



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 004 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Monday, May 15, 2006

—
Chair

Mr. Norman Doyle

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Citizenship and Immigration

Monday, May 15, 2006

● (1540)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): I want to again welcome Mr. Davidson, director and registrar, Department of Citizenship and Immigration, who is going to give us a briefing on the Citizenship Act that is being introduced today.

Mr. Mark Davidson (Director and Registrar, Canadian Citizenship, Department of Citizenship and Immigration): Thank you, Mr. Chair.

The bill that the minister introduced this afternoon, which is an amendment to the Citizenship Act that has been in place since 1977, is intended to minimize the distinction that presently exists in the context of citizenship between children born to and those adopted by Canadian citizens abroad.

It's intended to eliminate the present requirement that children adopted by Canadian citizens in Canada must become permanent residents before they can apply for citizenship. The new citizenship process that's envisaged in this bill will permit a citizenship application to be made and processed overseas so that the citizenship can be granted even before the individual returns to Canada or even without a requirement to first come back to Canada as a permanent resident.

There will be a number of safeguards set out in this legislation. The safeguards are very similar to safeguards that now exist in the context of adoptions under the Immigration Act and immigration regulations. Those safeguards include: the provincial or territorial government must give agreement; the adoption must be in the best interests of the child; a genuine parent-child relationship must exist; a legal adoption must take place under the laws where the adoption took place, as well as the laws of the country of residence of the adopting parent; and the adoption must not be an adoption of convenience, an adoption intended to overcome either citizenship or immigration rules.

The bill as it now exists in the immigration context does pause at the possibility of an adult adoption—in other words, an adoption that legally took place after the adopting child was an adult—but only if there had been a parent-child relationship between the adopting parents and the individual before the individual turned 18.

As I said, one of the main purposes of the bill is to minimize the distinction between children born to and children adopted by Canadian citizens abroad. In order to continue the reduction of those distinctions, the adoptees will not be subject to prohibitions under the Citizenship Act, nor will they be required to take the oath of citizenship.

As you are no doubt aware, adoptions in Canada are a provincial responsibility. This bill recognizes the primacy of provincial authority when it comes to adoptions, and the bill has the support of provinces and territories.

The final clause of the bill talks about the coming into force, and I only want to briefly talk about that. There will be a requirement for regulations that will have to be amendments to the citizenship regulations and that will have to follow this bill. The coming into force of the amendments to the Citizenship Act can only happen once those regulations have been promulgated by the Governor in Council. The bill and regulations will come into effect at a single date, once the bill has received royal assent and the regulations have been finally approved, following the opportunity for public comment.

I'll leave my brief briefing at that level. As I say, the bill is intended to reduce the distinctions between children who've been adopted by and children who are born to Canadians abroad.

The department will of course be more than willing to give the committee a more in-depth briefing at a time to be set with the committee.

The Chair: Okay. Thank you very much.

Thank you for the briefing. We look forward to your coming back to give us a more extensive briefing.

Yes, Mr. Telegdi.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Chairman, I wonder if I could get in just one question.

Is this bill any different from the one tabled in November?

● (1545)

The Chair: Is the bill any different from the one tabled in the House today, or the last one that was tabled in the House?

Hon. Andrew Telegdi: Not the one from the House, the one that was tabled in November.

The Chair: So Bill C-76.

I guess we'll allow that one question.

Is it any different from Bill C-76?

Mr. Mark Davidson: The bill before Parliament was developed for a number of years by parliamentarians, by the government, and by the department.

Hon. Andrew Telegdi: But is this bill any different from the one that was tabled in November? That's the question.

The Chair: So is the bill any different from the one that was tabled in November?

Hon. Andrew Telegdi: Yes, Bill C-76. Is there a difference?

Mr. Mark Davidson: My understanding of the presentation today, Mr. Chair, was that we were to provide a brief overview of the bill, not to go into details.

The Chair: More or less a courtesy call, then; you'll come back for a more extensive briefing.

Hon. Jim Peterson (Willowdale, Lib.): With all due respect, Mr. Telegdi asked a question that has a very simple answer—yes or no.

The Chair: In fairness to the officials, I don't believe they came today with the intention of answering any questions.

Hon. Jim Peterson: They could just say they don't know.

The Chair: I think the intention was that they were to come back and do a further, more extensive briefing for us in the future.

Was that the understanding?

Mr. Mark Davidson: Absolutely.

The Chair: I think as a courtesy to officials we should respect that, or we should bring them back at a further date to answer all of the questions the committee might have. Okay?

Dismissed.

Members, can we go to future business?

Hon. Jim Peterson: Boy, have they been politicized. This is a....

The Chair: No, I don't believe.... It's just that the officials weren't prepared to come today to do a very extensive briefing for committee. They wanted time to prepare for it, and I think it's only fair that we give officials time to prepare.

Hon. Jim Peterson: They could have said they didn't know.

The Chair: I guess we'll have to wait until they come back to find out for sure if they knew or not.

At any rate, can we get down to motions?

We'll start with the motion that was moved by Mr. Lui Temelkovski:

That whenever an Order in Council appointment is referred to the Committee, the Clerk obtain and circulate to each member of the Committee a copy of the said appointment with the appointee's curriculum vitae.

That motion was never formally adopted. By unanimous consent it was allowed to stand. Will we adopt the motion now?

(Motion agreed to)

The Chair: We'll now go to Mr. Siksai's motion, which reads as follows:

(1) That the government of Canada develop skills and competence-related criteria for all government appointments, including Board Members and senior Officers of Crown Corporations and other government agencies, for which the Standing Committee has reviewing responsibility; and that these criteria specifically address the non-partisan nature of these appointments.

(2) That the government then submit these criteria to the Standing Committee for consideration, and approval with amendment if necessary.

(3) That the Government of Canada then publicly release, including publishing in the Canada Gazette, the committee-approved criteria for each appointment.

(4) That the names and background of each nominee for appointment be referred to the Standing Committee prior to the date of their appointment, with an explanation of how each nominee has met the established criteria; and, that the Committee, unless it unanimously decides otherwise, shall have at least one full meeting every two months (while the House of Commons is in session) to review the nominees.

Discussion of the motion?

Bill, please.

Mr. Bill Siksai (Burnaby—Douglas, NDP): Thank you, Chair.

Chair, this was a motion that was passed in the last Parliament by the previous standing committee. We had a discussion around accountability for government appointments. There has been concern in the past around appointments in the area of citizenship and immigration, primarily around the Immigration and Refugee Board.

I know the previous government took some measures to improve that process, and that was noted in the discussion we previously had at the committee. But the last committee believed there was room to do an even better job on those things, particularly around having skills and competence-related criteria for each of the positions, so that we had a benchmark to judge the applicants who came before the committee. We thought that having some commentary from the government on how those applicants met the established criteria would also be very important.

I think it was a fairly straightforward attempt to give us the information that we needed to do due diligence on the review of the appointments that came before the committee. As you can tell, it's a general motion—I don't know if there are any crown corporations that apply to our interest in citizenship and immigration—so it was the one that went to a number of committees last time. We passed this and reported it to the House. At one point, I think it even got concurrence in the House as well.

I'd like to suggest that it merits being done again, and I'd recommend it as a process to the government from this committee.

• (1550)

The Chair: Thank you.

Madam Faille.

[Translation]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): I wanted to add that the IRB has advised us of some problems in connection with the appointment process. It would seem that there is a shortage of board members and that appointments are being delayed because of operating problems. This is a very critical issue, given the IRB's operations. The mandate of many board members who were released from their duties should have been renewed. Among other things, service was interrupted.

Therefore, it's important that we support this motion. Given that the House gave its unanimous support, I don't see any problem with our throwing the ball back in the department's court.

[English]

The Chair: Thank you.

Ed, and then Andrew.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): I'm going through the motion, and much of what you say certainly resonates with me. I saw a problem with item two of this motion, and perhaps we can receive some clarification.

As I understand it, the essence of the motion in item one talks about the government developing skills and competence-related criteria. Item two says that the government must submit this criteria to a standing committee for consideration, which is fine, with amendment if necessary. It talks about the approval of those criteria by this committee. Why is that particular phraseology there? Are we trying to say that in this resolution the criteria would have to be approved by the committee before it can be effected by the government?

If that's the case, I won't address it further, but perhaps somebody can address it. It seems to be an unusual kind of provision. The rest isn't unusual, but item two is, and it surprises me somewhat.

The Chair: Bill, is that the intent of the motion?

Mr. Bill Siksay: Yes.

The Chair: Let's confirm that it is indeed the intent.

Mr. Ed Komarnicki: It is.

The Chair: That the government then submit these criteria to the Standing Committee for consideration, and approval with amendment if necessary.

Mr. Ed Komarnicki: Right. I think there's a reverse order that I would be concerned about in the sense that the committee can certainly make recommendations. I suppose it should be able to move amendments for consideration, and it should do a whole number of things, but it shouldn't require the government to receive approval from the committee to the criteria itself.

I'm not sure what the direction might be on that, but is it something that's within the auspices of the committee to even do? Perhaps the clerk might be able to amplify or speak to that. It seems to be a very unusual kind of provision.

The Chair: Mr. Telegdi.

Hon. Andrew Telegdi: I think the committee can do what it wants to do. We've got our own mandate and are the masters of our own agenda.

One of the important things—and committee members recognize it—is that when some of the positions were put in place there wasn't the kind of oversight there should have been. The process has gone through a great improvement since the last Conservative government, when the Prime Minister's wife's hairdresser got appointed as a citizenship court judge, and all sorts of liberties were taken in appointing people to the refugee board. The committee worked diligently to make sure that wasn't the case. So this is an extension of those discussions.

I remember when I was on that committee in previous years and we had discussion around this, I quite openly said that if we had a Conservative, NDP, or Bloc member—even if we had a Liberal government—as long as they were competent they would probably make a very good appointment, especially if they knew the issues.

I think I'm very much in support of this motion. If the government has a problem with that it's the government's problem, but certainly

not the committee's problem. That's an important point to make. We're the masters of our own fate on this committee.

● (1555)

The Chair: Mr. Komarnicki.

Mr. Ed Komarnicki: I don't think anybody is taking issue with the fact that the person needs to be qualified to meet the criteria that are set. This is establishing the criteria for the position, not the person filling it. I think the rest of the motion deals with what you're talking about and additional items, which certainly make good sense. But the issue I'm raising is that this committee is actually in the position of approving or disapproving the criteria for the position, which is something very different. If that's the case, I'll probably want to move an amendment to that motion.

The Chair: The committee can make recommendations, but the government clearly doesn't have to act on any of them.

Mr. Wilson.

Mr. Blair Wilson (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair.

As I read it, point one is talking about developing the skills and competence-related criteria.

Point two doesn't have any commas in it, so you read it in a complete sentence: "That the government then submit these criteria to the Standing Committee for consideration and approval..."

So the consideration, approval, and amendments deal with the criteria being set and not with the exact individual assuming the position. I just wanted to clarify that. At least that's the way I interpret it.

Mr. Ed Komarnicki: And that's the point I'm making.

The Chair: Is there any further discussion?

Mr. Devolin.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Is this the way it worked in the last government? Is that what's being said? Did the government establish the criteria...?

The Chair: You're saying that the motion was adopted unanimously in Parliament the last time around.

The motion is clearly in order. Is there any further discussion on it?

Mr. Ed Komarnicki: Would it be in order for me to move an amendment to that motion to remove the word "approval"?

The Chair: Your amendment has to be in writing and signed.

Mr. Ed Komarnicki: Does a subamendment require a 24-hour notice?

The Chair: No.

Mr. Ed Komarnicki: It just needs to be in writing. Then I'll do that.

The Chair: I guess we will deal with the amendment before calling for a vote on the main motion.

Mr. Komarnicki.

Mr. Ed Komarnicki: My motion is to remove the words "and approval with amendment if necessary" from item two.

The Chair: It should then read: "That the government then submit these criteria to the Standing Committee for consideration."

Is there any discussion on that?

Bill.

Mr. Bill Siksay: I don't support the amendment, but if you're going to be consistent, number three needs to be amended as well, because it also mentions the committee-approved criteria.

The Chair: Thank you for pointing that out.

•(1600)

Mr. Ed Komarnicki: The "committee-approved" would have to come out.

The Chair: Okay, well maybe we can deal with number 2, and if it doesn't carry on number 2, it certainly is not going to for number 3.

So all in favour of the amendment to the motion to remove "approval with amendment if necessary" in number 2.

(Amendment negatived)

The Chair: There's no need to go to number 3, and maybe if we don't have any further discussion on the motion, we can call for a vote on it.

(Motion agreed to)

Mr. Bill Siksay: Mr. Chair, could I move that we report this to the House as our first report to the House?

The Chair: Yes, we could, yes. All in favour?

Some hon. members: Agreed.

The Chair: Okay, it shall be reported.

Now we'll go to our second motion. Mr. Wilson gave notice of motion:

That witnesses from an organization be given ten (10) minutes to make their opening statement; and that, at the discretion of the Chair, during the questioning of witnesses, there be allocated seven (7) minutes for the first questioner of each party and thereafter five minutes be allocated to each subsequent questioner of each party until all Members have had a chance to participate, after which, if time permits, a new round will commence.

Mr. Wilson, could you explain this a little bit further, especially the five minutes?

Mr. Blair Wilson: It's pretty self-explanatory.

The Chair: I wondered about the five minutes being allocated. Is it to each individual?

Mr. Blair Wilson: It is to each individual party, so it's just like the seven-minute round.

The Chair: Not individual—

Mr. Blair Wilson: It is not individual people. It's just that the government, the Conservatives, would have five minutes. The Liberal Party would have five minutes, the Bloc would have five, and the NDP would have five.

I know there is a slight skewing of an advantage to the NDP due to the number of seats in the House of Commons, but you know, we'd be splitting hairs to say that the Liberals could have six minutes and the Bloc could have five and the NDP could have four. I think in

openness and fairness, it is an equitable arrangement to allow us all to share five minutes equally.

The Chair: Okay.

Is there any discussion?

Mr. Komarnicki.

Mr. Ed Komarnicki: I don't want to get too technical about these things, but when I read that five minutes be allocated to each subsequent questioner of each party, I wondered if it wouldn't have been clearer to say "five minutes be allocated to each party" rather than "to each questioner of each party", because there are four questioners in one party and four questioners in the other party. We want to be sure it's five minutes for each party. Is that reading it right if you delete the words "to each subsequent questioner" and say "five minutes be allocated to each party"?

The Chair: It gives the impression that it's each individual within the party.

Mr. Blair Wilson: If you read it all together, again without a comma, then it's "each subsequent questioner of each party". So a party has a questioner—

Mr. Ed Komarnicki: Okay, if it's a questioner, I guess that would be fair.

The Chair: Barry.

Mr. Barry Devolin: I've always thought it was odd the way this was done in committees, how the time was allocated. Just so that I understand, currently, or the way it's been done in the past, time is allocated to each party. It can be one person, or that time can be shared among more than one member. Correct?

Voices: Yes.

Mr. Barry Devolin: So seven minutes can be shared or it can be simply for one person.

Voices: Yes.

Mr. Barry Devolin: Obviously, in the case of the NDP, if there's only one member, then they get that time.

A voice: They get the full seven.

Mr. Barry Devolin: So then is the second round five minutes, again, to each party?

A voice: Each party.

Mr. Barry Devolin: Okay, it is until everyone has had the opportunity to ask a question. The NDP member will have an opportunity to ask a question in the first round. Then are they eliminated in the second round because they've already had a turn?

Mr. Blair Wilson: No, not the way this has been interpreted. We're letting everybody have an equal share of five minutes, five minutes, five minutes.

The Chair: That's five minutes going to the Liberals, Conservatives, Bloc, and NDP, and then back again to the Conservatives, Liberals, Bloc, NDP, and so forth.

Mr. Blair Wilson: Again, there is in the first preamble “at the discretion of the chair”. If, for example, we only have twelve minutes to go, and we haven't gotten to the five-minute round, then it's up to the chair how to allocate that time.

The Chair: Okay.

(Motion agreed to)

• (1605)

Mr. Bill Siksay: Are you declaring it carried?

The Chair: Well, it's one to nothing.

That's dealt with. Where do we go from here?

We have a number of requests to appear before our committee. First of all, we can deal with what we do on Wednesday, May 17, which is coming up. Between 3:30 and 5:30, we'll have an overview with departmental officials. Then, at 5:30, we'll have the European Commission director general for freedom, justice, and security. He's coming to Ottawa for meetings with his counterparts and would like a meeting. The topic would be visa-free travel to Canada for citizens of the European Union. That will be our agenda for Wednesday.

Barry.

Mr. Barry Devolin: That looks like a three-hour meeting. I don't know if the overview of the department takes two hours or if some of it can be done at some other time, but is there some reason we have to add an hour onto that meeting, why we couldn't do a one-hour overview, followed by a one-hour meeting, and stay within our two-hour time limit?

I have an important dinner meeting.

The Chair: Well, I'll have a word with the clerk here.

The overview would take much more than an hour. I think we'll have to go with the European Commission from 5:30 until 6:30.

Mr. Bill Siksay: Mr. Chair, on the 5:30 meeting, I wonder if it's possible for the analyst to do a bit of a report on the background issues.

The Chair: It has been done and it will be circulated.

Does everyone have in front of them a copy of future business, the association people who requested to appear? Does the committee want to hear from these people, these organizations: SOS Viet-Phi, Falun Dafa, and the Auditor General?

On May 31 we could have SOS Viet-Phi for one hour, and the Falun Dafa Association for one hour the same day. The Auditor General says she can come in on June 19. Are there any problems with that or any discussion? Okay, so those are the three that we have here.

On June 7 we have the minister on his estimates, and on June 12 a briefing on the adoption bill by officials.

[Translation]

Ms. Meili Faille: Excuse me, Mr. Chairman, but could you speak a little more slowly? The interpreters are having trouble keeping up with you and we're having problems following along as you run down the items on the list.

[English]

The Chair: Slowly? Me? I'm very slow.

Did everyone get what I said? I can bring along another interpreter.

Do you agree to the schedule so far?

Bill.

Mr. Bill Siksay: Is the adoption bill being referred to this committee, or is it going to a legislative committee? Do we know how that's going to be handled at this point?

• (1610)

The Chair: I don't know at this point.

Parliamentary Secretary.

Mr. Ed Komarnicki: Maybe you want to address that. I was thinking about that issue myself. It seemed to me the bill was filed today for first reading, and it's not in the House this week for second reading. And then, of course, we've got the week break, and it won't get up, obviously, until the following week. Certainly once it's up for second reading in debate it will get referred to this committee, and the committee will have the opportunity to go through it clause by clause.

I wondered if it wouldn't have been better to have the department here briefing us—and I'm not sure if the committee wanted to have witnesses or not—in advance of the bill going for second reading and coming to this committee, so we could have the briefing by the department and the witnesses, if you wanted to call any, while the bill is making its way to debate in the House and to this committee, so we will accomplish something towards the end of the session. It would mean the briefing by the department would need to take place sooner rather than later as we have it on the agenda here.

I was just looking at my calendar. May 22 to 25 is a break week, and then after that maybe there could be a briefing somewhere in there. I hadn't followed through the dates, but do you see where I'm going with that?

The Chair: We have on June 5, I'm told, the Canadian Bar Association. Maybe that could be postponed, and we could have our briefing moved up a little bit further if you wish.

Mr. Ed Komarnicki: Of course the Canadian Bar Association is the type of witness you may want to have, so what we might want to do is combine others with the Canadian Bar Association, and then do the briefing by department officials immediately following, like you have. And I was just looking at dates—

The Chair: Would you want to leave it with the clerk, and let the clerk work on some timeframes and get back to us on that?

Mr. Bill Siksay: Mr. Chair, how about doing the briefing from the department first and then scheduling the Canadian Bar Association and maybe other witnesses for that second time slot?

The Chair: Yes, we could do that.

Okay?

Some hon. members: Agreed.

The Chair: I guess we can go in camera now to deal with the committee's priorities.

[Proceedings continue in camera]

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.