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—
Chair

The Honourable Andrew Telegdi

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• (0905)

[English]

The Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)): Good morning. It's great being in the Greater Toronto Area.

Minister Chambers, we are very pleased to have you here. We have finished our western tour, which was Winnipeg, Regina, Calgary, Edmonton, Victoria, and Vancouver, and now we're in Toronto.

Hon. Mary Anne V. Chambers (Minister, Training, Colleges and Universities, Ontario Legislative Assembly): You saved the best for last.

The Chair: Well, Kitchener-Waterloo tomorrow.

But then we're going to the eastern provinces next week. That will be our eastern tour.

Basically, we're addressing three issues. We're looking for a new citizenship act to make sure that all six million Canadians not born in this country become part of the Canadian family under the charter and have all the rights of naturalized Canadians. And there are other issues, the citizenship oath, preamble, what have you.

Another one is family reunification, which is very important to all of us all across Canada, particularly for those people who have family abroad.

Probably the toughest one is recognition of international credentials. We have heard in the past about the brain drain, but what we have with international credentials is the brain waste, and it's something we cannot afford. We, as a committee, recognize that a big chunk of this is provincial jurisdiction, but the fact is we're all going to have to work together to do better. That's one of the reasons we're very excited to have you here.

You've met all the members of the committee. I would invite you to start and give us your presentation, and then we'll engage in questions and answers.

Minister.

Hon. Mary Anne V. Chambers: Thank you. I am certainly very happy to be here and have this opportunity. When I was invited, I thought it was perfect. This is very important to us.

I have to make one comment on your opening comments, just so you know I was listening carefully. On citizenship, I think I heard you mention you are keen to ensure that the six million people who were born here.... I just want to suggest that I think you also mean those who were born elsewhere but became citizens of Canada,

because increasingly those are the sources of growth in Canada's population. I count myself among those. I remember coming to this country in 1976 with my husband and two young sons, thinking that Canada would be good for us, but making a commitment on behalf of our family that we would also be good for Canada.

I think it's really important to have the opportunity to discuss with you today a major hurdle, which you so very effectively defined, that is faced by those trained internationally. We refer to that hurdle as becoming effectively integrated into the workplace in positions reflective of the credentials, skills, and experience they gain prior to their arrival in Ontario.

Our province is very fortunate to be a destination of choice for so many of the world's brightest people. Each year more than 120,000 immigrants choose Ontario as their new home. More than 70% of those of working age bring with them some level of post-secondary education. These people, with the skills and experience we need, are here, eager to contribute to our economy. In fact, their education and work experience were key factors in why they were selected for immigration in the first place. Yet we hear over and over, both anecdotally and statistically, that the qualifications that helped them gain entry into Canada in the first place are not valued when they get here. We cannot afford to waste the immense skills, knowledge, and experience internationally trained individuals bring to our province, so we must capitalize on the tremendous benefits they can contribute to our economy.

As you correctly said, Chair, provinces have a huge role to play. We also believe the Government of Canada has a significant role to play to ensure we harness the potential of newcomers. The reality is that Canada is engaged in a race to attract the best and the brightest; in this race, Ontario has been in the lead. Over the last three years Ontario has attracted 57% of Canada's immigrants, but just 34% of federal funding for their settlement. It just does not make sense that Ottawa spends an average of \$809 per immigrant on settlement services in Ontario, compared with more than \$3,800 per immigrant in Quebec. That, incidentally, amounts to a difference of \$388 million per year.

We have been hearing a lot about the gap between what the federal government collects in revenue from our province and what it could charge to us in spending. That gap has grown so much over the last 10 years, from \$2 billion to \$23 billion, that it now compromises our ability to invest in our province's future prosperity. We simply must narrow the gap so we can make the investments we need to make, on behalf of the people of Ontario and the people of Canada, and generate the wealth our people deserve and our country depends on.

● (0910)

Agreements on labour market services and immigration between our government and the federal government will not only narrow the gap, but also improve the economic and social integration of internationally trained professionals and tradespeople. These agreements will allow us to provide a seamless leap of market strategy for Ontario. They will eliminate duplication while filling gaps, so that we can streamline our training and employment system. They will pave the way for skilled immigrant workers to get the jobs they are trained to do. The agreements will enable us to improve the quality and effectiveness of services currently provided by both federal and provincial agencies and offices to new immigrants and other individuals.

Our government recognizes the enormous contributions newcomers make to our communities. This is why, immediately after taking office in 2003, we made it a priority to help newcomers put their skills and experience to work here in Ontario more quickly. We have been working diligently with Ontario's occupational regulatory bodies, educators, community groups, and employers. I am pleased to say that we have already made some significant progress, and I'm also pleased to be able to tell you that our initiatives have received support and positive feedback from immigrant advocacy groups, regulatory bodies, and most importantly, individual immigrants who have expressed appreciation for the approach we have been taking on this file.

One of our biggest challenges is to ensure that potential newcomers have information about the regulatory environment and the market forces that are shaping our labour force needs. To address this issue, our government has launched a website—we did this last fall—that puts much of that information online so that people can make informed decisions before they leave their home countries. With the help of regulatory bodies, more information is now available online. Career maps are available on my ministry's website, providing the path required for registration or licensure in 14 professions and five skilled trades.

I would urge the federal government to take a more active role to ensure potential immigrants are provided with labour market information and information on requirements for access to regulated professions and trades, as part of a package they would receive when they initially made contact with Canada's immigration officers.

I know, for example, that prospective immigrants would benefit from information on the demand for their skills and the opportunities that may be available to them once they arrive in Canada. Current practices have helped to ensure that Canada receives the brightest immigrants. It should also be the case that these new immigrants expect that their skills and expertise are truly in demand where they choose to settle, and that they will have every opportunity to

contribute those skills and expertise to the full benefit of their new Canadian community.

Giving the internationally trained credit for the skills and experience they gained prior to settling in Ontario is a two-part process. The first involves assessing their academic credentials; the second involves assessing their entry to practice qualifications, and when needed, providing access to the upgrading programs they need to meet the standards set by regulators in Ontario.

Our government supports World Education Services Canada, an organization that provides evaluations of academic credentials from more than 180 countries, against their Canadian equivalents. To date 16,000 people have used this service, which is endorsed by more than 200 organizations, including regulatory bodies, educational institutions, employers, and employees.

In addition to reaching out to the internationally trained, we are helping employers understand the value that international experience and training provide. In January I hosted a conference for employers and organizations that helped immigrants to share experiences that will lead to more opportunities for the internationally trained. At the conference, we released our first annual progress report. I hope everyone has a copy of that.

● (0915)

That report, for the first time, gathers comprehensive information about Ontario's initiatives to help internationally trained individuals continue their careers in our province. This report not only provides an outline of what has been achieved over the last year, but also creates greater awareness of what is being done now and what needs to be done in the future to help newcomers.

We're also working with professional regulatory bodies to ensure clear and transparent access to licensure, certification, and registration in professions and trades.

Our government has been listening to new immigrants and we have been listening to the perspectives of our partners. We have heard that many newcomers find that the regulatory process is confusing and arbitrary and may even be a barrier to pursuing their occupation. To respond to that concern, I appointed a former Ontario justice, Mr. George Thomson. Some of you may know him. He's actually now also the executive director of the National Judicial Institute. We appointed him to review the current processes for registration or licensure decisions made by Ontario's 38 occupational regulatory bodies and make recommendations on independent appeal mechanisms. I look forward to receiving his recommendations in the very near future.

All these initiatives demonstrate that we are making progress. We are continuing to work with our partners, employers, educators, trainers, regulators, community organizations, and newcomers, because they are an essential part of our success. This is especially true when it comes to creating and delivering occupation-specific bridge training projects.

To date, we have invested in more than 35 bridge training projects that have the internationally trained learn what they need to know to be successful in their licensing exams without duplicating the skills they had already acquired. These projects for such occupations as teachers, engineers, pharmacists, nurses, and medical lab technologists specifically address the academic and professional requirements and Canadian work experience often required in order to gain entry to practice.

Foreign-trained doctors, for example, are being brought into practice in the province more quickly since the establishment of IMG-Ontario last June. IMG-Ontario is a one-stop entry point for foreign-trained doctors to apply for assessment and training. Our government currently provides \$26 million to train up to 200 internationally trained doctors each year. That number has more than doubled from 90 in 2003.

Earlier this year, the largest clinical assessment of foreign-trained doctors ever held in Canada took place. More than 550 international medical graduates were given the chance to demonstrate their medical skills and knowledge at four universities across the province.

We have also invested in other important sectors of our economy. Four bridge training projects will serve over 300 internationally trained tool and die makers, electricians, millwrights, general machinists, industrial maintenance mechanics, and welders. We have also developed training standards that identify required competences in specific fields to become an apprentice in a skilled trade or occupation. These training standards help the internationally trained go step by step through the process required to become certified.

We're also working with the engineering profession to help internationally trained professionals meet Ontario's standards. Over the past five years, about 40,000 internationally trained engineers made our province their new home.

Another provincially funded initiative, the career bridge program, is helping internationally trained individuals gain Canadian work experience through internships with a wide range of employers. The goal of the program is to provide a model that can be used across the province so that a major barrier—that being lack of Canadian work experience—will be eliminated. More than 40 employers in the Greater Toronto Area are currently providing internship opportunities through the career bridge program. Over 450 internationally trained individuals will have internship opportunities through the program during its first three years of operation, increasing to 400 each year after 2006, when the initiative is expected to be self-sufficient.

● (0920)

Another example of our government's ongoing commitment to work with partners was the announcement that we would provide more than \$230 million towards General Motors of Canada's \$2.5 billion Beacon Project. As part of this investment, General Motors will provide training and work experience in automotive design and manufacturing to 60 internationally trained engineers and other professionals. The majority of these internship positions are expected to run for a full year, and about two-thirds are designed to provide the Canadian work experience required by Professional Engineers

Ontario. I would also like to thank the federal government for contributing \$200 million towards GM Canada's innovative Beacon Project.

It is through partnerships such as this that we can ensure that the skills of highly trained individuals are put to effective use for the benefit of all Ontarians. Our province's greatest competitive advantage is our people, and our diversity is indeed our strength. In order to remain strong and prosperous, we need to realize that newcomers are the future of our province and our country. Our government is taking steps to prepare the internationally trained for employment. It is essential that the federal government work with us as partners to ensure that the faith newcomers have put in our province is rewarded, and that their skills and ambitions are put to work to build not only a better future for themselves but also a better Canada, a better Ontario.

Thank you.

The Chair: Thank you very much.

I should have mentioned that of our twelve committee members, six are Canadians by choice. We have the only two refugees in the Commons on this committee. I ended up in Ontario because, when my father went to Vancouver, the people there wouldn't recognize his degree in architecture and planning. So we moved to Toronto, and he worked for the City of Toronto planning board for 25 years.

I am going to start to the questioning and discussion with Inky Mark.

● (0925)

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Thank you, Mr. Chair, Honourable Minister. Ms. Redmond, thank you for being here this morning.

Honourable Minister, you said that you have been good for Canada. We certainly support that statement. Becoming a minister in this province is a huge indicator of how successful you and your family have been.

We have heard a lot about foreign credentials. We don't want to waste the resource, the potential. I agree with you that the future of this country depends on immigration, because there is no way we are going to have the numbers without it.

What is good for Toronto is not necessarily good for the rest of the country. One of the problems with immigration is that within two or three years they all come back to Montreal, Toronto, Vancouver. Yes, you did get 57% of the new Canadians, but at a disadvantage to other parts of the country. In Manitoba, where I come from, it is difficult to retain immigrants.

I need to ask you a question about the funding discrepancy between Ontario and Quebec. Could you help me understand the reason for this discrepancy of thousands of dollars? This is per capita, right?

Hon. Mary Anne V. Chambers: It is per immigrant, per new immigrant. I don't why the discrepancy exists. What I do know is that Ontario is the only province without an immigration agreement. It may just be that it has not yet been addressed as a priority. We certainly hope to remedy that as we move forward towards establishing an immigration agreement with the federal government.

Mr. Inky Mark: What comes to my mind is that quite often we hear, through the media, the announcements of training programs and other corporate support programs for Ontario. I often wonder, are these numbers taken into account in the training? Perhaps they are part of the programming.

The other thing I need to ask you is, with your bridge training programs, what is the involvement of Human Resources Development Canada? Are they involved at all?

Hon. Mary Anne V. Chambers: I thought I briefly mentioned the fact that we do have federal and provincial offices providing employment-related services. Sometimes these offices are located very close to each other. Sometimes there are overlapping services. Ontario is also the only province without a labour market development agreement with the federal government.

We see this as an opportunity to provide improved client services, to provide a one-stop approach for individuals who need help. Individuals who need help in those areas tend to really need help, and they need help in a timely fashion. We believe that improving the efficiency of those operations, with a very clear client focus, would actually serve the people of Ontario more effectively.

Mr. Inky Mark: I'm delighted to hear you indicate that there are 200 slots for transitional training for foreign-trained doctors. I have spoken to the Canadian Medical Association a number of times, and they indicated they were heading down that path.

The question leads to one that I need to ask you: should the federal government be involved in creating an umbrella, or perhaps coming up with a national standard vehicle for testing purposes? That leads to another question: should foreign credentials be evaluated when people are offshore, or should we let them into the country and then decide what credentials they have?

● (0930)

Hon. Mary Anne V. Chambers: We are actually very willing to consider anything that would improve upon the services we are able to provide.

I would like to comment on the opportunity to assess credentials before people leave their home countries. We are indeed doing a lot in the province of Ontario now with the programs we have to deal with academic assessments, assessment of academic credentials, assessment of training. Our observation is that perhaps there could be improvements in the immigration process of assessing credentials, going beyond a determination of skill based on number of years, for example, in post-secondary or the name of a degree, because what we find is that the academic credentials acquired abroad don't always match Canadian standards or Ontario standards.

That must be so frustrating for individuals who are coming here, because the bar has been raised over recent years in terms of who we are accepting as new immigrants. Since that bar has been raised, it is reasonable for those individuals to believe they will be entirely welcome here and no one will question their credentials once they've arrived here.

So it might be useful, and I will give an example of one of the programs we have just established for engineers. We're working in partnership with Professional Engineers Ontario in the development of an interactive website—not just a website that pushes information

out, but a website that's interactive and enables Professional Engineers Ontario to assign a coach, a mentor, who will be in a position to assist the prospective immigrant.

So we are recognizing that these are smart people, and what we are saying is that they need information to make better-informed decisions. This would be an opportunity for them to do a self-assessment of their credentials against what Professional Engineers Ontario are looking for, and through that process, the Canadian engineer who is assigned as a coach or a mentor through this website would be able to help and identify how any particular gaps could be filled. What that would mean is that an individual could start filling those gaps before that individual even left his or her home country, before that individual even got his or her visa to come here.

I'll give you another example that we are really pleased at. I have mentioned that we have been working with a variety of partners, including the regulators. The Royal College of Dental Surgeons would put internationally trained dental specialists automatically through two years of training here and then assess how they did with that training, the assumption being that they all need that training. Well, on their own initiative but working with us and in conversation with us, they decided to look at the fact that a lot of their international specialists really didn't require all this training, so wouldn't it make sense—and this sounds so simple—to assess their skills up front and then determine what additional training they might need?

So I think you make a very good point in terms of what could be done as part of the immigration process, as part of the assessment process, so that people know exactly what's expected of them and so that people know how their credentials actually match Ontario's expectations or Canada's expectations.

The Chair: Thank you very much.

Next, we have Lui Temelkovski.

Mr. Lui Temelkovski (Oak Ridges—Markham, Lib.): Thank you very much, Mr. Chair, and thank you, Madam Minister, for coming and making a presentation to us this morning.

I'd like to engage you in three areas, and one is the funding. You mentioned you're not sure why the funding is different, but maybe you'd know what the difference is between Quebec and Ontario in the service provided. What is it we will do more of should we get larger funding? What is Quebec doing more than we in Ontario are doing, through receiving more money? What are the services they're providing more of to enable their newcomers to enter the workforce faster?

● (0935)

Hon. Mary Anne V. Chambers: I'd like to speak to what we'd like to be able to do better here.

Enhanced language training—higher-level language training and occupation-specific language training—is an area we have found to be of particular benefit to newcomers. This is sometimes cultural; this is sometimes not a matter of whether or not they speak English or French well. For example, in our program for nurses we have found the CARE for Nurses program, which includes occupation-specific language training, has resulted in internationally trained nurses being twice as successful in their qualifying exams. We could help so many more immigrants than we're actually able to help now.

I should also mention one other area your committee may wish to consider, and that's the fact that even the numbers we are able to quote on new working-age immigrants in professional areas or skilled trades areas are not in fact an accurate indication of the number of people who require assistance. The reason is that the immigration statistics that are collected are based on what's defined as "head of household", so it's one person per family, whereas we know there is quite often more than one adult of working age per family. It has been brought to our attention by settlement agencies and immigrant advocacy groups that this is in fact creating a situation of great difficulty in terms of our being able to fund the services that are required for the number of people who require them.

Mr. Lui Temelkovski: What I hear you say is that the levels in the ESL classes that are being obtained right now under the current funding are lower than what we want them to be and that having more funding would increase the level of the language skills. Are they at level three or four right now? At what level are they, on average?

Ms. Patti Redmond (Director, Skills Investment Branch, Labour Market and Training Division, Ontario Ministry of Training, Colleges and Universities): The language instruction for newcomers program, which is offered by the federal government, offers language training with respect to Canadian Language Benchmarks, which are the benchmarks we use, from levels one to six. Immigrants often do arrive with a level of language training, but in order to be able to work as a professional engineer, teacher, or physician or in other professions, you need something much greater in terms of Canadian language benchmarks, seven-plus, and that training is currently not offered. They do have language ability, but the language ability that's required for them to work as a professional or in a skilled area is much higher, and there is no training offered for what the minister mentioned as occupation-specific, in other words, for the language of the occupation they're in.

● (0940)

Mr. Lui Temelkovski: Right. So we wouldn't be able to train these people for their specific occupation based on the current funding level?

Hon. Mary Anne V. Chambers: The current funding level is insufficient to assess the needs that we have—

Mr. Lui Temelkovski: Do you find that Quebeckers are able to provide a higher language training because of their funding?

Hon. Mary Anne V. Chambers: Quite frankly, I can speak a lot more effectively to our needs and our gaps, and I would prefer to.

Mr. Lui Temelkovski: Okay. One other issue is in terms of credential recognition. Do you see any barriers between provinces—provincial barriers for recognition? We are talking about interna-

tional barriers, but maybe we have to look at local first and bring these barriers down.

Hon. Mary Anne V. Chambers: Yes, that's certainly correct. In the trades, for example, credentially, the red seal certifications—and this is even without reference to internationally trained individuals—are enabling greater mobility between provinces, so that's good.

We are always asking the question of our regulators: how do your requirements compare with requirements of other provinces? In a few cases the expectations, the requirements, are in fact national. So when I made reference to the Royal College of Dental Surgeons as an example, in order for them to implement the different process that the Ontario body proposed, they had to get the rest of the provinces onside, and we met with them. So colleges of dental surgeons from each province came to the table to have that discussion so that the Royal College could approve such a change.

In some cases it's country-wide. But I agree with you, sir, in other cases it could be better coordinated.

The Chair: Thank you.

Mr. Lui Temelkovski: I have just a comment—one minute.

We had the Canadian Dental Association make a presentation and they told us there is no shortage of dentists in Canada at all. So they wouldn't be in a rush to recognize foreign credentials if they think there is no shortage. On the contrary, the Canadian Medical Association is underserving three to five million Canadians, so they may be at a higher pace to recognize.

Hon. Mary Anne V. Chambers: Dentists are different from—

Mr. Lui Temelkovski: Dental surgeons.

Hon. Mary Anne V. Chambers: Dental surgeons, yes. I could also tell you that the numbers are different. The numbers of new immigrants identifying their membership in a particular profession vary. For example, we are talking about 47 dental specialists having arrived in Ontario in 2003 versus 180 internationally trained citizens and over 7,000 engineers. Engineers make up roughly 70% of the new immigrants who identify themselves as being in a particular regulated profession arriving in Ontario.

The Chair: Thank you very much. Next we are going to move on to Ms. Grewal.

Hon. Mary Anne V. Chambers: Thank you.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair, and thank you, Madam Minister, for being here and for your time and your presentation.

As an immigrant to Canada, I know firsthand the red tape and bureaucratic nonsense involved in getting foreign credentials recognized in this country. As a new immigrant, you have unbelievable difficulties and stresses in settling in your new home, finding jobs, schooling, family care, and simply becoming accustomed to a new environment. Not being able to work in your chosen field after your education and work experience got you into this country is a headache immigrants simply do not need.

In your opinion, what can the federal government do to speed up recognition of international credentials?

• (0945)

Hon. Mary Anne V. Chambers: Thank you for that question.

We have been trying to look at this work from the perspective of the new immigrant. So for one thing, we need better information right up front to allow these very smart people to make informed decisions. If they, for example, could receive information on the labour market conditions and factors of the area that they are trying to get to, or they are hoping to get to, that labour market information would give them a sense of whether or not they are going to have opportunities when they arrive in that area. The demand for their particular skills.... I don't know if we need as many engineers as we are getting, but I do know that we need a lot of physicians. Some of the physicians might decide it's far too much of a hassle to come here. I've heard it's easier for them to go to the U.S., for example. But we are hurting ourselves when we don't take into consideration those types of issues. I think they should also know what is expected from them in the process to become certified.

I have not asked any one regulatory body to lower their standards. I've just asked them to be reasonable, to make sure their process does not in fact present barriers. We are looking at how we take the skills that are coming in and work with them to match the requirements of these professional regulatory bodies.

Now, I have gone through those types of programs, and I think there is another reality, quite frankly. That reality is that—and this has been revealed in a number of national public policy-type surveys—employers still need to increase their sense of the value of internationally trained individuals. There's work to be done there. There's progress to be made there. The programs I refer to as being helpful to immigrants could also include more in the employment area, even though no advocacy group or individual has asked us to provide them with an opportunity to have any kind of preferential treatment over a Canadian-trained individual.

The Chair: Thank you very much.

Ms. Beaumier, go ahead, please.

Ms. Colleen Beaumier (Brampton West, Lib.): Thank you, and thank you for coming, Minister.

You spoke of 200 slots for medical doctors. Are we talking university internship programs? Does it give support to families who need an income over this period of time?

I'm going to do them all at once.

Talking about provincial barriers, someone came to me and said they were moving to Deserted Bay, Newfoundland, or something, because they were told that if they moved there they could practise medicine. They cannot practise medicine here in Ontario. I'm just wondering if you know if the anatomy is different in Deserted Bay, Newfoundland, from what it is here in Ontario.

There is one more issue I want to deal with. In most of our hearings the NGOs have spoken about more money for language training, and they have informed us that when the money is transferred to the provinces the provinces do not put all of the money into the basic language training, but some of it goes for more skilled

language training at the colleges, which already have fee-for-service departments. People who go to universities and colleges have to pay for advanced language training.

If you could comment on those three things, I'd appreciate it. Thank you.

• (0950)

Hon. Mary Anne V. Chambers: All right, thank you for the questions.

I want to start from the end. I am going to ask Patti to speak to the language training information you have received.

Ms. Patti Redmond: In Ontario's case, because we don't have an immigration agreement, the federal government does not transfer language training dollars to us. We did enter into an agreement this year with the federal government to cost-share on enhanced language training initiatives and we announced 13 separate projects in January.

So in answer to your question, yes, our colleges and universities do offer tuition-based language training; there is basic language training offered in Ontario through Language Instruction for Newcomers as well as through our boards of education. They offer, through the adult education and continuing education programs, training in English and French as a second language.

What we are saying is that the basic language training is available through those two initiatives, but there needs to be more of the enhanced language type of training going on here. I think there is a need for both. We are not saying that basic is not required, or Canadian language benchmark levels one to six; we are saying both are needed. Skilled immigrants particularly often have basic language skills but need the enhanced language training.

Hon. Mary Anne V. Chambers: Thanks, Patti.

We will talk about the anatomy now. I suspect the anatomy is the same wherever we are.

I have to share with you that one of the regulators we have been working with is for the veterinarians, and—

An hon. member: They're a little different.

Ms. Colleen Beaumier: They are tough.

Hon. Mary Anne V. Chambers: Anatomy does come into play there.

So I just want to tell you your question is.... I know you didn't intend it to be frivolous; I do want you to know it is not frivolous. With the veterinarians, what we have learned is that a lot of the internationally trained vets are coming here from countries that, I guess, emphasize training in large animal veterinary science, and they come here only to find that Canadians love their pets—so they're just small anatomies, right?—and they need bridging programs. That would be an example: a program that would help to convert their knowledge of large animals' anatomy to small.

Ms. Colleen Beaumier: I am glad to hear you mention veterinarians, because veterinarians are a serious problem as well.

Hon. Mary Anne V. Chambers: Yes.

We are working really closely with the College of Physicians and Surgeons and the Ontario Medical Association to try to break down.... And do you know what? I believe a light has gone on. I believe the very severe shortage of physicians in Ontario has caused a light to go on. Physicians in Ontario are complaining of being overworked. We know we have a very large number—more than 150 or so—of underserved communities in Ontario, and I think they are beginning to realize that. They are now saying: we need to work more closely with government; we need more money; we need more supports.

There are two projects I could mention for physicians, one with the association.... Well, I should tell you first about the one with the College of Physicians and Surgeons, because there is a bit of a language implication to that one as well.

That project will assist internationally trained physicians to develop cultural and communication-type skills, which in fact have been noted as a barrier to their success when they write the qualifying exams here. The exams here are seen to not create the same kind of challenge for Canadian-trained physicians that they create for physicians trained in certain countries.

We would like to be able to offer more spots. We would also like to be able to offer more spots for Canadians who are trained elsewhere. There are a lot of Canadians who go elsewhere for their training. We want them to be able to come back here to practise. So that's another opportunity for us to fund more spots and increase the capacity for those programs....

We do not actually fund.... We have heard, from time to time, internationally trained individuals tell us that in no time at all, whatever savings they may have come here with go up in smoke, because they do not have income as soon as they might have hoped. So their families....

It's a really good point that you raised, because what so often happens—and let's use the example of physicians—is that these individuals are forced to do jobs that have nothing to do with their skills, do not bring their skills to bear for the benefit of Ontario or Canada. But having gotten themselves into that type of situation so that they can survive and honour their responsibilities to their families, they are not practising their skills. Even if they were Canadian-trained, if they are not practising their skills for three years, they are back to square one.

So it's a very real problem, and we are not in a position to fund their existence while they do so. Once they are in their residency programs, as interns they would receive the same type of compensation as a Canadian-trained student.

• (0955)

Ms. Colleen Beaumier: Thank you.

You know, Mr. Chair, I'm wondering if.... I think I have quoted many times my paper boy, who went to the United States and who said that within six months he would be practising medicine. I wonder if we could have the researchers find out what they do differently there?

The Chair: Okay. Do you have that? Good.

We run out of time quickly when we get into one of these hearings.

Hon. Mary Anne V. Chambers: My answers are too long.

The Chair: They are very interesting, and my cat is going to be very excited when I tell her we are taking care to....

One question is about this whole issue of assessment and giving credit where credit is due. It's a really difficult situation. I only have to think of the people transferring between universities and colleges in the province of Ontario. It seems to me it's a luxury we cannot have. It costs money, and it costs a lot of money. To have somebody go from a college to a university and be given no credit, or vice versa—or not be given full credit—is very expensive on the system and something we have to do much better on.

Of course, this is even that much more complicated, because these are two institutions within the same province. Granted, they have their different governing councils. But it's a real challenge.

Hon. Mary Anne V. Chambers: It's a real challenge, and it's a priority for my ministry as well. In fact, last year we launched a review. We asked an advisory panel led by former premier Bob Rae to review post-secondary education in Ontario. The mandate was to find the design and funding of post-secondary education in Ontario.

Given the fact that over the past decade funding became a very real issue, this again raises some federal issues, because the funding that has been directed toward post-secondary education from the federal level has not held ground. I don't know if that's the reason decisions made by the previous government have resulted in operating funding to Ontario's colleges and universities being tenth out of the ten provinces in the country. But we're indeed determined to address and fix that.

On the subject of the design of the system, we have specifically identified recognition of credits as an issue to be resolved. I'm happy to say that some institutions are already making great progress. There are about 200 articulation agreements, but we still have a long way to go, and it's college to college, university to university, college to university, and university to college. Students have identified this as a major challenge, and we are determined to address this as well.

You are perfectly correct that it does have its costs, its opportunity costs.

The Chair: Thank you very much.

We're going to adjourn this hearing and go on to our next one. Prior to doing that, we'd like to have a picture.

• (1000)

Hon. Mary Anne V. Chambers: Sure. Thank you. My pleasure.

The Chair: Our able photographer, Ben, is going to take the picture.

We will suspend for a few minutes.

• (1000)

_____ (Pause) _____

• (1005)

The Chair: We'll resume our session. Each group has five minutes, after which we will go into question and answers, as you saw before.

I'd like to call on Oksana.

Ms. Oksana Miroutenko (Member, Ukrainian Canadian Social Services and the Ukrainian Canadian Congress, As an Individual): Good morning. My name is Oksana Miroutenko and I'm speaking today as an individual. I'm also a member of the Ukrainian Canadian Social Services and the Ukrainian Canadian Congress Toronto Branch. I have quite a lot of experience in this area, plus I am a newcomer to Canada. It has been almost 15 years, but I can still consider myself a newcomer, and you'll know why from my presentation.

Regarding the Ukrainian newcomer community in Canada, as you know, as a result of strict Soviet policies, the immigration of Ukrainians to Canada was relatively insignificant between the 1950s and about 1991. However, following the Ukraine's independence over the last 15 years a new wave of immigrants from Ukraine arrived in Canada. The way I see it, they can be classified into three distinct categories: those who arrived in the late 1980s and early 1990s from the former Soviet Ukraine; those who immigrated in the mid-1990s, after Ukraine's independence in 1991; and those who came to Canada in the last six to seven years.

It is submitted that immigrants from Ukraine in the first category were generally either automatically granted the refugee status because of the policies in the Soviet Union or they arrived under Canada's family reunification policies. Following the Ukraine's independence in 1991, the number of immigrants began to swell as a lot of workers, scientists, came here on a point system because of the social and economic situation in Ukraine.

So basically, the immigrants who live today in Canada are the ones who came on a point system, but more significantly, most of the people who live and work here are people who overstayed on their visa, thus making them illegal workers in Canada.

This situation possesses significant policy challenges for Canada, but it also presents a unique opportunity. Although many immigrants are working in Canada illegally, many industries, especially the construction sector, maintain that these immigrants provide critical labour in short supply. Therefore, they do not impose a burden on society but benefit Canada's economic growth.

At the same time, these people live unprotected by our social and health care systems. Their vulnerability exposes them to pressures from organized crime, which often capitalizes on the insecurity of their social position as leverage to extort benefits. From a fiscal standpoint, the state treasury is denied the tax revenue that their incomes could generate.

It is therefore submitted that the Government of Canada should consider granting an amnesty to illegal workers from Ukraine who have worked in Canada for at least three years. Granting amnesty to illegal Ukrainian workers would not only reduce and expose the criminal activity of ethnic mafia flourishing in the illegal underground population, but it would also benefit Canadian society as a whole.

In Canada the amnesty plan kind of took effect when it was estimated that right now in Canada we have close to 100,000 illegal immigrants. In 2001 the Government of Canada proposed to establish a program known as special measures, which unfortunately

was not included in the new Immigration and Refugee Protection Act enacted in January 2002. In 2004, former Minister of Citizenship and Immigration Judy Sgro contemplated an amnesty program for about 10,000 undocumented immigrants living in Canada.

It is respectfully submitted that it is time to revisit this issue of legalizing the status of illegal workers in Canada, including Ukrainian immigrants. Recommendations that we propose include the following.

The Government of Canada should establish the special measures program proposed in 2001 and update any proposals presented to former Minister Sgro, in consultation, of course, with immigration lawyers who deal with these types of issues on a day-to-day basis and with unions, Human Resources and Skills Development Canada, and the Ukrainian Canadian community. We have many organizations that deal with illegal workers. They come to social services as people who come for help, and they don't know what to do. The issue just remains open.

●(1010)

The Government of Canada should consider creating a pilot project, at least, granting amnesty to illegal Ukrainian workers who are employed in the Ontario construction sector and who have been working in that sector for at least three years.

Finally, the government should try to facilitate and establish programs whereby unions, corporations, or individual employers would undertake to secure a workplace for already legalized workers for at least one year. This way, when the person is granted amnesty, and their unions could tell them that they had a secure workplace, it would prevent any increase of people on social assistance. Of course, we don't want to burden the system that way.

In conclusion, an amnesty program would dramatically reduce the scope of the illegal worker environment and underground economy in Canada. Canada would also benefit economically from the Ukrainian and other ethnic illegal workers who, regardless of their status, already successfully contribute to Canada's economic growth. They do function as valuable members of Canadian society, regardless of their status.

The Chair: Thank you very much.

Next is Mr. Pidkowich.

Mr. John William Pidkowich (Government Liaison, Toronto Branch, Ukrainian Canadian Congress): Good morning. Bonjour.

My name is John William Pidkowich. By the way, the name translated is Smith—it's true—and I'm a fourth generation Canadian.

I'm here today representing the Ukrainian Canadian Congress Toronto Branch. The UCC Toronto Branch is an umbrella organization that encompasses 44 member community-based organizations and groups representing nearly 100,000 Canadians of Ukrainian heritage in the Greater Toronto Area.

The Ukrainian Canadian community in the Toronto area has been well established now for over 100 years, with waves of immigrants arriving throughout the 20th century, up to the present day's fourth wave. Our community belongs to the six million immigrants that make up almost 20% of Canada's current population.

Our immigration and citizenship history has been rather turbulent. As you may know, after luring Ukrainian immigrants to Canada in the early 1900s, the Government of Canada invoked the War Measures Act during World War I and called these and some other Ukrainian immigrants enemy aliens. Thousands of Ukrainian Canadians, many of whom were born in Canada, were arrested and disenfranchised, had their land and possessions confiscated, and were interned in labour camps operated between 1914 and 1920. Later, between 1948 and 1952, during the post-World War II era, Canada accepted thousands of displaced persons, among whom the government now claims were some alleged war criminals who were granted citizenship.

Today these allegations, based on innuendo and inference, cause the community much distress as they malign the integrity, good name, and reputation forged by Ukrainian Canadians.

The most recent report of the war crimes program states that it deals with alleged war criminals and persons who have committed crimes against humanity. In fact, the Government of Canada has been unable to convict one single Canadian of committing war crimes or crimes against humanity during World War II. Instead, the government uses denaturalization and deportation proceedings to address only the issue of whether a Canadian citizen obtained citizenship through misrepresentation over fifty years ago. The end result, however, is a barrage of newspaper and other media news reporting that there are Ukrainian Nazi war criminals in our midst.

Our community lived with these accusations prior to the findings of the Deschênes commission and continues to do so today.

The Ukrainian Canadian Congress believes that in cases where there is strong evidence of war crimes or crimes against humanity committed by a naturalized Canadian citizen during World War II, the Canadian government should prosecute such an individual before Canadian courts of criminal jurisdiction, in accordance with Canadian criminal law and Canadian standards of evidence for criminal proceedings. There should be no tolerance of former Soviet KGB evidence, inference, and innuendo.

If criminal prosecutions cannot be initiated, the war crimes unit should not tarnish Canada's image by intimating that this country harbours World War II war criminals. And the war crimes unit should not mislead Canadians into believing that it is prosecuting World War II war criminals through denaturalization and deportation proceedings.

Today, I would like to advise you that the Ukrainian Canadian Congress Toronto Branch, in alignment with the Ukrainian Canadian Congress, Ontario Provincial Council and the Ukrainian Canadian Congress national board of directors, would like to make a number of recommendations to this committee.

Canadian citizenship should be irrevocable after a reasonable period of time after it has been acquired.

•(1015)

The Government of Canada should immediately cease all pending denaturalization and deportation proceedings against Canadians who obtained Canadian Citizenship over half a century ago, at least until the Minister of Citizenship and Immigration has an opportunity to

review the report of this committee and make the necessary amendments to the act under review.

Use the criminal court to prosecute individuals who are alleged war criminals, in accordance with Canadian criminal law under Canada's Crimes Against Humanity and War Crimes Act, and Canadian standards of evidence and criminal proceedings.

The Citizenship Act should be amended to reaffirm that all Canadians are equal, as per the Canadian Charter of Rights and Freedoms.

The first amendment is to have a limitation period of five years from the date of acquisition of citizenship for all types of denaturalization and deportation proceedings.

Second, have a higher standard of proof in denaturalization and deportation proceedings—beyond a reasonable doubt, instead of a balance of probabilities, in view of the seriousness of such proceedings and their impact on Canadian citizens.

Third, have due process before the courts. Revocation of citizenship should be decided by Canadian courts, rather than the government through Governor in Council closed-session meetings.

Fourth, discretion over sentencing should be given to the presiding judge.

Fifth, there should be full appeal rights, as guaranteed in the Canadian Charter of Rights and Freedoms.

I thank the committee for their time and the opportunity to appear and deliver my brief to address the new Citizenship Act on behalf of the Ukrainian Canadian Congress Toronto Branch. I am their government liaison person.

Thank you very much.

The Chair: Thank you.

Next we have Ms. Wood.

Ms. Alexi Nicole Wood (Policy Analyst, Canadian Civil Liberties Association): Good morning. My name is Alexi Wood, and I'm a policy analyst with the Canadian Civil Liberties Association.

First, I'd like to thank the committee for the opportunity to appear before you to discuss our concerns before the legislation is drafted.

The Canadian Civil Liberties Association has had concerns with past and current citizenship legislation. The brief that we submitted addresses the majority of our concerns, in dealing with revocation and annulment, prohibition and denial, as well as national security concerns.

My comments today will focus particularly on the question asked by the committee: what are the appropriate reasons to remove citizenship and what process would be most appropriate? The comments, in particular, will focus on four aspects of the revocation power that we find particularly disturbing: the grounds, annulment, burden of proof, and appeal. We've chosen revocation because stripping someone of Canadian citizenship is a serious infringement of civil liberties that affects economic, emotional, and familial interests, not to mention the civil and political rights that attach to citizenship.

First, regarding the grounds, the CCLA has never opposed the power to revoke citizenship obtained by knowing misrepresentation or concealment of material circumstances in an individual's background. It has been suggested that the grounds for revocation should now be expanded to include grounds such as security threats. It's one thing to revoke citizenship when it's obtained through significant deception; it's another thing entirely to extinguish the citizenship of those who are believed to threaten the country's security or safety. Canada does not have to respect the citizenship of those who acquired it through unacceptable means, but so long as circumstances surrounding the initial acquisition are not at issue, all citizens should be treated equally. In addition, we have powers in Canadian law to address security threats and criminal activity.

Second is the power of annulment. Bill C-18 proposed a new ministerial power of revocation whereby the minister could annul a grant of citizenship for five years after it was acquired without allowing for formal hearing or appeal. The CCLA has seen nothing in the public record to justify the need for this high-handed and seemingly gratuitous power. This power would create a class of probationary citizens who could not fully enjoy their citizenship without fears that it would suddenly be annulled by ministerial fiat.

On the standard of proof, currently the standard of proof required to revoke citizenship is a balance of probabilities. This is not appropriate, because it could conceivably represent too low a standard of proof for divesting anyone of a panoply of rights as important as those inherent in citizenship. Case law demonstrates that flexibility of interpretation surrounds the balance of probabilities. In some instances, it's been interpreted as the mere preponderance of the evidence. Given the seriousness of the consequences, the CCLA recommends that the legislation be amended to indicate explicitly that a higher standard needs to be adopted. This standard would need to reflect the importance of the nature of revocation. There are formulations in the common law and statutes, such as clear and convincing evidence, or a high degree of probability, that would strike the appropriate balance and signal to judges the need to be more exacting.

Finally, regarding appeals, the determination of the relevant facts is currently left to a single judge of the federal trial court. In view of the vital interests at issue, such determination should not have to depend on the cosmic coincidence of which judges are sitting for which trials. There needs to be a right of appeal included in the legislation.

Thank you.

• (1020)

The Chair: Thank you very much.

Next, we have Mr. Esser.

Mr. Charles William Esser (As an Individual): I'd like to thank you for your time today. I will endeavour to make my points as much to the point as possible. However, I believe a more detailed explanation of my case has been distributed to you all.

As I am sure you are aware, it was recently decided by the former Minister of Citizenship and Immigration that the transitional rules from the 1977 Citizenship Act, which allowed for the late registration of births for the children of Canadian citizens born outside of Canada before 1977, no longer needed to be kept on the books, and the minister moved to rescind them in August 2004.

For my own case, despite my regular reading of Canadian newspapers, despite my family's close ties to Canada, and my sisters living in Canada, none of us were aware until I went to file my application for citizenship that this rule had expired. Simply put, it is not right to allow two different sets of rules to exist for two equally qualified people.

An extreme example of this unfairness would be that of twins born outside of Canada, one at 11:59 p.m. on February 13, 1977, and the other at 12:01 a.m. on February 14. One child now has his entire lifetime to register his birth and need only show that one of his parents was a Canadian citizen at the time of his birth. The other child, however, is still held to the same archaic and capricious rules established 30 years prior.

If Parliament is to say that the current rules do not reflect the modern world and modern questions of citizenship, then it is inherently unfair to force one group of people to live under one law and another group to live under another.

To give another extreme example, imagine that in 1918 the right of women to vote in federal elections was only extended to those who achieved the age of majority in that year, and women who did not meet that criterion were held to the same status that governed them before that legislation.

I know these are both extreme examples; however, they illustrate my point. If Parliament is to update rules for whatever reason, it is only logical that these rules be made retroactive to cover all those who were previously denied opportunities because of the old rules.

In 1977 Parliament sought to redress these concerns with the transitional provisions, but in allowing these provisions to expire, the Department of Citizenship and Immigration has neglected its obligation to promote Canadian citizenship and subjugated the children of Canadians from all walks of life to a status apart from their parents and, in many cases, that of their brothers, sisters, nieces, and nephews.

The official reason given for the ending of the transitional rules was that fewer and fewer people were applying for citizenship each year. This is not surprising, as those people born in 1947 were 30 years old at the time of their application in 1977. Unfortunately, many of us were not adults when the transitional rules came into effect and only now find ourselves in a position to successfully transition into Canada, just as our chance to do so has expired.

I'm asking for your help and urging Parliament to equalize the criteria for all children of Canadians to claim their citizenship. Barring that, I hope you will at least urge Parliament to re-establish the transitional rules to 2007 and allow those born in 1977 the same opportunity as those born in 1947; that is, the opportunity as an established adult to move to claim the citizenship of their parents and become a productive member of Canadian society.

There are those who would say that Parliament should not extend the rights and responsibilities of citizenship to those who have missed their opportunity. It is said that these people would come and be a burden to the Canadian social welfare system or that they lack some intrinsic Canadianess by being separated from their father's country for so long.

The first argument, that we would be a burden to the Canadian system, is meaningless. While some may not have paid into the Canadian system for most of their lives, they likewise haven't drawn on the system either. I did not burden the Canadian education system or the Canadian health care system when I was a child, and now that I am educated and my childhood ailments are behind me, I ask for the right to live, work, and pay taxes in Canada before a single dime is taken out of the system for me or my family.

As to the second concern raised, a similar accusation is levied against the children born to second-generation Canadians outside of Canada, and a solution is provided. These people can apply for provisional citizenship and be granted every right of citizenship provided they have taken and passed the citizenship test. If Parliament feels that my Canadianess is suspect, then a system should be in place to give those who lost their opportunity to be citizens the chance to prove they are Canadians.

• (1025)

In the end, the question before Parliament in this new citizenship act is whether or not fairness and equality will be a concern in the awarding of citizenship. It is not fair and it is not equal to hold two people of equal standing to different criteria, and no amount of arguing will change that fact.

I thank you for your time this day. I hope my words have at least given you food for thought on this issue.

Thank you.

The Chair: Thank you very much.

Our final presenter is Ms. Di Zio.

Ms. Josie Di Zio (Senior Director, Planning and Development, COSTI Immigrant Services): That was to be determined. I saw myself listed as that on the agenda.

Thank you for this opportunity to speak to you briefly about some of our thoughts on the issues before you regarding citizenship and immigration. We have been guided and been preparing our comments by the issues identified in the report of the standing committee from November 2004 and by the specific questions that were contained in the committee's invitation to these hearings.

We have selected a number of issues to address here, namely the labour market integration of newcomers and a number of citizenship issues as well.

Let me start by introducing the agency I represent. COSTI Immigrant Services is one of Canada's oldest and largest community-based agencies with a specific mandate to serve immigrants. It started in the post-war era to assist Italians immigrating to Toronto. COSTI today serves more than 45,000 individuals per year from areas around the world. We have a staff of 200 people who speak a combined total of 60 different languages. Our services have evolved over the years to address the changing needs of the various waves of immigrants and refugees coming to Canada. Our services include settlement counselling, English language training, employment support programs, vocational rehab programs, seniors' programs, women's programs, problem gambling, family violence prevention, housing programs, and a reception centre that houses government-assisted refugees for a period of time.

Over the 50 years plus that COSTI has worked with newcomers, we have borne witness to the changes in the experiences of newcomers and in the issues they face as they try to make the life in Canada that they expected when they made the decision to immigrate. Canada's inability to adequately address the labour market integration of Canada's new skilled workers is an issue that has deservedly received the attention of many stakeholders, including the provincial and federal government, employers, the media, and others. We're encouraged by this interest and the genuine desire to fix the problem.

Many current initiatives, including some of the ones that Minister Chambers was talking about this morning that involve regulatory bodies, bridging programs and the like, are beginning to have a modest impact. However, we have created a situation of quite huge proportion and we share the concern of others that Canada's ability to attract and keep skilled immigrants has been compromised.

We do not see the current immigration policy as problematic per se and believe that the point system is an effective one. What we do see is a problem in the lack of coordination between federal ministries—and primarily, those would be Citizenship and Immigration, and Human Resources and Skills Development Canada—and between federal and provincial ministries to provide a coordinated, informed proactive national strategy that includes a continuum of information and support. We also believe strongly that this continuum must start prior to arrival. From the time of approval to the time of arrival in Canada, precious time is lost during which individuals could begin their credentials assessments process, their job search, and other information gathering and support, so that they hit the ground running, so to speak, in Canada.

This level of information and preparedness for the labour market realities newcomers will face in Canada will result in a smoother transition and, even more importantly, will assist newcomers to set their own realistic expectations and plans.

We also recommend that attention be paid to supporting newcomers who are not part of the 40% who are deemed professional. The majority of newcomers will not work in regulated fields and many, specifically family-sponsored class, are seeking employment in semi-skilled and more general positions and they are experiencing the same types of barriers such as lack of Canadian experience, etc. So the strategies that are implemented need to have a very broad scope so that they apply to all newcomers.

We wish to comment briefly now on a number of specific issues that were in the committee's report from November and we're weighing in so that our vote is counted on some of these issues.

In regard to residency requirement for granting citizenship, we support the proposed definition of residency as being defined as "physically present for three years within a six-year timeframe". We also support the recognition of the residency period of refugee claimants prior to their receipt of their permanent resident status as time counted towards those three years. In terms of the knowledge requirement, we support the concept of inclusion in the act that specific groups be automatically exempt from this requirement, including people over the age of 60 and people with learning disabilities, and that accommodation be made for people with low literacy levels. These issues should not be barriers to acquiring citizenship for anybody.

For prohibitions, we support the community's recommendation that a process be set in place to ascertain whether criminal charges/offences outside of Canada may have been the result of political or unjust processes.

• (1030)

With respect to the fee, in our experience the fee for citizenship can be problematic, particularly in light of the high levels of underemployment and poverty being experienced by newcomers in their first three to five years in Canada.

With respect to the oath, we've thought about that a bit, and we believe that the reference to Her Majesty the Queen should be removed from the oath and replaced with reference to the Canadian Charter of Rights and Freedoms. We feel this more appropriately reflects the foundation upon which Canadian citizenship and values are based.

We would be remiss if we did not take this opportunity to comment on the issue of funding for settlement services in Ontario. As a long-time delivery agent of these services under funding from the federal government, we can tell you that the funding allocation for Ontario is simply inadequate to meet the need and that the various funding formulas are placing extreme hardship on our agencies to provide adequate services. There has been no increase in funding since 1996. There are funding caps and other restrictions, and these are problematic for us and for others delivering services in our sector. We urge you to address this issue as an integral part of the way that Canada supports newcomers.

Thank you for this opportunity.

The Acting Chair (Mr. Lui Temelkovski): Thank you very much, Ms. Di Zio.

Mr. Mark.

Mr. Inky Mark: Welcome to the committee, and thank you for taking the time to be here today.

Through our hearings we've heard many of the concerns that you brought forth. On the issue of amnesty, I support it heartily. Three years ago I suggested that we do this, and at that time the numbers were something like a couple hundred thousand people. In the United States today, there are something like 10 million who are undocumented. The one question I have with regard to amnesty is, how do we deal with criminals and terrorists?

On the business of citizenship and revocation, we've discussed this at length. I agree that crimes against humanity should be separate from citizenship. But as equal Canadians, we should all have equal rights to due process under the charter. It was brought up that citizenship should be a right, not a privilege. Maybe some of you could respond to that.

On the issue of children born outside of Canada, we have children who were born in Canada but lived outside of Canada, even war brides who married Canadians and came over here. There are a lot of shortcomings in our history with respect to how we deal with...well, Canadians, even though sometimes we don't feel like Canadians. I'm sure these issues will be dealt with.

On the training side, 50% of the people we take in are skilled labour. Someone asked a question a few days ago about numbers, why we have the 1%. No one seemed to understand why we have 1%, other than that the political party at the time decided it was 1%. But the problems are becoming even more prevalent as they reach this 1%. People come here supposedly with credentials, and then we find out they really don't have the credentials.

Should we have a clearing house in Canada to evaluate credentials before people are landed? To follow that, should people literally have a job before they come to this country?

These are some of the questions I have.

• (1035)

Ms. Oksana Miroutenko: Since I presented first, I will answer.

The way I see it, with respect to the issue of terrorism, the process itself should be an official process where the immigration officers would have interviews with these people, first of all.

I see it this way. They can bring them forward and have the official process of interviewing, checking into their background for all kinds of records, as they do with any other immigrant who comes to Canada. This way, I think, will reduce the number of illegal immigrants in Canada and people who are here doing all kinds of illegal things.

The whole system will be very transparent because everybody will be evaluated. The ones who don't make it through will have to be sent back to their own countries. They can reapply from there if they want to, whatever the process will be, but this way we can have at least an accountability as to who we have in this country.

The way it is right now, there are tens of thousands of people who are illegal, and they are very imaginative as to how they can fraudulently enter Canada or how they can do things so they can be accepted into the Canadian system. I mean, it's happening every day, and unfortunately, they're pushed to do that, in a way. There are all kinds of... I don't know if you know, but a very popular thing is marriage for money. When you go through that—because as a lawyer I assisted a few people through immigration aid who were actually legitimate people who married here—the first question they'll ask is, how long have you been living in Canada? Show us your book, and show how us how much you make.

So everybody knows that these people have been working for five to ten years, and so when they actually come through the process, everybody wants to see that they were actually part of Canada, that they made money, and they are valuable citizens. Well, why do they have to pay money to get married illegally to actually acquire their status here in Canada, when the same process can be applied, and we can say to anyone who has lived here for three years, okay, come forward and we'll evaluate you?

I've met people who are working illegally, and they're willing. They want to do this. They're willing to pay taxes. They want to be citizens of this country, and they say, bring us forward; if we're not good, send us back. That's the way it is.

• (1040)

The Acting Chair (Mr. Lui Temelkovski): We'll give it another minute, but we're over time already.

John, would you like to respond to this one?

Mr. Inky Mark: On the idea of citizenship as a right, could you respond to that?

Mr. John William Pidkowich: Yes. You mentioned that there should be a separation between crimes against humanity and the other part, citizenship. It's a long-standing issue already, and there's really nothing more new to say, other than that it really should be taken forward with more heart and implemented.

Ms. Josie Di Zio: May I comment on the 1%, whether it's too many or whether it was an arbitrary number that was brought up politically years ago? In fact, my understanding is that this number is a healthy number and one that we need in order to continue our labour market growth and economic growth in Canada, so I think it still applies.

In terms of whether you want to consider imposing verification of credentials, and perhaps even employment, as part of the assessment process, I think that is probably far too cumbersome and also could be penalizing people unnecessarily.

However, if you provide the support and the information so that people are, of their own free choice, going about doing this, having their credentials assessed, it's going to automatically weed out people who are trying to falsify their situation in any way. Certainly,

providing the ability for immigrants to do that voluntarily before coming to Canada is what we would recommend.

The Acting Chair (Mr. Lui Temelkovski): Alexi?

Ms. Alexi Nicole Wood: Yes, I'll just comment quickly. I know we're over time.

The Canadian Civil Liberties Association has concerns about expanding the powers of prohibition and revocation from what they currently are in the legislation. There are three points that are all interconnected.

Citizenship is a right once it's been attained. There isn't a right to attain citizenship once one is here; it's a privilege that needs to be acquired, and the current legislation provides for due diligence before somebody is granted citizenship. CSIS can do background checks on individuals before they are granted citizenship. Subject to reasonable restrictions and oversight, the Canadian Civil Liberties Association does not object to that.

Assuming that the due diligence is being conducted before citizenship is granted, the Canadian Civil Liberties Association believes, then, that revocation should happen only if fraud was perpetrated in the acquiring of the citizenship, not for security threats or other concerns of that nature, because there are already provisions to deal with those issues.

The last issue is prohibition. If there is a concern, then we have the ability to prohibit somebody from becoming a citizen in the first place, but I would add that prohibition should be limited to issues of serious criminality that contravene Canadian morals and values. There are some suggestions about expanding the grounds of prohibition to include summary offences and other issues such as those. This does raise some concerns with us, as we have outlined in our submissions.

The Acting Chair (Mr. Lui Temelkovski): Thank you.

Ms. Beaumier.

Ms. Colleen Beaumier: Thank you.

Oksana and Mr. Smith, you've both been singing my song. I've been doing this for a while and I really believe that we should have an amnesty. I think Mr. Volpé will probably be looking at something along those lines. One of the problems they have had is that they don't want to use the term "amnesty" because they just feel it builds up again and again.

You're talking about skilled workers, and I agree. I think there is a good case for that. However, do you not agree that it would probably be a better bet to keep someone who has been living underground in Canada for five years and able to make a go of it, since they have already settled into our society, than to send them back and start all over again? Would you push for extending that?

Ms. Oksana Miroutenko: I think everybody has to go through a certain process, because we don't know who is settling in our backyard. Regardless of how long they've been here, I think three years to five years, yes.... I know people who've been here seven to 10 years.

• (1045)

Ms. Colleen Beaumier: Yes, so do I.

Ms. Oksana Miroutenko: I'm thinking three is a good median, but I still think there should be a process in which—and I know it's costly, and that's why it's a problematic issue—people would be interviewed and their backgrounds would be checked, because I think that will deal with the terrorist issues that we have to deal with nowadays.

Ms. Colleen Beaumier: I agree. In selling this to the public, using it as a security check in itself would certainly be beneficial.

Ms. Oksana Miroutenko: Yes. There is another alternative. Not necessarily all of them want to automatically stay in Canada. There are a lot of people who are here for economic reasons. If those people who are going back could have freer access back and forth just to come and work here in Canada, that is another possibility. I think for people who are interested in that program.... I know that now between Ukraine and Portugal, for example, there is a treaty so that people can actually come and work in Portugal from Ukraine. It's the first country in Europe that has done that. The people can do it legally, and there is not an overflow of immigrants who want to stay in Portugal. They just come there, work for two years, go back, and that's fine too. I would say that a lot of people who are here illegally working are here for economic reasons. So if they could have those other avenues, they would take them.

Ms. Colleen Beaumier: Oh, that's a new thought.

I don't have any questions, Mr. Esser. We have heard stories similar to yours and we have a great deal of compassion on those issues. I think most of us are very flattered that you feel that way about your Canadian citizenship.

I thank everyone for their presentations. As I say, they are mostly ideas that we all agree upon, but your presentations are much more articulate than I could be. You have given us a little bit to work with.

Thank you.

The Acting Chair (Mr. Lui Temelkovski): Madam Grewal.

Mrs. Nina Grewal: Thank you to each of you for being here and thank you for your presentations.

My question goes to Ms. Di Zio. There is a critical shortage of our health professionals in Canada, doctors and nurses especially. Is it just greener pastures alone that lure doctors and nurses to the U.S., or is our system failing them?

And I have a question to each of you. Could each one of you tell us in a nutshell—just in a few lines because of the time—whether

there are flaws or drawbacks in our current Citizenship Act, so that we can make our system more efficient and workable for all of us? Just in a few lines.

Ms. Josie Di Zio: In our experience, it's not about greener pastures at all. Our system is absolutely failing them. I think Minister Chambers talked about the number of internationally trained physicians who are in Canada who simply will not have the opportunity to practise.

There are some models that have been very successful in different areas of the health care profession, for laboratory technicians and nurses specifically. They are programs that are quite simple because they simply prepare people to undertake their testings in a Canadian context. So it's a brief intervention. It's a small investment. In both cases those programs have turned a 20% pass rate around to an 80% pass rate with a very minimal level of investment. My sense is that more of those kinds of programs need to be implemented.

Mr. Charles William Esser: Well, as for flaws in the Citizenship Act as it exists right now, aside from the items I've pointed out, I think there is a very real problem that has come into existence, and that is that you do have different ways of assessing different people. How a person came about having their relationship with Canada does not really.... It all should just depend on when you were born or how far you were removed.

Another example is with second-generation Canadian children born outside of Canada. What strikes me about that is that I don't see what happens to the third generation. For example, my niece recently had a daughter, which makes her the third generation, so at the age of 28 she will have to reaffirm her citizenship. And that's fine, but if her children are born in the United States, do those children have no rights of citizenship? Are they considered in the same category as the third generation? There's simply no clear-cut answer to that.

One of the things that I think is a real flaw with the current CIC, at least from the point of view of someone outside of it looking in, is that very often there's no real explanation given as to why decisions are made. For example, when the transitional provision was rescinded, we had no idea it was coming up. Although I now understand that apparently there were press releases given out, they completely missed me and everyone I know in Canada, as well as several other people who were reported on. If you go to the CIC now, it's as if there never were transitional regulations. There's no statement that they expired at this time or that if you don't meet the criteria of 1977, sorry. It's a little frustrating, and there's no explanation given.

• (1050)

The Acting Chair (Mr. Lui Temelkovski): Go ahead, please, John.

Mr. John William Pidkovich: I don't know if this is such a flaw in the Citizenship Act, but I've heard from recent immigrants to Toronto from Ukraine that they fear, even once they receive citizenship, that there's this cloud hanging over them, that it could be revoked for some minor technicality or some reason. I think these people, if they want to continue to contribute to society and help society economically grow too, need to see stronger assurances, there in the act, that once they have their citizenship that's it, that this is their privilege that they've earned, and that there would have to be some very serious circumstances for it to even be questioned for revocation.

Ms. Oksana Miroutenko: I would like to add to that. If this program for amnesty were to take effect, then people who are working on changes to the Citizenship Act should look into how this will be implemented. So if we are saying three years, then give amnesty to people who have been living here for three years. In that context, how would the Citizenship Act be looking at people like that? Would they be retroactively given those three years or would they have to live another three years in order to apply for citizenship and so on? So that should be looked at together, of course.

The Acting Chair (Mr. Lui Temelkovski): Ms. Wood, go ahead, please.

Ms. Alexi Nicole Wood: I would agree absolutely that revocation needs to be pursued only in very extreme circumstances. As I've said, where there is knowing fraud or misrepresentation, significant deception in the application process, those would be very rare and extreme situations where revocation could happen. It's connected to the concern that the CCLA has regarding annulment, that it sort of creates a second class of citizens who can't be sure that they really have citizenship, because it could just be taken away by ministerial fiat at any point in time. So those are some serious concerns we have with some of the proposals.

Getting to your question in particular about current issues, I flagged two of them in my comments. I'll go over them again briefly. They deal with appeal and the burden of proof.

At the moment, the burden of proof in a revocation proceeding is this balance of probabilities, and if you look at some of the case law, there is a real discrepancy in how this is interpreted. Does this mean a high degree of probability? What exactly is the balance of probabilities, mere preponderance of the evidence? It is an unclear standard that can be interpreted in different ways, which is why we

suggested that the legislation should be amended to include a specific statement that this burden needs to be higher.

There are some statutory standards in Ontario and other provinces, in particular with the Police Services Act, where they refer to "clear and convincing evidence". U.S. Supreme Court case law uses the phrase "clear, unequivocal, and convincing". There are other standards out there that are based in common law, where the judges would have a better idea of the actual standard they need to be applying in this situation.

As I stated as well, there needs to be a right of appeal. It's unconscionable to have revocation assumed by one individual judge. There must be a right of appeal.

The Acting Chair (Mr. Lui Temelkovski): Madam Beaumier.

Ms. Colleen Beaumier: Mr. Esser, you were born in the United States. Is that true?

Mr. Charles William Esser: Yes, I was born in the United States.

Ms. Colleen Beaumier: Okay, and you did not claim your father's citizenship within the required time.

Mr. Charles William Esser: Well, it's a rather convoluted story—first of all, in the fact that my parents had no idea that there was an allotted time.

Ms. Colleen Beaumier: Well, you know what? If you get a speeding ticket and you tell someone you didn't see the speed limit—

Mr. Charles William Esser: Oh, no, I understand.

Ms. Colleen Beaumier: —they're going to say, if you've broken the law, and not knowing the law is not an excuse.

But let me just comment on another thing. You're talking about your cousin. So your cousin who was born in the United States must claim citizenship. Then you're saying, what about her daughter? How far back should I be able to go, five generations—

Mr. Charles William Esser: No, but—

• (1055)

Ms. Colleen Beaumier: —and get a European passport because that's perhaps where my relatives came from?

Mr. Charles William Esser: My point was not how far back should it go. My point was that my sister was born in Canada, and her daughter was born in the United States. My niece, her daughter, recently had a child in the United States. As a result, that child will have to go through the provisional citizenship rules that are established. What is the status of her children now? Are they now second generation if they're born outside of Canada? Are they fourth generation?

There is no statement made, and I think you need to have some sort of unified statement.

Ms. Colleen Beaumier: I think if they're born outside of Canada...

Your sister is Canadian by birth, so she would have an inherent right to that, but how far along do we pass this citizenship requirement? For those of us who were born in Canada, gosh, we should be able to get another passport somewhere else too.

Mr. Charles William Esser: But the point is that there are many reasons someone might not be born in Canada. It is a question about just the vagaries of law.

My point was not that they should extend, but simply that there is currently no statement on how it should extend. Currently, you go to this third generation, and now the fourth generation. Once the third generation has established its citizenship, you could argue that it doesn't go to the fourth generation because there is no specific law on the fourth generation, or you could say, since the first generation has now established their citizenship, that child now becomes a second-generation Canadian, because—

Ms. Colleen Beaumier: Don't you think there should be some sort of residency requirement?

Mr. Charles William Esser: No. It's presuming a residency requirement.

Ms. Colleen Beaumier: You can talk about an inherent tie to a country; however, how Canadian are you if you and your parents have always lived in another country?

Mr. Charles William Esser: In our case, as an example, we live 30 minutes outside of Windsor. My family lives in Michigan just outside of Windsor, but we travel to Toronto on a regular basis. We move back and forth between the countries. Part of our family lives in Canada and part of our family lives in America. My father, though he has lived in America for numerous years, has not applied for American citizenship and has not revoked his Canadian citizenship. We have these familial ties.

My point was not that it should be extended to the fourth generation but that because there is no statement...because you make a statement on the third generation.... When you make a statement that the third generation has to follow different rules than the second generation, you create this legal limbo for the fourth generation. It becomes this question of, does this person have these rights or do they not? It's simply this question that every time we draw a line, it raises a question about the next.... If you draw the line at 1977, well, what happens to people born before 1977? If we draw another line somewhere else.... It's just creating all these different groups for whom there's a different understanding of what that citizenship is.

Ms. Colleen Beaumier: Well, I know, but lines have to be drawn. I think they are drawn in every case.

Mr. Charles William Esser: Of course lines have to be drawn, but it's a question of whether those lines should be equally distributed or whether they should be arbitrarily distributed such that these people are citizens and these people are not, and it has no bearing on what their criteria for citizenship are.

As an example, I would have had my citizenship all taken care of except for the fact that when I applied, there was a delay in getting my parents' marriage certificate from the Ottawa land office. Because of that delay, I couldn't apply for my citizenship until after the expiration date. Had I not had the requirement that my parents prove they were married and had my father's name on my birth certificate been enough—as it is for people born after 1977—I would not be in the situation I am in now. But because there was an arbitrary line drawn that put down different rules for my generation than those for my nephew's, it becomes a different situation.

I apologize for taking so much time.

● (1100)

The Acting Chair (Mr. Lui Temelkovski): Mr. Mark.

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

This is in the same vein of thought that has been brought to the committee before, where especially in the province of Quebec, to give birth, it's sometimes more convenient to go to the American side than to the Canadian side for doctors or hospitals. There are a lot of those cases.

On a societal level, I think the border community is a different community, even with the restrictions that occur today. This literally shuts out the social relationships between communities on one side of the border and on the other side. They live closely and work together; basically it's one community.

I also agree that there has to be some loyalty shown to a country, and that's what I want to ask you about. It was brought to our attention that in a global society there are a lot of people who have dual or triple citizenship. We don't want to repeat incidents like the one with Maher Arar, so could you perhaps just give your opinion on this? If you have dual citizenship and you're stuck somewhere outside of either country, what should happen to you?

Mr. Charles William Esser: In my opinion, if you're outside your home country, even if you're a full-blooded Canadian citizen and go to another country, you are bound by whatever laws are in that country. That's the sort of risk you take any time you leave the country you call home.

Beyond that, as far as dual citizenship or tri-citizenship or any other is concerned, it is fully Canada's right to say we will have dual citizenship or we will not have dual citizenship. Canada can say no, you have to make a declaration that you are Canadian or you are American. For me, there's not even a question. I'd say I am Canadian and I'm done.

All I request is that there be uniformity between people. Because of the quirk of my birth, because I was born three years prior instead of three years later, I'm held to a different standard, and it doesn't seem to make sense that there should be different standards if what we're saying is this citizenship should pass. If we're saying this citizenship should pass, then we should say these are the criteria for passing that citizenship.

For example, if you want to say, I'm sorry, I registered too late, that's fine, but then it should be for everyone. Everyone who registers at such and such a time should be told, I'm sorry, you missed your opportunity. That's just the way the cookie crumbles.

For my own case, even if no provision is made for me and for people in my situation, I still intend to emigrate to Canada. My sister, as I said, lives in Peterborough, not far from here, and has agreed that she will sponsor me. My wife and I are both educated. We are also able to come in on the points system without any real difficulty beyond the difficulties anyone would face.

For me, it's just a question about whether or not there should be this fairness about the distribution of citizenship. That's why I'm here today. If it were just about coming to Canada, I could have gotten some sleep last night instead of driving here from Newark and just have filed it another way, but I really feel this is an issue that needs to be addressed.

Mr. Inky Mark: The question I asked you is because having dual citizenship comes with a certain amount of risk, I wondered whether it's a personal thing, or should Canada always be at bat for you even though you hold dual citizenship—other than being an American and a Canadian?

Maybe John, or—

• (1105)

Mr. Charles William Esser: Well, as I said, I think in a situation like that, you are bound by the laws of the country you happen to be in at the time.

Mr. Inky Mark: No, but you may not be in that country at the time. You may be somewhere else, so where should you end up? As I said in the case of Maher Arar, we don't want to repeat that circumstance.

Mr. Charles William Esser: That's a question for Canada.

Mr. Inky Mark: Well, also for the individual, because you are the one who had the dual citizenship. What are your expectations of the country—of both countries?

John, do you want to...?

Mr. John William Pidkovich: When I think of the situation of friends with their children who are here and there, I think my reply would be quite biased. I would hope the Canadian citizenship commitment is stronger than, say, a U.S. or a European or another nation's one.

But I think I would feel better if one were chosen over the other, not to the extent that... I think in the United States you cannot have two citizenships; if you have the American citizenship, you can't have another citizenship.

Mr. Charles William Esser: No, you can have dual citizenship in the United States, unless you actively renounce your American citizenship. Both countries have dual citizens.

Ms. Colleen Baumier: [*Inaudible—Editor*]...citizenship, but you lose it if you vote.

Mr. Charles William Esser: Okay.

The Acting Chair (Mr. Lui Temelkovski): Perhaps Mr. Telegdi would like to ask a question.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Thank you, Mr. Chair.

My comment is to Ms. Wood. I am very pleased to have received your report.

I recall back some time in 1999 we had a letter from Alan Borovoy on behalf of the Canadian Civil Liberties Association, and they said something to the effect that while it might be justifiable to make obtaining citizenship difficult, it can never be justifiable to make revocation easy.

A couple of days ago we heard a witness in Vancouver. It was quite interesting, because she was giving evidence on credential recognition and all of a sudden she got into citizenship. She's a professor at Simon Fraser University. She asked the question, when do I become a real Canadian? She stated that the current act is bad public policy; it terrorizes the many for trying to deal with a problem of very few. It is an angst to a lot of the naturalized Canadians, myself included, because citizenship is such a vital part of who we are, and to have that under threat by a revocation process is very upsetting. So I'd like to commend you on your brief.

Certainly, Mr. Pidkovich, the Ukrainian Congress has been steadfast in working on this issue. But I wonder if you would make a comment on what I said about the public policy issue related to that kind of a threat.

Ms. Alexi Nicole Wood: The public policy related to the revocation?

As our submission states, and as I've stated today, the Canadian Civil Liberties Association does believe that revocation should only happen in extreme situations of serious and significant misrepresentation. I confess that I was not familiar with that line from Alan Borovoy, but it sounds exactly like him. That's a beautiful way of stating it. He does have the ability to put things in a perfect turn of phrase, so it was quite well said on his part.

In terms of policy, the Canadian Civil Liberties Association is happy to provide analysis in terms of civil liberties perspectives and how we view these issues affecting the civil liberties of Canadians, both born here and naturalized Canadians. But in terms of policy and what would motivate parliamentarians to draft certain legislation, I feel confident in saying that—Alan at that point would probably say that this calls for clairvoyance, which is not a gift with which he has been blessed.

In terms of the statement of how we choose to be Canadian, yes, once someone has become a Canadian citizen, that is something upon which they should be able to rely. As I stated in my opening comments, the idea that we have two classes of citizens is unconscionable. Once you're granted citizenship, you should be able to rely on that right of citizenship that you've been granted, unless you obtained that right fraudulently. That's really the only basis where it makes sense, from a civil liberties perspective, to justify that.

• (1110)

Hon. Andrew Telegdi: It's an interesting commentary, because when you talk about material misrepresentation, and I suppose you could say fraudulently...I'll give you the case from a historical perspective.

After the Second World War, anybody who admitted to being from the Soviet Union was repatriated forcefully back to the Soviet Union. So this applied to a whole bunch of folks.

During the Second World War, and thereabouts, we had a policy of none is too many for the Jews.

Obviously those things might have been misrepresentations at the time, and you could say citizenship was obtained fraudulently, but surely to God, it's not something you want to deal with. In terms of law, it becomes difficult not to bring in a political judgment as to which one, where you're to apply it and where you don't.

The place where I came down with this whole issue is I thought of the worst possible scenario. Let's say somehow Osama Bin Laden became a Canadian citizen. How should we respond to that? Do we take away his citizenship and send him back to the caves of Afghanistan? Is that going to make us any safer? I think not, and I think they'd want to stick him in jail and make sure he spends the rest of his life there.

But there's another issue that's been kicking around that has become a problem. Oftentimes we will have a young individual come to Canada; it could be a baby, and for whatever reason the parents don't take out citizenship. Twenty years later that young individual gets in trouble with the law. What we do, right now what is practice, is since they're criminals, we deport them to the place they came from. This also seems unconscionable to me that we would do such a thing, because if you send an individual, obviously one who did not become a criminal when they came here...we have some responsibility not to dump these people in any particular country. If the reverse were to apply and somebody was born, let's say, in Germany and was sent to Canada, not speaking any English, not knowing the life, not having any support systems, it wouldn't make any sense either.

I don't know if you have a commentary on that, but this is something else that we as a committee are looking at.

Ms. Alexi Nicole Wood: I do want to go back to your comments about fraudulent misrepresentation. The CCLA believes it is acceptable to revoke in cases of serious misrepresentation and significant fraud. Yes, there are going to be cases where we may want to look at the specifics of each case, and we absolutely should be looking at the specifics of each case, which ties into why we must have a right of appeal. And yes, this absolutely could start to smell of

a political process, especially if you have cabinet-level decisions of denial, ministerial-level abilities to annul someone's citizenship—those could look very political. This is a concern we have with those powers. It also ties into why we believe there needs to be a right of appeal.

As for the other extreme situations you've discussed, it's often hard to look at these situations in the abstract. In the extremes, there are always going to be situations that people are going to be able to bring forward, which is why we said it's acceptable to revoke in these situations of serious misrepresentation and significant fraud and it's not acceptable to revoke in these other situations. If there are other proposals on the table, other forms of legislation, then we're happy to look at them, study them, and come back to the committee with comments on those other suggestions.

• (1115)

The Acting Chair (Mr. Lui Temelkovski): Thank you.

Madam Grewal.

Mrs. Nina Grewal: Thank you, Mr. Chair.

I have a concern. I've heard, at least from people in my riding, that it's about processing time for citizenship applications. I'd like your input on this matter. People have come to me saying it takes a lot of time for the RCMP security clearances, resulting in many other clearances from Immigration and CSIS, and the time expiring before everything could be finalized.

Could you just tell me how that can be done in a much better way?

Ms. Josie Di Zio: That has not been our experience, so perhaps it's a matter of countries of origin, or perhaps there's some other factor that creates that problem. Recently I've had information that the process is quite fast.

I'm sorry, I have no other comment.

Mrs. Nina Grewal: In Canada it takes almost one year for your citizenship to be processed. In countries like Australia and Britain it takes much less time. Why does it take a longer time here? Do you have any idea on that?

Mr. Charles William Esser: It is entirely possible it's because of bureaucratic issues; I don't know. As an example of bureaucratic issues, as I was saying earlier, I would have applied earlier had we received the forms on time. It took a full year from the initial request my parents made for their marriage certificate for them to receive that marriage certificate.

I would not seek to say there is any kind of bureaucratic culture in Canada that would allow that, but knowing any bureaucracy anyone has ever come in contact with...it can take a long time. Whether or not this is something that exists is a question of whether or not it is tolerated by Canadians themselves and by Parliament, which oversees the bureaucracies. If it is something that can be made faster, then it is up to Parliament to make it faster and it is up to Canadians to complain about it to get Parliament to make it go faster.

Otherwise, it will just continue as it does. If people say it's fast enough for what they need, then it's fast enough for what they need.

Usually you only hear the complaints about the times it negatively affects you. If you have a year to spend to get your citizenship, it doesn't matter if it takes a year, because where you're at, you're a landed immigrant and you're fine...and then in a year's time you get your documents. If, however, you're under pressure on the time, then obviously it's going to be a concern.

The Acting Chair (Mr. Lui Temelkovski): Thank you very much.

John.

Mr. John William Pidkovich: Madam Grewal, I'm not directly familiar with the immigration process as it is now, but I can tell you that a few months after 9/11, when I accepted a new position at part of what was formerly Ontario Hydro, my security clearance for nuclear power stations took five months, and I'm a fourth-generation Canadian.

It was said at that time there was a lack of resources. People doing the security checks also said there should be an improved, streamlined procedure for doing security checks and other aspects of due diligence for people to ultimately obtain Canadian citizenship.

The Acting Chair (Mr. Lui Temelkovski): Thank you very much.

I would like to thank all the witnesses. Thank you very much for your information.

The committee will be publishing a report, with the help of our able analyst, and we will get that to you.

We'll take a break for a couple of minutes and have the other panel come forward.

• (1120)

(Pause)

• (1131)

The Chair: We are going to resume our hearings. There will be five minutes for presentations. If you are running over, I'll be making signals to wrap up. Then we go into question and answer sessions.

So starting off, we are going to have Monsieur Béliveau.

Mr. Louis Béliveau (As an Individual): I think it might be better if I speak in English. Probably everybody here speaks English.

The Chair: I believe so.

Mr. Louis Béliveau: Well, I'm happy to take questions in either language, in any case.

I suppose I should start by introducing myself. My name is Louis Béliveau. I am interested in this area. I'm finishing a law degree. I wrote a few letters to members of Parliament at one point and I got invited to present to the committee, and here I am, sharing a few ideas I've had.

I want to touch on a couple of points, many of which have already been addressed in the "Updating Canada's Citizenship Laws: Issues to be Addressed" report, but I think they are worthy of mention as well.

On a small issue, the issue of lost Canadians—people who lost citizenship by their responsible parent taking another citizenship before 1977—I think is one of these little issues that affects a couple

of people but affects them a lot. There are many little problems in the citizenship law, as it currently stands, which I think have an extreme effect on a few individuals, and while they may not come up on the radar screen very often, I think if we are in the middle of fixing the Citizenship Act we should deal with these as well.

Another case is section 8, statelessness issues. People who have not applied to retain citizenship who are effectively the second generation born abroad lose it at age 28. There are many people who may not be aware of this. There are people who could actually become stateless as a result. Theoretically, by my calculation, in reading the law, this could have started happening in February of this year because it's been 28 years since the passage of the 1977 act. There may be a few people involved in this, and I think it's worthy of attention.

More generally, I want to address the issue of former Canadians who either lost citizenship through taking another citizenship in another country before 1977 or currently have renounced citizenship for other reasons. I later want to go into a general discussion of how I think we should define what a Canadian is, starting now, because while reviewing the act, the current definition appears to be a little bit awkward. So I'll move straight into that and make my suggestions.

I think currently we have a *jus soli* and a *jus sanguinis* rule applying, whereby people born in Canada with few exceptions are considered to be Canadians. I think that's a good idea. I think we should leave that the way it is. It ensures that there is no second generation of second-class-type citizens or non-citizens, or any of these problems that happen elsewhere. It may be open to a little bit of abuse, but the cases are very few in number. I think it's good the way it is, plus it's also very simple to deal with. The birth certificate basically becomes a proof of citizenship and avoids a whole bureaucratic mess. I think it's well to leave it that way.

I think where there is more of an issue that should be addressed is in the issue of citizenship transmitted to children born abroad—the *jus sanguinis* rule of Canadian citizen parents. The current rule is basically that children born abroad in the first generation are automatically Canadian and the second and succeeding can become Canadian if they apply to retain by age 28. In most cases that will cover almost everyone involved. It's a little bit clunky. There is the potential for people who have no connection to Canada to be Canadian citizens as a result of endless propagations of so-called citizens who have no connection with Canada, as well as the possibility for a few people who have a connection with Canada, have lived here most of their lives but weren't born here, to not be able to transmit citizenship to their children as readily as others. In effect, we've created classes of citizens, the ones who can transmit so-called full citizenship to their children and the ones who can't because they themselves weren't born in Canada.

• (1135)

Basically, my suggestion is that we should create a system where children born of two Canadian parents abroad would automatically be Canadian; likewise with children born of a Canadian parent and a permanent resident parent.

In the case of a child born to one Canadian parent abroad, I think we should treat it a little differently, and instead allow this child to have a lifetime right to emigrate to Canada, but not to automatically be a citizen. This will prevent endless generations of people who have no connection with Canada from proliferating, while at the same time allowing these people, if they want to establish the link, to move here and later apply for naturalization.

The Chair: You're over your time by about a minute. I want to thank you for your presentation. I note that your brief is quite comprehensive. I think you raised some issues, and we'll probably get to some of them during the questions.

Thank you very much.

The next presenter is going to be Mr. Mossallanejad.

Mr. Ezat Mossallanejad (Settlement Counsellor, Canadian Centre for Victims of Torture): Thank you very much.

I am sorry to give you a glimpse of hell; there's a saying that torture is hell. I'm representing the Canadian Center for Victims of Torture. We help survivors of war and torture to integrate into Canadian society. Our motto is "Hope after the horror".

It is unfortunate that torture is being perpetrated in 150 countries. According to our statistics, around 800 people came to our centre in 2004, which speaks to the widespread use of torture around the globe. I want to tell you that the trauma of torture never goes away. Scars, especially psychological scars, will remain forever.

When you are working on the Citizenship Act, I beg your special attention to the survivors of war and torture, which is what my deputation is about. We know that Canada is a pioneer of human rights, and citizenship is one of the fundamental rights, the right to have rights. Actually, it's a right, not a privilege and should be conformed to Canadian values and international obligations and national legislation.

I think Canadian citizenship should not be granted or be taken away in an arbitrary manner. Citizenship should not be obtained easily, and revocation or annulment of citizenship should not be easy. Special attention should be paid to the non-derogable right of every human person not to be returned to torture. The Citizenship Act should guarantee that nobody will remain at risk of statelessness, that nobody should be in "orbit" or prolonged limbo.

We are pleased that our present citizenship legislation has combined progressively *jus sanguinis* and *jus soli*, and we are happy that children born to refugees are given Canadian citizenship. Also, we are very happy with the three-year period for getting citizenship after landing.

We oppose any provision that gives discretionary power to the Minister of Citizenship and Immigration or to the Governor General of Canada to deny, revoke, or annul citizenship. We advocate access to an independent and competent tribunal for people in danger of losing citizenship.

Revocation of citizenship should be considered in certain exceptional cases when extradition to the country of origin is a necessity for the sake of initiating full investigation or obtaining all necessary documentation. Even in that case, dependants should be guaranteed a meaningful judicial process and right of appeal.

Also, we are very, very concerned about impunity, because sometimes revocation of citizenship leads to impunity for torturers and war criminals, who simply go back to their countries of origin and enjoy impunity. We feel that torturers and war criminals should be prosecuted. Revocation of citizenship is not a substitute for prosecution of these people.

Also, we disagree with any provision that offences committed outside Canada be treated as offences inside Canada.

● (1140)

Under some tyrannical regimes there is no demarcation line between persecution and prosecution, and writers are sometimes persecuted as terrorists.

Also, losing Canadian citizenship would have some implication for families. We believe in a sunset clause so that maybe after five years, if the person has acted responsibly and contributed to our society, no action would be taken against that person.

Also, we have some special requests.

Our first request is about protection of Canadian citizens against torture in other countries. There is an unfortunate practice today called "rendition". They send people to countries to be tortured. It happened in the cases of Maher Arar and William Sampson. Even Zahra Kazemi was murdered and raped under torture. There should be a special provision for protection of this category of naturalized, vulnerable citizens of Canada.

There is one more thing I want you to pay attention to. Right now there is a requirement for three years of residency within the four years of application for citizenship. We have problems in connection with our clients. Why? It is meaningless. Why not make the residency requirement three years from the time of landing?

Also, we want some specific attention to survivors of torture in the revocation of citizenship cases for fraudulent cases. In terms of victims of torture, victims of war and trauma, and mental health patients, they give testimony in different ways and at different times, and they don't remember anything.

I'll just finish.

Please also pay special attention in terms of having knowledge about Canada and the language requirements for victims of torture, because they can't do that.

Thank you very much.

● (1145)

The Chair: Thank you.

Next we have Mr. Frank, from the Canadian Association of Professional Immigration Consultants, five minutes.

Mr. Keith Frank (Vice-President, Canadian Association of Professional Immigration Consultants): Thank you.

My name is Mr. Keith Frank. I am the vice-president of the Canadian Association of Professional Immigration Consultants. With me is Mr. Berto Volpentesta, the secretary of the association.

CAPIC was born with the amalgamation of ACE and OPIC. We are immigration professionals and we have been practising for an extended period of time. In the interests of the profession, we feel the need to amalgamate and subsequently to represent the profession.

Our association would like to express its support for the new citizenship law, which updates and modernizes the important aspects of our country's sovereignty. It stands as a model of how we Canadians see ourselves and respect those who have decided to make their life in Canada.

The matter is much studied due to several previous attempts to enact new legislation. Our concerns and submissions are set out below.

On conditions for grant of citizenship, it seems to us that the most practical, unbiased, and variable tests of attachment and commitment to Canada would be based upon time spent physically present in Canada. Ideally, the bulk of time should be with the status of permanent resident. The test should form the cornerstone condition for the granting of citizenship. The amount of time is a matter of judgment, but it is suggested that the present requirement of three years is perhaps adequate and certainly not onerous.

Our reason for supporting this concept is that suggested alternatives, to the extent that they are imprecise, would require tedious, case-by-case resolution and create a great potential for litigation by unsuccessful applicants. We do not support the idea that considerations contained in IRPA governing the retention of permanent resident status while overseas should be applied to the conditions for the granting of citizenship, which is entirely a different matter.

The present law contains a requirement for testing of candidates' knowledge on matters deemed important for the granting and exercise of citizenship. We suggest that this system is not onerous or difficult to administer and that there is adequate provision for exemption on compassionate grounds.

On limitations to the acquisition of citizenship by birth, we believe that certain such limits should be included in the new legislation. The obvious one would be a carry-over from the present law and prevent the children of foreign diplomats from acquiring Canadian citizenship by birth.

It is also logical and important that the acquisition of citizenship to a parent's Canadian citizenship should have limits similar to those in the present law, whereby it ceases after two generations are born abroad.

Arguments have been made that this automatic loss of citizenship may create statelessness in some cases, but these must be very few and far between and could be resolved by exception, if necessary. The argument, therefore, is that the no notice provision seems difficult to accept, as it places an impossible burden upon Canada to first locate each parent and child and then to instruct them in the situation and the choices before them.

Without the requirement of a register to register the births abroad, there is no way for them to be discovered so that the necessary warnings can be given. A further argument describing this situation as arbitrary seems to lack merit, as the entire law will reflect choices made by Parliament after deliberation. That is not an arbitrary process or decision, any more than the widely supported requirement that a specific number of years be spent in Canada as condition of the grant of citizenship to others.

On revocation through a security certificate process, the process intended for inclusion in Bill C-18 seems to us to fail all tests of fairness because of its reliance upon a balance of probabilities as the test to be applied by the judge deciding the case. Clearly that imprecise test would be capable of producing many miscarriages of justice, and therefore this process should not be considered for inclusion in the new act. We note that if the higher test were used, it would be redundant since a criminal conviction would be expected in any case and revocation then would be instituted on a much sounder basis. Annulment was another idea that appeared in the previous legislation proposal. Since it also amounts to revocation, we recommend that there should be a judicial process to avoid any miscarriage of justice.

● (1150)

On acquisition of citizenship by marriage or adoption, the association would like to make clear its strong objection to any system of automatic granting of citizenship upon marriage or adoption by a Canadian citizen. Such systems have been thoroughly tested in other jurisdictions and have proven too rife with fraud and other forms of criminality to justify their introduction into Canadian law. New spouses and adopted children should have to meet the same criteria for the granting of Canadian citizenship as all other permanent residents of Canada. What, for instance, would happen should the adoptive parents renege or revoke the adoption? That is not a seldom-faced dilemma.

The Chair: Thank you very much.

Next we have Ms. Chen for the African Canadian Legal Clinic.

Mrs. Marie Chen (Acting Director, Legal Services, African Canadian Legal Clinic): Thank you very much.

You have our brief; it's very detailed. I don't intend to go through everything in that brief. I will just highlight some of the issues we are concerned about.

I think what we need to do is to take one step back and go to the starting point. How do we approach new citizenship legislation? What approach should government be taking in formulating this kind of legislation?

In the ACLC our mandate involves anti-discrimination, particularly anti-black discrimination, and equality rights issues. We engage in test case litigation. What we are urging the government to do is to take an approach that is consistent with the charter, with our charter values, our charter rights, and our charter principles, in particular the right to equality and the right to fundamental justice. We ask that this approach be taken in a contextual way, recognizing that Canada's immigration and citizenship law history is tainted by racism. What we would ask is that the government take an approach that takes into account racial equality as well.

The approach we urge that the government take is one that would treat all citizens equally. This government must avoid legislation that will create a two-tiered citizenship status and also legislation that would have a discriminatory impact on communities. When I say two-tiered immigration status, I mean one inferior status for those born outside Canada, for immigrants who have become naturalized citizens, and another, superior one for citizens who acquire citizenship through birth in Canada.

In terms of the procedural fairness issue, we ask that if any citizenship rights are to be taken away, this be done in accordance with the principles of fundamental justice, in other words, that strict procedural safeguards be put in place and full standards of protection be put in place as well. In other words, what we're doing is asking government to treat all citizens equally and to afford them equal and due process protection.

What I want to do is illustrate by example with respect to former Bill C-18. I urge the government not to go down that road with respect to the issues of acquisition and revocation. In terms of the ability of citizens being able to pass on citizenship to their children, derivative citizenship, the distinction should not be by birth because connection to Canada is not automatic. Birth in Canada does not mean you have a connection to Canada. Someone who's not born in Canada could have lived here for 30 years and be treated differently from someone who was born in Canada and left very soon after. Birth itself is not an indicator of connection, and that's a concern of this committee.

In terms of revocation, we urge the government not to bring in the grounds of revocation, particularly with respect to national security. The last bill introduced the ground of national security and also introduced a special process for revocation on this ground. This process only applied to Canadians who were not born in Canada, naturalized Canadians; this would not apply to those born in Canada.

In addition, with respect to the revocation process, there were very serious issues with due process. The procedural safeguards with respect to that process were very low, and we have very serious concerns with respect to the secret hearings, the inability to hear all the evidence against you, and the lack of full disclosure. Those who were born in Canada are not subject to this. This is a very obvious issue of discrimination. On the one hand you have citizens who were born in Canada who are not subject to this process; on the other hand you have Canadians who were not born in Canada who are.

We're not saying you should not deal with issues of national security. We think these are very serious issues, but what you need to do is to make sure the process by which people are dealt with in respect of these issues is equal and fair.

●(1155)

We are also concerned that national security grounds have impacted on certain communities in a disparate way.

In the African Canadian community, for example, we know the experience of racial profiling very well. We know what it means to be stereotyped with respect to criminality and propensity to commit crimes and dangerousness. We experience that every day and at the clinic we see that. I'm sure other groups who will be coming here to present to you will be speaking to the impact of those security positions on their community. We know that since 9/11 certain communities, South Asian, Arab, and Muslim communities, have been impacted by it, and we want that to be taken into account as well, that you should not have legislation that would result in an impact on certain communities.

Thank you.

The Chair: Thank you very much, and thank you very much for your brief.

Mrs. Marie Chen: Thank you. As a point of information, the substantive issues actually start on page 7. We contextualize it before that, but on page 7, if you want to see where we have concrete suggestions, that's where it starts.

The Chair: Thank you.

Next we have presenting for the Chinese Canadian National Council, Mr. Cheung.

A voice: No. It will be Ms. Christine Li.

The Chair: Ms. Li.

Ms. Christine Li (National Executive, Chinese Canadian National Council): I'm Christine Li, and I will be presenting on behalf of the Chinese Canadian National Council.

This is my colleague, Apollo Cheung.

The Chinese Canadian National Council is a national non-profit organization with 27 chapters across the country. Our mandate is to promote the equality rights and full participation of Chinese Canadians in all aspects of Canadian society.

As a national organization we believe that Canada's immigration and refugee policies must reflect the humanitarian values that are commonly shared by Canadians and that such policies should enhance the ability of immigrants and refugees to make an important contribution to the future of this country.

Our organization offers support, clarity, and fairness in how that citizenship is awarded and taken away. Any legislation that is developed with respect to citizenship should not make it harder for a person to become a Canadian citizen and make it easier for the government to take away that citizenship from those whom it deems undesirable. Doing so will repeat a history of legislated racism. Instead, the process should encourage and facilitate more people becoming Canadian and support those who are already Canadian citizens to remain so.

As mentioned earlier, when Canadians are born overseas to parents who are Canadians, in order to maintain their citizenship, they need to physically come back to Canada in order to reclaim it. We feel this process creates two classes of citizenship. According to Bill C-18, the previously proposed Citizenship Act, various new powers were granted to the minister to revoke or annul citizenship. These powers would severely curtail the right to due process by citizens who are subject to a revocation application. Individuals would be denied the right to know the minister's case, the right to procedural fairness, and the right to judicial review of that view.

Furthermore, the minister would be given power to annul citizenship from individuals within five years of the person becoming a citizen. Like the revocation application, this could be done with no regard to the principles of fundamental human rights and procedural fairness.

A citizenship act helps to define who we are as Canadians, and Canada prides itself as a country built by people from around the world. Ultimately, the debate about any new citizenship law is a debate about the future of Canada. We should build a country that is open and welcoming.

Thank you.

•(1200)

The Chair: Thank you very much.

We're going to start off with Mr. Mark. It's five minutes back and forth, and that way we can engage in discussion, and if you keep them fairly sharp, it will be good. We can get in many questions.

Mr. Mark.

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

Thank you for appearing before us this afternoon.

You've all raised very pertinent and very important points that basically lead to the question: we're all supposed to be Canadians, but what does that mean exactly? It means different things for different people. I think it's long overdue that we need to examine exactly what our citizenship means, and we need to do it from the point of view of equality. That's one of the principal values we hold in this country: we're all equal. We always repeat that we're all equal before the law, but whether we are or not is another debate.

The charter is an excellent starting point. The charter is a reference for everything else we do in this country. We always look through the lens of the charter when we look to legislation. This made me ask the question, is citizenship a right or is it a privilege? People will define it in different ways. I spoke with one of the last witnesses and he was born here. He says it's a privilege. I said, "Well, you were born here. Doesn't that make it a birthright?"

So that's the problem in debating this issue—everyone perceives it from a different perspective. As I mentioned as well, we also have the conditions of citizenship—loyalty to the country, residential requirements, dual citizenships in the world, the global community we have today.

Shall we take revocation out of citizenship law altogether? Once you become a citizen, why should you be revoked of your status? If

you've done something bad, perhaps we should put you in jail under our laws.

Should we separate politics from the judicial system? That seems to be one of the problems we encountered today. A final decision is left in the hands of the politicians, and that does create lots of problems. I'm sure politicians would be happy to have it taken off their hands and to let someone else make the really difficult decisions.

Perhaps you could each quickly comment on some of the things I've said.

Mr. Ezat Mossallanejad: I think the moment we approach citizenship as a privilege we will be in trouble. If you go through the history of development of secularism and secular laws, we know that we have gone a long way, a very long way, to get the right to citizenship. Initially, up to maybe the 19th century, everybody was the subject of this king or queen. But then we had—John Lott mentioned the right to citizenship. It is a right, but a different kind of right. It is a right to have rights. It is a right to enjoy some state facilities.

Also, you raised a very relevant issue. I think revocation of citizenship is not a remedy at all. If somebody has committed any crime or is a terrorist, whether a naturalized citizen or a born citizen, that person should be in jail, should be prosecuted, because if we approach citizenship as a punishment—revoking citizenship—or a means of control of visible minorities or maybe naturalized citizens, I think then we don't attach any value to Canadian citizenship. We believe in prosecution and not in revocation of citizenship.

•(1205)

Mrs. Marie Chen: I agree with Ezat. Citizenship is a right. I think we should also be thinking about what makes a citizen. People who emigrate to Canada when their children are two or three years old and spend 30 years here, to me, are de facto citizens, whether or not they applied for it. In that sense I think the concept of citizenship should be seen in a much more realistic and contextual way. It's not just about applying, but it's about how many ties a person has in Canada.

I agree that we should take revocation out, not have any revocation. If we have a process by which you acquire citizenship that has due diligence attached to it, that is vigorous, revocation should not be there at all.

But if you do put revocation in, those revocation grounds should be very, very limited. It should relate directly to whether or not this person should have been a citizen in the first place and not to any other reason.

I agree with Ezat that if we have concerns about criminality, about security issues, those should be prosecution issues. Those are criminal court issues, not citizenship issues. And yes, we separate politics from the court. Citizenship is an important status. It's so important that if you are going to take it away, any process that does that should be a judicial process with strict procedural safeguards.

Mr. Louis Béliveau: There should probably be room for revoking citizenship in cases where it was obtained fraudulently, and fraudulently would include not properly filling out the forms and informing about one's criminal past and so on. But I don't think that anything past the point where it has been acquired legitimately should be grounds for revocation.

The other thing is I think that revocation procedures should be effectively held to a criminal standard of proof. In many cases the effect for people in having their citizenship revoked is probably worse than a jail sentence. Being deported to a country where you have no real connection any more is lifetime banishment. Most people would probably pick the jail sentence—at least, not a very long jail sentence—over this. We have better safeguards in place before someone will be convicted of a summary conviction offence. I think we should probably have the same for revocation of citizenship, although I do think it should remain a possibility for those cases where it was obtained fraudulently.

The Chair: Thank you very much.

Mr. Temelkovski.

Mr. Lui Temelkovski: Thank you very much, Mr. Chair, and thanks to all of the presenters this morning.

We hear that it should only be used—the revocation—in extreme circumstances. We've had under a dozen, I believe. Is that extreme enough, or should it be more extreme than that? What do you call extreme?

Mr. Ezat Mossallanejad: Extreme is when you have a war criminal; you have somebody who has committed crimes against humanity; you have a notorious torturer who through fraudulent means has got Canadian citizenship.

In that case, if there is an extradition treaty with another country, and maybe with the country of origin and with the best country of asylum, whatever, and that extradition would contribute to the truth because it is a historical issue—you need to come to know about everything, all documentation—and by keeping that person in Canada, you don't get anything, and you are sure that there won't be impunity for that person or no death penalty, no torture, I think in that specific and exceptional case, revocation might be helpful. Otherwise, we don't get anything out of revocation of citizenship.

Also, in cases of fraudulent actions, I share my experiences as a front-line worker. I had a client, a survivor of torture from Pakistan. He had gone through serious torture. I wanted to accept him as a client of CCVT. He changed his story three times. Initially he said, "Yes, I was tortured", then said, "No, no torture and no jail". I didn't know what to do. Then I contacted his lawyer and I contacted his psychiatrist, and I came to know that these persons don't know the ramifications. The person is not mentally in a position to testify.

• (1210)

Mr. Lui Temelkovski: Are there any other comments? I want comments from everyone, please.

Mr. Berto Volpentesta (Canadian Association of Professional Immigration Consultants): When dealing with revocation, you don't need to look at it solely from the perspective of it being the only means. It can be that we use that in addition to criminal charges.

When we look at what it means to be a Canadian, we want that citizenship to mean something. If you have granted citizenship to some undesirables or you have the dirty dozen, then it would be nice to get rid of them, but if they obtained the citizenship properly in the first place and then did something, you can't revoke it from that perspective...but deal with these types of things—

Mr. Lui Temelkovski: Say someone came in and misrepresented themselves such that had we known that information at the time of application, we would not have granted the citizenship. Would that be grounds for revocation?

Mr. Louis Béliveau: I think so. I think that's entirely the case revocation is meant for. While there haven't been many cases, it is probably just because the bureaucracy hasn't followed them up. There probably are more than a dozen such cases, and I think that's an entirely appropriate case in which to revoke someone's citizenship.

Mr. Lui Temelkovski: Ms. Chen.

Mrs. Marie Chen: I think in terms of the legislation we expect will come out, that provision will still be in there. It's already in the current Citizenship Act and it appeared in Bill C-18 as well.

My position would be a pragmatic position. Philosophically, I do not agree with revocation grounds being in the Citizenship Act, but if revocation grounds are to be introduced with respect to fraud and misrepresentation, fraud and misrepresentation have to be strictly defined. The definition has to be clear and not vague and has to relate directly to whether or not this person should have been granted citizenship in the first place, whether or not they should have acquired this status.

Mr. Lui Temelkovski: And judicial.

Mrs. Marie Chen: Secondly, yes—judicially, because these allegations are very serious allegations. We're talking about fraud, about misrepresentation, or about concealment of fact, and given those serious consequences—because we are also talking about loss of liberty with revocation of citizenship—we need a vigorous process. Our position is that you would need to bring it to criminal court, where this person would have the protections of criminal court.

I want to bring an example too—

Mr. Lui Temelkovski: Should there be limits on it? Let's move on to the next phase of it. Should there be limits on when we can ask for revocation?

Mrs. Marie Chen: In our submission, we suggest a limitation period.

Mr. Lui Temelkovski: We've heard, from a variety of people, from one to five to ten to twenty years to none.

Mrs. Marie Chen: Do you want a number?

Mr. Lui Temelkovski: Yes.

Mrs. Marie Chen: Well, I would say the same as for any other course of action. There are some courses of action that have two-year limitation periods.

If you're going to legislate this, in terms of our position as to how you...prejudice and fairness.... With the passage of time, people lose the right to be able to defend themselves as well. People start to have children in Canada. They start to make ties. So I would suggest a two-year limitation period.

But I want to illustrate what I mean by misrepresentation by example, because we have looked—

• (1215)

Mr. Lui Temelkovski: I think we got that part of it. We want to go on to the next part, which is the length of time.

Is there anybody else? Two years? Five years? We need numbers.

Mr. Ezat Mossallanejad: Well, in three to five years.

Mr. Berto Volpentesta: I think it will be more in accordance with the Immigration Act if you apply something like that as a rehabilitation period. If it is a less serious offence, maybe there'll be a five-year period that has to pass, and for more serious offences, ten years will have to pass, with proof of their being a decent person after that period. It may be more along those lines just for consistency.

Mr. Lui Temelkovski: Now, if we assume the person is found guilty after that and a revocation does take place, the next question is, should they be deported or should the revocation take place and they remain in Canada as landed immigrants prior to becoming Canadian citizens?

Mr. Louis Béliveau: If the fraud was in the citizenship application and is a serious enough issue that it would lead to someone losing their permanent resident status, I think they should just lose their citizenship and go back to where they were, which is effectively the current situation. If the fraud is serious enough that it can lead to their losing their permanent resident status, well, away with that as well.

On the other hand, if the fraud was in the obtainment of the permanent resident status, then the entire thing was fraudulent and we should probably go back to the beginning. I understand it's pretty much the current situation.

I do think there should be some limitation period on it as well. The suggestion of using the criminal rehabilitation period is probably a good one. This sort of thing is done in other countries.

At the same time, we shouldn't encourage people, by being too lenient and having too short a limitation period, to engage in fraud.

The Chair: Thank you very much.

We're going to go on to Ms. Grewal.

Mrs. Nina Grewal: Thank you, Mr. Chair, and thank you, ladies and gentlemen, for being here and for your time and your presentations.

My question goes to Madam Chen. In your presentation you were talking about racism in our system. Please, could you elaborate a bit more on your comments that our system is tainted by racism, that it's not a fair and equal system, and that it's a two-tiered immigration system? How can we make our system more fair and equal for all Canadians?

Mrs. Marie Chen: I raise that issue because there's a connection between immigration and citizenship. Who gets to immigrate to Canada determines as well or impacts on who become citizens. There's also a merging as well of how certain immigrants are seen, and as a consequence, whether or not they are suitable citizens.

We've detailed the history of Canada's immigration and citizenship laws in our submissions, and our history has had overt and covert racism built into it. Historically, before the point system was introduced, there were specific provisions that barred certain people from coming. We had the exclusion act, we had the Continuous Passage Act, and we also had provisions that dealt with people of African descent in terms of how they were seen as undesirable.

Now, the overtness of it ended with the point system in the seventies, but it hasn't stopped in terms of its impact. We've seen how, even within the point system, certain immigrants from certain countries are more easily able to come to Canada as opposed to immigrants from other places, for example, Africa or India.

We have also seen how the application of immigration laws impacts on certain communities, and from the experience of the African Canadian community, we've seen this in relation to a number of deportations with respect to criminality. We have seen it with respect to the laws that have come out as a result of criminal issues, such as the Just Desserts incident, where the law was changed because there was a lot of anti-immigrant sentiment that came out of it. As a consequence of that, we have seen that a disproportionate number of African Canadians are deported from Canada.

Those are just examples of how our system impacts differently on different racialized communities. We have seen that under IRPA the national security provisions have an impact on particular communities in a very disproportionate way. You just have to look at the composition of the population of men who are being detained under the security certificate process. Most of them are either of Arab origin or of South Asian origin. The impact our so-called neutral laws have on certain racialized communities is pretty clear, but see, we need to know that to formulate legislation.

• (1220)

The Chair: Christine.

Ms. Christine Li: In the brief we submitted we also detail a brief history of recent immigration acts against Chinese immigrants, and we also make a link between immigration and citizenship as well.

We feel that access to citizenship is different among different racial and ethnic minority groups. There are social economic factors, there is time, and there is language. There are all kinds of factors that come into play. So in applying for the application of citizenship, it's important to also keep in mind the differentiation between ethnic groups in Canada and how that differentiates their chances of becoming Canadian citizens as well.

The Chair: Okay, thank you.

Ms. Nkiru Agbakwa (Policy Researcher, African Canadian Legal Clinic): I just need to add to what Ms. Chen said. In formulating the citizenship legislation, what we're asking for is that the policy makers just take a step backward. By taking a step backward, what we're asking them to do is look at the social and historical context of racialized groups in Canada and how the connection between immigration and citizenship—how discrimination and racism has affected people's abilities to be able to come into Canada and how laws have been tainted by discrimination and racism—has affected, has impacted, this particular group of people. Our clear example is from my experience, working with African Canadians. If you can take a step backward and look at the history and look at the social context of these people, you would see the need to connect the problems they've had in the past.

In that way, if we're able to take cognizance of the social and historical context of these people, then we can avoid making mistakes—mistakes that have been made in the past. In that way, we are able to ensure equality for people, making sure that by looking at the social and historical context, the discrimination is not perpetrated in the laws we make today. That's why we're asking that this context be taken into consideration in formulating new legislation.

The Chair: Thank you very much.

Ms. Beaumier.

Ms. Colleen Beaumier: Thank you. I'll be brief.

Mr. Béliveau, you were saying that you did not feel that for adopted children citizenship should be bestowed upon them when they arrive in Canada. What about infants?

Mr. Louis Béliveau: I think it was the man at the other end who was talking about that.

Ms. Colleen Beaumier: Oh, okay, the consultants.

Mr. Berto Volpentesta: No, that's not the reason.

I think our concern in that particular section was with the possibility for abuse of the system. We didn't feel that changing the hands—letting a citizenship person make the former visa officer's decision—was a good thing to do. The visa officers have more experience in determining who is.... In the Citizenship Act they list relatives, so that a real adoption, if it's not for the purpose of citizenship or immigration or all these kinds of things.... The visa officer has been doing that for a lot longer than a citizenship person would be doing that. So if you're going to make that decision—the same decision—let it be with the people who are already taking that decision.

Philosophically and fundamentally we would say that, yes, a child should be on a faster track towards citizenship than now.

•(1225)

Ms. Colleen Beaumier: Okay.

Ms. Chen, what is the benefit of being able to revoke someone's citizenship? I'm not sure why, once you've attained.... First of all, I think to change your citizenship or to get citizenship is a privilege, because most people already have citizenship somewhere else. However, that privilege entitles you to all of the rights. By eliminating the ability to revoke citizenship, you are then ensuring that there isn't a two-tiered citizenship process.

I don't know what the advantages would be to the Canadian government to be able to take away citizenship under any conditions. We wouldn't send them back to be tortured or executed if they were war criminals. I believe we would be able to punish them here or even send them to an international court. Why do you think the government would want to retain this right to revoke citizenship? What's the advantage of it?

Mrs. Marie Chen: My position is in agreement with yours. I don't think there should be any grounds for revocation. My suggestion with respect to the grounds of fraud and misrepresentation was a pragmatic suggestion—"if" those grounds were reintroduced in—

Ms. Colleen Beaumier: Only under the judicial

Mrs. Marie Chen: That's right, but philosophically I completely agree with you. If those provisions do come in, I agree with Mr. Béliveau that you revert back to your original status, which is permanent resident, because the fraud that related to acquisition of citizenship may not relate to acquisition of permanent residence. In fact, most of the time it doesn't. So it has to be very specifically related, and that's what we say in our submission.

Mr. Berto Volpentesta: I have a question. I mentioned that I am in favour of revocation in some cases because, as I said, I want my Canadian citizenship to mean something to me, and if someone had obtained it fraudulently, for example, then they shouldn't be having that citizenship. By letting them have it, it produces or diminishes everyone else's privilege to be a citizen, and rights as a citizen as well.

So yes, we can fall back on saying let them be permanent residents and punish them. That's why I said it's not the ends, it's the beginning parts that say you can't be a citizen because you didn't get it properly, or you are undesirable for whatever reason and you are not rehabilitated for whatever reason. Then you take it away and you say, now you're a permanent resident, and you're also a criminal and you're also whatever else.

Ms. Colleen Beaumier: Okay. Well, I was born here and Paul Bernardo and Clifford Olson don't take away from my citizenship. So it is not diminished by the acts of other Canadians.

That's just my comment, for what it's worth.

Mr. Berto Volpentesta: Your point is well taken, but I don't like being Canadian because.... Being associated with Paul Bernardo is not something I want to be.

Ms. Colleen Beaumier: I don't think your citizenship makes you associated with anyone, but I certainly don't think he diminishes the values in my country and what I feel for my citizenship either, or what the world would feel about it.

The Chair: Actually, that's a very good point, because I think from a public policy perspective, you probably diminish citizenship if it is taken away, especially when it's taken away too easily.

We talked about the question of whether it's a privilege or a right. It's a privilege to apply for citizenship, but once you've got it, you acquire a right. Just as when you graduate from school and you get admitted to a profession, you acquire a right.

•(1230)

Ms. Colleen Beaumier: Mr. Chair, may I just say one thing?

You talk a lot about people on this committee being immigrants and understanding and having a special bond. I'd just like to go on the record as saying that I was born in this country, and I don't think anyone has a more special bond to people who come to Canada to make this a better place. So I have to tell you, you do not have the monopoly on appreciation of immigrants, and I'd like to thank everyone who chooses this country because it's very flattering for me.

Thank you.

The Chair: And definitely, Ms. Beaumier, you have always had a great deal of empathy and feeling for these kinds of issues, and that's why you are on this committee. That is very important.

Mr. Ezat Mossallanejad: My organization is against any kind of revocation of citizenship, even under fraudulent conditions. What about families—I mean fraud is a two-way street. Sometimes officers also resort to fraud to give citizenship or immigration status to people. If there is any criminality there should be prosecution. Revocation could be considered only for war criminals and for more investigation. And also, whether you like it or not, it is against naturalized citizens. It has never happened that you revoke born citizens of their citizenship. Some countries do that, but Canada never does these kinds of things.

The Chair: Oh, they do, and that is the problem. That's what this whole thing is about. The current Citizenship Act has a revocation clause in it, which is incredibly.... I maintain it does not conform to the Charter of Rights and Freedoms. It dates back to 1977. It preceded the Charter of Rights and Freedoms, and revocation under it really comes down to this: did you tell the truth or did you lie on a question that might or might not have been asked 50 years ago? Then you go through a process in which you have a report from a Federal Court judge who makes the decision on the balance of probabilities, and then if he so decides or she decides that the citizenship was obtained fraudulently, it goes to the two ministers who started the persecution. Then it goes to a secret committee of cabinet. The decision is made in star chambers, and it's really an act that doesn't meet the charter test.

Justice Reilly of the Superior Court of Ontario in January of last year ruled that the revocation of citizenship involves the Charter of Rights—section 7 of the charter. The government ignored the appeal on that particular case. I mean, they didn't pursue it and it has been left in legal limbo.

In my mind, this whole process has been used, when I look at it, to harass people on their citizenship, which is a totally abusive process. That's why I think it's so very important. All you have to do is study the present revocation cases and you come to the realization that this is a real abuse, which is very expensive. The ministry people admitted to spending \$40 million on 20 cases. I think it's closer to \$200 million. So the question becomes, is this good public policy, bad public policy, when you have all these naturalized Canadians who get terrorized on their citizenship?

My challenge to you is that we are looking for an oath to the citizenship. We have a citizenship oath right now and it pertains to the Queen and other things. As well, we have a preamble that we would like to get. It would be really great if you could collectively, after you go away, think about it and send us some suggestions.

I just have one question for you, Mr. Béliveau, because you seem very definite on when citizenship should be revoked and could be revoked, and that's fraud. I'll give you a situation. We had one mentioned here today, the Asian Exclusion Act. The situation is people who came to Canada prior to 1947 and somehow were able to hide the fact that they are Asians and got citizenship. Would that not be material misrepresentational fraud?

• (1235)

Mr. Louis Béliveau: It would be, but I don't think it should be grounds for revocation.

The Chair: Ah, now then we get the question—

Mr. Louis Béliveau: I'll have to modify my opinion to say something like “then and now” would be considered to be material misrepresentation and fraud, and I don't think that would be considered material misrepresentation and fraud now.

The Chair: What about then? I mean, it was a lie; the person lied. They got into the country fraudulently. If you want to give it that definition, then—

Mr. Louis Béliveau: You caught me.

The Chair: The only reason I put it out there is because it is not all that easy to make that determination.

Mr. Louis Béliveau: You caught me, and in that case I have to agree, I don't think it should be grounds for revocation. For that matter, when one says material misrepresentation, I think material misrepresentation should be interpreted fairly broadly, if necessary. The little things that were immaterial to the application should not become an issue 20 years down the line—somebody forgot to list all their residences properly—and it doesn't affect anything; it doesn't really matter. I think we could expand that concept to include the case you mentioned.

The Chair: But you all agree it should be the courts that make that determination, free of political interference?

Mr. Louis Béliveau: I think so. At the same time, I think there is some room for executive power in choosing not to pursue a case. There may be cases where the court would agree that the person should have their citizenship revoked. That doesn't mean the executive power should choose to go through with it.

Perhaps it should be the case that if the executive power chooses not to go through with it, they can no longer change their mind after a certain period of time, maybe like a summary conviction offence. If the executive knows about it and chooses not to do anything about it, then perhaps they should lose the possibility of changing their minds.

The Chair: Executive power is always maintained in the granting of clemency, so they can do it for anybody. On the other hand, they cannot do the reverse. That has to be done by the courts.

Mr. Louis Béliveau: Yes.

The Chair: Okay, good.

Ms. Li.

Ms. Christine Li: It seems problematic to me that a person's granting of citizenship could be revoked. You brought up the Chinese head tax and the exclusion act. There were a number of sponsored "paper sons" who entered the country with false identities and who misrepresented family relationships.

If a similar situation were to happen today—and I'm not saying our legal system is the same as before, but we do need to make the connection between present and past—when the application was being reviewed, if there was systemic racism to start with, wouldn't that racism still be in existence? What I mean by this is that during the time of the head tax and the exclusion act, when people entered the country, there was a reason why they needed to use these papers, why they needed to use these false identities. If we had the same system to review these false identifies, then these people would have lost all of their citizenship rights. They would have been gone.

If that kind of situation were to happen today, I just think it would be a repeat of history. Therefore, I don't feel that revoking citizenship would be a progressive method to try to solve the situation of false identity.

The Chair: Thank you.

Ms. Chen.

Mrs. Marie Chen: I would just like to carry on with some of that discussion.

We have experienced problems with the definition of misrepresentation and with what sort of misrepresentation can lead to a loss of status in the permanent residence system. We've seen nannies come to Canada who, out of fear of not knowing whether or not they would qualify to come to Canada, leave out their dependant children on the application forms. Three years later, when they apply for citizenship and they include their children, there is an issue of revocation of their permanent residence status. Yet they did it as a question of survival.

There are gender equality issues here, and there are issues of how people live their lives in reality. This should not lead to revocation, but we have seen this happen.

To offer another pragmatic suggestion, if those grounds of misrepresentation and fraud remain, and it's dealt with in the criminal court, there should be a residual discretion in that court, or in another process, of humanitarian and compassionate consideration. Even though someone may be technically in violation, or found to be fraudulent, there could be, particularly when there has been a length of time in Canada, humanitarian considerations. There usually have been children born in Canada. Those interests have to be taken into account as well.

● (1240)

The Chair: Since we're getting into the historical context, I'll mention that Mr. Inky Mark—he's pretty modest, and he won't tell you this—has two bills before Parliament. One is to have redress for the Chinese head tax, and the other one is to have redress for the internment of Ukrainians. It's been a long battle.

This just shows some of the history that we still haven't resolved as a nation. We have all sorts of people out there hurting about what

happened in the past, not really having had it acknowledged and somehow dealt with.

Mr. Mark.

Mr. Inky Mark: Thank you, Mr. Chair, and thank you for that positive comment.

In essence, I want to say that even your comments have made me think differently today. I think we need to change the mindset of what citizenship is and to think of it as a right. It's only a privilege during the time you are seeking or making an application to get that right. When we get that right—and I think that's what the chair said—it's really important to start repeating the mindset that it is a right and to forget the word "privilege". If you have citizenship, we should be telling all Canadians, wherever they come from, whether they're born here or wherever, it's a right or birthright. You can't take away a birthright, and you can't you take away an achieved right as well.

I want to thank Ms. Agbakwa for bringing up this whole issue of our history. Yes, we have lots of bleak periods in our history, and we still haven't learned from them. Number one, we haven't even acknowledged that history in this country; we have a long way to go. But it's forums like this and people like Colleen Beaumier, who's been fighting for immigrant families a lot longer than I have.... I was fortunate to come here 53 years ago, but we're fortunate to have people like Colleen and her support.

As I've said to former witnesses, we now have multiple citizenships because of a shrinking world. So how do we deal with dual citizenships? The reason I ask is that as someone born in China, I was offered the opportunity to get my old citizenship back. Now if I did, and then visited China and got into trouble and ended up in jail, should I expect the Canadian government to come to bail me out?

Ms. Colleen Beaumier: We'd come to bail you out, you know that.

The Chair: Your fellow members or colleagues on this committee would come and storm....

Mrs. Marie Chen: I think there are international law issues here with respect to dual nationality, but I think we need to look at it as a matter of choice and to have it available. You can choose whether or not to take Chinese citizenship or not, but by choosing to take Chinese citizenship it doesn't mean the Canadians can then say, you don't get Canadian citizenship any more, or vice versa. So I think the choice needs to be there. At the same time, I believe that under international law, if you took on Chinese citizenship and went to China and got into trouble, and you had used your Chinese passport to get in there, you may have an issue with the Canadians being able to say they will protect you—although I completely disagree with that.

I think as a Canadian citizen, the Canadian government has an obligation to you, wherever you were born, to make sure your rights are protected. I think we're seeing those issues with respect to dual citizenship play out in the Kazemi case, because I believe she was Iranian. But my view is that if you're Canadian, you're Canadian, and the Canadian government should protect you, no matter what other citizenship you have.

●(1245)

Ms. Colleen Beaumier: Sorry, I'm being argumentative here because I can't quite get around this. If you're Canadian, you're Canadian, but if you're Canadian and Chinese, you're Canadian and Chinese. I'm not sure you can have it both ways. This isn't my final opinion—

Mrs. Marie Chen: I think you should have it both ways, otherwise you'd be saying as a Canadian citizen born abroad, who has other citizenship, that you're not in the same situation and that your government will not protect you in the same way. It is a very troubling proposition that your government could now say, "Whoa, you're a citizen of some other country, and our responsibilities towards you end". That can't be right.

Ms. Colleen Beaumier: Well, no, it can't, but can you have two masters? Even though I was born in Canada, I'm quite fond of India, so why shouldn't I be able to have citizenship there too?

The Chair: Well, you can apply for it! Once the privilege is granted or fulfilled, then you'll have that right.

Ms. Nkiru Agbakwa: I think you should have it both ways. Take an example of a child who comes into Canada at the age of six months and then stays in Canada for 30 years. Because the child was born out of Canada, the child has citizenship, say, in Nigeria, and has Canadian citizenship as well. So if you're saying you can't have it both ways, this child who has stayed for 30 years in Canada, and has all the attachment to Canada and has little or nothing to do with Nigeria, for example, so—

Ms. Colleen Beaumier: No, I don't mean that. I'm talking about those who make an effort to get citizenship. I have friends whose parents were born in Italy. They now can apply for a European passport, and for citizenship in a country for which they had no citizenship, or no more requirements. It just seems sort of like MP shopping; we're doing passport shopping.

The Chair: Those are very interesting issues—

Mr. Ezat Mossallanejad: I ask you—I beg you, actually—to put yourselves in my shoes for a moment. I came here as a political refugee 20 years ago. All my family members are back home. I cannot even sponsor them, according to immigration law. My parents are dead, and there is no provision for a sponsorship of sisters, brothers, nieces, and nephews.

Let's talk about my right to return, as part of my human rights. I am a Canadian citizen. Canada is my home. Iran is my homeland. What is wrong with dual citizenship? I could have two cultures, two countries, two memories.

Mr. Lui Temelkovski: Mr. Chair, if we look at it a little deeper, I think we'll find out that we have Canadians with equal and similar rights: foreign nationals. We have Canadians who were born abroad coming to Canada 30 years later with a Canadian passport. I have one living in my brother's home. She was born in Macedonia of Canadian parents. She had never been here before. She is 27 years old. She is a Canadian, born in Macedonia. She has a Canadian passport, as a citizen by birth—better than me, maybe, because I was born in Macedonia and I came here. So it works both ways.

It intrigued me, Ms. Chen, when you mentioned in your discussion earlier the "suitable" citizen.

●(1250)

Mrs. Marie Chen: I raised that as an illustration of how certain people are not considered to be suitable citizens, or suitable immigrants, relating to our history. African Canadians, for example, were considered to be socially inferior, not suited to the weather in Canada. There were measures to actively discourage African Americans from coming to Canada. Disincentives were put in place. There was a campaign at one point to stop railway porters from coming up to Canada.

So when I said suitable, I meant discriminatory, and I meant that Canadian status should not be discriminatory.

Mr. Lui Temelkovski: About where people come from, yes.

So you're saying that people are being discouraged by our immigration people abroad, or our immigration people, or our policies...?

Mrs. Marie Chen: No, I'm saying that there's a legacy here in terms of how certain communities are seen, as to whether or not they are suitable immigrants or citizens. With African Canadians, there is a very deep stereotype about whether or not they are suitable. In the current situation, it's an issue that relates to how they're perceived in terms of criminality.

So it's the history, the connection, that leads to the current situation, and we have to address that when we talk about how we're looking at citizenship. That's why the starting point has to be equality. There can be no distinction based on your racial background, on where you were born, once you become a citizen. But how we become a citizen and what restrictions or obstacles are put in place to stop a person from becoming a citizen are important inquiries that we have to make. Laws are not neutral. Laws make distinctions when they are applied.

Mr. Lui Temelkovski: I think Christine made a good point by stating that some people are treated differently based on where they come from, due to their knowledge or their residency requirement, because we have the three out of four. We are talking about three out of five. We are talking about astronauts. We are talking about attachment to Canada. We have heard about witnesses' attachment to the land.

Ms. Christine Li: Just to add here to what Ms. Chen was saying, for the Chinese community, if you look into Canadian history, we have also encountered much legislative discrimination as well.

I think the word I would use instead of suitability would probably be desirability. The Chinese community has been discriminated against previously with immigration acts that condemned us as being undesirable immigrants—we are unassimilable; we can't cope with Canadian culture and society; we can't change our ways; we can't change our accent, and so forth.

So, yes, I agree that we do need to look at this from an inequality standpoint.

Also, I would like to comment on dual citizenship. I feel that the dual citizenship option should be there, especially for protection, because if you take that away, then it takes the equality out of citizenship. If a person like me, for instance, had dual citizenship, let us say from China and Canada, then going back to the example Mr. Mark had, if I did something wrong in China, would I be protected? Would I have the opportunity to exercise my Canadian citizenship rights for protection, or would I just abide by the Chinese system?

I feel that if we say you are not allowed to use your Canadian citizen status in that instance, it is like saying you are a better Chinese citizen than you are a Canadian citizen, or more deserving of Chinese citizen protection than of Canadian citizen protection, and I don't feel that is right. If I am a dual citizen, then I feel I have obligations to both countries and therefore I should also reap the benefit and protection of both countries.

• (1255)

Ms. Colleen Beaumier: But if you were in China, which jurisdiction would prevail? The jurisdiction where you have citizenship and where you are in trouble or the jurisdiction where you have citizenship but where you are not right now? Do you think the Canadian government and the government of China should get into a boxing match over who has jurisdiction?

These are other sorts of things that are of concern.

Ms. Christine Li: Would that have to do with international laws? That would be talking to that one, right?

The Chair: Hopefully, the United Nations will become stronger and the world will become more like Canada.

Just in closing, I really enjoyed this session.

In the history of this country there used to be those who had preference to come, and these were people from the British Isles, the English. Then the French Canadians engaged in the battle of the cradle, to make sure they survived. Every wave of immigrants that came was discriminated against—Ukrainians, people from the Austro-Hungarian empire, Macedonians. It went full circle, because at one point in time, I saw a job poster that said, “English need not apply”. I think that is why we have the Charter of Rights and Freedoms, because we learned from those mistakes, and we have something that I think should be an inspiration to all.

I want to thank you all for coming and for your input. We are going to be making a report, and Ben, our able researcher, is going to make sure you all get a copy.

I would just like to let you know that the committee is very, very keen on these issues, and even though half the committee was born elsewhere, we have people like Colleen and other people who feel passionate enough about it to sit on this committee.

Thank you very much. We will suspend for an hour.

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