



House of Commons
CANADA

Standing Committee on Citizenship and Immigration

CIMM • NUMBER 038 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Monday, February 26, 2007

—
Chair

Mr. Norman Doyle

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•(1105)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): Our meeting will now come to order.

I want to welcome the witnesses today to our committee hearing on the loss of Canadian citizenship for the years 1947, 1977, and 2007.

Our hearing will go until about 1:10 or 1:15 today. At that time we have to go in camera to deal with committee business.

We have witnesses from the Lost Canadian Organization, from the Mennonite Central Committee Canada, and we have several other individuals who are appearing as well.

I want to welcome all of you.

We have quite a number of people. I think it has been agreed to give each individual about three to five minutes for an opening statement. Then the committee will engage you in questions and comments and what have you.

I'll pass it to you, as witnesses, and you can make your opening statements.

Thank you. We will begin with Mr. Janzen. Go ahead, sir.

Mr. Bill Janzen (Director, Ottawa Office, Mennonite Central Committee Canada): Thank you, Mr. Chairman. We appreciate this opportunity.

I did send a written submission late Friday afternoon, but you will not have received it or had a chance to look at it. I also placed copies at your places here before you arrived.

In my opening remarks I will summarize our two basic concerns. Before I do so, I want to mention that Johan Teichroeb, who was going to be here and whose case is described in paragraph 17(b) of our brief, could not be here because the plane was held up for technical reasons in Windsor this morning. Also, I want to introduce my colleague, Mary Boniferno, who works as a front-line worker with these people in our office in Aylmer, Ontario, south of London.

We come with two concerns. They affect all kinds of people, but for us they arise from the return movement of some descendants of those Mennonites who, in the 1920s, moved from Manitoba and Saskatchewan to Latin American. Our first concern deals with section 8, the loss and retention provision. The purpose of this provision is entirely legitimate. It means that if you are born outside of Canada to parents who were also born outside of Canada, then if you want to retain citizenship permanently you must, before turning

28, go through a simple retention process—send in an application to register and retain, and prove that you spent at least one year in Canada.

This provision is generous, but there is an identification problem. It is hard to identify the people who come under this provision because this provision does not apply to nearly all second-generation people, and because the certificates of the people who do come under it are indistinguishable from the certificates of those who do not. It is hard for the people themselves to know if they come under this provision, and it is equally hard for government officials to know this. Hence, these people may be able to continue using their certificates because neither they nor officials in any government offices that ask for evidence of a person's citizenship will know that the certificate has ceased to be valid.

The government has recently taken two positive steps to address this identification problem. On January 1 it started placing expiry notices right on the face of new certificates issued to people who come under this provision. We had asked for this for many years. For all those who received certificates earlier—that is, between 1977 and January 1 of this year—which could include some 30,000 Mennonites and a larger number of others, the government has now also set up a better system to help them make inquiries.

Despite these positive steps, the reality is that many will not inquire. A good number will simply not know about it, and some may avoid the matter intentionally. They will continue with their lives and they will be able to use their certificates for many purposes as if they were valid.

In paragraph 11 of our submission we make recommendations for dealing with the situation. The main recommendation asks for an amnesty, meaning that the certificates issued earlier that do not carry the recently instituted expiry notice be deemed permanently valid.

Our second concern has to do with the legacy of the pre-1947 “born in wedlock” requirement. Canada's first Citizenship Act, which came into force on January 1, 1947, stated that if you were born outside of Canada and were not yet 21 on January 1, 1947, then you were a Canadian citizen automatically if you were born in wedlock, of a Canadian father.

Some of the children of the Mennonites who moved to Mexico in the 1920s wanted to remain Canadian citizens, so they went to the embassy and applied, and to prove that they met the criteria, namely that they were born in wedlock, they presented church marriage certificates for their parents. For several decades the Canadian government accepted these as adequate proof. Then, acting upon international law that stipulates that the legality of a marriage is determined by the laws of the country in which it takes place, Canada decided to insist on civil marriage certificates, because that is what Mexican law required. The people then went to a local registry office and obtained civil marriage certificates for the church marriages that their parents or grandparents had had earlier. For many years, the Canadian government accepted these. Then, years later, Canada insisted on further proof that there really had been a civil marriage earlier.

• (1110)

Now, today, when officials look at an application, they inquire of Mexican authorities, and if they do not receive the necessary verification that the supposed early civil marriage actually took place, they send a letter to the applicants saying “Sorry, you are not a citizen, and the certificates issued to you or to your parents or to your grandparents were issued in error and should be returned”.

Aside from the problem facing individuals who receive such a letter, it has implications for many others. Anna Fehr, whose case has received a little publicity in Manitoba, and is described in paragraph 17(a) of our submission, is now a 20-year-old woman who received her first certificate when she was an infant living in Mexico. She came to Manitoba as an eight-year-old. Then in 2003 she sent in a new application, partly because our office in Manitoba advised her that she was probably in the lost and retention provision.

Three years later, in 2006, she received a letter saying “Sorry, you have never been a Canadian citizen, and the certificate issued to you was issued in error and should be returned, because we have been unable to verify that your paternal grandfather, Heinrich Fehr, who was born in Mexico in 1940, was born in wedlock”.

The letter to Anna has implications for a lot of people. First, Anna has two Mexican-born siblings who are not citizens either, even though they have certificates. But they have not yet received these letters. Second, Anna's father, Cornelius, is not a citizen even though he has had a certificate for 25 years and has lived in Canada for the last 12 years, nor are any of Cornelius's six siblings or their foreign-born children. Now we're talking about a large number. Nor is Anna's grandfather, Heinrich Fehr, the first person who is now established to have been born out of wedlock, nor any of his siblings, nor any of their children or grandchildren.

The number of people implicated in this one letter to Anna could well exceed 150, maybe even 200, but these people have not yet received these letters. If they lie low, they may never receive such letters, and they can continue using their certificates as if they were valid.

One related dimension is that most of these people are probably under the lost and retention provision, but the letter to Anna now stands as an incentive for them not to apply to register and retain. “Why not,” they think, “just continue with our lives and lie low.” In

other words, the legacy of the born-in-wedlock requirement is a major obstacle to implementing the lost and retention provision.

The two concerns we're bringing forward are not new. They've been festering for a long time. We appreciate the positive steps that the government has recently taken, but more action is needed. Our recommendations on the second one are in paragraph 20 and on the first one in paragraph 11.

In the second issue, the main recommendation is simply to end the practice of declaring certificates to have been issued in error if the only reason for doing so is that an ancestor was born to parents who had a church marriage but did not have a civil marriage.

In addition to our two recommendations in paragraphs 11 and 20, I would like to mention one other avenue, and that is alluded to in paragraph 21 of our brief. Simply stated, it would mean being generous with those who have already received certificates, while at the same time restricting the generosity of the current section 8.

The current section 8, as it now stands, allows citizenship to be passed on to an indefinite number of generations. That could be cut off after the second generation. And then for those in the second generation, there could be a slight amendment to the act that would say they have until age 28 to get a certificate, and if they don't get it, they're simply like other people from the world at large. If they do get it, then they will be citizens permanently.

A change like that would bring a greatly needed clarity and would result in administrative savings, and it would also introduce a modest restriction on the right to dual citizenship, which has been a public concern in the last year.

Thank you very much. If there's time, then I would ask my colleague to say some things, but if there isn't, and maybe I have taken up too much time, then we can go to other—

• (1115)

The Chair: No, that's fine.

Do you have an opening statement as well, Ms. Boniferro?

Ms. Mary Boniferro (Documentation Worker, Aylmer (Ontario), Mennonite Central Committee Canada): I would just mention a few specific stories that would illustrate what he's talked about.

The Chair: Please do.

Ms. Mary Boniferro: I work in an office in Aylmer and have been there since 1989, and the kinds of implications this bill is talking about we see every day in our office. When we have one person giving a letter, easily a couple of hundred of people can be affected by that same letter, and yet they go on living their lives thinking they are Canadians.

Usually what happens is that it only comes to the surface when someone loses his citizenship document, or it is stolen, or they apply to register and retain, and then, sometimes years later—three, four or five years later—a letter comes back saying “I'm sorry, but you never were a Canadian citizen.”

It is devastating to people who have been here for a long time, who think they are Canadians, who live as though they are Canadians, who have always seen themselves as Canadians, to be then told they never should have had it and to please return it. Often there is no alternative given as to what they are then to do.

Usually local offices have been very supportive about trying to find a way to help these people establish legal status. Recently I had a case where the local immigration office took a family.... There were eight children and the father who were not Canadian, but the mother and the eight children had come in as Canadian citizens, and she had sponsored her husband to become a landed immigrant. Now they find out that she's not Canadian, and all of those certificates had to be returned. They did their best to grant permanent residence to everyone in that family so that they could begin the process legally again, but it has taken a long time to get to that point, probably five or six years. They came to Canada first in 1999, and we are now at the point where the members of that family will be permanent residents and then will go through the process of being here for three years and then applying for Canadian citizenship.

A lot of work goes into those kinds of cases. Just recently, a cousin of that family arrived from the States, where he had been most recently living, because he had heard that this had happened to his cousin and he knows he would be affected by that same marriage certificate, but he doesn't want to lose his Canadian citizenship. Although he had lived in Canada for a number of years, he was concerned that if he weren't living here he wouldn't be able to do anything about it, so he has moved back in order to be here and to also try to apply for permanent residence. There are probably another 150 or more people affected by that same marriage certificate.

The only other comment I want to make is about the retention. There are many people out there who just did not realize they needed to do this. Unfortunately, in the early years, in 2005 when the first ones became 28 and were at the point where they needed to apply for retention, when they went to the local CIC offices, they were often not given accurate information. For example, in one southern Ontario office two siblings went in, because they had the letters and they knew they had to retain before they were 28. They went into the office and the officer told them "Once a Canadian, always a Canadian", but they knew they had to retain. They went home and got their letters and went back to the office. The officer then showed the letters to the manager who said he didn't know anything about it and checked it out. They came back a few days later and were told by the officer that they were right, and that the documents needed to be completed, and that they were sorry, but that they had told a lot of other people "Once a Canadian, always a Canadian".

We have people coming into our offices, then, asking why they should believe me, when someone in a CIC office has told them there is no such thing. I don't think that is happening much any more, but in the first couple of years it definitely was the case.

There are many who don't think they need to and who haven't done it, and we are constantly faced with what to do when people come into our offices who are already 28 and have not applied to retain but should have, or they come into Canada two months before their 28th birthday and cannot prove they have been here for a full year in order to apply. Some clarity here would be really helpful.

● (1120)

The Chair: Thank you, Ms. Boniferro.

Mr. Choi.

Mr. David Choi (Director, National Congress of Chinese Canadians): Thank you, Mr. Chair and members of the committee.

I'm a director of the National Congress of Chinese Canadians. The NCCC, by the way, is an organization that has raised concerns of the injustice of the Chinese head tax and the Chinese exclusion act for over a decade and a half. I was also the chair of the Vancouver Economic Development Commission, and by profession I'm a real estate entrepreneur. I was the vice-chair of SUCCESS, and I'm sure members of the committee who are from B.C. and also beyond will recognize that organization. It's the largest non-government, non-profit organization on immigrant services, providing over 860,000 kinds of services in 2005-06 alone, with 350 professionals and over 9,000 volunteers. I have testified before this committee when the membership had a different composition, although some members are the same.

Most recently, the Canadian government apologized for the Chinese head tax, which began in 1885, and which jumped ten times in 1903. Indeed, the Canadian government has apologized for the Chinese exclusion act, and the Canadian government has begun redress. The Chinese exclusion act was abolished in 1947. Yet the apology came only in 2006—as a matter of fact, on June 22, by the Prime Minister—and redress is just now under way. That's why I'm here today.

Canadians want to see justice done when required, and not see its government deny justice and social justice for over 50 years. Canada as a country is judged by how it treats its citizens. If time permits in the second part of this session, I would also like to share with you how this matter is going to affect immigrants, our attractiveness, our immigration policy, and how it would impact on our economy as well.

Now before us, we have the denial or seemingly forever delay of recognizing citizenship to those who are Canadians in cases of the so-called "lost Canadians". The lost Canadians deserve all Canadians' support, because there's no denying they're Canadians. It is shameful that Canada is dragging its feet to right this wrong.

We all know who Romeo Dallaire is and what he has done for this country. Romeo Dallaire was born to a mother who was a WWII war bride. As a captain in the Canadian army, he discovered he wasn't a citizen. At an October 4, 2006 news conference, Senator Romeo Dallaire described the actions of CIC, the Canadian immigration and citizenship department, as being "absolutely inhumane". He went on to say, "It's absolutely nonsensical and that is why—you know—there is a term called bureaucratic terrorist." I further quote Dallaire that a bureaucrat's duty "—is to make sure that the government is compliant with the laws in order to help citizens—not the other way around".

This compliance with the laws must also mean compliance with the charter, the Canadian Charter of Rights and Freedoms. Compliance would mean giving equal rights to all Canadians, and this would include the matter of citizenship revocation. I specifically refer to sections 7 and 9, which I feel have been violated.

The time is now. The Citizenship Act needs fixing.

I have two further concerns, Mr. Chair.

Mr. Siksay said a week ago, when the Minister of Immigration was here before the committee, that the moneys set aside for developing a citizenship act have been taken away in this budget, removed. That is a contradiction to what the minister and the Prime Minister say they want to do. Canadians want to know how serious the government is on the issue of citizenship and the protection of the identity of Canadians. If there isn't a problem, there won't be the so-called lost Canadians.

In the spring of 2005 the same standing committee tabled its report with unanimous support of its committee members. The issues being discussed here have been addressed in that report. Canadians want to know this. Why are we doing this again with taxpayers' resources? Why can't this committee discuss why the report should not be adopted and Parliament move forward with its previous unanimous committee members' recommendations? Some of the committee members then are also the same committee members now. There are serious ramifications for the way our government acts and why it takes so long to move forward on such matters.

Thank you.

• (1125)

The Chair: Thank you, Mr. Choi.

Ms. Eden, do you have a statement you wish to make?

Ms. Christine Eden (Chairperson, Air Force, Canadian Military Adult Children Citizenship Status, As an Individual): Thank you for allowing me to speak.

I represent the adult children of the Canadian military who were born during the period of 1947 to 1977. We lived in a very unique time, the Cold War era, when we sent Canadians and their families to a multitude of overseas bases. As per the Government of Canada, we are Canadian, but we have lost our ability to prove our status through a change in the Citizenship Act.

From 1950 through 1977, there were over 110,000 babies born on Canadian military bases throughout Europe, in France, Germany, England, Belgium, and Holland. They were registered by the required registration of birth abroad. Military websites show that Canadian military served on an exchange program in all NATO countries. Canada had the third-largest air force in the world.

In 1977 the registration of birth abroad was cancelled and replaced with a citizenship card. The problem is that we were never advised of this requirement. Prior to the computer era, we had no problem obtaining passports or any government identification with the documentation we had.

I brought this to the attention of the government in July 2006. As pledged, officials from CIC and DND wrapped up a fact-gathering review at the end of September 2006. At that time, both ministries

advised me that the RBA, the registration of birth abroad, was put back into the system as proof of birth, enabling us to apply for a citizenship card or passport. They also advised that those applications would proceed without our having the RBA in our possession, as it was registered with Ottawa.

The registration of birth abroad was a handwritten document that in many cases is 60 years old, so obviously it is not going to be in good physical condition. That was why I was assured that we did not have to have it in our possession. It was a mandatory piece of documentation for the military to return back to Canada. The orders were cut in Ottawa, allowing the soldier to come back to Canada. Part of that required package was a registration of birth abroad for any children who were born on those bases. So we have it; it's there in Ottawa.

What's happening now is that many of us who are applying for passports and citizenship cards are being told otherwise. We are being told regularly by people at the counter that we are not Canadian. I would stress that I find this appalling. If you are going to tell a person that they are not Canadian, it should be done after a thorough examination of their file and it should come to that individual in writing.

To tell a military person when they are close to retirement age that they are not Canadian is very offensive. It's something that should not happen. Some applicants are being sent for legislative review, and they're being told that this review will take up to one year. They are not given a reason why. There has been no public announcement that those Canadians who are in possession of a registration of birth abroad should come forward and apply for a citizenship card.

I'm only giving you the numbers for the military. Since I took this cause on, I've been contacting all the MPs and MLAs in the country, advising them that they need to be aware of this when their constituents come in.

I am now getting e-mails from people who served, for instance, in the embassies. I have one gentleman, Larry Duffield, who had two children born in Budapest, Hungary, who are in this scenario. He thanked me for making him aware. I have a lady who had two children born in Kuwait; her husband worked on the oil fields. None of these individuals were told that they needed to turn in this RBA.

I have two cases that I find somewhat sickening. One is a retired RCMP sergeant, and the other is a Canadian army major, who are now unable to renew their passports because they do not have a citizenship card. When they went to CIC, both were told that they're not Canadian.

• (1130)

The citizenship card, as we know, is a birth certificate. Stop to think about how far you can go without a birth certificate in this country. Right now there's a trickle effect, but very soon you're going to have people like me who are coming up to apply for old age pension. I applied, and I did not send in my citizenship card, but I sent in my birth certificate. My pension application was rejected pending proof of a Canadian birth certificate. I did that deliberately just to see what would happen.

In the next five years, you are going to find these individuals coming forward to apply for Canada Pension. Without proof of their Canadian status, they are not even going to be able to apply for welfare while you fix it. This has been coming in a trickle effect, but I think in the next five years it's going to be like a tsunami. It's going to hit you big time, and it needs to be addressed.

There needs to be a major announcement made that anybody born overseas during that period should come forward and get a citizenship card. I might point out that 95% of the people I speak to ask me why, if they're Canadian, they have to have a citizenship card. When I explain to them that it's actually a Canadian birth certificate of foreign birth, it's like all the lights go on, and they say, "Oh, I need to get one."

I know people who, as late as last Friday, have gone to CIC or Passport Canada to apply for a passport and who have been turned away and told they're not Canadian. Now I tell everybody, before they go to look at the update on the CIC site, print it out, and take it with them, and when that individual says they are not Canadian, hand that to them. Then they'll read it and see that it needs to be referred.

I have people who cannot even get an updated driver's licence. You can't get a driver's licence without a birth certificate. The ramifications of this are huge for us. I was detained at the border for eight hours because my documentation was not in place.

I was born into the military. I married into the military. I have children born into that scenario. I have three generations of it. My sisters had to go and apply for Canadian citizenship because at that point they didn't really understand exactly what the issue was. As they were told they weren't Canadian, they simply went and applied. We shouldn't have to do that. There should be a person in every CIC office who is aware and delegated to address this particular issue.

I believe that the 110,000—and I got these statistics from military archives—is just a drop in the bucket when you stop to look at how many people from Canada lived in, for instance, your embassies. There are a lot of people, with 6,000 Canadians in the Arab Emirates alone. I think you need to deal with it as soon as possible, before the rest of us come up to retirement age.

Thank you.

• (1135)

The Chair: Thank you, Ms. Eden.

We'll have Mr. Chapman, and I think we have about five more people.

Mr. Don Chapman (Lost Canadian Organization): We have about five or six.

The Chair: There are about five or six who requested about three minutes to address the committee.

Mr. Don Chapman: I'm an airline pilot. This is so basic: you know, our weather in Hong Kong is pretty bad, we're down to one engine, and we have several hours to fly. What do you think we should do? Well, let's press on.

Come on, folks, this is common sense. If I were sitting in a cockpit with a guy sitting next to me, it doesn't matter what his political

persuasion is, or his religion. White, black, green, orange, or red, I don't care; we have one thing in common: the safety of flight and to get that aircraft safely on the ground.

I share something that you don't all share with us. Your decisions don't necessarily affect you, but my decision as an airline pilot affects everybody in that airplane; if I do something against them, well, I'm probably the first one who's going to die.

What we're looking at here is common sense. Of course, everybody here really is Canadian, and nobody should prove it. If we are going to go on a witch hunt here, I want to start with the parliamentarians. Let's turn it to you guys. I want you guys to prove that you're Canadians—not average Canadians; let's start at the top. We already have four people inside Parliament and members of Privy Council who look like they might not be Canadians. Is this really a witch hunt we want to go down? The answer is no.

This is an answer that is absolute, total, 100% common sense. That's it. You are supposed to lead with common sense.

We have the 1947 Canadian Citizenship Act, which I handed around. On page 11 it makes a statement about every person who, like me, was stripped of Canadian citizenship. Unfortunately, I do have a Canadian birth certificate. That was my problem: I was born in Canada. Had I been born outside of Canada, I'd be Canadian, but go figure that one.

On page 11 it says that any person like me can come back to Canada any time in my life and the minister shall grant me citizenship, so for 60 years the bureaucrats and the minister have not been following law. It was a bad law. It was a very bad law.

It shouldn't take major brain surgery to fix it—it's one paragraph, paragraph 3(1)(f). The current Citizenship Act ends on paragraph 3(1)(e), so you put paragraph 3(1)(f) on there. Countries like Trinidad and Australia were able to do it; why can't Canada?

You put that on there and fix this problem, but then you must have a new citizenship act that every party agrees to, one that brings everything into the Charter of Rights and Freedoms and is compliant with it. It's very simple—so lead with common sense.

I couldn't care less about two pilots arguing, "You're a Conservative, you're a Liberal, you're an NDPer, you're the Bloc". That doesn't mean anything to me. What means something to me is that I finally, after 60 years, have the right to belong to my own country.

We're going to hear some stories, and I'm going to come back here in a minute.

First off, it's a waste of taxpayer money. It is a real waste of money to go on witch hunts like this. We have court cases going on.

Sheila, let's start with you. This is a woman who's an abducted Canadian child. She has never vowed citizenship to another country. She's guilty of being abducted, and her own country turned its back on her. She has been here for 16 years, and her father fought for this country in World War II. For Sheila Walshe, World War II is still going on. You people have the power to correct it, so do it.

•(1140)

Ms. Sheila Walshe (As an Individual): Thank you for inviting me here today. Just give me a second. I didn't know that was coming.

The Chair: Take your time; we have plenty of time. Speak slowly. We're all ears.

Ms. Sheila Walshe: Thank you for inviting me here today.

My name is Sheila Walshe. I'm a war baby from World War II. I was born in 1943, so I precede you, young lady, and the Citizenship Act. My parents met in 1941, married in 1942, and I was born in 1943.

In 1946 I was brought over to Canada to be repatriated at the end of the war with my darling dad. I had a lovely ordinary childhood until I was nearly nine in 1952, when dad was working away from home and mom took me away, supposedly on holiday. She had always been homesick for her parents in England. She took me back there with no intention of coming back and told me dad was dead. I had a hell of a life in England. It was a very sad time.

I am not a Canadian bit of dirt. Whatever they called me, I'm not. I'm Canadian, but I'm not a bit of dirt. I met Jim when I was 16, my husband. I was married at 17—that's a long time ago—and we had our family. In 1990 I found out my dad was still alive and that my mom had lied to me for 39 years. I contacted him and said it's a long time. His life obviously had gone on. I didn't really expect to hear back from him, but I needed him to know that I had never forgotten my father. Then I had an answer to my letter. He said it was the hardest letter he had ever written. He didn't know where we'd gone. After years he had found out that we had been taken to my grandparents. He managed to contact them and they said leave them alone, leave her alone. He didn't know what else to do so he had to get on with his life.

I came over in 1991 with my husband and met my dad again and the sun came out. If you could imagine having all of the happy birthdays and Christmases of your life put together it doesn't come near what I felt when I met my dad again. I went back to England with Jim and I immediately applied for my previous citizenship. There was nothing else I wanted in the world than to bring my little family to Canada, my Canada. I had this letter. I sent everything—they sent the forms—fees, photos, proof of dad's birth, and everything. Obviously you know what I had to send.

Then I had a letter in 1992 and I thought that was it and I could come over and work because I'm an RN. We all need nurses in Canada. It said I was a Canadian up until I was 24 and I didn't sign some bit of paper or reaffirm so I had automatically lost my Canadian citizenship. That was 1992. I have been trying ever since. Up until coming in contact with Don Chapman about three and a half years ago, I was banging my head on a brick wall. I was sending letters to anybody, any names I could find with the Department of Citizenship and Immigration, saying please help me. They said you just have to go to Canada and live there for a year and then apply.

At that time I wasn't 21 any more. I was actually too old to go the long way around and get sponsored. In England they told me I couldn't immigrate to Canada because it's my country and you can't immigrate to your own country, which left me between a rock and a hard place. I still kept trying. I came over. We bought a mobile in the

Okanagan Valley, and I came over to see my dad and my step-mom, and my half brother and sisters. They're lovely. They're the same age roughly as my own children. But I'm so proud to be a member of their family. They've made me a member of the family and not an outcast.

I'm not reading from this any more. I've gone way off what I've tried to practice or write out. I gave testimony before the 2005 committee.

•(1145)

On May 5 I thought it was signed. I was okay, I was me again, I was a human being, I existed, I was a Canadian. So I went straight down to CIC in Kelowna and I got the right forms to get proof of my citizenship. I sent everything off again. It was on May 6 that I sent it off, all notarized papers. On May 17, I had—

The Chair: Maybe go a little bit slower for the translation.

Ms. Sheila Walshe: Oh, I'm sorry, I'm getting excited, aren't I?

The Chair: Maybe you can just slow down a little bit, please.

Ms. Sheila Walshe: Well, my heart—You should feel my heart beat.

The Chair: That's okay. This is a very friendly committee, so you can speak as slowly as you want to.

Ms. Sheila Walshe: Run around the room a few times, yes.

The Chair: Okay. Maybe we'll give you a little break here.

Ms. Sheila Walshe: My apologies.

The Chair: Just slow down a little bit for translation.

Ms. Sheila Walshe: My apologies. *Excusez-moi, madame.*

Where was I? I got my forms, I sent them off, and within 11 days I had a reply from CIC, Citizenship and Immigration Canada, saying that I should receive my certificate within five to seven months unless there was anything further they needed to ask me. That was okay.

In October 2005 I received another letter from CIC saying it was taking longer than they had anticipated, and thanking me for my patience. Zilch since; I haven't heard anything since. Oh, I ring up periodically. I don't like to bother anybody, because at the end of the day it comes down to one other human being; this is my logic. They can talk about bureaucracy. There's no such thing as a bureaucratic machine; it's a human being, right? I don't want to tread on anybody's corns, so I just ask every few months. I go in to my CIC office and ask there.

The last time I went down into Kelowna, she checked it out for me and said, "I'm really sorry, but you're on hold", basically. So I said to her, "Do you think CIC will award me my citizenship post-humously?" "What do you mean?" she said. I wasn't joking, honestly, and I said, "Well, will they let me be buried a Canadian, if they won't let me live as one?" She said, "Oh!"—literally. "Oh, don't say that."

I said I'm serious, because it is that important to me. It's me; it's my total identity. It supercedes being wife, mother, daughter, or anything. It's me, my total self. I, sir, am a Canadian. To the roots of me, to the spirit of me, to the soul of me, I'm Canadian.

And I can't even work in my country. I've been 16 years without practising as a registered nurse, because I'm not allowed to work on extended stay, and there's no intermediate thing, or I haven't found it. And I've tried to look; maybe I've looked in the wrong place.

But I've babbled on. Thank you for hearing me.

Mr. Don Chapman: One of the things I would like to mention is that there have been some really tough calls, on my part. I've dealt with so many people over the years. One of the hardest phone calls I ever had was calling Sheila, within days of her father's dying. Her father, who fought for this country, had one wish: to have his daughter reunited as a Canadian child before he died. It did not happen. I have had four fathers not have the right to have their own child reunited with them because of this process.

I remember these ups and downs; we've all lived them. We won in Bill S-2. Bill S-2 is so wrong in the fact that it does not allow me to bring my children. So what are my children going to be like? Will they be like this when I die? If I get my Canadian citizenship but they can't come here, it's wrong. We don't split families; that's what Canada is not about. But we have done so under the 1947 act, and we continue to do it.

The emotional roller-coaster this woman has been on, when I said we won in Bill S-2—

Mr. Siksay got a letter from Joe Volpe saying “We recognized the war brides and their children on January 1, 1947, as being Canadian citizens.” Sheila was absolutely elated: “I'm a Canadian”. Then we discovered she's not.

Then Diane Finley sat in this room one week ago and said, “Nobody will lose benefits; everybody will have the right of citizenship.” And once again Sheila was told no.

She's not the only one on this roller coaster. My father, who fought for this Canada, was an officer in World War II. I'm sorry to say it, Sheila, but he was never awarded his citizenship back. He died not being welcome in this country.

Then we have other people like Sheila. In one case, Citizenship and Immigration wrote a letter—I included this in your packet—to Stuart Martin, and said, “You have not been a resident of Canada long enough to retain your citizenship.” Ah, but we get another letter from Revenue Canada saying, “You've been a resident for years here. You owe us taxes.” Something is wrong.

We also have Barbara Porteous. Barbara, would you come up here, please?

These are arcane, stupid laws.

• (1150)

The Chair: Mr. Chapman, first of all, do Mr. Taylor and Ms. Gyr have a statement?

Mr. Don Chapman: Yes, they do. I was wondering if they would go on later, but they'd be more than happy. If we want to go with the war brides, we'll go with Mr. Taylor.

The Chair: We're flexible here. If we want to deal with the people at the table—

Mr. Don Chapman: No problem.

The Chair: —and then maybe have the other people come to the table—

Mr. Taylor, maybe you have a few words to say and then Ms. Gyr.

Mr. Joe Taylor (As an Individual): Thank you, Mr. Chairman and members of the committee. Thank you for allowing me to come from England to address you today.

My name is Joe Taylor and my father was born in Nanaimo, British Columbia, as was his mother. He lived in Canada all his life and he died in 1996. My father volunteered to fight for Canada in the last world war, and the things he saw during that horrific war ruined his life forever.

My mom was a British war bride and I lived my whole life proudly believing that I was half-Canadian and half-British. When I applied for proof of citizenship in 2002, I thought it was merely a formality. I didn't realize there were mean-minded bureaucrats in CIC who would fight tooth and nail to refuse citizenship to the dependants of Canada's brave soldiers.

They struggled to find anything they could use against me, including the fact I was born out of wedlock. They knew there was a war on and Canada's military officers were under orders to refuse men permission to marry. My parents were married as soon as they could do so, three days before the end of the war. But I was four months old then, a cardinal sin in the eyes of CIC, even in the year 2007.

When that argument started looking dubious for them, they moved on to the fact that I didn't fill in a form asking to retain my citizenship by my 24th birthday, although no one had informed me or my parents that this was now required.

I am one of many such dependants, war brides and their children, who are being rejected. What would these brave men who fought in the war think of this appalling treatment of their own wives and children? I wonder how Canada's going to treat the dependants of its soldiers currently fighting in Afghanistan.

Prime Minister Harper issued the following statement on his official website on the anniversary of D-Day:

Today, as we mark the 62nd anniversary of the D-Day landings, we recall the thousands of brave Canadians who played their part in this historic event.

They came from every part of Canada, from every walk of life, to risk their lives for freedom. Many would make that ultimate sacrifice.

Let us never forget them, and let us never fail to defend their precious legacy.

Yet it is Mr. Harper who's supposedly in charge of a department that's taking bitter legal action against me to try to prevent me from even laying flowers on my father's grave in the Legion's Field of Honour in Port Alberni, British Columbia.

It's most upsetting to me that Mr. Harper can say one thing and then do the opposite. He urged all Canadians to never fail to defend their precious legacy and then he allowed his own government lawyers to try to destroy me.

CIC is still refusing to accept that I'm a Canadian, despite the fact that I won a financially crippling court case presided over by Justice Luc Martineau, which cost me over \$30,000. The court awarded me costs, but CIC have only offered me approximately \$9,500. A month later, they've still to pay that.

One Tuesday, late in September last year, Mr. Harper's government announced that it was eliminating the court challenges program, which was designed to assist in funding cases like mine. Then on the Friday of the same week, CIC stated that it intended to appeal the decision in my case. When I received the appeals submissions from CIC, they contained a threat that should the government lose the appeal, they intended to drag me through the Supreme Court.

Having removed the only source of possible funding for me, they were effectively saying that if I wished to continue to fight for my birthright, I must be prepared to bankrupt myself while the government could use vast resources paid for by taxpayers' money. All the time my agony continues—and you can't imagine what that agony's been like for five years of this struggle—I watch Canadian politicians scoring points off each other over which party is to blame. I just wish they would stop and consider the effect all this is having on the life of one human being who Justice Martineau confirmed is a Canadian citizen.

I have been treated so badly while just trying to claim my rightful citizenship. Canada's current citizenship laws are discriminatory, cruel, and un-Canadian. I never imagined I would be treated like this by Canada, of all countries.

The only proper solution is a totally new citizenship act as soon as possible: it's more than overdue. But until there's a new citizenship act, it seems that a Canadian certificate of citizenship isn't worth the paper on which it's written.

• (1155)

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Taylor.

Mr. Don Chapman: I was going to introduce these people as they came.

The Benner case went to the Supreme Court of Canada. In a unanimous decision it was ruled that the 1947 Canadian Citizenship Act was indeed blatantly discriminatory. When I brought that up to the Senate of Canada in testimony, the bureaucrats at CIC, specifically Patricia Birkett, who was then the acting director general of the integration branch, came out one week later and said that decision was transitional and would expire in 14 weeks.

When courts interpret laws it's not that they are legislators; you're the legislators. They said this law was wrong and they brought it back as a transitional provision for you people to correct. We're here because parliamentarians didn't do their jobs in 1947, 1977, and with the Benner case. They threw it back and now we're back to square one again. Fix this thing.

We have a government for two reasons: to protect citizens, and make life better for citizens. To show you how bad it can be, I want you to now turn to Magali Castro-Gyr and her horrible story of what happened to her.

Ms. Magali Castro-Gyr (As an Individual): Thank you.

I am fully bilingual. Is it a problem if I speak in both French and English? I think I would like to be able to do that.

The Chair: Yes, you can speak in both languages.

• (1200)

[*Translation*]

Ms. Magali Castro-Gyr: Thank you very much for inviting me here today.

My name is Magali Castro-Gyr and I'd like to start by thanking you for having me. I've come to Ottawa four times to address the committee. Don and I have been working very hard to sort through this whole mess. This is 2007 and this year marks the 60th anniversary of the Canadian Citizenship Act and the 25th anniversary of our Charter. How very interesting that things have come this.

I hope that the story I'm about to tell you about how I was unfairly treated and the problems I faced in my dealings with Citizenship and Immigration Canada will help you as you investigate the case of Canadians who, like myself, were stripped of their citizenship.

I also hope that you will recommend some legislative amendments to the Citizenship Act and to the Charter to do away with archaic, discriminatory legislation that dates back 61 years.

I was born in Montreal. My mother was a Quebecker and I am a tenth generation Quebecker. I am a descendant of Pierre Gagnon, one of the first four Gagnons who settled in Canada. As I said, I was born in Canada and I have a Canadian birth certificate. I have also had three passports over the course of my life that stated that I was a Canadian citizen. My SIN card and number also confirmed my Canadian citizenship. I lived in Canada. However, in 1964, my parents decided to immigrate to the United States.

In 1975, my Canadian father became an American citizen. My mother, a Quebecker born in Montreal, never renounced her Canadian citizenship. She did not become a U.S. citizen when my father did. My Canadian father became a U.S. citizen. According to Citizenship and Immigration Canada, that's when I lost my citizenship because of laws assigning the right to a nationality to the father. The rights of my Quebec mother as well as my own rights as a child were completely ignored, something that I consider unacceptable.

Years later, I moved to Europe. I vacationed in Quebec, worked in Quebec City and in Montreal, and paid taxes in this country. I'm a teacher and I've always maintained strong ties with Canada. However, at one point, I decided to try something different. I went to Europe where I met my husband who is a Swiss-American. In 2001, we decided to return to Canada. My husband applied to immigrate. We sent the papers to Ontario. We were informed that because I was a Canadian, I could sponsor my husband. That is what I did. We came to Canada and two months later, I received a letter from Citizenship and Immigration Canada, further to my applying for citizenship cards for myself and for my children.

I received a letter from Citizenship and Immigration Canada. Later, Samy will send you a copy of this letter. I want to share with you my experiences and the problems I encountered. Upon reading this letter, you will note that it contains four spelling mistakes as well as a number of factual errors. The letter notes the following:

[*English*]

When your father acquired U.S. citizenship in 1958, you were a dual national (Canadian and French).

Because I was a minor child, I lost citizenship.

It's interesting, because first of all it was not in 1958, it was in 1975. And I was not even born then. I was born in 1959, so I could not have been a dual citizen in 1958; I was not even born yet.

There are also spelling mistakes in this letter. One of the first ones is that the woman who signed this, Beverly Foggoa, spelled Canada as "Camada". She spelled my children's names wrong. She spelled our family name wrong. This is the kind of bureaucracy I've dealt with—sloppy.

The Chair: Could we get some indication of how much longer we'll be into opening statements, because we're over—

Mr. Don Chapman: We have two left.

The Chair: The committee generally is only—

Ms. Magali Castro-Gyr: Exactly. I'll make it quick

When I received that letter, I took on a lawyer. I spent \$27,000 of my money bringing this case, and this is what these documents are.

I had a judicial review going on for two years. I then was sent an "offer", and I have to put that in quotes, in May of 2003 that stated nine different points of things that I needed to do if I wanted to stay here. I had to leave, I had to come back as an immigrant, I had to stay another year, I could then apply to resume citizenship, and more importantly I had to not divulge the terms of this agreement. I could not go public with the terms of this agreement. I had to be silent.

That was a gag order. At that point, I decided this was very wrong and I went very public. That's the reality of what I was living with here. I was given a gag order. It was absolutely unsettling. We didn't know if we could stay or not stay.

Publicly this was happening, yet privately CIC was telling me, "You're just the kind of person we want to have here in Canada." Oh, thank you. I'm tenth-generation Canadian. I'm a teacher; my husband's a teacher. We're doing good things.

I have to get to the end. I left, and two months after leaving—unsettling my family again—the government turned around and granted me and my boys citizenship. But it does not recognize the fact that I'm born here of a French-Canadian mom and am Canadian.

• (1205)

The Chair: Thank you very much.

Who do we have next?

Mr. Don Chapman: Barbara Porteous discovered last July that she was stateless.

By the way, Magali Castro-Gyr was made stateless by this government. That was a violation of the United Nations Convention

on the Rights of the Child, and Canada was the country that put this into the United Nations. No other major country has made more children stateless than Canada. She was stateless, and her brother remains stateless today.

Barbara is now stateless.

The Chair: Ms. Porteous, you have three minutes, please, if you could.

Ms. Barbara Porteous (As an Individual): Thank you for allowing me this opportunity to address you, the lawmakers of my country and the citizens of Canada.

I am Barbara Porteous; I am a Canadian. Canada says no, you are a 70-year-old woman without a country. On February 2 last year I applied for a replacement citizenship card to facilitate applying for a passport. On July 31 I received a letter from Citizenship and Immigration that stated:

You ceased to be a citizen June 14, 1960, the day following your 24th birthday, as you were not residing in Canada on that date nor had you applied to retain your citizenship prior to that date.

I was born in Oroville, Washington, June 13, 1936. My father was a Canadian. In June of 1955 I married David Porteous, a Canadian born in Canada. We have been married almost 52 years. We have three children, eight grandchildren, and one great-grandchild. They're all born in Canada and they all live in Canada.

To enter Canada in June 1955, I submitted the required forms and medical report to the officer in charge at the Citizenship and Immigration office in Osoyoos. Noting my father was a Canadian at my birth, he stated, "You don't need these; you are a Canadian."

In July 1955 I received a letter and an immigration card with the instruction to retain this card carefully, as it identified my status in Canada as a Canadian citizen. The letter also welcomed me and said, "Enjoy your new life in Canada." There was no information given to me at any time or in that letter regarding loss-of-citizenship provisos.

In 1959 we ran into a little financial trouble—a two-year-old child and another on the way—and fathers bail you out, so my dad bought a little resort out of Tonasket, Washington that we could operate.

When obtaining clearance to enter the United States, the American consul issued a loss of nationality certificate for my American right, due to the fact that I had taken an oath to a foreign country when I performed poll clerk duties in the 1957 Canadian federal election. That was marking my decision to be a fully participating Canadian citizen.

I had been acknowledged as a Canadian at age 19. I became a Canadian fully at age 21. I was moving 40 miles into the United States, which was exempt from registration at age 23; that is, to my understanding, in the back of my passport. I'm not a lawyer. It said what it said: I did not have to register; if I was living abroad for three months or longer I did not have to register—

Let me read it out:

Canadian citizens intending to reside for more than three (3) months in a country abroad (EXCEPT the United Kingdom and the UNITED STATES) are advised, in their best interest, to register at the nearest Diplomatic, Consular or Trade Commissioner.

I had no concerns about my citizenship, and neither did the officers at the port of entry or the member of Parliament elected when I lost my American rights—we were all friends; we've known them for years.

We returned to Canada in 1965 and settled in the Osoyoos area, and for the past 42 years we have contributed to our community and our country. My husband was an alderman for the village or town of Osoyoos for 13 years. I've worked for Elections Canada as recently as 2003. I have voted in every municipal, provincial, and federal election. That is my responsibility as a citizen.

I was a census taker in 1995. My application for old age pension was approved, and I have received these benefits for the past five years.

You have made me without a country. I have lived here illegally for 42 years? Are you going to want my pension back? Well, I'll hit the airwaves again.

The grant of citizenship, offered as a quick solution, is for me to live in this nightmare of fees and forms for months and years to come.

• (1210)

So I say on behalf of all these people affected by the 1947 archaic citizenship laws, they're approaching their senior years. You've got to look at this now. I am the tip of the iceberg. You just went a little over, but they're coming in at 60 and 64. I can no longer visit my extended family. My sisters and my brothers and friends, all in their seventies, go golfing and do all the things I have done, freely, as a Canadian citizen. Between Oroville and Osoyoos, my life has been 25 miles over the last 50 years.

I have never been so disappointed in my country. I can't believe it. I don't know what the problem is, but I want to know why I am here.

Thank you for your time.

Mr. Don Chapman: I have to make a comment on Barbara, because this is something that happened just this weekend.

Barbara, was it a family member or a good friend?

Ms. Barbara Porteous: No, it was a very good friend's funeral on Saturday. I couldn't go.

Mr. Don Chapman: The funeral of a very good friend was just on the other side of the border, but this woman was stateless and could not attend the funeral.

Christine Eden here made a comment. She is so right. This is just going to escalate. It's going to be huge in the next few years. So fix it now.

There was one thing I found interesting. Last Monday I was on Canada AM, and they had two military gentlemen who were going to meet Michaëlle Jean that afternoon. They were getting Canada's military honour, the Star of Military Valour. William Hilton Fletcher was one of those recipients. He came out of the room, looked at me and said, "Would you help me? My sister has been made stateless in this country."

Rod Donaldson is a constable. Would you please tell your story?

Mr. Rod Donaldson (Former Toronto Police Officer, As an Individual): First of all, I'd like to say I'm amazed. I'm really new to this, and I'm amazed, sitting here and hearing these stories. As human beings, if we forget our political ethnicities and just look at this as humans—My feeling is that I want to know how I can help these people.

Anyway, I wrote a letter to Prime Minister Harper. Everybody here has a copy of it. I was essentially just going to read it again.

I was one of these people also born out of wedlock in 1959. What had happened was that my father—and this is the dirt coming out—was already married to another woman. He was a police officer in the OPP, stationed out of Barrie, Ontario. My mom was a nurse in Orillia. They happened to meet; things happened, even as they do in modern times. Unfortunately, in those days we didn't have birth control, and my mother became pregnant with me.

My mom came from a very well-off family in the Port Severn area. To avoid embarrassment, through a nurse friend down in the Windsor area they ended somehow up in Detroit, Michigan, at Sinai Hospital, where I was born.

Through my formative years I'd always been told I was born at Mount Sinai Hospital in Toronto.

On a trip to the United States on vacation I had met a girl myself. I went down and visited her in Kansas. While I was there, I befriended a police officer and spent a fair amount of time with him. We got the idea that maybe I should join the job down there, so I applied for my birth certificate, because I realized I didn't have one; back then you didn't need anything other than your driver's licence to cross the border.

I got a letter back. My mom was literally making dinner one night, and my mail sat at my place at the kitchen table in the old farmhouse there. I remember reading it and saying, "Gee whiz, mom, they're saying I've never been born. The Canadian government checked five years before my birthdate and five years after, and they have no Rod Donaldson born on that date."

With that, mom suffered a little bit of embarrassment. A couple of days later she took me into the family dining room, sat me down, and proceeded to tell me the story I've just told you.

I wondered how I came to Canada. What had happened was that she had left me behind. I was left in Warren, Michigan—to the best of my knowledge—with someone who I know was notary public. I think her husband was a lawyer, but when my mom handed me my birth certificate, which happened to be a fictitiously named American birth certificate, she asked me never to contact the people who had notarized that certificate, so that's why I'm thinking those thoughts.

Two years later, my parents were together. Dad had left his previous wife. My little brother had now been born, and I guess they decided they'd better go get Rod Junior. They went across the border, and mom was literally at the front door, knocking on the front door and talking with the husband and wife, and my father snuck in the back door and stole me out of their house and brought me to Canada.

On the trip to Canada, dad, being a police officer and thinking they were going to be looking for this car, dropped my mom off at the border, and she pushed me over. I asked her, "How did I get here?" She said, "Literally, I pushed you across the border in a baby carriage, and dad came around in the car and picked us up later."

I have fallen through many loopholes, all just because people know who I am. They know I'm Rod's boy, so I must be a Canadian. I think Ms. Eden touched on the fact that we need proof of Canadian citizenship in order to get a driver's licence. In British Columbia that is now how it is. Fortunately for me, where I go, everybody knows me. I just walked in; I basically never filled out anything other than to say that this is me, and I got my licence, so the loopholes are still there.

I'm just asking that these problems be fixed.

•(1215)

The Chair: Thank you.

We've heard amazing stories today, and I think it's time we got on to our committee members.

I have quite a list of people here who wish to ask questions, and we have a limited time. With your permission, we'll go first of all to Mr. Telegdi to begin the seven-minute rounds. We might have to cut it back a little bit if we're going to get everyone in.

Go ahead, Mr. Telegdi, please.

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

Mr. Janzen, you've been coming to this committee's meetings ever since I've been on it, since 1998, and I'm sure you were coming before then. Every time I hear your story, I have to apologize to our soldiers and their descendants. This is terrible.

I feel awfully bad for each and every one of you. We deported the Acadians, and that's what your testimony brings across, Magali. And we don't recognize the religious marriages of the Mennonites. We have to give a collective head shake.

We had two ministers in less than a year who said we don't need a new act. The last minister said the numbers aren't very big. About a week ago she said 450 or 460. Vic Toews, the President of the Treasury Board, said that in his riding he has 2,000 at least who are border babies and were born out of wedlock.

My question to all of you is this: Do we need a new citizenship act?

The Chair: It may be beneficial if you direct your question.

Hon. Andrew Telegdi: It's to everybody here as witnesses.

The Chair: Bear in mind we have roughly seven minutes. Maybe if more than one person is going to answer, they would be brief.

Hon. Andrew Telegdi: They can just give a quick response.

•(1220)

The Chair: Mr. Janzen, if you wish, you may go first.

Mr. Bill Janzen: We definitely need changes—serious changes. Whether they come in a whole new act—I've watched this process and I've been involved in this work for 30 years, if I may say so. I

know that different governments have tried to bring in whole acts and they get bogged down. With a minority government, they tend not to get through the whole process before the time is up. As long as the key changes that were made, that have been addressed here, which could be done—There could be a set of amendments that would accommodate all of these changes but would not require a whole new act. I think if that were the focus, then there could be full agreement, and the thing could move ahead much more quickly.

I don't want to say there shouldn't be a new act. There are enough things that call for a new act. I expect that if there is a majority government, and the courts have finished their deliberations on these things, then there probably will be one. Realistically speaking, I would rather move ahead with some of these more modest changes and get them through. I think there would be agreement on many of these things.

The Chair: Mr. Telegdi, you have some time left.

Hon. Andrew Telegdi: I wanted everybody to respond quickly—in about 20 seconds.

David.

Mr. David Choi: The act needs to be amended. The 12th committee meeting report was a unanimous report, which was unprecedented. The amendment will give equal equity to all Canadians, which is critical. Right now it does not. It's gone on for years and years, and I fail to understand why we keep coming back to this process. I think we have reached a point where Canadians are going to lose faith and confidence in this committee process and why we fail to move forward.

Hon. Andrew Telegdi: Let's move along.

Ms. Christine Eden: I have a degree in customs law and I've had to deal with amendments to acts that have created more problems than anything. Whoever is going to be working on this and making the changes should be somebody who has a full understanding of exactly what the problems are. No more quick fixes.

Hon. Andrew Telegdi: Mr. Chapman.

Mr. Don Chapman: Absolutely, yes.

[*Translation*]

Ms. Magali Castro-Gyr: In my opinion, each nation has a number of burdens to carry. It's time for Canada to shed this particular burden. I really believe that.

[*English*]

Mr. Rod Donaldson: I totally agree with it as well. I agree with Ms. Eden. I like her point that whoever does become involved in this amendment, as she said, becomes fully aware of the full impact of what they're doing.

Ms. Barbara Porteous: The big thing is most of us don't pay attention until it hits us. We don't know it exists. I had no idea until I read that letter on July 31 that these things happen, and I feel guilty. The same thing happened to me and I could not talk to anybody. I was humiliated. I didn't want anybody to know.

However, after it was on the air and all that was done, my friends and all in town thought it was fixed because something came out. I have 650 names in four or five days when my family went out and people did not understand that I had no quick fix. It's getting it out there. Then the people will support it. I support it.

Mr. Joe Taylor: I think Mr. Janzen hit the nail on the head. I think we do need a new citizenship act very badly. But also, there are an awful lot of people whose lives have been in tatters, mine included, for years, and they need something quick. They need a quick fix to put them out of the pain of what they're going through.

Hon. Andrew Telegdi: Okay, Sheila.

Ms. Sheila Walshe: I'm a nurse. It needs radical surgery, but I'll be very good at aftercare, sir.

Hon. Andrew Telegdi: Thank you very much.

I think we could do a new act fairly quickly, because we've done a lot of the ground work.

I'm finished.

The Chair: Thank you, Mr. Telegdi.

Madame Faillie, please.

[*Translation*]

Ms. Meili Faillie (Vaudreuil-Soulanges, BQ): Thank you, Mr. Chairman.

Citizenship is an extremely important issue to us. It is the key to an entire nation's identity. When I became a member of this committee, I found it natural for us to focus on citizenship issues because Quebecers are constantly striving to preserve their identity. It's probably ingrained in us. Maintaining one's identity implies that one has rights. In Quebec, we had our own Charter of Rights and Freedoms ever before the Canadian Charter of Rights and Freedoms came into being.

Preserving civil rights is also an important value, as is respect for international and UN agreements, most likely because of our European heritage and our close proximity to and trade with Europe. When I became a member of this committee, my colleagues and I worked diligently to correct shortcomings in the Citizenship Act. The sovereignty movement is working to identify citizenship legislation that could apply to a sovereign nation and to ascertain what rules of cohabitation might apply. As we see it, the citizenship rules applied in Australia and in Trinity and Tobago would resolve the situations that have been brought to our attention today.

When I first started working on this file, I felt it was important to resolve this matter once and for all. Furthermore, when I heard Magali Castro-Gyr's story, I was outraged to see a Quebecer being treated this way.

Rest assured that as long as I'm a member of this committee, I will speak out on your behalf!

I did a little more research into this matter last week, particularly in my own riding. Over the weekend, I discussed the issue with a number of citizens. I came to the realization, like many of you, that people are worried. They are not applying for a citizenship card or requesting proof of citizenship because of the stories that have emerged in recent years. They are afraid that they'll be told that they

are not Canadian citizens. I think this is only the tip of the iceberg, because many people will be entitled to collect a pension shortly.

The situation is truly shocking! Last week, the minister informed us that there were approximately 450 similar cases. Everyone heard this report. Earlier, I asked my assistant to check and see when the information was updated on various departmental websites. This coincided with the minister's announcement on January 26 that measures would be taken. Before then, the website contained very little information.

Do you feel that you would not be in this situation had this information been available and properly disseminated? The situation has gotten out of hand, perhaps because the department is unwilling to shoulder its share of responsibility.

• (1225)

[*English*]

The Chair: Did you direct your question to any one individual, Madame Faillie?

[*Translation*]

Ms. Meili Faillie: My question is for Ms. Eden.

[*English*]

Ms. Christine Eden: For us, the major issue has always been that we were never told. I think, also, there's the issue of a clarification of what exactly a citizenship card is. Anybody who has come up to me has gotten really angry and said: "I am a Canadian; they tell me I'm a Canadian." But when I explain to them that a citizenship card is your proof of Canadian birth, it's as though all these lights go on, and they say: well, why didn't somebody tell me? I'm thinking: that's a very good point; we were never told—

Of any of the people who have come to me, not one was ever told that they had to turn in their registration of birth abroad for a citizenship card. It was one of the best-kept secrets, and even though Citizenship and Immigration and DND met in 2006 in September, they still have not made any announcement. It's another best-kept secret. It's going to hit you big time when they all come up for pensions.

• (1230)

Mr. Don Chapman: No, but it was bad legislation. It was very bad legislation that did this. All we're asking for now is equality of rights, equality of denial, and equality of restoration for the new citizenship act.

Thank you.

[*Translation*]

Ms. Meili Faillie: I ask the question because the government has appealed the ruling in the case of Mr. Joe Taylor.

[*English*]

The Chair: I think Ms. Castro-Gyr had a comment, and Mr. Janzen had one as well.

[*Translation*]

Ms. Magali Castro-Gyr: To answer your question, I agree that it would be nice to receive information. However, let me give you an example. In May of 2003, Denis Coderre announced that each case would be dealt with separately in order to maintain the integrity of Citizenship and Immigration Canada. However, when I was offered a settlement, I was also ordered not to disclose any of the details.

You may be right, but at the same time, we need to know that the information given to us is adequate. As Ms. Eden and Mr. Janzen explained, often we're told what to do, but unfortunately, when we want to follow these instructions, we're not given the right information.

[*English*]

The Chair: We'll have a final comment from Mr. Janzen.

Mr. Bill Janzen: Thank you.

I would like to express regret that I cannot respond in French well.

Your point about adequate notification is fundamental. The loss-retention provision, as I've indicated, is generous in itself. We have no quarrel with the provision. It's the fact that people were issued certificates that did not have this expiry notice.

We're glad the government has now started putting expiry notices on them; it clarifies everything that's needed for that. But for the last 30 years, that was not done, so there's a huge question. I've read the judgment involving Mr. Taylor, and the court is very strong in saying there has to be adequate notice and clarity; that's a fundamental principle of justice.

The Chair: Thank you, Mr. Janzen.

Mr. Siksay.

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

I want to thank all of you for your testimony this morning. I'm sorry so many of you have had to come back so many times and that we're still working on this. Hopefully, it will draw to a conclusion soon.

I wanted to ask specifically Mr. Chapman, who is at the back, but maybe he can hear me, and Mr. Janzen, and then any others of you, the specific changes you're calling for.

Mr. Chapman, you keep saying paragraph 3(1)(f) would fix it. I wonder if you could tell us specifically what you see paragraph 3(1)(f) saying.

Mr. Janzen, you mentioned specifically some suggestions in paragraphs 11 and 20 of your larger brief. Maybe you could go over those with us.

Then if others of you have specific ideas about legislative change or administrative changes that would be helpful, I'd like to hear from you on those very specific items.

Don.

Mr. Don Chapman: I think every one of you got a packet with the Trinidadian solution. This could be amended to be a little bit better with the Australia solution. It's one paragraph, and you can read it to yourself. Basically, it just says that a person who has lost

their citizenship due to the old provisions is deemed to have never lost it. That includes everybody. It fixes it.

Other countries have exercised this as a human right; I can't imagine that Canada can't at least hold its own in human rights with other countries. We should lead by example here. I think that's pretty much it. It's very simple.

The bureaucrats aren't all bad people; a lot of them are very wonderful. They're simply following the job and the orders that you people have given them. Everybody's between a rock and a hard place here.

The Chair: Mr. Janzen, are you prepared to respond?

Mr. Bill Janzen: Yes.

I don't have the current act right in front of me, but if you look at section 8, in my larger brief, at the very end, I refer to a possible amendment to section 8. The first overall paragraph would stay almost as it is, but then there are a couple of subpoints that would simply be eliminated. They would have, as I've indicated in my larger brief in paragraph 21—Maybe it doesn't help if I read what I have there. I'll explain what it means.

Right now citizenship can be passed on to an indefinite number of generations. I'm virtually sure that whenever there is a new citizenship act, whichever party is in power, that generosity will be restricted somehow. It will not be quite as generous as it was made in 1977.

We can live with that. We're not asking for something of greater generosity. We're just asking for it to be workable, to be changed so that people in the second generation would have until age 28 to apply for a certificate, and if they did, then that would remain permanently valid; if they did not, then they would be out of luck. They would have to apply for landed immigrant status after that. At present, people in that second generation have to apply and then they have to re-apply before they turn 28.

Now, if you imagine yourselves being administrators, you're telling someone that they have two options. You're telling someone that they have a certificate that looks perfectly valid but it isn't valid, sorry. You're telling them that they've turned 28 and they should have applied for something. It's not valid any more. That's a difficult message for an administrator to convey to anybody.

A different message, which is a little bit less difficult, is they are not eligible for a certificate in the first place—they're passed the age and so on. So administratively this would be a lot easier than first issuing certificates and then saying they're not valid.

That would be a change. Then the other changes that we've recommended, and I'm not sure that they would be in the legislation, would simply be a policy of not recalling those certificates if the only reason why you might recall them is that a grandfather or grandmother has been found to have been born of parents who were married only in a church, not in a civil marriage. I think that's a regulatory change that could be done.

It's not only that it makes sense, but the fact is that when these people are in Canada, usually, as my colleague outlined, the government will find another way of letting them stay. But it takes, as Mary mentioned, half a dozen years and through permanent residence and immigration processes and questions about work permits and health coverage and so on. The end result is that people have usually been able to regain status, but many people just stay under the cover—they don't apply. So they're out there. They're not really citizens but they have certificates. It's a very messy situation. It doesn't honour the idea of Canada's law.

●(1235)

The Chair: Thank you.

You have about a minute left, if you want to continue.

Mr. Bill Siksay: I don't know if Ms. Eden had any further comments about an administrative solution to the circumstances.

Ms. Christine Eden: I would just like to say that given the computer technology of the world today, there should be some way this government can pull up the names of all of the people who were registered abroad and notify them that they are in this scenario.

I can only say that whoever goes to fix any of these problems, could they please be somebody who has a real working knowledge of what the problem is.

Thank you.

The Chair: Thank you, Ms. Eden.

We'll go now to Mr. Komarnicki.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you very much for taking the time and appearing before this committee and giving us your individual circumstances and perhaps some more general ones.

There's no doubt that a lot of what you have to say is very compelling. It certainly is emotional to you, because it affects you individually as it would affect others in a more general way. Certainly we hear what you have to say. There's no question about that.

I know one of the issues is whether you approach it en masse and do a complete overhaul of the Citizenship Act, or whether you try to take bite-size pieces and deal with some practical issues as Mr. Janzen has suggested. It is something certainly we're looking at.

I know the minister on the short term has indicated—and perhaps, Mr. Janzen, you've alluded to it as well—that she's looking at working with individual cases to see if they can be expedited. Perhaps some of you have received positive responses, at least in respect to your individual cases, and some may not have. Regardless of that, it's certainly a temporary band-aid fix.

She's also invited the committee to look at suggestions specifically as they may relate to the issues of your citizenship, how that could be looked at in the broader sense, and what this committee might offer in terms of where we go. If we can reach, finally, some unanimity among us, perhaps we can actually address the situation for those who follow in your footsteps.

I know a mention had been made of the 450 cases. We obviously realize those are just individuals who have identified themselves on

any particular dedicated line in the question, but nobody suggests for a moment that those are the numbers of people affected. Obviously, as Mr. Janzen says, just in your own instance there are a whole lot of others who are affected in one way or another.

One thing I hear from most of you is that the citizenship was lost either because of not residing in Canada on your 24th birthday or some date, or you were born out of wedlock, or perhaps you didn't realize you had to file some documents for retention, or you've now found that the date is past and you can't undo that part. Perhaps better information and better knowledge might have helped.

I know the minister has created a dedicated unit in the call centre, and there is also a program officer to look at specific cases. That, on the short term, is of some help. The problem obviously didn't arise overnight and it's not necessarily partisan; it's been there for a long time. It's a question of what you do about it, so I'm looking at what the solution is to some of these problems.

I know that Mr. Janzen in particular—and I have some questions for others, if we have the time—had suggested that religious marriages, if they were performed, should be recognized for what they are through a policy directive or regulatory matter. Then your suggestion, as I understand it, is that on a go-forward basis, citizenship for those Canadians born outside of Canada would have to renew before the 28th birthday.

Wouldn't that pose the same type of potential problem, if they hadn't renewed before the 28th birthday? Am I understanding you correctly on your third solution there, on the go-forward basis? You were going to limit the citizenship to those who are 28 years of age and who have done something. If they've done nothing, they would end up losing their right to citizenship for the generations going down, while now it can go ad infinitum. Aren't we creating a bit of a problem in that suggestion for those who don't renew by the 28th birthday?

●(1240)

Mr. Bill Janzen: I think it would be an improvement on the present, simply because what exists now is that people have certificates and then are told they are not permanently valid. Some officials have told them that yes, they are permanently valid, but the law says they're not permanently valid.

If it were changed, then if you made the application before turning 28, you would get a certificate, but all certificates would then be permanently valid. There would be no such thing as a certificate that is not permanently valid.

Now you have—and we use a rough guess—30,000 people who have received certificates, but they're not permanently valid, and these people will be turning 28. Every year there will be a couple of thousand. Some of them will apply for retention before they turn 28, but some of them won't; they'll just go undercover and continue with life.

I think it would be an improvement if it were reversed so that if you don't apply, then you lose your right to apply at age 28, but if you do apply, then your certificate will be permanently valid. I'm sure there would still be problems—people would come along and say they were 29 and didn't know about it—but those cases would be easier to deal with than they are now, when people say, “My certificate looks good.”

Mr. Don Chapman: I do have one thing. On a call centre, that number is only good in Canada, so if you're outside Canada you can't call it. You have to change that. You have to allow people around the world who are affected the right to call, because right now they can't even call. It just doesn't work.

Mr. Ed Komarnicki: There is no question that the essence of what I'm hearing here is that systemically you would like notification to be done in a far better way than it is now internationally and within Canada, because obviously it affects people—

• (1245)

Mr. Don Chapman: All over the world.

Mr. Ed Komarnicki: —outside of Canada as well

Mr. Don Chapman: But remember, you call up, identify yourself, and the next minute you're Barbara Porteous or Magali Castro-Gyr or Joe Taylor. So why the hell would anybody want to call up and say, “Hey, look, I think this is me”? It's a whole lot better to remain silent and cross your fingers than to get kicked out of your country and put on trial.

Mr. Ed Komarnicki: Is there more time left?

The Chair: No, I have to cut it off right there.

We're getting into a five-minute round now. It's my intention to try to get everyone in who wishes to speak, because we have approximately 30 minutes and we have six people who we need to get on for five minutes apiece. So by going back and forth we will get everyone in, the new people on the speaking list.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): On a point of order, Mr. Chair, do I understand that you will be putting everybody in and the people who have spoken might want to give up their turn for the people who do want to question?

The Chair: That will be up to individual members. When I come to them, if they wish to give their time to somebody else on the committee, then so be it.

We'll begin our first five-minute round with Mr. Alghabra. I can go to Mr. Devolin afterwards as a new questioner, or, if he wishes to give it up, to another individual on the committee.

Mr. Alghabra.

Mr. Omar Alghabra (Mississauga—Erindale, Lib.): Thank you, Mr. Chair.

Good afternoon, everybody. Thank you very much for coming here today.

The stories we are hearing today are extremely moving and powerful. It's really incumbent on us, as parliamentarians, to accept our responsibility in recognizing first that the problem exists. Many parliamentarians have, but that's not enough on its own. We need to act as well to fix the problems.

Those were unintended consequences of the legislation at the time, but having said that, we need to fix them. In order to do this there has to be a fundamental change, a long-term process, a legislative change, but in the meantime many of you and many who are not here today are caught in limbo and we need to have a short-term solution. I believe the short-term solution should not be on an ad hoc basis and should not be left up to politicians or ministers or whoever is in power or any other politicians. We need to set up a process that clearly articulates what the parameters are and corrects the individual problems or lost citizenship.

I also want to call on bureaucrats who are listening and watching or reading this transcript to pay an extreme level of attention and sensitivity to this issue and to treat it with delicacy and care.

It's very hard to say anything except that this has to be fixed. It must be fixed.

I'm just curious to know—and in my opinion it's irrelevant how many people are affected—if any of you have indication of how many people are involved.

Ms. Christine Eden: I apologize, since I didn't realize that I should have gotten to you sooner.

We've had people working on all of the areas where Canadians worked from 1947 to 1977. In my estimates, there are well over a million. My figure for the Canadian military base is 110,000; that's for only ten bases. I haven't gone into the army, because I don't know where all the army bases are. I'm sticking with the few army bases I'm familiar with.

For 30 years, Canada was a major part of the rebuilding of post-war Europe. We sent a lot of people over there. Just look at the embassies and the numbers of people working in them who had families with them. Everywhere there was a war-torn country, Canada played a major role. There were also missionaries and workers. All of these people are not being affected right now, but they will when they go to get passports, and they definitely will be when they start to get close to retirement age.

Keep in mind that the birth control pill came in 1964—I remember getting it right after my daughter was born. Prior to that the numbers were high; from 1964 to 1977, the numbers were low and getting lower.

The high numbers are going to be hitting you soon with the Canada Pension Plan. A lot of these people never had passports. My husband never had a passport until he married me, because his idea of a vacation was Hawaii, Las Vegas, or Palm Springs. Then he married me, and we go to Mexico. He's 72, and obtained his first passport five years ago.

These new cross-border regulations are going to require all of us to get passports. That's when it's going to hit you, so you need to fix it. I honestly believe that's a part of the reason for putting us up for a one-year legislative review. Why would you put a Canadian up for legislative review? It doesn't make any sense. I honestly think it's a stalling tactic.

I'm very proud to be Canadian. This was not a situation where they suddenly decided to change the act. This is a systemic error, some screw-up way back when, which you people have inherited.

From our point of view, I can honestly say that the government has really stepped up to the podium to look at it. They're looking at a nightmare and going to have to address it, hopefully before these people come up for the Canada Pension Plan.

Just look at me.

• (1250)

The Chair: Thank you, Ms. Eden.

Thank you, Mr. Alhabra.

Mr. Devolin, you have five minutes.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Thanks, Mr. Chair.

I also want to thank all of you for being here today and sharing your compelling stories with us. Just when I start to think I'm getting a handle on this issue, another curve ball comes past me suggesting that there's some other situation that could result in someone thinking they were Canadian and at some point having someone tell them that they're not.

We've talked about short-term and long-term and different solutions, trying to come up with something that works. What I'm hearing is that there are actually three levels: immediate term, meaning today, tomorrow, even yesterday—Even amendments to legislation take time; it doesn't happen immediately. I think immediately the minister has made a commitment to deal with people on a case-by-case basis, as they come forward. That commitment was made in January, and maybe it should have been made five or ten years ago, but I think it is a step in the right direction.

The medium term, I guess, would possibly be making amendments to the existing legislation. That is something that could happen. I don't know who said "Don't let the perfect be the enemy of the good." When people push, saying "Give me a brand-new act or give me nothing", let them be careful what they wish for, because up until now it has been nothing, rather than a new act. And in the longer term there needs to be a new act.

There's almost a symmetry to the dates, too: 1947 to 1977 to 2007—kind of a 30-year cycle.

Ms. Eden, you made a couple of comments that I found very interesting, because my constituency office deals with people coming in with all kinds of problems, in the simple suggestion that no one should be informed verbally by some non-expert, quite frankly, of something as profound as not being a Canadian citizen. I would think if you went to the hospital and they did a DNA test and had some question about whether your parents are actually who you always thought they were, the nurse probably wouldn't blurt that out to you as you were sitting in the waiting room. There would be a process.

I think that's something that clearly ought to be addressed immediately—

Ms. Christine Eden: Absolutely.

Mr. Barry Devolin:—ensuring that when these issues are flagged, they need to be dealt with very carefully and no one needs to jump to that rather dramatic conclusion.

Ms. Christine Eden: Especially the military.

Mr. Barry Devolin: Well, yes, in particular, but anybody, really, who believes they're a citizen.

I also have a question, though, in the immediate term. I'll ask this to several of you. I think in the short term we need to let more Canadians know that there is a potential issue here and create an environment where people are comfortable to come forward and say, "I think I may be in this situation. Can we open a file and resolve this one way or the other?" One of the things the minister said in committee last week was to give an assurance that people in that situation would not have benefits denied or withheld during that period.

I'd like to ask two or three of you—Mr. Janzen, Mr. Chapman, others—from a process point of view whether you think that is a good idea, that the government should proactively have some sort of communication strategy to encourage people to come forward, so that they can be dealt with at this time.

Mr. Janzen.

• (1255)

Mr. Bill Janzen: On the loss retention provision, the government has now become somewhat more proactive, but there are still thousands of people who have certificates and who don't know, and so on.

I would like to make a little comment on your observation that the minister is acting to deal with cases that come forward now. We are grateful for that. The government has taken several positive steps that we have been proposing for a number of years, but the framework within which certain cases are being resolved now is a fairly small window. People have to have been in Canada for maybe half of their lives, or something close to that, before the government will consider them under the subsection 5(4) provision.

That, as my colleague Mary said, is a real dilemma. Somebody comes into her office in Aylmer, Ontario, and says: "I'm 29 years old; I've been here for five years, and somebody tells me I should have gone through the retention process."

If Mary says "You should have. Technically, you're no longer a citizen, but your certificate looks as if it is valid..."—but this man has not been here half his life, or anything close to it—Mary is in this awkward situation: should she really advise this man to just keep quiet for the next 15 years until he's been here half his life and will then be considered under the subsection 5(4) provision? It's a very awkward dilemma, you know.

The Chair: Thank you, Mr. Janzen.

Mr. Gravel.

[*Translation*]

Mr. Raymond Gravel (Repentigny, BQ): Thank you, Mr. Chairman.

I listened closely to your testimony. Maybe I'm somewhat naive, but after listening to all of you, I find it incredible that no consideration was given to the human beings caught up in the drama.

As I see it, seemingly outdated laws are being applied. For instance, mention was made of persons who were not married or whose marriage was not recognized, or of children born during wartime. I listened closely and I'm astonished that laws take precedence over human beings.

Had I been working for Citizenship and Immigration and someone had come to me to tell me their story, it seems to me that I would have proposed a course of action long ago to resolve these situation. It must be costing the state and you a pretty penny. It's an abhorrent, ridiculous state of affairs.

I read your story, Mr. Taylor. The government even appealed the ruling in your case. Regardless of the reasons involved, I find your story incredible. Perhaps it's a case of occupational bias. I'm a priest by calling and an expert in the Bible. The Pharisees were sticklers for rules and laws. Sometimes, I get the impression that certain government or department officials or certain individuals working for a department are nothing more than Pharisees, that is they look at the law and see it as an absolute dictate. They don't take into account individuals or their circumstances. It's a complete and total aberration.

My question is for all of you.

You are a stateless person, Ms. Porteous. If the decision goes against you, where will you be sent? To the middle of the Atlantic or Pacific Ocean? Where are stateless persons sent? What happens to you?

[*English*]

Ms. Barbara Porteous: I think I'm probably lucky that I don't have any citizenship anywhere else, or they would have probably shipped me there, because I've heard they've done that. And I find that degrading.

I'd only comment on these age things. Do we have a shelf life, a "best before"? I mean, I know I was better before 24—

Voices: Oh, oh!

Ms. Barbara Porteous: —but, my God, at 70, do you have to throw me out? Come on, guys. Being born a Canadian, if you live out of the country and never come back, who have you hurt? But if you live here, you are a Canadian, and you're contributing, and you're giving to it—On my back, my people: every one of you got here because I did the phones, I stuffed the envelopes, I called people to get them to come and represent the people. And you'd better not knock on my door this year.

This is a democracy. This is not what I and all of these people are going to call compassionate, humanitarian Canada. You will be a laughingstock in the world if you don't fix this very damn quick.

Pardon me, but I'm old enough to say that.

Thank you.

• (1300)

Mr. Don Chapman: You in your province of Quebec have a particular problem, because so many of the births were registered as a baptismal rather than as a birth certificate. Your province has a particular problem with that. We have one priest who is 72 years old;

now the priest has a problem. What are we going to do? Kick the priest out?

I have to thank your people of Quebec, because of all provinces they have understood identity more than any other. They have taken our cause as a province and said we respect human rights; we respect the identity.

Am I right, Magali, that we've had tremendous warmth from the people of Quebec?

As far as where we would deport these people to, I've thought of that very question, because I've almost got my daughter, who is very passionate with me—We've wondered at times about rowing a boat across the border and claiming refugee status—and if you did, by the way, Barbara and Sheila, you would have more benefits; you would make more money than your pension and everything else and you would have the right to work. In fact, I've often thought of that, and then they'd say, well, no, we deny your refugee claim, and I'd say, well, just send me back to Vancouver, please; that's where I'm from.

The Chair: Thank you, Mr. Chapman.

We'll go now to Mr. Jaffer.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Thanks, Mr. Chair.

Thanks to everyone who's here. I've got two quick questions. I'd like to hear from as many of you as I can, and I know in five minutes it might be tough.

In all your cases, it seems you've had resistance from CIC at different levels. I don't quite understand why. I just want to hear what your feeling is. Is it an attitudinal thing? I don't see the benefit for CIC to actually leave you guys stateless like that. That doesn't make any sense, so please shed any light you can on your personal feeling about it.

Second, I'm curious to know whether you've ever had any political help or political intervention in your individual cases, from MPs in particular. In Edmonton I personally have never dealt with a case like this. Many of you, I hear, are from B.C., and obviously you're smarter than I. It's colder in Edmonton. That's probably why you're in B.C.

Nonetheless, I'm sure I'm going to hear from somebody soon as more people are coming forward, but if you've had any political help, I just want to know whether it's made any difference, or if the MPs generally are not wanting to touch your case.

Mr. Don Chapman: In particular, it was your party that helped us.

You were the driving force behind Bill S-2 and getting it through. Senator Noël Kinsella came to me one time, and I said, "Yes, but Bill S-2 is only a very small solution." He said, "You will have so much hangup with the bureaucracy of getting Bill S-2 that we're going to take it one step at a time".

Well, you know what? Those solutions don't work. The band-aid solutions don't work. It's been in place for individual cases for 60 years. That hasn't worked. We're still in these problems. It's time for a legislative fix, and the Canadian people deserve to know that their citizenship is based on the Charter of Rights and Freedoms. It's that simple.

Thank you.

Ms. Christine Eden: MP Russ Hiebert just stepped right up to the podium and got the two ministries together working on us, and we were very grateful.

I am regularly now getting e-mails from MPs asking me to bring them up to snuff on what they're doing, but I have to be honest—I have them on my database and I fire them out there all the time, but our biggest problem is lack of knowledge. When these people go to CIC and make applications, the people they are dealing with do not know. That's why I have them all print out the updates from CIC: it's so that when they meet somebody like that, they hand it to them, and then they go get a supervisor.

I can tell you right now that the last person who went up there two weeks ago was there for three and a half hours trying to get her passport. I walked several people through; it took them ten minutes. In three and a half hours they could have cleared sixteen passport applications. That's how much our problem is costing you in dollars and cents.

The lack of knowledge with CIC is the biggest hurdle we are dealing with, and it's costing you dollars.

• (1305)

Mr. Don Chapman: I would add that I get complaints from members of Parliament all the time. A lot of times they say that 70% of their staff's time is spent on immigration and citizenship problems. Come on, let's fix this thing so you guys can get on with doing really important stuff.

Mr. Bill Janzen: You asked whether there's an attitudinal problem. It may sound contradictory, since I've expressed concerns about policies and regulations, but at a personal level we have had a remarkably good relationship with officials from Citizenship and Immigration Canada for a long time. At a personal level, they have gone as far as the regulations and policies have allowed them. They've been very human.

Yes, we are critical about some things, but there is a truly remarkably fine relationship that we are very grateful for. In our longer brief, I tried to acknowledge that.

Mr. Rahim Jaffer: Barbara, does one of you—?

Ms. Barbara Porteous: As you mentioned, I went to our member of Parliament. My problem was that it was July 31 when I got the second letter. They'd passed it from case management to the Ottawa branch. As they worked on it, it was only the end of August when I got the notification of the third letter: no.

Then I tried somebody else, which I thought might work a little better. That didn't get anywhere because there was an appeal of a court case of a Mr. Joe Taylor, who I had never heard of, and we were dead in the water.

I'm saying that this is not the time to have somebody slip through the cracks. I think you had some committee reviewing these now, or something like that—not just letters from bureaucrats; no, it should be something in a committee.

Mr. Don Chapman: Barbara had one comment about her pension.

The Chair: I have to cut it off right there, because I have ten minutes remaining, and of course we have Mr. Siksay, in the interests of time—

Mr. Bill Siksay: Chair, I'll defer to one of the members who hasn't spoken yet.

The Chair: Okay. Thank you for your cooperation there.

Mr. Karygiannis.

Hon. Jim Karygiannis: Thank you for coming. I'm touched by what you have to say.

Barbara, you were talking about bureaucrats. Let me give you an example of what happened in a situation, and why we're here today.

I received a letter, as most of us did, that said some people born after 1977 outside Canada, unless they certify, ratify, or reaffirm their citizenship, are not citizens.

My daughter was born in 1982 in my home country. Both parents, my wife and I, are Canadian citizens. The Greeks decided, "Well, since you're born to Canadian citizens, you're a Canadian citizen." So she has a birth certificate that says born in Greece, Canadian citizen.

I called the minister's office. We're not talking about low-level bureaucrats; we're talking the minister's office. It took them three days to finally come back and say, "Well, oh no, she's a Canadian. There's no problem." This is the minister's office.

Last week the minister said 450 people. Today you're telling us thousands. Is this a Canadian emergency? Do Canadians need to know that this is happening to them, and if so, is this the grounds for this House to hold an emergency debate?

Mr. Don Chapman: Is Canadian citizenship worth defending? I think you should ask all the military people who defended it. We hold them in high esteem. This is a battle that's on Canadian soil. Yes.

Hon. Jim Karygiannis: So how offended would you be if the Speaker of the House today said that this is not something we should have an emergency debate on?

Ms. Barbara Porteous: You should take immigration out of citizenship. Everything I've heard—I don't mean to be disrespectful here, it's just the way it comes out when I'm sitting at home listening to things—says Citizenship and Immigration, but when there's discussion and debate in the House or it's on CPAC and they mix in the immigration process—

• (1310)

Hon. Jim Karygiannis: Here's a very simple question: Do you think the House should hold an emergency debate on this particular issue?

Ms. Barbara Porteous: On this issue, yes, it should.

Hon. Jim Karygiannis: Right. Should that be done immediately?

Ms. Barbara Porteous: Yes.

Hon. Jim Karygiannis: Should the Speaker rule to have this emergency debate today?

Ms. Barbara Porteous: Yes.

Witnesses: Yes.

Hon. Jim Karygiannis: Thank you, all.

Stick around until three o'clock. I just put a letter to the Speaker asking for an emergency debate. We'll see what has been ruled.

The Chair: Thank you very much.

Mr. Wilson, please. Mr. Wilson will be the last questioner, after which, after a couple of items, we will go in camera again.

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

Thank you all so very much for coming and telling us your story today.

I'm relatively new to the political scene in Ottawa, having been elected in 2006. I know a number of you have been to this committee before, and a number of my colleagues who sit on this committee have heard exactly the same testimony you gave today on a number of other occasions, which makes it so much more incredible that nothing significant has been done on this file for years.

In committee we try to act on a non-partisan basis and work together for the citizens of this country, and to look back at the history of what's been going on on this issue is just amazing. Everybody has to bear responsibility for their actions in the past, but we're sitting here now, and I'm sitting here as a member of Parliament saying okay, what are we going to do now? In the last 13 months nothing has been done on this issue at all.

As my honourable colleague Andrew Telegdi has said, we've gone through two ministers of immigration. The first one was unable to deal with this issue at all, and the second minister is now paying it some lip service. But I believe it's disrespectful of the issue when we hear there are only 470 people involved and we're hearing testimony today that upwards of a million people could be affected.

Listening to my other colleague, Mr. Karygiannis, this is an emergency that has to be dealt with right now if it's affecting this many Canadians. And as we heard today, Mr. Chair, as more and more people hit retirement age, there are going to be more people and this same issue is going to come to light.

So we have to deal with it, and based on the analysis and the testimony I've heard today, the answer is a legislative one. The rules and the laws have to be changed, and we're parliamentarians who can effect those changes. I think it's irresponsible for the minister to say she'll look after it on a one-off basis. You can't look after it on a one-off basis when hundreds of thousands of people are affected: first, it's really inefficient, and second, it's going to cost Canadian taxpayers a fortune to try to deal with this on a one-off basis.

I think this committee has to take a serious look at the legislation before us, and if we can put forward efficient amendments to the Citizenship Act to change the rules that are causing all these problems, I think that's probably the most expeditious way to deal

with things immediately, and then to review the entire Citizenship Act concurrently with bringing in some new legislation that, as Mr. Chapman said, is compliant with the Canadian Charter of Rights and Freedoms.

I'm wondering if this two-pronged approach is something the people here would be in favour of.

Mr. Joe Taylor: What I think needs to happen is the politicians need to get a grip on CIC, because CIC is out of control. It does what it wants to do. It has been doing that for years, and it doesn't comply with the law. There are things wrong with the law, but the things that CIC do wrong are far worse.

Mr. Don Chapman: One of the things I wanted to touch on with Barbara is that she said her pension is not necessarily protected, that there are questions on your pension.

It's very simple. When you go through the citizenship ceremonies that very few Canadians have ever done, rule number 5 is that Canadians not tolerate injustices. This is an injustice. And we go back to Martin Luther King, who said two things: a right delayed is a right denied; then he said that at times you do things not because of politics or because of money, you do them because they're right.

You said a two-pronged approach, yes, it has to be done that way. Why? Because if we go back and debate a new citizenship act forever, it's going to—We have to correct this now.

I applaud the minister for doing her best now. At least it's a start; it's better than ignoring the problem. But we have to get a legislative solution here and we have to do a new citizenship act and everybody will agree to that.

● (1315)

Mr. Bill Janzen: I would generally agree with the idea of trying to do a few things immediately and address other things further on.

The Chair: Thank you.

Did you have your hand up, Ms. Eden? Go ahead.

Ms. Christine Eden: I've heard from many people who've often wondered why we have Citizenship and Immigration as one department instead of having two, because it seems to be overwhelming for them. You're asking them to deal with two jobs.

The Chair: Okay.

Thank you very much, Mr. Wilson.

I want to thank the various witnesses who have come here today to meet with us. Of course we have ample evidence that we do indeed have a problem that needs to be dealt with. When the hearings are completed, we will be making recommendations to government to deal with the problem.

I think, Mr. Donaldson, you have a comment.

Mr. Rod Donaldson: I will leave you all with a thought for your drive home tonight. You've gone through life, as I have, thinking you were a Canadian. One day I was told I wasn't. For all of you sitting in the room, when you're on your way home tonight, think of how much your life would change and how you would feel emotionally if, through no fault of your own, you found out all of a sudden you weren't a Canadian.

The Chair: Thank you.

Before we go in camera, I believe Mr. Telegdi has a motion he wishes to put before the committee.

Hon. Andrew Telegdi: Yes, Mr. Chairman.

We're studying refugee issues and the Immigration and Refugee Board, and it has just come to my attention that Jean-Guy Fleury, the chair of the Immigration and Refugee Board, has resigned, effective March 15.

My understanding is that the reason he has resigned is that the wait times are going up and the backlogs are growing. I think we, as a committee, should have him before us this Thursday, because then he'll still be an employee of the board. If we don't do it this Thursday, then by the time we come back he will not be an employee of the board any more. So I'd like to have him here.

The Chair: Are you making a motion to that effect, Mr. Telegdi?

Hon. Andrew Telegdi: I am.

The Chair: Okay. You require 48 hours' notice, of course, for a motion. That's notice of motion you're giving us right now.

Okay, is there discussion on this?

Hon. Andrew Telegdi: You're going to discussion?

The Chair: We're asking for discussion on it.

Yes, Madame Faillie.

[Translation]

Ms. Meili Faillie: I understand that 48 hours' notice is required. We have just put in the motion on our agenda.

However, the point just made by Mr. Telegdi, namely that Mr. Fleury will no longer be a government employee as of March 15, creates a problem, since we will be returning on March 19. Consequently, I think we might possibly be able to question him this Thursday.

Moreover, when Minister Solberg testified about the shortage of IRB commissioners, I did stress at the time the importance of having an action plan in place. We were promised a copy of one, but have yet to receive it. I believe the report was supposed to be disclosed to the committee. Therefore, would it be possible to have that information this Thursday as well?

[English]

The Chair: Let's deal with Mr. Telegdi's motion first. We would require unanimous consent in order to waive the 48 hours' notice and get Mr. Fleury in here.

I will go to Mr. Siksay on this right now.

Mr. Bill Siksay: Chair, I think it's very important to have Mr. Fleury come to the committee this week, if possible. But I'd like to ask that that be added as an extra meeting on Thursday, because I would like us to continue our work on the report on the conditions of detention at Kingston immigration holding centre.

• (1320)

The Chair: Witnesses may leave at any time, if they wish. Maybe we'll give witnesses a chance to leave.

Thank you very much.

Ms. Sheila Walshe: Thank you very much, all of you.

The Chair: Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, I am sure this is a very important motion that my colleague Mr. Telegdi is putting on the floor. I think we can go beyond the partisan level here, and members should see that it is very important for us to address it, as we have been working on this report for a long time, and we want to hear from him. Certainly, somebody who does not support it will be very partisan, and it will show the mean streak of the government.

The Chair: Does Mr. Telegdi have unanimous consent to waive the 48-hour notice for his motion?

Mr. Rahim Jaffer: Mr. Chair, could you repeat the wording announced?

The Chair: Mr. Telegdi has put a motion on the floor to bring in Mr. Fleury to our next meeting, but that motion would require unanimous consent to waive the 48-hour notice of motion. You can't bring a motion before the committee to have it done right away; it's a notice of motion, so that would require unanimous consent of the committee to waive that requirement of 48 hours.

Does Mr. Telegdi have unanimous consent?

Hon. Andrew Telegdi: A recorded vote, please.

The Chair: A recorded vote.

(Motion negated) [See *Minutes of Proceedings*]

The Chair: We will now go in camera.

Hon. Andrew Telegdi: Mr. Chair, was that a recorded vote? I asked for a recorded vote.

The Chair: Oh—a recorded vote.

Hon. Andrew Telegdi: Everybody here voted yes, and everybody over there voted no.

The Chair: Yes—they voted no.

We'll go in camera. I ask committee members to remain.

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

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