the border. The American border has made it difficult to go across and visit relatives, particularly at the spiritual level.

Mr. Inky Mark: Is there any conflict between loyalty to Canada and loyalty to the first nations?

Ms. Kim Recalma-Clutesi: Yes, there are a few conflicts. They're mainly in the area of lack of rights. The conflict really is a bitterness around rights issues, rather than an actual conflict about whether you can be an aboriginal person and a Canadian citizen. I believe very strongly you can be both.

I have difficulty with the lack of clear application of the rights that are afforded to most citizens in Canada. They're still not afforded to aboriginal people. This is the issue of citizenship. I don't have a problem with the citizenship issue itself, and I don't think many people do.

Hon. David Anderson: Thank you very much for attending this committee meeting, Kim and Bill. I appreciate it very much. Especially in Victoria, we should have your involvement with, and contribution to, the committee.

I'd like to go back to something Mr. Siksay said. He raised an issue about differing attitudes of people who come to Canada. I wonder what you feel now. Is there an increasing or decreasing awareness and sensitivity to first nations issues? Is it more difficult than it might have been in the past to have issues considered and taken care of, or is it less so?

Ms. Kim Recalma-Clutesi: Thank you.

I really appreciate that question because it is true. While I am sitting here and presenting to you, begging for equal rights and opportunities for people who come to this land, the fundamental thing that has to be considered is the issue of very comprehensive training, when new citizens come to this country, about the relationship between aboriginal people and this land and their rights, including their inherent rights from the beginning of time. It is true that the attitudes are becoming more difficult. I always find that if people are very strong in their own citizenship and their own religion, they have no problem accepting and understanding aboriginal peoples' place in this world.

When it comes to economics, that is when you will have difficulty. Rights become secondary and they are separated out, and that is the reason any citizenship act, any oath of office, or any oath of citizenship must have riders and must require some training, not just in the English language and the parliamentary system but in the fundamental inherent rights of people, especially given the strong body of case law that obliges people, whether they are in business or in different levels of government, to consult with aboriginal people. If they don't understand that, we will be in conflict down the road.

Concern is decreasing, not about people—you people have a baseline, and I don't mean this in a partisan way—but I find that people are tiring of the rights issue. They are tiring of hearing the same rhetoric. I don't think Canadians fully understand that the situation that people have spoken about since it became legal to speak about it in public—because most citizens don't even know that it was not legal to hire a lawyer until 1951 to speak about the land question—the same sentiments, and the same arguments are still being passed on from generation to generation, and that for the most part a lot of them are unresolved. We have found ways to accommodate them and to work within systems to be able to tinker and to make the situation more acceptable, but the fundamental issues still remain.

● (1210)

Hon. David Anderson: Could I then ask a further question, with two very closely linked parts?

Are immigrants, in your view, adequately informed about first nations issues prior to be granted citizenship in Canada?

The second part of that is, has either of you, Bill or Kim, ever been invited to attend or give lectures about first nations issues to immigrants to Canada who are seeking citizenship, or do you know of others who would have been able to do that from a first nations perspective?

Ms. Kim Recalma-Clutesi: Those are two very good questions. My answer is that immigrants are totally inadequately informed, and that is why I have proposed the rider that if people are immigrants coming to this country, landed immigrants, who understand where they come from and understand their culture and their religion well, they will have a really easy time accepting aboriginal culture because we will find parallels.

But no, I have never known of anybody being asked—and it is a small circle of people who do this kind of cultural competency, or cross-cultural training—to do that as part of training for new citizens. And I believe it is fundamentally important.

Hon. David Anderson: Well, I certainly think it is something we should definitely consider for our recommendations. I thank you both very much.

I should add that I think it was 1968 when I first heard Kim's mother speak very eloquently at a political meeting. Certainly, it has been inherited on the female side very well.

But I would also like to express one other thought. I know it won't be possible to consider it very deeply in the short time available, but you have talked about connection with the land, and that is a very interesting concept. We have had people come before us here saying, really, it doesn't matter if an applicant for citizenship lives in Canada.

If they have a bank account in Canada, if they have relatives in Canada, that is okay for counting towards citizenship. I don't think we are going to have an opportunity to explore that concept now, but I hope at some future time the committee comes back to you, or to first nations people, for that differing view of the importance of the land. I think there are some very differing views, and all are equally valid, but we are perhaps going to have to struggle with the issue of whether citizenship should be related to that “having feet on the soil” issue.

Ms. Kim Recalma-Clutesi: For us it is a very important concept. Even if you live outside of your territory for economic or educational or health reasons, it's paramount. When you witness an elder person return to the homeland, the elder will reach down and drink the water from the river that is adjacent to the homeland before even walking on the land; and then the person will say a prayer and give a welcome back to that area, just to say, “I'm home”. The elders speak to the land and the water to let them know they're back. There is an inherent connection that can never be lost.

I don't know how I can speak to fee simple property ownership in the same way. I don't know if I can, because that's not even part of that realm of thinking. The land is about stewardship, and it's about the values and the teachings and our history. The land is there because it is the physical manifestation of the flood stories and the reminder of those gifts and responsibilities and opportunities that we have.

Thank you.

Hon. David Anderson: Thank you.

The Chair: Thank you very much.

In closing, I'd like to say that your dad really sensitized me to the whole struggle of the first nations. He was a great man, because he really held no bitterness and just wanted to make things better, and that was an incredible characteristic.

You know, when I look at some of the wordings under the citizenship revocation act, I can't help but ask the question, do you believe the aboriginal people believe that when the original explorers, adventurers, fur traders, and settlers came to this land, they misrepresented themselves?

● (1215)

Hon. David Anderson: They weren't the originals, as you said.

Ms. Kim Recalma-Clutesi: Well, let me put it this way. I too hold no bitterness, so I can't answer that question honestly here.

A very knowledgeable old man was informed about this great discovery that a scientist had made—and I believe Andrew knows what I am speaking of. For nine years this scientist studied and studied and studied and tried to figure out what a formation was; and I brought a photograph to the old man and said, “These scientists are looking at this, and they are very confused. They found something. They discovered something”. And he listened to me very patiently, and in Kwakwaka'wakw he said to me, “You know, honey, it must have been lost if it was found again”.

So nothing here has ever been found or discovered. There were a lot of lost people we looked after. I think that might be the best way—human compassion—one of the things that we have totally forgotten. I have been scolded by many older people because I've had some bitterness towards the religious institutions in my lifetime, and I don't anymore.

But one of the older people reminded me that when the early settlers came and brought their missionaries, all they were doing was telling them about and reciting their flood stories. So they were identifying themselves as a relative from another place, and identifying themselves as we would have. So when the early settlers spoke of Noah's ark and the Bible, my ancestors just thought they were identifying their citizenship, not imposing a religion. So that's how the door opened, fundamentally, for most of the people.

So that is a very important thing. I think we've all been misinterpreted. You are very correct; there has been misrepresenta-

tion, but I think we've always had these two parallels operating with two different sets of values and language and interpretations. Rather than saying they misrepresented themselves, I believe they were misinterpreted as well.

Thank you. *Gilakasla*.

The Chair: Thank you very much.

I'll just mention to the committee that if you're involved in the multicultural festivals that take place usually around Canada Day, or any other time, I started the practice of having them bring the traditional greeters in, so new Canadians—or all Canadians—get an understanding of some of the original peoples' history in this country.

Thank you very much. We're going to take a break, and we will reconvene at one o'clock.

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