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Mr. Norman Doyle

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• (1100)

[English]

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

I want to welcome you to our committee meeting, as we continue our meetings on the study of the loss of Canadian citizenship, 1947, 1977, and 2007.

Today we want to welcome two panels to our committee. The first panel will present between 11 a.m. and 12:10. Our second panel will be heard from 12:10 until 1:20, after which we will go to committee business from 1:20 until 1:30.

Since we have so many witnesses, and I'm sure committee members want to interact with the witnesses we have here today, I would ask you not to feel restricted but to be as brief as you can in your opening statements. Each panel has about one hour and ten minutes. As I said, committee members will, I'm sure, want to ask questions.

I want to welcome today our first panel: Ms. Marlene Jennings, member of Parliament, House of Commons; Don Chapman, Lost Canadians Organization; Gail Forrest, Lost Children of Canada; and representing the Mennonite Central Committee of Canada, Mr. Johan Teichroeb. It's good to have you here.

I will pass it back to you, however you wish to proceed with your opening comments. Ms. Jennings has indicated that she might have to leave a little bit early because of a previous commitment in the House, so I will go immediately to her.

Ms. Jennings.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you, Chair.

I would like to thank each and every member of this committee for having allowed me to come and appear before you and explain a little bit about my personal experience with the first Citizenship Act that Canada enacted after the Second World War.

[Translation]

I was born in Canada, and I have lived here ever since my birth on November 10, 1951. My father was a U.S. citizen. He came to Canada during the Second World War to work on the trains. My mother was a Canadian citizen, born in Canada, in Manitoba.

A few years ago, a private member's bill dealing with the "lost" Canadians issue was tabled. At the time, the Liberal Party of Canada formed the government. Although our policy was for members to

have a free vote on private members' bills, it was recommended to us in caucus to vote against the bill. I had a brief discussion with Mr. Chapman back then. At any rate, I voted against the bill.

Subsequently, my citizenship came into question. Some people thought I was born in the United States to Canadian parents. I immediately corrected that impression. That gave me an opportunity to think about my citizenship. It bothered me so much that I began to do my own research. That's how I found out that Mr. Chapman and a number of other people who had lost their citizenship through no initiative or decision of their own were right when they said that the law was obsolete and paternalistic, and that it should be changed, and that those who had lost their citizenship unintentionally should have it restored retroactively.

Six weeks ago, I participated in a Webcast radio interview. My citizenship was once again questioned. It appeared that certain provisions of the act required a Canadian citizen born in Canada but of foreign parents to make a formal declaration on their permanent place of residence. Since I hadn't done that, I immediately called the 1-800 or 1-888 number.

When I asked about that, I was simply asked whether I was born in Canada, and I answered yes. Then I was asked whether I had always lived in Canada, and I answered yes. The woman then told me I was a Canadian citizen. However, she quickly changed her mind and asked me whether I had ever obtained the citizenship of another country, and I said yes. She then asked me under what circumstances that had occurred, and I told her that it was in connection with my marriage in 1974 to an Italian citizen who was a permanent resident of Canada at the time. She then told me that she didn't know whether I had lost my citizenship at that time and that she would have to check with the experts.

Unfortunately, this was a phone call during business hours. You all know what kind of work we have to do as members of Parliament. So I couldn't stay on hold. I had to call back. The same thing happened. Finally, I was asked to reveal my identity because they didn't know who I was. Then I was told that my file was quite complicated.

The person on the other end of the line asked me if it was okay with me for them to send an e-mail with all the information to the Nova Scotia office so that real experts could study the case. Subsequently, I received a telephone call from the Registrar of Citizenship. He asked me several questions. He said he thought I was a Canadian citizen, but that since the act was very complicated, he would have to check everything to do with my obtaining Italian citizenship through my marriage in order to verify whether or not I lost my Canadian citizenship at that time.

• (1105)

[English]

Secondly, if you didn't lose your citizenship then, whether you lost your citizenship when you applied for an Italian passport—and please get me the exact date of that. At that point there were serious doubts as to whether or not I was a citizen. When you have the registrar of citizenship saying, “I think you're a citizen, but I have to go back and study the law”—he's the expert—that shows you how complicated this law was and is.

At that point, I realized that if I were told I was not a citizen, then I was no longer a member of Parliament, because a precondition to be qualified or admissible as a candidate for election to Parliament is that you are a Canadian citizen. I immediately made an appointment with the Clerk of the House in order to sit down and say that I was questioning the propriety of my continuing to sit in the House, to take part in debates, and to be in committee. I had an appointment to see her on the afternoon of February 22. That same day I received a call from the registrar informing me that subsequent to all of his research, I was a Canadian citizen and had always been a Canadian citizen. I asked him to provide me with it in writing, because after the experience that I had lived, and only over a short period of time, I didn't want anyone in the future to put my citizenship in doubt. I'd be more than happy to provide a copy of this to the members of the committee.

The reason I asked to be here, which I did before I was confirmed as a Canadian citizen, was to share my experience with you. As a result of my going public about the doubts as to my own citizenship, I've received calls and e-mails from many Canadians across the country saying that their situation is similar and they are now having doubts as to their citizenship. They're afraid to call the hotline in case they are told they are not a citizen. I felt it was important for me to go forward. I have siblings who are in the process of doing their verification with Citizenship Canada as to whether or not they are still Canadian citizens. They were all born in Canada but some of them have lived in the United States for a number of years.

I will end with one last point. Mr. Chapman and I have had many discussions over the last weeks and months. He is suggesting a series of amendments to the legislation that would provide citizenship retroactively to every Canadian who lost their citizenship through no act of their own. I've had an opportunity to review it, and I support it wholeheartedly and I hope the committee will as well.

Thank you.

• (1110)

The Chair: Thank you, Ms. Jennings.

We'll go to Mr. Teichroeb.

Mr. Johan Teichroeb (Member, Private Citizen Leamington (Ontario), Mennonite Central Committee Canada): Thank you, Chairman.

It's nice to have the privilege to come and tell my story.

I was born in Mexico in February of 1980. My parents moved to Manitoba when I was six months old. They applied for citizenship for me, and I received it on November 6, 1980. I grew up in Canada. I went to school here. I joined the workforce when I was 16 years old, and became a truck driver. It was always my dream to become a truck driver.

Then I heard that I was in the category to renew my citizenship before I was 28, so I did that. I sent in the application late in 2002. One year later, I received a letter stating that I had never been a Canadian and I could not retain my citizenship because my grandfather was born out of wedlock.

That was shocking for me. I've always been in Canada. For over 20 years I've been here. I got married here. I have two Canadian-born kids here....

Excuse me.

The Chair: Take your time.

Mr. Johan Teichroeb: It was just hard to believe. They were telling me I wasn't a Canadian.

I decided to go to a law firm in Windsor to see if they could help me with anything. I paid good money and everything else. He translated all the marriage certificates from Spanish to, of course, Canadian, and then I never heard back from him. Meanwhile I lost my job. I couldn't cross the border, and the company couldn't supply me with Canadian runs, so I was out of a job.

That's when I found Mr. Bill Janzen, from the Mennonite Central Committee. He of course wanted to help me with it, and we've been working on it since.

The only thing is that because of everything, I lost a lot, all due to the fact that there was a marriage certificate made 75 years ago stating that my grandfather was born out of wedlock. He was not technically born....

• (1115)

The Chair: We're not in any great rush. Take your time, and proceed when you feel comfortable.

Mr. Johan Teichroeb: Because of all this, I lost everything, including the house. I was down to renting a house. Money-wise, I was borrowing money to buy groceries for the kids. I couldn't see how this could keep going. My wife was depressed about it, and started taking antidepressants. There was no news of getting anything back.

So I went from job to job, trying to support the family, trying to keep everything I had. My father owned a construction company, and he offered me a job. He had an opening, so I started working for him. A year later, I'm still here, trying to pay off what I borrowed four years ago.

What I have to say is that this should never have happened. I was in Canada, and for something like a marriage certificate.... I mean, they had a marriage in church, not a civil marriage. That was what was keeping me from my citizenship. I couldn't see that.

The law said that because I was born after February 1977, I had to retain my citizenship before I was 28. But the thing is that if I had been born three years earlier, I would have never had a problem. Everything would have been fine. If I had never sent my application in, would you have found the problem back then?

Another thing is that it's been four years they worked with it. But then, all of a sudden, when we started publishing this in the paper, I had it—in a matter of four weeks. I received it on February 28, 2007. I'm grateful for it, but everything that has happened has cost me dearly. Four weeks ago, Mr. Bill Janzen gave you the rest of the story in his submission.

I would just be grateful if nobody else had to go through what I did.

Thank you.

The Chair: It's an unbelievable story, and I can see why you're emotional about it. Thank you very much.

Mr. Chapman.

Mr. Don Chapman (Lost Canadian Organization): Mr. Doyle, I'll speak after these two, but I do want to make a comment. I feel kind of like the movie *Erin Brockovich*. I've been all over the world and have looked at the eyes of the victims of this law.

I mentioned the last time I was here about being an airline pilot. The only thing I can think of is if I had a fire on my airplane, kind of like Swissair did, going into Halifax, this is not a time to take years to discuss a solution. We know we have a problem; we need to come up with the solution right now.

Unfortunately, Mr. Teichroeb's situation is not that unfamiliar. I've been going at this for over 30 years.

I would now like to turn to people who have defended this country, their families, my father—but not like Gail sitting next to me. I want you to hear her story and how much her family has done to defend the rights of Canadians today. It's time for this committee and Parliament to now defend her rights of Canadian citizenship.

Gail.

Ms. Gail E. Forrest (Lost Children of Canada): Good morning, Mr. Chair and honourable members. Thank you for inviting me here today. It is a great honour to speak to you and share my story about my struggles in trying to get my Canadian citizenship back.

Before I begin my story, I must say that my story is not as compelling and critical as the stateless Canadians like Mrs. Barbara Porteous and the 450 or more people caught in that terrible dilemma. My story is also not as critical as Joe Taylor's situation. I, like the others, take my citizenship very seriously, and it is extremely important to me.

I have listened to Don Chapman, Sheila Walshe, and Joe Taylor speak before your committee over the past months. I am here today because I was born in Canada and my mother was a World War II

war bride, but I lost my Canadian citizenship. Also, I was given a Canadian passport in 2005, which I've brought for you to see today. When we thought Bill S-2 passed, I answered every question on the passport form honestly and was given assistance with the forms by a member of Parliament's secretary, who also coincidentally fell under the lost Canadian category.

In 1948 I was born in Grace Hospital in Vancouver, Canada, to parents who both believed they were Canadian citizens. I am the daughter of a Royal Canadian Air Force hero from World War II who brought his bride from England to live in his beloved country, Canada. My mother came to join my father in Canada from England on the *Georgic* ship on July 15, 1946. My father was returned to Canada the previous year, 1945, after serving in the RCAF. Both my mother and grandmother were world war brides, my grandmother from World War I and my mother from World War II.

After the war, my father returned to university and graduated in 1948 from the University of British Columbia in Vancouver, and he became an accountant, like his father before him. My grandfather was an accountant for the Canadian railway. After my father graduated from UBC and became an accountant in Canada, my father had to travel a lot doing audits for various companies. He remained an accountant throughout his life, was once a partner with Price Waterhouse, and eventually owned his own firm.

In 1951 my parents left Canada to go to the United States for employment reasons, not because they didn't want to remain in Canada. We left all our family in Canada when we moved to the States, as we had no family at that time in the United States. I have a large family in Canada, consisting of 11 first cousins and numerous aunts and uncles, although sadly several have passed away.

My family in Canada goes back to my great-grandfather, who brought his family to Canada from Scotland and built homes in the Vancouver area. My aunts, uncles, and cousins were born in Canada, but who knows who is Canadian in our family, after all I heard recently from the hearings on Canadian citizenship? Now I wonder whether my father, let alone my mother, was a Canadian citizen. Because my parents took me to another country, I automatically, as a child, lost my Canadian citizenship due to Canada's citizenship law at the time.

I am very proud of my Canadian roots. I have a Canadian flag that I fly outside my home. I have loved visiting my large family in Canada over the years.

About 35 years ago I tried to get information about how to get my Canadian citizen certificate, while I still believed I was Canadian. When I discovered I was not a Canadian citizen, again I worked very hard for years trying to get back my Canadian citizenship. Fortunately, two or three years ago I wrote about my situation on a Canadian citizenship chat board. Mr. Don Chapman heard about me and contacted me. I was thrilled to hear from Don, as I had someone I could share my story with about the loss of my Canadian citizenship. Before that, I felt I was alone in my struggles, fighting the Canadian bureaucracy.

When I say “fighting the bureaucracy”, I mean that each time I contacted the Canadian citizenship offices in Canada or an embassy or a consulate in the U.S., I was told many different stories about my status.

• (1120)

Your citizenship offices did not know or understand my status. Some of the offices told me that if you were born in Canada you were a Canadian citizen, period. Family, friends, and strangers I meet can't believe that I and so many others do not have Canadian citizenship when I tell them my story. For many, many years I believed I was Canadian, only to discover that I was stripped of my Canadian citizenship against my will and against my knowledge.

In researching to prepare for this meeting today, I found letters, photographs, and memorabilia that my parents saved over their 50-year marriage. I discovered a lot of information about my family. In coming here today, I had to decide just how much documentation and photographs I would bring to the committee.

My parents wrote to one another every day from the day they met in England, and even years later if they were apart, while my father was working or my mother took me back to Canada to visit family. I have hundreds of letters they wrote to one another. The letters, photographs, and memorabilia tell quite the history during and after the war.

Although my appearance today is about me and my loss of Canadian citizenship, it begins with my parents and their marriage in London in 1942, which lasted 50 years, until my mother sadly passed away in 1992. My father passed away in 1999. My father died before he could see me become a Canadian citizen again. My parents are missed very much by their family.

I am telling you the information about my parents because I believe it is wrong that my father fought for this country and made an enormous contribution to the safety and well-being of all who have come after—war heroes like my father. My mother was a World War II war bride. I was born in Canada, and yet I have had such difficulty obtaining my Canadian citizenship. I am sure my father would be disappointed with the Canadian government for the way they are treating his daughter after what he did for Canada. My father served proudly for this country.

As I stated, I am the daughter of a World War II Canadian war hero who served in the Royal Canadian Air Force as a pilot and then as a navigator specializing in radar. I brought with me today photographs of my father personally receiving the DFC from King George VI. He received the DFC twice, once in 1944 and again in 1945. I also brought many of the newspaper clippings that were

published in Canada and England about my father's distinguished flying career. My father received other decorations for his service to the RCAF.

I could have filled a suitcase with many of the original items saved about my father over the years he served in the RCAF, but I thought the committee did not have the time or interest in seeing them all and I did not want to risk losing them. I did not bring the numerous letters sent from the Canadian and British governments for his heroism during World War II. I did bring my original, small Canadian birth certificate, a copy of my original birth certificate from 1948, and my Canadian passport, which was issued to me while I was in Canada for Canada Day in 2005. I received my passport when Bill S-2 was introduced by MP John Reynolds and received royal assent. I thought I was finally a Canadian citizen again. The passport office also believed I was a Canadian citizen, and that is why I was issued a Canadian passport. This is just another example of how one department does not know what the other department is doing.

I also brought copies of my mother's and father's U.S. certificate of naturalization documents, issued in May of 1957, and a copy of my U.S. certificate of citizenship that I received in 1973. I must say that I was very reluctant to get the U.S. certificate of citizenship in 1973, when I was 25 years old, as I wanted to believe that I was still a Canadian citizen.

Growing up, my parents always told me that when I turned 21, I could choose either Canadian or U.S. citizenship, which was their understanding of the law at that time. I felt strongly that I did not want to give up my Canadian citizenship.

• (1125)

Today I've brought my parents' original expired Canadian passports—my mother's, issued in 1946, and my father's original Canadian passport, which was issued in 1951. Of note is the national status shown in my parents' Canadian passports. My father's states: “Canadian citizen under Section 9-1-b of the Canadian Citizenship Act”. And my mother's states: “British subject by birth. Wife of a British subject.”

I also brought a copy of a letter written by my mother to my father in January of 1951 while my father was away working as an accountant in Alberta.

• (1130)

The Chair: I'm just wondering how much more you might have, because we're into about 11 minutes. I think our committee members might have some comments, but I am reluctant to interrupt. I know it's important to you that you get every single word in, but what about if we went for another minute and a half or two minutes, which will bring you to about 12 or 13 minutes?

As I said, I'm reluctant to interrupt you, so maybe if you can go for a couple more minutes, we can start on Mr. Chapman then.

Ms. Gail E. Forrest: Okay.

If you think I have gone through all of this over the last 35 years to take advantage of any government services in Canada, you are very wrong. I have skills I could contribute to the economy if I choose to return to Canada after you grant me my citizenship. Presently I am a notary public in the State of California, working exclusively in the real estate and mortgage field. Previously, I owned my own business for 13 years, specializing in assistive computer technology for people with disabilities.

Before I finish my presentation and leave Parliament today, I would like the name of the person I can send my citizenship application and all my documentation to, to start the process to get back my Canadian citizenship. I don't want to send papers in, originals and copies, as well as the payment only to wait 18 months or two years to either receive my citizenship or be told yet again that I don't qualify.

I have listened to and read statements from the Honourable Diane Finlay. I understand that it is still taking people in our group 18 months to two years.

I'll just wrap it up.

I want to thank Mr. Don Chapman, Mr. Andrew Telegdi, and all the others who are working so hard, for their valiant efforts to correct this terrible injustice.

I also want to tell you that the 888-242-2100 call centre hotline for Citizenship and Immigration Canada that was given to help answer questions cannot be reached outside of Canada.

Thank you again for the opportunity to speak with you today. I could have given you many more details about the frustrations in contacting the different departments in Canada, as well as embassies and consulates.

The Chair: Thank you.

We always have time constraints, especially when you have so many people presenting. But thank you. That was very interesting.

Mr. Chapman, please.

Mr. Don Chapman: Thank you.

I'll start with a Jimmy Stewart quote. I always liked the show *Mr. Smith Goes to Washington*, in which he says, "You're not going to have a country that can make these kinds of rules work if you haven't learned to tell human rights from a punch in the nose".

Ms. Jennings made a comment. She said the laws are so very complicated that even the head people can't figure them out. Fortunately, the solution is really simple. It really is something that anybody could do, so we should be able to wrap this up really quickly behind the scenes.

Mr. Teichroeb made a comment about his children. We are going to have somebody testifying from a Canadian NGO for the United Nations, and she's saying one of the factors that people haven't really considered here is what it does to the children, and it's Canada's right to protect the children. Am I right? Look at your children. We've had people uprooted. The children of Magali Castro-Gyr, who was here the other day, had to get up and leave the country. It's a complete

violation of the Convention on the Rights of the Child, which Canada sponsored in the United Nations.

Another thing I found interesting is this. If we take the last couple of weeks, when we all had some time off, I too decided to contact the call centre, but I couldn't do it from my home in Phoenix, Arizona, so I had to get patched through, and finally I made it. I called to ask some very specific questions about my citizenship and my sister's citizenship. Now, here are families and family reunification in Canada; we're all supposed to have the right to bring our families. Well, my sister and my brother are Canadians, and I'm not—same family, same parents. How do we do this?

They gave me all the wrong answers. I happen to know the right answers. The gentleman I was talking to absolutely said my sister is not Canadian and there's no use even applying for her. What he didn't realize is that my sister is Canadian but Canada denied her citizenship for 43 years. Here he's telling me, "Don't even bother applying", and she's Canadian. The information is completely false.

I also found another thing that happened in the last two weeks interesting, and that's the child who was born in Canada to Iranian parents. He was taken down to the States, and the family was in a detention centre. Finally, the government here in Canada said, we have to bring that child, who was born in Canada, back to Canada—it's a Canadian child—and we have to bring the parents with him; that's only fair.

Think about this from my eyes—and I'm making no judgment as to whether Canada did anything wrong here. My comment is in relation to the lost Canadians.

I won in Bill S-2. I have the right to get my citizenship, although it could take a couple of years for me to get it. But I cannot bring my children. So now we have the situation of the Iranian child in reverse. How can Canada make the argument that we have to bring those parents because that's human rights and that's fair? Okay, I buy that argument, but if we're going to use that argument, we have to use it with me. Do I leave my minor-age child behind, and my mother? I think Canada is better than that.

In the last few weeks we also had the Hislop decision, a unanimous Supreme Court decision, again citing the Benner case, which was a unanimous Supreme Court decision on the 1947 Citizenship Act, saying that there was blatant discrimination involved in this. So we know it's there.

Finally, let me wrap up. Last September, I think it was, Canada gave citizenship to a gentleman and said we are giving you honorary citizenship because of all the wonderful things that you do, and your fairness and your compassion and your human rights. It was the Dalai Lama. And this last week there was an article in *The Globe and Mail* that said the dream shall never die. For all of us on this committee, for all people who have been stripped of their Canadian citizenship, the dream of being Canadian in this wonderful country will never die—just like the Dalai Lama.

I'm going to read it twice. He's saying:

I also express my deep admiration to the Tibetans...who, against all odds, have made efforts to preserve the Tibetan identity.... I am confident that they will continue to strive for our common cause with renewed dedication and commitment. I urge all Tibetans in and outside Tibet to work unitedly for a secure future based on equality....

That's how one of your newest citizens, the Dalai Lama, said it, and with great admiration from all the Canadian people.

Now I'm going to give it a Canadian twist for the committee: I express my deep admiration to the Canadians who, against all odds, have made efforts to preserve Canadian identity. I am confident that they will continue to strive for our common cause with renewed dedication and commitment. I urge all Canadians, in and outside Canada, to work in unity for a secure future based on equality.

I think that says it best. It's time for the committee to do its work. Let's fix this law.

•(1135)

Thank you.

The Chair: Thank you, Mr. Chapman.

I want to thank all of you. You've made some very compelling arguments to have this fixed.

We will now go to our committee members. I will go first of all to Mr. Karygiannis.

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): Thank you.

Certainly I can understand your frustration and your bewilderment. I spent at least three days calling the minister's office as well as the 1-800 number trying to get answers on my daughter. The letter we got from the minister said that some children born to Canadians outside of Canada after 1977 could lose their citizenship. I do have a 24-year-old who was born outside this country, and certainly that panicked me.

I have a question for Mrs. Jennings and then I'm going to focus on Mr. Chapman.

Mrs. Jennings, I'm reading your letter and I want to ask you just a couple of questions.

You were married to a citizen of Italy in 1974 and you acquired citizenship in Italy in 1977.

Hon. Marlene Jennings: No, I acquired citizenship in Italy on the day of my marriage to my husband on June 18, 1974. Under the Italian citizenship act at the time, any foreign citizen who married an Italian citizen automatically gained citizenship. So according to the Italian law, my citizenship in Italy dates from the date of my marriage.

On January 17, 1977, I applied for an Italian passport.

Hon. Jim Karygiannis: And you got one.

Hon. Marlene Jennings: Yes.

Hon. Jim Karygiannis: Have you checked to see if Italy allows dual citizenship?

•(1140)

Hon. Marlene Jennings: It does.

Hon. Jim Karygiannis: Was it four years ago that it didn't?

Hon. Marlene Jennings: No. My husband lost his Italian citizenship in the 1980s when he became a Canadian citizen. At that time, Italian law did not allow for dual citizenship—someone taking out automatic citizenship.

Hon. Jim Karygiannis: How did that affect you?

Hon. Marlene Jennings: It did not. In fact, when we were having Sunday lunch at my mother-in-law's, we would actually joke. When we began discussing Italian politics, soccer, or whatever, and my husband got involved in it, we would say, "You don't have a right to speak because you're not an Italian citizen."

Hon. Jim Karygiannis: He, who was an Italian citizen, lost it; but you, who acquired it, did not lose it.

Hon. Marlene Jennings: Exactly.

Hon. Jim Karygiannis: That's strange.

Mr. Chapman, you said you had a solution, and I'm sure you have it written somewhere. Can you read it on the record for us, please?

Mr. Don Chapman: Yes. Speaking of being on the record, there is something I would like to ask this committee to do. Citizenship and Immigration, I heard from Diane Finley's office, where they made the statement—

Hon. Jim Karygiannis: Mr. Chapman, I'd like you to please read it on the record.

Mr. Don Chapman: Okay. It would be adding four sections to the current Citizenship Act.

Section 3.1.1: Any individual who has been deemed to have ceased to be a Canadian citizen by any other reason other than by revocation of citizenship or by formal application to the Canadian government to renounce their Canadian citizenship, or by failing to retain under section 8 of the citizenship act, is deemed to be a Canadian citizen retroactive to their date of birth, or to the date of their naturalization as the case may be.

Section 3.1.2: Any individual who by virtue of their birth out of wedlock and / or who by virtue of the expiration of the transitional clause under section 3.1.E were denied their claim to Canadian citizenship is deemed to be a Canadian citizen retroactive to their date of birth.

Section 3.1.3: For individuals considered as Canadian citizens as a result of subsection 3.1.1 or 3.1.2, their children – including adopted children – shall be considered Canadian citizens under section 3 of the citizenship act.

Section 3.1.4: Any individual who ceased to be a Canadian citizen as a result of section 8 and who can establish that they were residing in Canada at the time of such loss or who had a substantial connection to Canada is deemed to have not ceased to be a Canadian citizen.

Hon. Jim Karygiannis: Mr. Chair, on a point of order, I would like to ask for unanimous consent of this committee that we unanimously pass this motion and ask the minister to move quickly. I'm sure Mr. Komarnicki and other members of this committee would want to take a couple of minutes to reflect on this. If not, I seek unanimous consent that we—

The Chair: You can't present a motion in a point of order. Nothing has been presented to the committee as a notice of motion, so I think I'd have to rule that out of order.

Hon. Jim Karygiannis: I'd like to challenge the chair on this issue. I think I can ask for unanimous consent, and you're denying it—

The Chair: No, no, you can't ask for unanimous consent; you can't propose a motion in a point of order. That's clear in the rules of order.

Hon. Jim Karygiannis: Fine. Then let me rephrase this.

Mr. Chair, I would like to seek unanimous consent that what Mr. Chapman brought forward can be a motion to go forward to the minister for her to adopt, so that we can put an end to the ordeal these people are facing.

The Chair: Any discussion?

It's highly unusual to do this at this point in the proceedings.

Does he have unanimous consent, first of all?

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): No.

The Chair: Unanimous consent is not there. Let's proceed with the line of questioning.

You have one minute and ten seconds....

Yes.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): On a point of order, I didn't think Mr. Chapman was finished.

The Chair: He isn't.

Mr. Don Chapman: In fairness, I think the committee needs to discuss this. Take a word like "deemed". Maybe somebody doesn't want their citizenship. You don't want to deem it to somebody who doesn't want it. And in fairness, some refining could probably take place in this amendment before granting it. The wording has to be right.

There's one thing I do want to mention with regard to Ms. Finley appearing here a couple of weeks ago. They testified on the lost provisions of ages 24 and 28, that they had advertised and really done a lot to inform people. As it turns out, I think they sent a letter to the committee saying, no, I guess this did not take place.

When judges make decisions they go back into the committee Hansard and read the record of what the committee was talking about, so it would be nice if somebody from that department came back here and corrected it on the record that they in fact did not do due diligence to notify people of the lost provisions.

• (1145)

Hon. Jim Karygiannis: Perhaps I can take my last 15 seconds, Mr. Chair.

Mr. Chapman, I even got a personal letter from the deputy minister on how apologetic he was about misleading this committee as to what he had done and what he hadn't done.

It's very unfortunate that members of this committee did not give unanimous consent to your wording, very unfortunate, but I'm sure we'll have another chance to proceed on this.

Thank you.

The Chair: Thank you.

We'll now go to Madame Faille.

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): I'm going to be sharing my time with Mr. Gravel.

First and foremost, I agree with what Mr. Chapman said. I think the people from the department should come back before the committee. When I asked what efforts had been made to tell people about how to keep their citizenship and how they might lose it, we were told that information had been published in the newspapers and that the information was available. But that's not the case; I received a letter confirming that. It's a shame.

There's one thing I'd like to know, Ms. Jennings. When you found out you might have lost your citizenship, did that concern you as a citizen? When you got married, were you concerned about the potential loss of your citizenship? Did it ever occur to you that you might lose your citizenship?

The people now coming to our offices tell us they had no awareness of the act and its consequences. As a citizen, how did you feel then? Was any information available? Was information on citizenship...?

Hon. Marlene Jennings: I was raised to be very proud to be a Canadian citizen. Because my father was a U.S. citizen, I was entitled to live in the United States. I could even have confirmed my U.S. citizenship, but I didn't do that, because among other things the U.S. Citizenship Act did not allow for dual citizenship. People who wanted to get U.S. citizenship had to renounce their original citizenship.

In my mind, I just couldn't believe that marrying a foreign national could call into question my own citizenship. My mother was born in Canada and married a U.S. citizen. Between 1920 and 1960, several people in Montreal's English-speaking black community were born of parents with U.S. citizenship. These people were born in Canada and have always lived in Canada.

Initially, the officials were saying that since I was born in Canada and had always lived here, I had Canadian citizenship. Then, as if a light bulb went on, they asked me whether I had obtained the citizenship of another country since my birth. I explained my situation to them, and they told me it was okay. Then, they told me they had some doubts and they would have to check with the experts. Each time, I was told everything was in order. Then, I was asked whether I had ever obtained a passport from another country.

Ms. Meili Faille: You only recently began wondering about your citizenship.

Hon. Marlene Jennings: Yes.

Ms. Meili Faille : When all of this happened...

Hon. Marlene Jennings: I never had any reason to doubt my citizenship, not even when I learned in school how our system of government worked, who is a Canadian citizen and who isn't. When I studied law at UQAM, I even took a course on immigration and citizenship. But I never had any doubts about my own citizenship.

Today, there are members of my family who obtained U. S. citizenship and are afraid they are going to find out that they have lost their Canadian citizenship. They got the certificate Ms. Forrest referred to.

• (1150)

Ms. Meili Faille: The bottom line is that based on the testimony we have heard in the last few weeks in committee and in our offices, people had absolutely no idea their citizenship was in jeopardy.

Hon. Marlene Jennings: Exactly.

Ms. Meili Faille: I'm going to ask Mr. Gravel to continue.

Mr. Raymond Gravel (Repentigny, BQ): I would like to make a comment.

I'm a new member of the committee and I feel that what we are currently experiencing is absolutely absurd. It is almost unspeakable. I am thinking of cases like Mr. Teichroeb's. I find it dreadful. I do not understand how the act prevails even if it is obsolete and completely archaic, nor that we enforce it blindly, without taking into account the human reality that is hidden behind all that.

I do not know how much this entire process has cost Mr. Teichroeb. He lost his job and his house. We should reimburse this man, and do something for all those who find themselves in the same situation. It is unbelievable to realize that the act is like the word of God and that we kneel down before it. I think that legislation is there to be at the service of humans, and not the other way around. That is the way things should work.

Since becoming a member of the committee, I have listened to the testimony and it shocks me to see that in Canada, laws are enforced so blindly. Not all people in your situation are being given their citizenship.

How much is this costing people and the government, in total? It seems to me that we could solve this problem so easily.

[*English*]

Mr. Don Chapman: Joe Volpe, when he was Minister of Citizenship and Immigration, came to me and said, "My mother was stripped of her Canadian identity under this same law." He was Minister of Citizenship and Immigration; it was his mother.

You're right, the entire purpose of a government is to protect their citizens and to make life better for their citizens. I fully agree.

The Chair: I want to thank you, Ms. Jennings, for appearing before the committee. I realize you have to leave a little bit early, so thank you for your appearance here today.

Have you finished your answer, Mr. Chapman?

Mr. Don Chapman: Yes.

The Chair: Thank you.

Mr. Siksay, please.

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

I want to thank all of you for appearing today, Mr. Teichroeb in particular, because I suspect this isn't the kind of thing you do very often, and I appreciate your coming today to do that. I know how hard it is, especially with the reason given that somehow a relative of

yours was born out of wedlock and that that somehow affects your status. Talk about archaic reasons for making such a terrible judgment on somebody today. We need to fix this, and quickly, given especially the terrible consequences this has had for you in particular.

Mr. Chapman, I appreciate that you've given us a very specific proposal to look at, and I hope we can get that in writing. We do need to discuss it. As you had agreed, it merits some discussion and fine-tuning.

One of the things you talked about in that suggestion was people who could prove a substantive connection to Canada. How would you understand that as being defined or working out in the law?

Mr. Don Chapman: Actually, I couldn't be the authority for that.

We have somebody right behind me who might be able to answer that better. That is Mark Davidson, and maybe you people.

I don't know. I'm not a person who would know the definition of that. Personally, I'm the guy who does it on a gut feeling. Gail Forrest might have spent a lot of her life outside of Canada, but I can certainly see a Canadian when I...

• (1155)

Mr. Bill Siksay: Given that, it strikes me that the proposals are pretty complex proposals in their own right. Is there an even simpler solution to dealing with this?

Mr. Don Chapman: I don't know. Again, I'm not a lawyer.

Mr. Bill Siksay: Do we need to talk about some kind of citizenship amnesty that establishes very basic criteria for Canadian citizenship—

Mr. Don Chapman: That might be the answer. Again, this is something on which all the parties have to get together. Forget about being in a party first; say we are Canadians first, and fix this thing.

Mr. Bill Siksay: It worries me, because we hear constantly that people get wrong information from the people who are interpreting or administering the law. I want to make sure we don't add to that circumstance by the fix we're trying to arrange. Given the number of different people and different circumstances that we've heard about, I'm beginning to wonder. If we try to address each of those situations with a particular revision of the current law, we may end up with something even more complex than what we started with. Shouldn't we be trying to find the absolutely simplest solution to doing what we intend to do?

I look forward to discussing that further, because I think it is very important.

Ms. Forrest, you didn't get to the end of your story. I'm not clear about your Canadian citizenship status. You said you had the passport in 2005, and that is the part of the story we missed when you got cut off.

Could you tell us where that's at now and what your exact status is with regard to your Canadian citizenship?

Ms. Gail E. Forrest: First of all, as I mentioned, I was born in Canada, and I'm a daughter of a World War II war bride—

Mr. Bill Siksay: I understand the background. I'm just wondering where it is now, how you got that, and what you understand your citizenship status to be now.

Ms. Gail E. Forrest: As far as I understand, I am not a Canadian citizen. I thought Bill S-2 had passed, and I had a copy of that. I went to a local MP's office and filled out a passport form. I showed them the Bill S-2 form and asked if I was a Canadian citizen now and could I apply for a passport. They said yes. The woman I was speaking with said she was also a lost Canadian and was glad to know she was no longer in that category. She called the passport office and spoke to someone in Vancouver and made the arrangements, because I was in Prince George at the time. I went down to Vancouver and handed in my papers and received a Canadian passport, which is stamped "Canadian citizen". But I don't believe I'm a Canadian citizen, because when I call—and I have tried many times to submit forms—I am told either, yes, you were born in this country, so you are a Canadian citizen, or, no, you are not a Canadian citizen and you don't qualify, as the law stands right now.

Mr. Bill Siksay: So it's just from your conversations with people over the telephone about what your citizenship status might be that leads to the question. You've got the document.

Ms. Gail E. Forrest: Yes.

Mr. Bill Siksay: You went through the process and you've got that document that shows you're a Canadian.

Ms. Gail E. Forrest: But I don't have a certificate of citizenship.

Mr. Bill Siksay: Right. Have you ever applied for proof of—

Ms. Gail E. Forrest: Yes, I did try.

Mr. Bill Siksay: And how long ago was that?

Ms. Gail E. Forrest: Oh, I tried a number of times.

Mr. Bill Siksay: Previous to getting this passport?

Ms. Gail E. Forrest: Previous to getting this. I started this process 35 years ago.

Mr. Bill Siksay: Right. I understand that.

Is this maybe an indication that something got worked out and that something is working positively?

Ms. Gail E. Forrest: No, I think this was a mistake. This is an example of one office not knowing what another office is doing.

Mr. Don Chapman: Bill, I might be able to elaborate.

No, she's not a Canadian; under the interpretation of the law, she's not.

But remember, Magali Castro-Gyr, on her third passport, ended up going to court against the Government of Canada, despite having a passport, and then they revoked it. Their answer was that having a passport isn't proof of citizenship.

But Gail did not do anything wrong. Not only was she told she is a Canadian, but the legislative assistant to the MP said.... It's incredible.

Mr. Bill Siksay: No, I understand that.

Ms. Forrest, have you lived in the States all your life?

Ms. Gail E. Forrest: I left Canada when I was a child.

Mr. Bill Siksay: When you were young.

Ms. Gail E. Forrest: Yes.

Mr. Bill Siksay: Can you just explain to me your connection to Canada, where that comes from and why this is so important to you?

It's interesting to me because you're somebody who has lived outside of the country all of your life, yet you still feel this strong connection to Canada. Can you maybe just talk a bit more about where that comes from and why you feel it so intensely?

• (1200)

Ms. Gail E. Forrest: Yes.

My parents brought me back to Canada many times. I have a large family in Canada to whom I feel a very strong connection.

I didn't finish everything I was going to say, but my father graduated from UBC, and I too wanted to attend UBC. I had a strong desire to do that in my late teens and early twenties. Then when I had two daughters and I became divorced, I thought I would like to come to Canada and attend UBC part-time, get a job full-time, and raise my children in Canada.

I was born in this country. I have many relatives here. I feel a very strong connection to this country, much more than I do to the United States. I did not want to take out U.S. citizenship, which I actually formally did not do.

The Chair: Thank you, Ms. Forrest.

Mr. Bill Siksay: Thank you.

The Chair: Mr. Komarnicki.

As you know, we have to watch the clock a little bit here. I'm trying to get one more person in here.

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): Thank you, Mr. Chair.

Certainly I appreciate you taking the time and letting us know your concerns and your specific issues. I know Ms. Jennings indicated she had some difficulty with the complexities of the law and that it needs to have some simplicity to address the situations you've raised.

But first directing my questions to Johan, you certainly have gone through quite a situation that's beyond emotional; it's tragic, really. It has cost you dearly, and I appreciate that. It certainly is something that demands a response from this committee to the minister, and I want you to know that.

Certainly in your case it seems there was an issue of you having been born to your parents when they weren't married, along with the fact that one of your parents wasn't a Canadian. The fact that one of your parents was a Canadian, it would seem in simple terms, should have entitled you to be a citizen.

Perhaps there is a way we can deal with that, but I want you to know that I certainly hear your comments and concerns. It's beyond just an emotional issue; it's one that has cost you dearly. I readily agree that it demands a response, and you don't want anyone else to go through that.

I can assure you we will take your comments seriously. I know the minister has indicated to this committee that she would like to see some unanimity coming from here. In fairness, how you address it exactly may be an issue. I think Mr. Chapman has verbally read through a series of amendments that he proposes might be made. But as always, you want to be sure you're not creating another problem somewhere, so it needs to be looked at more particularly with a view to how it might address the testimony. At least we have heard from the categories that are more or less obvious.

With respect to Ms. Forrest, I'm not so sure in your particular case whether your citizenship had something to do with you being an infant while your parents became American citizens and by virtue of what they did. But certainly it would seem that someone born in Canada shouldn't necessarily lose that, at least while they're a minor. I take that to be your basic contention, and you'd like to see something in the legislation that would say that in that instance, a minor should not—without some consent on their part when they're adults—have the citizenship taken away by virtue of what somebody else did.

Ms. Gail E. Forrest: Yes, and I did want to say there have been a number of times, as I mentioned a little bit earlier, when I wanted to move back to this country, but when I found out my status, that I didn't have Canadian citizenship, I didn't. But I would like to live in Canada.

Mr. Ed Komarnicki: I have a question I might ask you. I know you've attempted to apply for citizenship, but as you mentioned, Bill S-2 was passed more recently, and you had indicated that the efforts of John Reynolds were instrumental. Did you apply under the provision of that particular bill, Bill S-2?

Ms. Gail E. Forrest: No, I haven't since then. No, I got the passport and started to fill out the documents. Every time I called the office or contacted an embassy, I was confused as to which form I would come under, which form I should fill out.

• (1205)

Mr. Ed Komarnicki: I'm not suggesting there needs to be an application form necessarily, or a cost to it, but checking on what has happened to Bill S-2 and whether there was an application in place was my first question, and the length of the application was the next question. I found that there is an application process in place. Certainly one could apply under that section, regardless of what this committee may do, and it may resolve your problem or it may not, but there's another option under Bill S-2.

While I'm at that, I might ask Mr. Chapman this. There may be issues regarding whether or not you ought to apply, but I know you were quite instrumental—or maybe not quite instrumental, but at least involved—in the passage of Bill S-2, which resolved part of the problem, which would at least apply, I would think, to you. Have you applied under Bill S-2 to get your citizenship done?

Mr. Don Chapman: No. I had spent \$10,000 for my family to become landed immigrants, so I'm probably one of the few people in Canada who has a U.S. passport stamped “birth: Canada”, and I have a stamp that says I'm an immigrant in my own country.

Mr. Ed Komarnicki: I appreciate that Bill S-2 has not covered your spouse or your children, and that's an issue we want to look at

in terms of the amendments, but in part it did address some issues. But you'd have to go through an application process to have them—

Mr. Don Chapman: I have to go through an application process. Again, remember, for people like Gail and me, we have to put it in these terms: you can take an adopted child and process them anywhere in the world in six weeks, but you can't take my children and process them. For a Canadian-born child, it could take upwards of two years. Something seems wrong with that.

Mr. Ed Komarnicki: I appreciate that. It's an option that's out there and—

Mr. Don Chapman: It is a current option that is out there, yes.

Mr. Ed Komarnicki: But it deals with a very narrow issue, and it's certainly not in the context of what you're suggesting in this committee. I appreciate that.

Mr. Don Chapman: No, and when these amendments, in whatever form, come out, that should be done. But let us not forget that overall we need a new citizenship act that is compliant with the Charter of Rights and Freedoms, that has equality of citizenship revocation and restoration.

Thank you.

The Chair: Thank you, Mr. Chapman.

You do have one minute left if you want to pursue it.

Mr. Ed Komarnicki: I might mention that at least in a small way, in your instance, the minister did proceed with your case and actually ensured that you were able to obtain Canadian citizenship, as well as your mother, I understand. Is that correct?

Mr. Johan Teichroeb: Yes, we actually picked it up in Windsor on February 28 this year, so I'm very thankful for that.

Mr. Don Chapman: Can I make one comment? You mentioned his parents being born out of wedlock. Your parents were born in wedlock; it was the grandfather... And really, the grandfather was born in wedlock; the difference was whether it was religious or legal. So it's on the record forever, on the Hansard, on the legality side.

Mr. Ed Komarnicki: I appreciate that.

The Chair: Your time is up, Mr. Komarnicki.

We have only about two minutes left, so I'm inclined not to go to another round, but to go back to the witnesses, on behalf of the committee, to see if you have any wrap-up remarks to make, Mr. Chapman. We have only a minute or so, so there's no point in going to another round.

Mr. Don Chapman: No, we've made the comments. I'm done.

The Chair: I think Mr. Bill Janzen wants to make a one-minute comment.

Yes.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Chair, I have one simple question for Mr. Teichroeb. Can he tell us what this cost him financially, how much? I'm trying to get a dollar figure for it.

The Chair: Okay, that's a very good question. I think the committee would be curious about that. Sir, would you have any idea?

Mr. Johan Teichroeb: I have a close idea. Considering that I lost the house and I lost everything, if I were going to be where I was four years ago, today, with everything going up so far in the market, I'm pretty sure it's well over \$100,000.

The Chair: Thank you.

I don't think we have much time left, Mr. Janzen, but a very brief comment, if you will.

Mr. Bill Janzen (Director, Ottawa Office, Mennonite Central Committee Canada): Thank you.

By way of a solution, I think there could be a policy that citizenship certificates will not be declared invalid if the only reason for doing so is that an ancestor had only a church marriage and not a civil marriage.

• (1210)

The Chair: Okay.

Mr. Bill Janzen: Such certificates will not be declared invalid; people will simply be allowed to continue to hold them. That will be something like an amnesty. It would solve a lot of problems. That's a matter of policy; you don't need an amendment to the act.

The Chair: Okay, thank you.

I want to thank the various witnesses who came here today. As you know from the questioning, our committee is very anxious to find a solution. Hopefully, before too long a solution will be forthcoming. Thank you.

Now we go to our next panel. We will suspend for a minute. It says two minutes here, but I don't think we have two minutes. We'll suspend for a minute and invite our second panel to come to the table.

• (1210)

(Pause)

• (1212)

The Chair: We will come to order, please.

I want to welcome our second panel of witnesses to our committee hearing today: from the Royal Canadian Legion, Mr. Pierre Allard, director of the service bureau, Dominion Command, and Mr. Earl Kish, Dominion Vice-President; and June Francis, professor at Simon Fraser University. Thank you.

I think you know the drill we use here. You will make some opening comments and we will go to our committee for some comments to you.

Oh, I'm sorry, I left out another individual: Marian Vermeersch, Lost Canadians. I'm sorry about that. Accept my apology.

Who is going first? Okay, ladies first, so whichever lady wishes to proceed first, please feel free.

Ms. Marion Vermeersch (Lost Canadians (Child of war bride), As an Individual): Thank you for inviting me to participate in this. I just hope I can do something to help make some change so that this doesn't happen again.

My name is Marion Vermeersch. I'm from Simcoe, Norfolk County, Ontario, and I'm a child of a war bride. My dad was a dairy farm labourer residing in Norfolk County when war broke out in

1939. With the first group of volunteers...as I said to Don, I think they just dropped their pitchforks and signed up. He went overseas as a sergeant with the Canadian artillery, where he met my mom. My brother and I were both born in Sussex. Dad was injured on D-Day but went on through to the liberation and fall and earned the France and Germany Star. He was not able to marry mom until March of 1945. That was standard for a lot of people; they just didn't get permission. Then he was discharged back to Canada, with war injuries, to Sunnybrook Hospital.

The Canadian government made arrangements for my mother, my brother, and I to come to Halifax on the *Queen Mary* in May of 1946. I have information provided to her by the Department of National Defence that states we would automatically be made Canadian citizens. We went and lived—and I have lived my entire life—in Norfolk County. I grew up on a small farm. My dad farmed and worked in a bank. My mother contributed the next 55 years working on the farm and on women's institutional work, and she worked in all the elections in the polling booths. My parents believed it was a duty to vote and to participate in your community. My brother joined the Canadian navy at 16 and retired as a chief petty officer. I've worked since the age of 16, and I'm still employed today in child welfare in Norfolk. We have SIN cards, we voted, we paid all our taxes, we did jury duty, and my brother even served the country.

In 2003, my brother, now retired, was planning a trip that required a passport. He went to his passport office in CIC in Calgary, and he was shocked to be told he's not a Canadian and must apply for permanent resident status. I made several visits after that to the CIC office here in Hamilton and got the same answers. When I told them my history of life in Canada, I was told it didn't matter, and furthermore it was illegal for me to vote; they didn't understand how I could have been voting and my name should be taken off the voters' list.

I called my member of Parliament, and her office didn't even know what a war bride was. They said I would have to go through the entire immigration application. I was told I should not expect any special treatment because we have to have security in the immigration process. They offered me some forms to start the application, but I didn't take them because I believed I was already a citizen.

I began to hear of more people with the same problem, so in April of 2005 I contacted my son's member of Parliament, Mr. St. Amand, in Brantford. He was knowledgeable and understanding. He told me right away about this committee and that the committee was working on the problem and a resolution would be forthcoming.

In the meantime, Peter, my brother, and I had to apply for permanent resident cards in November 2005. After 61 years out of Britain, we've had to get British passports. I must tell you, when I called the British embassy, I said, "Is there any chance I would still be a British citizen?" They said, "Of course, you never lose that. Not a problem. We'll send you a form. Send it back in and you'll have your passport in two weeks."

When I learned that the government was going to appeal Joe Taylor's case, I again went back to the MP's office in my area to question why. Her assistant called Mr. Solberg's office and told me, "Of course, we have to appeal. The cost to make you people all citizens would be phenomenal and the government is not prepared to do that." I said, "What costs? We already are citizens. I've been here all my life."

●(1215)

I'm appalled that this country can just take people's citizenship and not tell them, or can use obscure pieces of the law that no one even knew were there to deny people their citizenship. I can't understand it.

When my son saw me off at the train in Brantford yesterday morning, he said to me, "Mom, you've got to go and speak out, because this sounds like a fascist state; those are the types of things Grandad and all the Canadian Forces fought against, and it can't be allowed to continue."

So I hope some changes are made.

The Chair: You're speaking out very well, I must say. That was very interesting. Thank you so much.

Ms. Francis, do you have a comment or some opening remarks?

Dr. June Francis (MOSAIC): I want to, of course, thank the committee for this opportunity.

Today I thought I was going to be speaking only as a board member of MOSAIC. MOSAIC is a non-profit organization in British Columbia that's dedicated to providing settlement and integration assistance to newcomers of Canada. But before I go into the MOSAIC presentation, I must say to you that I am actually quite choked, because I had always assumed that all my children were Canadian citizens. I am a very informed citizen. I keep informed. I have read the Citizenship Act. I read section 8. But it was so preposterous to me to think my daughter was not a Canadian that it did not even occur to me, even coming here today. I sat there, and suddenly the penny dropped. My daughter was born outside of Canada in 1981.

According to section 8, she needs to do something. I did not know this until this minute, and I'll tell you why I didn't know it. Because it was preposterous, in my mind. She has a citizenship card. She's adopted. She was born outside of Canada, adopted by us. I'm not even sure where she falls, but I have a suspicion that she is considered to be born outside of Canada to Canadian parents and therefore.... I'm wrong? I hope I'm wrong. But it tells you something, when I am this confused—and I think I'm informed as a Canadian—that this is happening.

Let me focus, though, on what MOSAIC would like me to say.

MOSAIC, first of all, would like to say that we obviously call on the minister to act on the words that we assumed were consensus—that in fact these cases of the lost Canadians would be remedied immediately and expeditiously. We're very clear at MOSAIC, because we deal often with people for whom this cost is real. The human cost is enormous. The psychological cost of losing your citizenship is a serious cost. It is not academic in any way, as you can see from the people present here. And so we submit; but we further

would like to say that this issue before us today is indicative and illustrative of a broader issue, and that issue is that we think the Citizenship Act should not draw distinctions between Canadians.

We believe citizens of Canada should be considered an indivisible class. There should be no two-tiered citizenship in this country. That's the point we would like to make.

We know that section 8...and as I said, I was going to speak to section 8, not realizing its implications for me. We believe the obligations may appear to be appropriate on the surface, but when you think of it, we have citizens who believe they're citizens—by the way, these are people who have often been issued cards and documents whereby they act and talk and believe they're citizens—but there's a positive obligation only on this group of people to actually do something by the age of 28. As you can see, for example, in Britain there is no such obligation, and we wonder why. We don't believe the need to do something by the age of 28 is appropriate, because we're sure there are a lot of people in this group who have no idea—and no matter what's done in terms of promotion, it seems so preposterous that they will continue to have no idea—that they have lost their citizenship.

The other point we would like to make is that we believe the only basis for involuntary loss of citizenship should be cases where citizenship has been obtained by fraudulent misrepresentation—but not just any fraud. We believe that it has to be a fact that could substantially and materially affect the consideration to grant citizenship.

●(1220)

We know of cases where fraud, in the process of.... Refugees often will make submissions to protect themselves from danger. In those cases, the fraud in and of itself does not necessarily disqualify people from being citizens of this country.

The second point here is that the loss of citizenship, being such an extremely serious consequence, should never be permitted in an involuntary way without due process, and that due process should be laid out. As you consider changes to the Citizenship Act, be mindful of the due process. People should not lose their citizenship and not know they've lost their citizenship. Also, in the process of having to take away people's citizenship in, again, the very few and the very extreme cases of fraud that are substantive, there should be a right to counsel. There should be a process, on the record, before a fair and impartial decision-maker such as a federal judge of Canada.

We believe the evidentiary burden to prove these facts should be on the crown. We believe people should have a right to some kind of appeal or judicial review. I do not think this should be an administrative thing.

The final point we want to make is that MOSAIC believes there should be a positive statement in the act itself that submits to the permanence of Canadian citizenship and the removal of different classes of citizenship. We believe that nowhere in the Citizenship Act is there a statement that Canadian citizenship is permanent and irrevocable except if renounced by the citizen—or in cases, of course, of substantial fraud.

It is imperative that the Citizenship Act affirm for all Canadians the right to permanence of citizenship, and that it treat citizens as a single class, without unnecessary distinctions and having different responsibilities. I believe a statement of permanence and equality—I keep using those two words, “permanence” and “equality”—will provide Canadians, however they came to be citizens, a solid foundation to fulfill their potential and their obligations to this great nation.

Thank you.

• (1225)

The Chair: Thank you, Ms. Francis.

Mr. Kish.

Mr. Erl Kish (Dominion Vice-President, Royal Canadian Legion): Thank you very much, Comrade Chairman.

Well, I'm very glad we let the ladies go first, because they've done the groundwork. Thank you very much.

On behalf of the dominion president, Jack Frost, I would like to thank you very much for inviting the Royal Canadian Legion to appear before you today. The issue of lost citizenship for dependants of Canadian Forces members born outside of Canada and for children of war brides is of great concern to the Legion.

At our 2006 national convention held in Calgary, we adopted a resolution that sought to recognize the original granting of Canadian citizenship to the offspring of Canadian Forces personnel born abroad. Just recently, our dominion executive council sanctioned our advocacy in support of the war brides' campaign to ensure that children born outside of the country to war brides who subsequently immigrated to Canada with their veteran husbands no longer have to pay to establish their claims to citizenship.

When is a birth certificate not a birth certificate? In simple terms, CF dependants born overseas have had to face aggravating roadblocks in trying to establish claim to their citizenship. In 1947, the Citizenship Act required that babies born outside Canada to CF members be registered within two years. Once registered, they were issued a registration of birth abroad, RBA.

Since 1977, the only proof of Canadian citizenship is a citizenship certificate, which in effect has replaced the RBA. Until 1979, the CF also issued a certificate of birth, a DND 419, to CF dependants born outside Canada. However, this birth certificate is no longer recognized as a citizenship status document.

The CF are now recommending that those who were issued an RBA should request a citizenship certificate at a cost of \$75, even though they still may have in their possession a valid RBA. As for their birth certificate, the CF are now stating that this birth certificate was issued as a convenient record of birth to alleviate the requirement to carry the less durable document—a very interesting explanation. Further, CF dependants are advised that an RBA may or may not be accepted as proof of citizenship, depending on whether or not it is in good condition and provided that these agencies have no concern that you are not a Canadian citizen—whatever that means.

My two sons, born in Germany in 1958 and 1959, were issued RBAs. This should have been sufficient to establish their bona fide Canadian credentials; however, they were forced to pay for citizenship papers. No money should be charged to prove that they are Canadians because a document is deemed not good enough, which begs the question, as I said, when is a birth certificate not a birth certificate?

These Canadians are the offspring of veterans who put their lives at risk while serving overseas to protect Canadian liberties. It is an affront to those proud Canadians that bureaucrats should now suggest that a birth certificate is not a birth certificate, that they should be subjected to a \$75 citizenship tax, and that official documents they submit on application should be destroyed. We're not talking about lost documents; we are talking about a reinterpretation of what is valid and what is not valid years after the event.

We can see the same example of bureaucratic trivialization of the status of Canadian citizenship in the issue of war brides' children. The ministry, on February 19, 2007, spoke briefly about the Taylor court decision by Justice Martineau being appealed by the federal government. Even though very circumspect in her statement in view of the ongoing appeal by the Government of Canada of this Federal Court decision, the minister did allude to the basis of the appeal, in that the decision by Justice Martineau “reinterprets citizenship, and extends it prior to Canada having its own Citizenship Act in 1947”.

We would suggest that there is a continuum in the concept of Canadian citizenship that extends beyond the 1947 act, which is exactly the basis of Justice Martineau's decision. Justice Martineau states that “it is an understatement to attempt to trivialize...the status of being a 'Canadian citizen'”. Prior to 1947, Parliament had already decided in 1921 to “adopt a status of its own pertaining to the national status of those persons who were already Canadian citizens within the meaning of the 1910 Immigration Act, including their brides and children”.

• (1230)

It is nothing short of revisionism to suggest that the order in council concerning entry into Canada of dependants of members of Canadian armed forces in 1945-48 has no standing. Under that order in council, which was passed in 1945 and remained in force until May 1947, dependants of Canadian armed forces members who were Canadian citizens or who had a Canadian domicile were automatically granted the same status upon landing in Canada. Thus the status of Canadian did not arise entirely out of the 1947 legislation. This is the basis of Justice Martineau's ruling.

The issue of informing or not informing these Canadians that they needed to apply for naturalization should not be dangled as an overriding concern, because it could be deemed to apply to taxation laws. We are dealing with an infringement of due process that must be corrected.

Justice Martineau did not argue that individuals had to be notified individually. He spoke of “contemporary public announcement”. He did not suggest that the normal legislative and parliamentary process is insufficient. On the contrary, he argued that there is a continuity in statutes that extends before 1947. New legislation should have recognized that continuity by grandfathering rights.

As Justice Martineau said, “It is hard to believe today that citizenship rights would be denied to sons and daughters of Second World War veterans who offered their lives for Canada simply because their parents were not married at time of birth”; procedural fairness demands otherwise.

To continue to deny Canadian citizenship to these proud Canadians is nothing short of bureaucratic terrorism.

I thank you.

The Chair: Thank you, Mr. Kish.

Mr. Allard, if you don't have any comments, we will go to our first committee member.

Mr. Telegdi.

Hon. Andrew Telegdi: I'm going to be very quick, make a couple of points, and then pass it over to Mr. St. Amand.

The Citizenship Act we have is a real disgrace. Instead of making Canadians feel good about being Canadian, instead of being inclusive, it's used as a weapon.

With regard to the bureaucratic terrorist analogy you put in your paper, I couldn't agree with you more. Obviously this act is in desperate need of a rewrite. The previous committee had a number of unanimous reports where all committee members agreed, and I really hope we get back there.

We're now talking about how to honour the last surviving First World War veterans. I think one of the ways we can honour all veterans is to recognize the birthright of their children. We really have to get onto this. We really have to make sure we have a Citizenship Act that we as a nation can be proud of, one that's inclusive and that reflects the realities of the time.

That's all I'm going to say.

Mr. St. Amand has something as well.

• (1235)

The Chair: Will the committee agree to go with five minutes to ensure that everyone gets a chance to get a question in? Not everyone got in on the first round.

So maybe five minutes or so...?

Mr. St. Amand.

Mr. Lloyd St. Amand (Brant, Lib.): Thank you, Mr. Chair.

I want to thank each presenter for their persuasive, compelling presentations—different styles, which is typical for human beings in communicating, but each of you very persuasive, very compelling. Thank you for presenting and sharing with us your particular stories or situations.

To Ms. Vermeersch, you described in very poignant fashion the type of citizens your parents were. With your dad serving the country, your mom doing charitable work, they were just the type of outstanding citizens we want and need here in Canada. You also indicated that your dealings with your member of Parliament, Diane Finley, were met with various roadblocks, if I can put it that way.

What was the psychological and emotional effect on you, Ms. Vermeersch, when you first found out—in 2003, as I understand it—that in fact you had lost your Canadian citizenship? How did that strike you, or how did that resonate with you?

Ms. Marion Vermeersch: It felt like the rug was pulled out from underneath my life.

I think you take your citizenship for granted until you're all of a sudden told you don't have it. It's just part of who you are, of living here, of your life. It's just there. Underneath you expect a solid foundation in the country where you live and work and contribute.

So it was just a shock. I couldn't believe it. I went through a lot of different emotions. I felt ashamed of Canada. I feel like a Canadian, and I was ashamed that Canada would be doing this to its citizens.

In terms of the effect, I haven't had the great difficulties that Mr. Teichroeb and others have had. I've been very fortunate. I've lived my entire life here, and I've had a good one.

Mr. Lloyd St. Amand: You have clearly expended a significant amount of time and energy, and resources I dare say, to reclaim or to recover what is your absolute right. Can you quantify the time and energy you've devoted to this cause? Can you calculate for us what your own contribution has been?

Ms. Marion Vermeersch: It has certainly been more intense over the last couple of years. I was contacting other people, or learning of other people, through the wonderful Internet, realizing that people had different situations but were all similar: they had all lost citizenship or were denied it. I found I was learning more. I made several trips down to that office in Hamilton as I located various documents. I would go down and say, surely this can't be right, surely I'm a citizen. But it was all to no avail. It was very frustrating.

I'm just appalled at the confusing information from the offices. When you go to an MP's office, you expect that they would be the experts on this.

• (1240)

The Chair: Thank you.

Thank you, Mr. St. Amand.

Madame Faille.

[*Translation*]

Ms. Meili Faille: I would like to thank all the witnesses for coming today to tell us about their experiences.

Ms. Vermeersch, I think that you managed to quickly sum up the state in which people find themselves when they discover that they are not Canadian citizens or when they find themselves in a situation where they wonder if this is the case. In the past, people have had to fight to keep their citizenship which, in certain cases, has given rise to costs of approximately \$50,000 to \$60,000, and that is for legal fees only. We are not counting what it might have cost the government to try and solve the problem.

As members of the committee, we care deeply about this situation. I would like to personally thank you for having travelled so far to appear before the committee. I commend you for that. In fact, very few people do so.

Moreover, I have the opportunity to visit with many veterans. The Sainte-Anne-de-Bellevue veterans' hospital is in the riding next to mine, that is to say in Vaudreuil-Soulanges. There's also the Manoir Cavagnal and the Royal Canadian Legion in Hudson. These are groups and people that I see regularly. I became their friend because of the work I'm doing in the area of citizenship and immigration. I worked on the war brides issue. There are several in my riding.

I also had the opportunity to study the issue of the citizenship of these veterans' children. I'm very well aware of the problems we are discussing and I find the situation appalling, given your dedication and your efforts to protect Canada abroad.

I would also like to emphasize the presence of my colleague, Réal Ménard, who is the Justice critic for the Bloc Québécois. He was the critic for Citizenship and Immigration and worked on this bill in the past.

In our opinion, citizenship is a right. The problem affecting people in the 1947 to 1977 period is much more significant than some might think. In Quebec, there are economic repercussions. Several truck drivers have discovered these days that they can no longer travel to the United States. Not every business is in a position to offer routes that are limited to Canada alone. As a result, several people have lost their jobs in this industry.

There is also the case of the individual who discovered at Pierre-Elliott-Trudeau airport that he no longer had his citizenship. He had to be escorted by security, whereas throughout his life he had simply believed that he was a Canadian citizen. I would like to be able to say that we are in a position to find a quick solution to these problems. I think that solutions have been proposed on an individual basis.

Ms. Francis was mentioning that there are several classes of citizens. I find that an appalling phenomenon. The fact that Judge Martineau's decision is being appealed makes no sense. I am proud to say that Judge Martineau comes from Quebec. He is probably sensitive to the issue.

In the Martineau decision, the issue of the continuum is important. The people who were here before 1947 were British subjects. When the act came into effect in 1947, they became Canadian citizens. In 1977, this aspect of the spirit of the law should have predominated. I think that at this point, we should modernize the act in order to find a solution to these problematic situations once and for all, because of the costs engendered, but also because of the absurdity that they represent quite simply. The continuum must prevail.

I don't know if you have any comments to add to that. For my part, I do not have any particular questions to ask.

● (1245)

[English]

The Chair: We're at four and a half minutes, so if we're going to allow for a reply, you'll have to take that into consideration.

[Translation]

Ms. Meili Faille: As far as the situation of the veterans in Quebec is concerned, are people rallying?

Mr. Pierre Allard (Director, Service Bureau, Dominion Command, Royal Canadian Legion): As far as the situation of Quebec veterans is concerned, I agree entirely with you in saying that citizenship is a continuum. As you probably noted in our presentation, we talk about the birth of a nation, in 1917, as we are celebrating the 90th anniversary of Vimy. In my opinion, stating that Canadian citizenship saw the light of day in 1947 is truly an absurdity. We do not understand how Judge Martineau's decision can be challenged.

[English]

The Chair: Okay. I have three more people who wish to make comments. We have Mr. Siksay, Mr. Wilson, and Mr. Devolin.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

Thank you all for appearing today.

Ms. Vermeersch, you mentioned you had information saying that your mum and your brother and you were automatically citizens when you arrived in Canada. Is that documentation that was provided directly to your family or to your mother?

Ms. Marion Vermeersch: It was a pamphlet that was sent out along with a letter to my mother, giving her instructions for boarding and everything. It was a pamphlet prepared by the Department of National Defence.

Mr. Bill Siksay: Would you mind providing a copy of that to the committee? It might be very interesting to see that.

When the minister was here, she mentioned she had 450 cases on her desk of individuals who had been caught in these kinds of problems. Is your case one of those, that you know of?

Ms. Marion Vermeersch: No.

Mr. Bill Siksay: So you've applied for permanent residence?

Ms. Marion Vermeersch: I have a permanent resident card, yes.

Mr. Bill Siksay: So you've got that already. And I guess you're waiting for the time now until you can apply to be a Canadian citizen. Is that your plan?

Ms. Marion Vermeersch: I don't believe this is something that any of us should have to do on an individual basis. I don't believe it should be a politician or a bureaucrat who says "Yes, I'll revoke your citizenship" or "Yes, I will grant it". I think it should be more broad.

Mr. Bill Siksay: Thank you. I appreciate that as well.

Professor Francis, it's good to hear from you again.

When you appeared before the committee when we were doing our tour in Vancouver in the last Parliament, I think your remarks actually hit a very strong chord with the committee. I've often heard Mr. Telegdi actually quote you. Others of us have done that in committee around the issue of two classes of Canadian citizenship, so I appreciate that you've reiterated that so clearly again today for us, because I think it's a very important point.

I appreciate you also raising the confusion you went through listening to the debate, because actually I found myself today—I don't know why today and why I haven't done this other times—going through my own family members and thinking about the ones who had connections overseas and offshore and whether their citizenship is in question as well. So I think it is really instructive that when we hear these issues, we all start doing that, and it raises that question and sort of chills our confidence in the legislation and in the meaning of Canadian citizenship.

We have to address that, because we can't afford to let those kinds of questions linger, and we can't afford, as we heard from witnesses earlier, to see people who are afraid to check into it because they don't want to know the answer or they're afraid of the answer. That's ultimately not helpful for us as a country.

I guess I'm just making comments at this moment.

I appreciate the Legion's report and the strength of the language you used. Talking about bureaucratic trivialization of citizenship I think is a really important comment on the importance of citizenship to people. I'm wondering if you folks could provide copies of the resolutions that were passed by the Legion at its convention, or maybe in its executive group, because they might be helpful for us as well.

Your comment about bureaucratic trivialization reminded me of General Dallaire's comment about bureaucratic terrorism when it came to this very same issue. I think the strong language is really an indication of how important, at a very basic level, this is to people and how we have to find a permanent and lasting and quick solution to this.

Thank you very much for appearing.

The Chair: Thank you.

Ms. Francis.

Dr. June Francis: I will be brief.

I just wanted to say, as an organization that represents immigrants and refugees, and as an immigrant myself, the fact that Canada could treat people like this, who were born here, who fought for Canada, makes us as immigrants very fearful.

We are so appalled that these most obvious cases are being dealt with in this way and not expeditiously. We're looking on and thinking that this should not have taken the cost. As immigrants, we are inherently insecure anyway, so this kind of thing makes us extraordinarily insecure.

• (1250)

The Chair: Thank you, Ms. Francis.

I don't know if Mr. Devolin is ready. I can go to Mr. Wilson first, if you want.

Mr. Wilson, are you ready?

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

Thank you very much for your testimony here today—

Mr. Barry Devolin: Sorry, I'm ready.

The Chair: Okay, Mr. Devolin. I misinterpreted your nod.

Mr. Blair Wilson: Go right ahead.

Mr. Barry Devolin: First of all, thanks to all the witnesses for being here today. That includes the witnesses who were here in the first round.

I don't know how to.... This is a crazy situation. As I sit here listening to this, I find many of these different stories to be emotionally compelling in terms of how this has happened. But I'm a pretty rational person, so whenever I hear a compelling story on one side, I always think there must be some reason on the other side, there must be some reason this hasn't been dealt with. I haven't heard that reason yet. Cost containment, I think, is often used in terms of extending rights or privileges—the notion that somehow, by doing something, it would cost a lot of money.

Ms. Vermeersch, I think that was the comment you heard.

Coming from me, this might sound like an odd question, but as I cast around, looking for some reason why this hasn't been dealt with.... And it's not a partisan issue. This problem has been around for a while. Governments have come and gone. Gosh, since I've been here—a period of less than three years—there have been about five ministers of citizenship and immigration from different parties, and yet no one has dealt with it.

I'd like to ask you, particularly those of you who've been more professionally or more broadly involved with the issue—Professor Francis, or Don, or others—what you actually see as the reason why this hasn't been dealt with to this point.

Mr. Don Chapman: Are you asking me? I'd be happy to answer.

First off, you're being very Canadian. The Americans will look at you and say, "What in hell has the government done to you?" But the Canadians will look at you and say, "What have you done to deserve this?"

The answer is very simple: legislators have failed for 60 years to write good laws. In one sense, as much as I've fought the bureaucracy, I'm going to make an argument that the bureaucracy has followed the laws as written. So we need to write good laws. That's why we have to get this done right. We need the legislators, you people, to step up and say this is well thought out, we're pushing this through, and this is what we're going to do. Then the bureaucrats can follow good legislation.

Dr. June Francis: I agree with that, but I also think that behind these issues is fear. There is the fear that there are people lurking out there who want to be Canadians but who shouldn't be Canadians. There is this incredible fear that can't be put in words. It's just a general fear that if we close this loophole, there will be some lurking people, not the people we want, who will apply under the same loophole and say, "We should be Canadians too".

So I believe there is this general fear.

Mr. Don Chapman: I think you're right. Agreed. But I don't think the fear is justified.

Dr. June Francis: Absolutely, and I should add that. It's not justified. They aren't lurking out there.

Mr. Don Chapman: When we passed Bill S-2, the fear was that these 85,000 people in the United States who were lost Canadians would come rushing across the border. The number of people who actually applied was under 200.

Mr. Erl Kish: Comrade Chairman, I have two points I'd like to elaborate on.

We did speak about the registration of birth abroad, and about it not being in vogue any more. I think the problem would be solved if that were grandfathered in. If those certificates that were given out in days gone by were grandfathered in, there would be no trouble starting a new legislation. But when they throw them out and say they're no longer valid, I think that causes the problem.

On the humorous side, I see the \$75 they're asking people to pay now as being a little bit like the Molson Canadian commercial. If I pay my \$75, I'm allowed a sign that says "I am Canadian". You have to pay to advertise. You should not have to do that.

Thank you, Comrade Chairman.

• (1255)

The Chair: Thank you, Mr. Kish.

You have some more time.

Mr. Barry Devolin: I have one other comment.

Canada needs immigrants. I think we all know that. We are working, as a government, as a Parliament, as a committee, on ways to ensure that we have people coming to Canada. As we all get older, we're going to need people to look after us. We're not reproducing ourselves fast enough to do that. To me, that is the second absurdity of the situation. At a time when we actually need immigrants to come to Canada, there are people who have what sound like pretty good claims—i.e., they've lived here for 57 of their 60 years.

So I hope somebody somewhere reads this and reacts to that.

The Chair: Thank you.

Mr. Wilson.

Mr. Blair Wilson: Thank you, Mr. Chair.

I listened with interest to Mr. Devolin's comments and questions to the witnesses who are here today, and I share your frustration as well. As a new member of this committee—I've only been sitting on this committee for 14 months, which may seem like a short period of time, but we've gone through two ministers for citizenship and immigration in those 14 months, and more to come. I think Mr. Chapman hit the nail on the head: it's a question of leadership from the minister's level. We've got this so-called "new Canadian government". Well, it might be a new government, but it's the same old bureaucracy that they're taking direction from. Based on the testimony I've heard, it's the bureaucracy that runs the show here. The minister is just the yes person or the yes woman at the top.

If you go back into the records and check the work this committee has done, the committee has done great work over the last number of

years to deal with citizenship and to deal with putting forward a new act. Both of these Conservative ministers have said, "We don't want to see any new act; we don't want to deal with that. That's not a priority to us." The current minister, Diane Finley, is even questioning how many people this entails. I think she said something like, "There are only 450 lost Canadians in Canada; we can deal with it on a piecemeal basis, one at a time." Well, based on the testimony we've seen, the number is upwards of hundreds of thousands of people. It's going to require changes in the law and legislative adaptation to deal with it.

I think we agree, it's not a partisan issue. The system is broken and we need to try to fix it. The longer it takes for the minister to realize that he or she has to answer to the committee and answer to the Canadian citizens, we're still going to be spinning our wheels talking about this in another 12 months.

In the last budget, before this Conservative government's budget, we had set aside \$20 million to deal with a new Citizenship Act. That \$20 million was cut out of the last budget. I'd be interested to see—and I hope it will—if the budget we're going to see tomorrow will reinstate the \$20 million so that we can have a new Citizenship Act that will deal with this.

Quickly, then, my question is to Ms. Francis on due process. What are your thoughts and comments about the current lack of due process as you see it and the rights to a hearing?

Dr. June Francis: I think it was appalling when I realized that in fact it's a bureaucratic decision. There is very little right to due process. In fact, people don't know they've lost their citizenship, so they're operating as if they're a citizen and they don't even know... That's the first problem. You can be stripped behind your back; you can be making decisions that assume you're a citizen. It can deprive you of your livelihood. The number of decisions we make every day assuming we're citizens is amazing. Our lives depend on assuming we're citizens of this country. If it's stripped from behind us without us knowing, the implications are dire.

There has to be due process, absolutely. We should have all kinds of rights to first of all know that we're losing it, and the conditions under which we can lose it should be so laid out, and obviously they should be extreme conditions. We have all kinds of people who are born today in Canada that we don't like very much, necessarily, but we have to keep them. We shouldn't necessarily strip others of their citizenship for trivial reasons.

If we are going to have exceptions of fraud, and that's the only condition I see—certainly not somebody who is born here or born to Canadian parents; that's preposterous. We need due process. People need to know they've lost it, and they need the right to counsel, they need the right to appear at some level—I'm not a lawyer—before an accepted decision-maker, such as a judicial decision-maker, and the right to appeal. The consequence of losing it is so dire that we should make sure there are no injustices here. If people have to be stripped, there should be enormous process involved. I don't expect that this is going to be often. In fact, it took a long time for MOSAIC to convince me we should even have this provision. I think we should have one group of citizens in this country.

•(1300)

Mr. Don Chapman: Mr. Wilson, in 1960, with the Canadian Bill of Rights, there were only two ways to lose your citizenship under due process: one, you had to have a hearing; and two, you had to be able, or voluntarily give it up. Under the Citizenship Act I was disabled, so I wasn't able to even have a hearing, and I never got a hearing.

What we're doing here is we're not even following the law as written. Yes, it's proper to have due process, but then you have to follow the law to make sure it's done.

In the Taylor case, Judge Martineau ruled that the Government of Canada is not only in violation of the 1960 Canadian Bill of Rights but is in violation of due process right now.

A voice: And the charter.

Mr. Don Chapman: And the charter.

The Chair: That pretty well wraps up our hearing for today.

I want to thank all of you for your presence here today. You've given us some very compelling reasons to deal with the issue very quickly.

We have a meeting scheduled on March 26 as well, so we'll see what happens after that with respect to any recommendations we might subsequently make to government on this issue.

Thank you very much.

I think we have a couple of minutes now for the witnesses to leave the table. We will then proceed with new business that the committee wants to deal with.

•(1300)

_____ (Pause) _____

•(1305)

The Chair: Let's try to get our committee members back to the table, please. We have a motion to deal with.

Before I get into Mr. Karygiannis' motion, at tomorrow's meeting I just want to remind members that the committee will be back on the draft on detention centres. We'll be back doing that tomorrow, and the meeting will be held, as you're probably already aware, from 11 a.m. to 1 p.m. in Room 371, West Block. That's here.

We're going to have a steering committee meeting from 1 to 1:30, and that will be in Room 306, West Block. We'll be sitting through lunch, so of course we're going to ensure we have lunch provided for members.

If you didn't get it, 11 a.m. to 1 p.m. tomorrow we continue our report on detention centres right here in room 371, West Block, and the steering committee meeting will immediately follow, or some time after will follow, a half hour after, from 1 to 1:30 p.m. in Room 306, West Block.

Now we deal with Mr. Karygiannis' motion that the committee proceed with and finalize the report, the study on detention centres and security certificates, and in the meantime call for testimony from the five guards at the Kingston immigration holding centre that were named in harassing detainees.

Discussion, and we'll go to Mr. Karygiannis.

•(1310)

Hon. Jim Karygiannis: Mr. Chair, when we went to Kingston for the second time, the detainees named five guards, and last week I think overwhelmingly this committee wanted to make sure that due process was done and that human rights were not violated.

In regard to the five individuals the detainees named, I think when we were going around last week, when we were in camera, there was support for this. I urge the members to make sure that these individuals the detainees mentioned are brought forward to the committee in order to testify as to the allegations that were made by the detainees when we were there last time.

The Chair: You've heard the motion. Is there any additional comment on the motion?

Mr. Telegdi first, and then I'll go to Mr. Siksay.

Hon. Andrew Telegdi: Mr. Chair, I wonder if it would be possible to split the motion.

The Chair: It is possible to split the motion.

Hon. Andrew Telegdi: Could we proceed with "finalizes the report (Study on Detention Centres-Security Certificates)" as motion 1, and motion 2 would be to call testimony from the five guards?

Hon. Jim Karygiannis: Isn't that the same thing?

Hon. Andrew Telegdi: Well, no, one, we're finalizing the report—

Hon. Jim Karygiannis: Yes. It is the same thing, isn't it?

Mr. Blair Wilson: Point of order. The committee is proceeding to finalize the report. We don't need a motion to say we're proceeding to finalize the report—

The Chair: That's exactly right. We are proceeding to finalize the report. So I don't know, Mr. Karygiannis, if you would wish....

Hon. Jim Karygiannis: Mr. Chair, I don't think the finalization of the report and the testimony of the five guards...that one has anything to do with the other. We can finalize our report, but in the meantime I think that overwhelmingly the members of this committee, if I remember correctly the last time around, expressed that due diligence and human rights have to be respected. This is why it's up to this committee, regardless of whether we move on to finalize the report, to ask for the five guards to come and testify in front of the committee, in order to make sure that the allegations that were made to us by the detainees—and they mentioned each one of them individually—that questions be put to them as to what is happening.

The Chair: Mr. Karygiannis, you're not willing to split that motion. You want to leave it as is.

Mr. Siksay.

Mr. Bill Siksay: Thank you, Chair.

I think I've said a number of times that I can't support this motion. I don't believe this is the place for us to work out the failures of the grievance system at the Kingston immigration holding centre. I think this result is one of the prime examples of the failure of that system.

I think we've covered our concerns about that grievance process in our recommendations and our discussion on the report to date. If anybody is going to come to this committee to discuss the circumstances, it should be the supervisors of the people who work there, not the individuals themselves. I just think this is the wrong place to do that work, and I can't support the motion on that basis.

The Chair: Thank you, Mr. Siksay.

Mr. Komarnicki.

Mr. Ed Komarnicki: I'm agreeing with the basic proposition by Mr. Siksay but for different reasons.

First of all, I'd like to make the point in terms of the committee report. If it's decided by this committee that we want to have the five guards here, and it's obviously the right of the committee to do that, I don't think the report should go forward until we've heard all of the evidence and all of the issues before we write the report. I mean, you can't submit a report and cut it off. I think if we've done it as one parcel it should stay as one parcel. I don't think we should have the report go until all of the evidence is in. That's the first point.

The second point, and I did have some concern, is that there were some general allegations made but nothing specific in a letter that referred to I think provincial and federal issues, and a sub-explanation of that was to be in the report, which I expect will be there when we see the report. I didn't feel that would warrant calling additional witnesses. If there were specific allegations of mistreatment by a particular guard to a particular prisoner, then that might be another matter. But I don't see that we have that in the report, or at least it wasn't in the report I've read.

I don't see that there's any basis at this stage for calling these guards. In part we're more interested in the process, and we've heard evidence on that. So I would be opposing it.

•(1315)

The Chair: Okay.

You have a comment, Mr. Karygiannis.

Hon. Jim Karygiannis: I would like to thank Mr. Komarnicki for what he is saying. Unfortunately, he was not with us the second time around when we went to Kingston. You were, Mr. Chair, and certainly other members of this committee, and they can remember and testify to the fact that allegations were made verbally and the five guards were named. So in that spirit, from what Mr. Komarnicki is saying, although he's not saying it in writing, certainly if he asks the clerk who was with us there, these allegations were made.

So I would urge him to reconsider and let's not play two sides here.

The Chair: It should be pointed out as well that this particular instance is not in our report.

I've heard from everyone who wishes to be heard on this issue. I would call for the question.

Hon. Jim Karygiannis: I would ask for a recorded vote.

The Chair: Mr. Karygiannis would like a recorded vote on this.

The Clerk of the Committee: For a recorded vote I would go through the names of each member. It's just a formality.

(Motion negated: nays 9; yeas 2)

The Chair: There's no other business. You all know about tomorrow's committee meeting, and a steering committee meeting will be held afterwards.

The meeting is adjourned.

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