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# Standing Committee on Citizenship and Immigration

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**Tuesday, June 5, 2007**

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**Chair**

**Mr. Norman Doyle**

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•(1110)

[English]

**The Vice-Chair (Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.)):** The meeting will come to order.

We have with us officials from the department and we're going to be talking about the issue of the lost Canadians.

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** I have a point of order, if I can.

On the agenda, one item is missing. When we last broke from the committee, before the minister came to see us on Tuesday afternoon, I had put forth a motion regarding getting information on Mr. Taylor and for this committee to look at it, giving the department 30 days, and for us to look at in camera. That was put off until we heard from the minister. If that was not dealt with in the minister's speech, it was to be brought back. I'm sure that if you read the blues, it's in there. I'd like that to be put on the agenda, please—the motion that I deferred.

**The Vice-Chair (Hon. Andrew Telegdi):** Okay.

Go ahead, Barry.

**Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC):** My preference would be, I think, to proceed with the agenda as stated. We have witnesses here today, and there's committee business at the end of the agenda today; when we get to that, I think it would be the appropriate time to hear Mr. Karygiannis's motion.

**Hon. Jim Karygiannis:** Mr. Chair, that's exactly what I'm looking for—that the motion be dealt with in committee business—but it's not on the agenda, and I'm asking that the motion be brought back in, to be dealt with at the end of the agenda, as it was something we deferred.

**The Vice-Chair (Hon. Andrew Telegdi):** Okay, we'll do that five minutes from the end.

I'll call on Ms. Siddall.

**Ms. Janet Siddall (Associate Assistant Deputy Minister, Operations, Department of Citizenship and Immigration):** Thank you, Mr. Chair.

I'm very happy to be here, and I thank the honourable members for their interest in this very important issue.

[Translation]

I have been following the deliberations of this committee very closely. As a public servant with 23 years of experience at CIC, and as the Associate Assistant Deputy Minister responsible for carrying out the Minister's instructions regarding Lost Canadians, I hope I

can, along with my colleagues, answer any outstanding questions you may still have.

[English]

With me today are Margaret Dritsas, nationality law advisor; John Warner, analyst; Rosemarie Redden, manager, citizenship case review; Clark Goodman, acting director, CIC program delivery; Rose Anne Poirier, manager, program support; and Eric Stevens, legal counsel. Melba Hefferon and Hugh MacDonald, who live and work in Sydney, Nova Scotia, are not here today because of their responsibilities as primary caregivers.

As the minister was just here last week updating the committee about the question of lost citizenship and other issues, I will keep my opening remarks brief.

As you know, the minister instructed the department in January to dedicate resources specifically to dealing with these cases that have come to be known as lost Canadians.

[Translation]

And we have done that. Among other things, we have set up a dedicated line in our call centre so that those with questions about their citizenship would be served by operators trained to address those types of questions.

[English]

We also ensured that those cases that require further investigation are given prompt and individual attention. As an additional measure, we launched a public awareness advertising campaign last week. Since setting up our dedicated phone lines, we have been able to confirm to over 96% of our callers that they are indeed Canadian citizens. Since launching the public awareness campaign, we have received an increase in the number of calls, but again, in over 96% of the cases we have been able to confirm citizenship.

We have continued our concerted effort to resolve the citizenship status of those new and existing cases that have been brought to our attention. Today our inventory is approximately 300, which includes the cases on hold because of the Taylor decision. With the help of our legal colleagues, we have been able to limit, to the extent possible, the number of cases that must be held in abeyance because of the Federal Court of Appeal order. This number now stands at approximately 250, but this situation is not static. Our inventory of cases will continue to fluctuate as new cases are identified and existing cases are resolved.

[Translation]

As you know, Mr. Chair, the Minister last week told this Committee that she plans to introduce legislative amendments to the Citizenship Act in the fall, to address the most pressing circumstances the Committee has been looking at.

[English]

Once Parliament has tabled new legislation and amendments are in place, as the associate assistant deputy minister I am absolutely committed to ensuring that we will implement with the dedication and professionalism that we in the operations sector have always brought to our work. In the interim, my colleagues and I will continue to do our very best to help those who have questions about their citizenship status to resolve them with the best possible outcome.

*Merci, monsieur le président.*

• (1115)

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you.

We're going to go to our seven-minute round.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** Thank you all for being here.

Let me assure you that it's not the wish of the committee to put you under any difficulty. However, we need to get some questions answered. As we hear from people who are affected by this, they seem to want you to bear the brunt for this. As we ask the tough questions, I think you have to understand that some of the questions are from the individuals who are affected by this and they're asking them through us.

My first question is as follows. Ms. Hefferon and Mr. MacDonald couldn't be here today because of their responsibilities as primary caregivers. As an individual who has older parents, I understand their duties lie with their families first and foremost. However, if an individual whose case has been dealt with by the department officials and has dealt with one official and the individual sends a fax to that official, shouldn't it be the responsibility of that official to look at the fax? Shouldn't it also be the responsibility of that official to act on that fax and answer the individual?

**Mr. Clark Goodman (Acting Director, Citizenship and Immigration Program Delivery, Operational Management and Coordination Branch, Department of Citizenship and Immigration):** Mr. Chair, is this in relation to a specific case?

**Hon. Jim Karygiannis:** Yes, it is.

**Mr. Clark Goodman:** Would you like to answer that?

**Ms. Rose Anne Poirier (Manager, Program Support, Case Processing Centre, Sydney, Nova Scotia, Department of Citizenship and Immigration):** Certainly, Mr. Chair, in general terms, I can assure you that when officials at the case processing centre in Sydney where Ms. Hefferon works are contacted by applicants, it is with great commitment that we respond to questions, correspondence, and faxes that come to us from our clients.

**Hon. Jim Karygiannis:** Could you also please advise this committee what the turnaround time is to a request from MPs?

What's your guideline for members of Parliament on how fast you respond to them?

**Ms. Rose Anne Poirier:** We do have a process in place at the case processing centre that we will do our best to provide a response to members of Parliament within a 24- to 48-hour period.

**Hon. Jim Karygiannis:** Ms. Siddall, would you say that when a question goes to a member of your team in Sydney and is also copied to Mr. Smith and the deputy minister, the courtesy from one of those three should be to answer that e-mail and that request that was put forth to the member of Parliament by an individual that is affected and that they should answer back within 24 hours?

**Ms. Janet Siddall:** I think, Mr. Chair, that our processing standards of 24 to 48 hours for members of Parliament are quite good. It is a very busy office in Sydney and elsewhere throughout our network but we do endeavour to give preferential treatment in turning around inquiries from members of Parliament. In other cases where there's complexity and more time must be taken in order to review the case and ensure that we're providing the correct information, then that would take more time.

**Hon. Jim Karygiannis:** A week or two weeks?

**Ms. Janet Siddall:** For the processing times in Sydney?

**Hon. Jim Karygiannis:** On the complex question?

**Ms. Janet Siddall:** That could even take up to a month. What we try to do is provide an acknowledgement that we have received the request for information, but that we need more time to study the case.

**Hon. Jim Karygiannis:** Ms. Siddall, how long should the acknowledgement be in forthcoming—in a couple of hours or a couple of days?

**Ms. Janet Siddall:** For the processing standards I'm going to turn to Rose Anne.

**Ms. Rose Anne Poirier:** Mr. Chair, what we attempt to do in responding to inquiries put forward by members of Parliament is to provide a response, to acknowledge the fact that we have received the questions. Depending on the individual case, if we are able to provide a pretty straightforward response, we will do so on the first communication back to the members of Parliament. We endeavour very much to do that within 24 to 48 hours. Sometimes, however, when we deal with a more complex case, and each case has to be evaluated on its own merits, it can be more time-consuming before we can provide a response with more in-depth information on the case, but we will have provided that information to the member of Parliament.

**Hon. Jim Karygiannis:** Let me be specific. There was a fax sent to Melba Hefferon, way back, by the case processing centre, to put a hold on everything. Mr. Joe Taylor has sent me that fax. I personally e-mailed it to Melba Hefferon about four weeks ago, with no response. I personally e-mailed it to Mr. Ernest Smith and to the deputy minister about a week ago, with no response. Therefore, what I'm asking is whether that is proper in terms of operational procedures.

•(1120)

**Ms. Janet Siddall:** In operational procedures, if you're referring to the particular case that I believe you're referring to, if there are matters before the court, there are times when we cannot respond to specific questions put to us by a client. In those cases, we're unable to respond.

**Hon. Jim Karygiannis:** Do you think that maybe the deputy minister should put pen on paper and say, "Mr. Karygiannis, thank you for your e-mail, but I could not respond to this case because it's in front of the courts"? We're not talking about a particular individual, we're talking about a deputy minister. An e-mail was sent to the deputy minister, copying him and actually asking him about the frustration that people out there are facing.

**Ms. Janet Siddall:** In terms of what we have done, obviously our deputy minister cannot be apprised of all the details of the cases. When we get specific inquiries put to the deputy minister, we bring them into my sector and into the unit that Mr. Goodman manages, so that we can provide a substantive response to members of Parliament.

**Hon. Jim Karygiannis:** Again, an acknowledgement from the deputy minister should have sufficed. I got it, and when I looked into the case, I see that he has responded to other e-mails. However, I don't think not responding to a member of Parliament for over three weeks is something that is proper or in accordance with your guidelines as you laid them out in your operational timelines.

Mr. Chair, how much time do I have?

**The Vice-Chair (Hon. Andrew Telegdi):** You have thirty seconds.

**Hon. Jim Karygiannis:** In the last go-round when the minister was here and she put the act forward, was this something she conceived, or was it something conceived by you, under her specific instructions? Was the proposal that she had something proposed by the minister or by the department?

**Ms. Janet Siddall:** The minister provided a description of the amendments that she would like to introduce as a bill in Parliament in the fall, and that information in her speech has been posted on the CIC website. The bill will undergo the regular parliamentary process. In the meantime, our role here is to apply the current act as it is written.

As a public servant, I'm afraid it would be inappropriate for me to comment on the substance of the minister's proposals.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you.

Madame Faillie.

[*Translation*]

**Ms. Meili Faillie (Vaudreuil-Soulanges, BQ):** I would like to thank you for coming to the Committee.

The advertising that has been done on this question, relating to citizenship, has been fairly limited. Can you explain the campaign? Are other initiatives going to be undertaken? Frankly, I do not think that everyone has seen the advertising. There was an article by Mr. De Grandpré in *La Presse* that talked about this. Did you only publish the information once? What method is used for disseminat-

ing the information, specifically for the people affected by the laws before the 1977 Act?

I was looking at the information in the kit. For people born before 1977, it is fairly limited. The problem cases that are coming to our attention date from a long time ago. They are older people, people born in 1929 or 1946 or 1952. I would like to know what the objective of the campaign was. If you have not received a lot of calls, could it be because the information seems to relate to people born after 1977?

So could you explain the initiatives and the campaign in detail?

[*English*]

**Mr. Clark Goodman:** The media campaign was run in national dailies and weeklies, with an emphasis on the border areas. The public notice will promote the website and the dedicated phone number to answer questions about citizenship issues.

[*Translation*]

**Ms. Meili Faillie:** Was that only done once, or were there several initiatives associated with it?

[*English*]

**Mr. Clark Goodman:** I don't know how many times they were published.

•(1125)

[*Translation*]

**Ms. Meili Faillie:** Can you provide the Committee with the details of the communications campaign: what media the information was published in, the type of advertising used, and the cost of the campaign?

[*English*]

**Mr. Clark Goodman:** Certainly.

[*Translation*]

**Ms. Meili Faillie:** Some cases of people who learn that they have lost their citizenship are quite complex. For example, a person who applies for proof of citizenship gets the answer that his or her father should not have been given citizenship and there was an error. So there is a domino effect. These people are older and are making their applications now. One of those people is a man who will be 65 years old in July. These people are worried because they want to know whether they will get their benefits.

So I would like to know what concrete measures are being taken by the Department to review these cases. I know of the case of a man born in 1939 who has lived in the United States since 1974 and who is coming back to live in Canada with his entire family. He has always received his CN pension, his government of Quebec pension and his federal government pension. And then today he was told that there was an error and he should not have been a Canadian citizen. What happens in this case? At present, his health care application is being delayed because he is not able to provide proof of citizenship. What are people who find themselves in that kind of situation being told? What is the response time, how long do they have to wait for this situation to be resolved?

[English]

**Mr. Clark Goodman:** In cases like this where benefits could be in jeopardy, I encourage the person to contact our office. We have also sent letters to the provinces and territories explaining this unique situation and asking them to contact us if they have any questions about someone's benefits.

On the individual case you mentioned, without more facts I can't comment on it.

**Ms. Janet Siddall:** We would really appreciate it if members of Parliament who hear of individuals who have concerns about their citizenship status would please bring them forward to us at our call centre. We have a special line to our case processing centre for members of Parliament. We would very much like to contact these people and help them resolve their issues. We have agreements. We have had exchanges with the provinces asking them not to suspend anyone's benefits based on citizenship without first contacting us so we can work it through with them.

I should note that many benefits provided by the provinces are based on residency rather than citizenship, so sometimes there is that confusion. We are often able to help resolve those issues with the provincial authorities or our federal government departments that provide benefits like old age benefits.

[Translation]

**Ms. Meili Faille:** The reason why I am asking the question is that quite recently, this week, a complaint about a case from my office was made publicly. The political staffer in the Minister's office tried to contact the person to solve the problem. We also undertook to contact Sydney directly to get information. What happened was that the information we got from the two sources was not the same. You will understand that because the person in question was 81 years old it is quite unacceptable for the person to be getting conflicting information.

As well, we are talking about an arbitrary process and we are told that the Minister will make a decision. What kinds of precedents will be created? In fact, we expect that it will be done transparently, but at present we are seeing that this is not possible.

I simply wanted to draw a few situations to your attention. We do want to cooperate, but the information is contradictory.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you.

•(1130)

[English]

Yes, I wonder if you could table with the committee the agreements you have with the provinces and the department.

**Hon. Jim Karygiannis:** Mr. Chair, if I might add, and all related documents.

**The Vice-Chair (Hon. Andrew Telegdi):** Okay. The communications you have, we'd like to have that for the committee.

We'll go on to Mr. Siksay.

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

I want to thank the folks from the department for being here yet again. I appreciate you making the trip and coming in today. Again, I have to apologize. I have to go over to speak on Bill C-57 in the

House at some point, so I'll have to leave the committee. It seems to me I'm always leaving when you folks are here, and it's certainly not something I choose to do. I'd rather be here.

I do have one question. Ms. Siddall, in your opening remarks you mentioned that you had seen an increase in the number of calls since the advertising campaign had been undertaken. Do you have any statistics yet on that, or any sense of what change that has made?

**Ms. Janet Siddall:** I'm going to turn that over to Clark, who is my person who tracks these things for me.

**Mr. Clark Goodman:** I'm just looking for the right number to give you.

The total number of inquiries about potential loss of citizenship received at the CIC call centre between January 26 and May 31, 2007, was 2,565, which is approximately 0.22%, or less than one-quarter of 1%, of calls that were received by the call centre. Of these 2,565 calls, 2,460 people had their citizenship confirmed. Of the remaining 105, 26 were invited to submit an application for a discretionary grant; 13 were identified as permanent residents; 10 were counselled to submit a permanent residence application; and the rest are under study.

**Mr. Bill Siksay:** Do you have any sense of the increase since the advertising campaign?

**Ms. Janet Siddall:** If I may, we try to track the calls coming in to the call centre, and it would appear that the number of inquiries specifically related to loss of citizenship moved from something like 20 or 30 a day to over 100 a day. It's in the very early stages, but there's some indication that more people have become aware of the situation because of the publicity campaign.

**Mr. Bill Siksay:** I wanted to ask a question about the Taylor case. I know the department has decided to appeal the decision of the Federal Court, the Martineau decision. I wonder if you could remind us of the reasons why the government has decided to proceed with that appeal.

**Ms. Janet Siddall:** The main reason the government has decided to proceed with that appeal is that we believe there were errors in law related to Judge Martineau's decision. So it goes beyond the specifics of Mr. Joe Taylor, and in fact goes beyond the issue of just citizenship legislation. Of those areas, there is a retroactive application of the charter, and there also is the issue of a determination of Canadian citizenship as a status before the first Canadian Citizenship Act.

**Mr. Bill Siksay:** Those are the key reasons for proceeding with the appeal. Do you have any sense of the timing of the appeal? Do you know if there's been a date set yet, or anything like that, about when it's likely to be heard?

**Ms. Janet Siddall:** No, I'm sorry, I don't have any information on that.

**Mr. Bill Siksay:** Do you know if the government or the department has considered dropping the appeal, given the issues that have arisen around the lost Canadians and the issues directly affecting people like Mr. Taylor, who aren't addressed by the recommendations the minister put forward?

**Ms. Janet Siddall:** As the issue is before the court, I really can't comment on that. I'm sorry.

**Mr. Bill Siksay:** I appreciate that the folks on the front line have a tough job; they have to abide by the legislation that's in place, work with the regulations that have been promulgated. I suspect that they're often the ones who bump into the problems first, in terms of people applying or people calling in. Is there a system in place that tracks the kinds of problems or categorizes the kinds of problems, and then works them through the system in terms of how they might be addressed by regulations or if there's been a consistent answer, sort of a quality assurance kind of process within the department? If so, can you talk about how something like that might work its way up to a policy recommendation, or even a recommendation for a legislative change? Is there anything that direct that would work right from the front line up to the minister's desk?

**Mr. Clark Goodman:** I'll respond to that, Mr. Chair.

There's no reporting mechanism in place to track an individual case if it falls in the category A, B, or C. We have a quality assurance program in place to review our files to make sure we are doing a good job, but in terms of reporting on a type of case and following up, no. I will say that our quality assurance program informs us when we see something that needs fixing: if we were having errors on an application form, for example, how we could use quality assurance to improve the file, and things like that.

• (1135)

**Mr. Bill Siksay:** Has that changed now with the concern around lost Canadians? You just gave us the statistics around the call centre, so it seems as though somebody is watching now specifically for those kinds of cases. Is that a change in the way the department deals with those kinds of issues?

**Ms. Janet Siddall:** I can respond to that, Mr. Chair.

Since we set up the dedicated lines, we have asked the call agents at the call centre to track the types of inquiries. This cannot be done by an electronic system; it is done as a manual count, so that we get an idea of the kinds of calls, concerns, and types of circumstances people are calling about.

**Mr. Bill Siksay:** That's just a paper they would hand in at the end of the day, or something like that—that kind of system? Is there a reason why it can't be handled by the computer system you work with?

**Ms. Janet Siddall:** My understanding, and I would have to get confirmation on this from people with more technical expertise than I have, is that we are updating our automatic voice response system at the call centre; it is definitely not state of the art. The new system would be more integrated into tracking the cases through the call centre as they move throughout the rest of our system. I don't know that we'll have that capability, but I would certainly hope we could try to build in the capability whereby we could electronically track those kinds of questions.

**Mr. Bill Siksay:** Are the case managers, the people who actually work on cases, ever involved in a discussion of difficulties with the regulations or difficulties with the legislation? Would they ever be part of that kind of conversation, from their experience as front line workers in the department?

**Ms. Janet Siddall:** At the level of the case workers, I would have to say no.

**Mr. Bill Siksay:** Where would that kind of thing begin?

**Ms. Janet Siddall:** Those discussions would begin in the policy sector of the department, at a more senior level.

**Mr. Bill Siksay:** Might they put something out for discussion more broadly than that, or does that—

**Ms. Janet Siddall:** We have a policy committee in the department to which new issues, policy initiatives, or programs are brought for discussion as they are being formulated.

**Mr. Bill Siksay:** Is that policy committee in the department, and based here in Ottawa?

**Ms. Janet Siddall:** Correct.

**Mr. Bill Siksay:** And it's made up of managers from various aspects of? Who participates in it?

**Ms. Janet Siddall:** In our policy committee? It's people who work in the policy sector, as well as those of us who are working in the operations sector. It tends to be at a director or a director general level.

**Mr. Bill Siksay:** Okay.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you very much.

We'll move over to Mr. Devolin.

**Mr. Barry Devolin:** Thanks, Mr. Chair, and thank you to the staff for being here.

I think it's fair to say that all members of Parliament appreciate the work that you do in your department. I can tell you on a personal level that the more I've learned about this file since I joined this committee, the more I appreciate the complexity of what this department does and the importance of this issue to the people who are involved.

You said that for the people who call in about 96% can be assured that their citizenship is fine, that they are Canadian citizens. So I guess it's really the 4% that we're talking about, and if you've been following this committee, you'll know that in the past many weeks we've heard people from the 4%, so to speak. We've had many compelling stories told here that quite frankly sound like no-brainers to us, that the stories that we're hearing ought not to be a problem and yet they are. So that's what I think we're trying to dig down into in this committee and deal with.

There is one concern we've heard this morning, and I share this as well. We appreciate the fact that the department is advertising that this hotline has been set up. I know that advertising is a bottomless pit that you can just pour endless resources into and still not everyone will hear what you've done. But I think that's one concern—whether there's been enough. And I look forward to seeing some of the documents that get tabled in terms of the amount of advertising and how it has gone.

The increase in the number of calls per day suggests that the issue has a higher profile than it did before, and I imagine part of that is due to the advertising. I suspect part of it's due to the media coverage of the story that has taken place over the past couple of months.

One of the issues that come up when we've heard witnesses has to do with the way that information is conveyed to people. We've heard stories regarding people coming into one of your offices. Quite frankly we've heard stories about people coming in to MPs' offices and asking a question about their citizenship and they get told almost casually, or have been told almost casually, "Oh, by the way, you may not be a Canadian citizen". This shakes people to their foundation if they've been in Canada for decades and all of a sudden someone drops this on them like a bombshell.

As I listened to that testimony what struck me, as an analogy, is if you went to a doctor's office and you had some tests done, you wouldn't show up two days later and have the receptionist say, "Oh, gee, I think I heard you have cancer, but I'm not sure, it could be somebody else". The notion is that in the medical profession or community there are strict protocols in terms of how information is conveyed back to people, recognizing the sensitivity of it. Certainly having listened to the testimony, my sense was that we haven't dealt with this information maybe as carefully or as sensitively as we have in the past.

So both in terms of the 4% of the people who call in whom you cannot tell right off the bat there's no problem, but also in terms of the people who may walk into one of your offices or just call a general number rather than your hotline, are there protocols in place? Have new protocols been developed to ensure that your staff are dealing with people in a sensitive way, recognizing the way that this information may hit somebody? Can you bring us up to speed in terms of what you've done in that area and whether you feel that you've done enough?

• (1140)

**Mr. Clark Goodman:** I can respond to that question.

First of all, of course, we have the call centre out there and we have a dedicated line to answer people's questions, and if the questions cannot be answered at that point, the persons are referred to the case processing centre and they will call them back.

As far as local offices go, I have reminded the managers to be courteous with people who appear in their office, to answer their questions, and refer them to the website and the call centre to discuss their case.

If a case appears in the media that I hear about, I will call the office and speak to them about it, as an example.

Janet, do you want to add something?

**Ms. Janet Siddall:** I would add that we do have a protocol that has been developed for dealing with these cases. The guidelines for dealing with people who may not have status in Canada are published on our Internet site, including scripts to guide our agents so that they're using sensitive language.

I have personally met with other federal government offices that may be the first point of contact. For example, I met with the chief executive officer of the Passport Office early in the year, in January. He circulated among his network reminders to be very sensitive at the level of passport officials when they are dealing with people who do not have proof of their Canadian citizenship, and to ensure that those people are properly referred back to our department. Indeed,

it's only Citizenship and Immigration that could confirm whether or not someone born outside of Canada is indeed a citizen.

Likewise, I've had conversations with the Canada Border Services Agency. They have confirmed as well that if they have any cases in which people may have concerns about their citizenship status, those people will be referred to our case management branch so that they can receive a call from a knowledgeable and trained citizenship officer.

We've also had the same conversation with the Consular Affairs Bureau, of Foreign Affairs. They have also sent a network-wide message to their network abroad, reminding them that they need to be sensitive and where to go for the information.

I would have to agree with you that it can be devastating to hear the news in an insensitive manner. However, we are and will continue to make real efforts to make sure that when people have doubts about their citizenship, they can speak to someone or get information off our website that guides them through that process in a sensitive manner.

• (1145)

**Mr. Barry Devolin:** Would—

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you, Ms. Siddall.

Thank you. You're over by twelve seconds, so we're going to go on.

Mr. Wilson.

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

I'd like to thank the delegation from the Department of Citizenship and Immigration for being here today and for answering our questions.

Obviously the committee has done an enormous amount of work on this issue of lost citizenship, not just in this Parliament, but in the Parliament preceding this one as well. It is a very important issue to a growing number of people from whom we've heard testimony.

I have just a few questions dealing with that issue. The first is just dealing with the presentation Ms. Siddall gave to the committee, talking about dedicated resources to deal with lost Canadians. How much money has been set aside to deal with these new resources?

**Ms. Janet Siddall:** We haven't allocated new resources. We have reallocated existing resources. We have shifted the priorities to deal with these particular situations.

We have a unit in the call centre. We've retrained or upgraded the training of the call centre agents on this. In the case processing centre in Sydney, Rose Anne's team is working directly with the clients. In terms of the cases we're putting forward to the minister for discretionary grants, it is a team that Rosemarie heads up at national headquarters.

**Mr. Blair Wilson:** What would the dollar value be on the resources that have been reallocated? Is it \$2 million? Is it \$3 million?

**Ms. Janet Siddall:** I'm not able to give you a dollar value. Because this has been an internal reallocation, we have not tracked the dollar value.

**Mr. Blair Wilson:** Would you be able to do that in the future and provide the information to the committee?

**Ms. Janet Siddall:** I don't know if our financial systems are such that we could do that. That would be going back to doing manual counts, asking people to count how many hours a day they spent on this type of case or that type of case, so I can't make any commitment as to whether or not we can parse out those resources.

**Mr. Blair Wilson:** Would you know the dollar figure that's been set aside for advertising and promotion on this new issue?

**Ms. Janet Siddall:** The current advertising campaign that we referred—the one launched last week—had a value of \$300,000.

**Mr. Blair Wilson:** You said it was launched last week?

**Ms. Janet Siddall:** Yes, I believe it was launched the day the minister was before committee, by Groupe Cossette Communication.

**Mr. Blair Wilson:** I'm happy to see that the minister obviously is moving forward on this issue and that the department is following suit, because it is such an important issue.

Has the department done any polling with respect to this issue, in terms of what Canadians think about lost Canadians?

**Ms. Janet Siddall:** I'm not aware of any polling that's been done.

**Mr. Blair Wilson:** Are there any plans that you know about for any polling to be done in the future with respect to this issue?

**Ms. Janet Siddall:** I'm not aware of any plans. I would have to ask the question.

**Mr. Blair Wilson:** Thank you.

Members of the committee were handed this new document from Citizenship and Immigration Canada, with brochures and documentation. When did this go to print?

**Mr. Clark Goodman:** I don't have an exact date for when it went to print.

**Mr. Blair Wilson:** Was it fairly recently? I know it says 2007 on the inside cover.

**Mr. Clark Goodman:** This was done in response to some of the issues that the committee has been studying.

**Mr. Blair Wilson:** Has this document been disseminated to other members of Parliament and their offices?

**Mr. Clark Goodman:** I can't say if it's been distributed yet.

**Mr. Blair Wilson:** If I could make a suggestion, I would suggest that this document be distributed to all members of Parliament, because there is some pertinent new information based upon the work we've been doing here in the committee.

The next question I have is with respect to the numbers. I know we talk about having 300 cases pending and a 96% success rate. How many lost Canadians does the department feel are out there who we are trying to capture with respect to this print program that we've just put out, with the advertising program that's in the works, and with the \$300,000 that we're going to be spending on public relations?

**Ms. Janet Siddall:** We don't have an estimate. It's very difficult to determine who the people may be and where they may be. We—particularly the group before you, those of us in operations—are dealing with the cases that come forward to us and we're tracking them very closely, but I'm not a statistician and I'm not able to make any kind of educated estimation of what the target audience might be, either in Canada or living outside Canada.

• (1150)

**Mr. Blair Wilson:** The committee has received numbers from Professor Edmonston. His estimates are 85,000 Canadian-born persons with U.S. citizenship living in the United States; 10,000 to 20,000 Canadian-born persons with U.S. citizenship living in Canada; 25,000 to 30,000 war brides; 6,000 war babies; 10,000 U.S. border babies; and 74,000 babies born abroad, including the 10,000 U.S. border babies.

It is a significant number, and I think it's a number that obviously the committee is using to spend time on this issue. Hopefully the government is now realizing that a significant number—upwards of close to 200,000-plus individuals—may be in the position of having lost their citizenship.

**Ms. Janet Siddall:** We appreciate the work that Mr. Edmonston has done, and the department actually has been working with him, but as he himself indicated, the difficulty is knowing. Did 100% of those people not take steps? Did all of them take steps? It's finding what percentage of that potential pool of individuals actually do have an issue with their citizenship status. We're a bit practical on the operations side; we have to be focused on our work before us. What we are doing is making sure we have the resources and the training to deal with the individuals who are coming forward to us so that we can deal with them on a priority basis, as we've been instructed by our minister.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you very much.

We're going to go on to Mr. Gravel.

[*Translation*]

**Mr. Raymond Gravel (Repentigny, BQ):** Good afternoon. I have some questions, but I also have some comments.

You said earlier, Mr. Goodman or Ms. Siddall, that if you could not provide information to people who approached you, you referred them to your Web site. A Web site does not mean much to people who are 80 years of age or older. Perhaps they should be provided with other sources of information. These people have trouble talking to an answering machine, so imagine what going to a Web site might mean to them.

The situation was unique in Quebec before 1994. I am a Catholic priest and I recorded children in the Catholic baptism records. From time to time, I baptized children born in the United States, in an American hospital. I recorded them and I sent the information to the civil status office, saying that they were Canadians. Are the children whom I baptized stateless persons? Have they lost their citizenship? They were born in the United States, and I had no documents other than the one from the American hospital. I filled out the appropriate form, I sent it to the civil status office, and the child was registered, so he or she was automatically Canadian. Are those children stateless today?

[English]

**Mr. Clark Goodman:** Each case is dealt with individually. As far as the situation with baptismal certificates in the province of Quebec goes, shortly after September 11, 2001, the then Minister of Citizenship and Immigration and Quebec Minister Façal made a joint announcement concerning which Quebec documents would be accepted as official documents. It was announced that only documents issued after January 1, 1994, by the *directeur de l'état civil* would be accepted for a citizenship application.

**Ms. Janet Siddall:** If I could, in terms of the current Citizenship Act, someone born outside of Canada to Canadian citizen parents is a citizen. There was no need to be registered. So I would say anyone born after 1977 should not have a problem. Their birth certificate or baptismal certificate would have shown that they were children of a Canadian citizen.

**Ms. Rosemarie Redden (Manager, Citizenship Case Review, Case Management Branch, Department of Citizenship and Immigration):** It's just that since 1994 they have to obtain a document.

[Translation]

**Ms. Margaret Dritsas (Nationality Law Advisor, Citizenship Branch, Department of Citizenship and Immigration):** I would like to answer your question. When the Civil Code of Québec came into force, on January 1, 1994, the documents that were accepted by Quebec changed. After the events of September 11, the Minister of Relations with the Citizens and Immigration of Quebec announced that only certificates issued after January 1, 1994, would be accepted. I was baptized in Quebec, and my baptism certificate was not an accepted document.

• (1155)

**Mr. Raymond Gravel:** I know that the law changed after 1994. That is not what I am saying. I was a priest for 25 years, I baptized and registered a number of children before 1994, and those children were Canadians. They were born in the United States but baptized in Quebec, they were recognized as Canadian citizens.

**Ms. Margaret Dritsas:** Under the Citizenship Act, every child born after February 15, 1977, is a Canadian. Between 1947 and 1977, the Act provided steps to be taken for registering a child born outside Canada. In 1977, provisions were added to enable people who could not register their children between 1947 and 1977 to do it under the 1977 Act.

**Mr. Raymond Gravel:** I have another question concerning an article published in *La Presse* this morning. Because not everyone reads *La Presse*, I hope this information has been published elsewhere. The article said that Ms. Finley will be introducing a bill in the near future. We do not yet know what form it will take, but when it is passed, people will be able to recover their citizenship automatically. So why not move up the introduction of this bill, rather than leaving these older people in a state of uncertainty, afraid that they are not Canadian citizens? Why not settle this question immediately?

[English]

**Ms. Janet Siddall:** Well, the minister did appear before you, I believe it was on May 29, to signal her intention to table amendments to the Citizenship Act. I believe she said that she

would like to table in the fall. There is obviously work to be done when you're drafting new legislation and there is also the whole legislative process, so the only response I can make is I think there is a commitment to move forward as quickly as possible, using the legislative process that is in place.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you very much.

Mr. Batters.

**Mr. Dave Batters (Palliser, CPC):** Thank you very much, Mr. Chair.

I want to say thank you to the delegation from the Department of Citizenship and Immigration for appearing before us. It's good to see you all.

I want to continue discussing the advertising that has been done in conjunction with this very important issue that the committee has been studying.

The minister, when she appeared before us last time, held up some advertisements that had been placed in national newspapers. I didn't have an opportunity to look at those myself, and I have to admit that I haven't really noticed those ads in national newspapers. I guess it's something that doesn't affect me, and prior to being a member of this committee, it's not something that I have seen.

I wonder if you have given any consideration to running television ads. Probably the most people in Canada can be reached through television. Certainly Mr. Karygiannis is bilingual, and it sounds like a great idea for it to be run in both official languages.

**Hon. Jim Karygiannis:** You have my vote on that one.

**The Vice-Chair (Hon. Andrew Telegdi):** Order.

**Mr. Dave Batters:** I appreciate that you talked about the sensitivity with which the department's handling this issue, and that there is some sensitivity training that's going on with the front-line staff, because it must be absolutely devastating for someone who has assumed that they're Canadian their entire life only to find out that maybe they're not. Have you considered perhaps running a television ad where someone lays out in a very sensitive manner the different categories that people who might be affected may fall into or be so-called lost Canadians? We've talked at length that perhaps you could have a war bride in the ad, for example, talking about if you're someone who falls into this category. This is something you might want to look into.

There are other people we've heard from in this committee who may be affected, some of whom would be Hutterites and the so-called border babies. Running different advertisements and being proactive to seek out these people, rather than waiting for them to someday discover they may not be a Canadian citizen, and be devastated—has that been considered? That's my first question.

As a corollary to that question, have you given some consideration to targeting the specific groups? Instead of a broadcast television ad on *Hockey Night in Canada* that's going to cover absolutely everyone and that personally doesn't affect me and doesn't affect a number of people in this room but only really affects specific groups of people, you could maybe go out and target specific organizations, the war brides for example—we heard a lady involved with the war brides in a previous committee meeting—Hutterite colonies, people who are specifically affected by this. You could be proactive and have advertising campaigns directed at them, saying this is something you might want to look into. Instead of the shotgun approach in *The National Post*, you could have a very specific targeted approach with those individuals.

I would just like you to comment on those points.

•(1200)

**Ms. Janet Siddall:** Thank you very much, Mr. Chair.

In terms of television and advertising, I think it sounds like a wonderful idea, but there's a cost. We'll certainly take that back for consideration. In terms of proactive targeting, we have been working with various groups that potentially represent individuals who might have concern about their citizenship. We have been working for years with the Mennonite Central Committee, for example, on the Mennonites.

I'm going to turn to my colleagues, because I know that you've been working with the association related with war brides and children of Canadian Forces personnel.

**Mr. Clark Goodman:** I can add to that. I personally met with the Mennonite Central Committee recently. I was invited to speak to them about files, as was Mark Davidson, who was here on May 2, I believe.

With respect to DND, DND has a section of their website devoted to citizenship issues with links to CIC. The citizenship branch has received about 22 inquiries directly from the Department of National Defence.

As I mentioned earlier, we've contacted the provincial governments to let them know about what's going on. As Ms. Siddall mentioned, she's been in contact with CBSA and HRSDC and others.

Do you want to add something?

**Mr. Dave Batters:** I just have one point of clarification, Mr. Chair.

**The Vice-Chair (Hon. Andrew Telegdi):** Be really quick.

**Mr. Dave Batters:** Being a new member of this committee, I just have to beg forgiveness of the committee. It's the Mennonite community, not the Hutterite community, I should have been referring to.

**Hon. Andrew Telegdi:** Well, we'll probably get some Hutterites as well. I wouldn't worry about it.

**Mr. Dave Batters:** Thank you very much for your answers to those questions. I appreciate it.

**The Vice-Chair (Hon. Andrew Telegdi):** I'm going to ask a few questions.

Getting back to the numbers and remembering the discussions we had in previous parliaments with previous ministers, this whole issue of lost Canadians has been around. When the officials or ministers argued against it in various forms, they always came up with big numbers as the reason we cannot deal with it.

I think there's a realization now that the numbers are indeed big, and as much as Professor Edmonston put out his estimates, he did not include the Mennonites.

I think the committee's going to have a big problem seeing discrimination based on the fact that these folks had religious weddings and did not have civil weddings. When the faith community appreciates this fact across the country, I think they're going to be putting on some heat, in particular on the party that's supposed to be a proponent of the religious groups. I think that's coming.

We've come a long way, from having no legislation to where we're now going to be getting legislation, which the committee looks forward to.

In the proposals the minister was talking about as to what she's going to be dealing with as of January 1, 1947, are we going to have a grant of citizenship that is applicable from the time they receive it, or is it going to be retroactive? I think that's a question we'll be debating in the fall. I'm just wondering whether you have thoughts on it.

•(1205)

**Ms. Janet Siddall:** I would refer you back to the minister's statement before committee on what she was proposing. It goes back to those persons born in Canada or outside of Canada after certain dates. I can look it up here for you and read it to you again, or it's also posted on our website.

Would you like me to go through her proposals again? Okay.

On May 29 she said:

First, nothing in these proposals will take away citizenship from anyone who is now a citizen of Canada. I'd like to repeat that. Nothing in these proposals will take citizenship away from anyone who is now a citizen of Canada. This is not about taking away citizenship from anyone who now has it, but rather about correcting past problems and protecting citizenship for the future.

Second, anyone born in Canada on or after January 1, 1947, will have their citizenship confirmed even if they lost it under a provision of the 1947 act. The only exceptions would be those born in Canada to an accredited foreign diplomat, or who have personally renounced their citizenship as an adult.

Third, anyone naturalized in Canada on or after January 1, 1947 will have their citizenship confirmed even if they lost it under a provision of the 1947 act. The only exceptions would be those, as above, who renounced their citizenship as an adult or whose citizenship was revoked by the government because it was obtained by fraud.

Fourth, anyone born to a Canadian citizen abroad, mother or father, in or out of wedlock, on or after January 1, 1947, is a Canadian citizen and will have their citizenship confirmed if they are the first generation born abroad, but no further.

**The Vice-Chair (Hon. Andrew Telegdi):** What would happen to people like Magoli Castro-Gyr, who was a tenth-generation Québécoise who was turned into a first-generation Canadian? Would she have her citizenship go back to the time she lost it, seeing that the new policy would treat her much better than the older one?

**Ms. Janet Siddall:** Obviously I can't speak to an individual case, and I wouldn't want to speculate how new legislation that has yet been approved by Parliament might affect an individual case. But the bill will undergo the regular parliamentary process, and I know this committee will certainly be looking at it closely.

**The Vice-Chair (Hon. Andrew Telegdi):** Maybe you have a sort of warning that this question will be asked once the bill comes down, and you might correct it before it gets here.

The other issue I'm wondering about and that the government has recognized they have to update is that they cannot discriminate on the basis of people being born in and out of wedlock. My big question is, and I hope you will come in with a rationale, how you can consider Mennonites who had church weddings to be, number one, born out of wedlock and be treated that way, and number two, how you can say there's a cutoff as to when we can discriminate.

If we recognize that we should not be discriminating against people born out of wedlock in this day and age, why is there the artificial date, January 1, 1947? We can discriminate before, but we cannot discriminate after.

It doesn't make any sense. It seems we could have solved the whole problem if we had just carried that spirit all the way through.

**Ms. Janet Siddall:** Obviously, as a public servant, it would be inappropriate for me to comment any further on the substance of the minister's proposals until such time as legislation is brought forward, and we will certainly make a note of the committee's concerns.

**The Vice-Chair (Hon. Andrew Telegdi):** We really are concerned about them. They have been coming here for many years. I think they have been coming in front of this committee for the past decade. They were coming here before I joined the committee, so we'd like to have some satisfaction for them. It would really be helpful.

The next one we have is Ms. Grewal.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Thank you, Mr. Chairman.

Thank you so much, ladies and gentlemen, for appearing before our committee.

First of all, I would like to say that during my time here in Ottawa, I have been impressed with the good work, the hard work and dedication of public servants. You guys should be really proud of the job you are doing.

**A voice:** Hear, hear.

**Ms. Nina Grewal:** Last week, Minister Finley told us that she has instructed her officials to increase their efforts to raise awareness of this very important issue of loss of citizenship. Could you please elaborate on what steps have been taken to implement this directive?

• (1210)

**Hon. Jim Karygiannis:** I have a point of clarification, Mr. Chair. I just want my colleague to clarify the question.

Is my colleague asking the witnesses about steps taken to implement the legislation proposed by the minister? Is that what the question is?

**Mrs. Nina Grewal:** I have already directed the question to the officials, and they will answer my question. My question is not directed to you, sir.

**The Vice-Chair (Hon. Andrew Telegdi):** Members can ask their questions. It is her turn, so let's not have any interruptions.

**Ms. Janet Siddall:** Thank you, Mr. Chair.

In January, the minister asked us to reallocate additional resources and to place a priority on those individuals who have been living in Canada for most of their lives and unfortunately believed they were Canadians, but found they were not perhaps Canadians. This is what we have done, and we've spoken to some of those actions already.

In terms of raising awareness, I don't want to take too much time, but we've worked with the Department of Foreign Affairs on at least a dozen occasions. They have updated their website and have sent messages to their consular officials abroad.

We have been working with the Passport Office to raise their awareness, and they have updated their website. There are now linkages back to the CIC website, where we did a lot of work to try to make the information more user-friendly in terms of tools for self-assessment.

We have worked with Service Canada and have provided them with the linkages. They have a very good link and section on their website for newcomers to Canada and for Canadians.

We worked with the RCMP for those cases in which we're moving forward to recommend a discretionary grant by the minister, to have better turnaround times on those few cases that might require fingerprints.

We've worked with CBSA to ensure that they do not remove anyone from Canada without coming back to us first, because someone's citizenship status may be in question.

We've worked with Human Resources and Social Development Canada.

With DND, we've had an ongoing relationship. They have a good section on their website, but we have again updated that.

We've worked with the provinces and the territories. There was an exchange of letters between our deputy minister and his counterparts, and there has been a letter sent by Mr. Goodman to his counterparts to ensure, first of all, what constitutes proof of Canadian citizenship and to ask them to check with us before they remove any benefits.

We have an ongoing relationship with the Mennonite Central Committee, the organization—I'm sorry, I forget the woman's name—that deals with the children of... It's Christine Eden, and there have been others.

We have updated a number of our publications, and you've seen them in your package today. We have our posters. We have the campaign that was just launched. And of course we keep referring to one of the best resources, our call centre. Because it has dedicated lines, no one has to wait to get through. If people do not want to reveal their identity, if they're concerned, they can certainly describe their circumstances and we will give them the best advice that we can. However, I do have to say that to make a definitive determination on whether or not someone is indeed a Canadian citizen, we do need documentation.

Those are a few of the things. Our guidelines are to our staff and to anyone who would also like to see how we're handling these specific instructions from the minister to deal with these cases on a priority basis. They are available on our public website.

I appreciate the advice that some of the committee is giving us on how we can continue to raise awareness in perhaps a more targeted and sensitive way, so that we can offer these services to individuals. Hopefully our success rate in reassuring the vast majority of them will continue.

**Mrs. Nina Grewal:** Do I have any more time, Mr. Chair?

**The Vice-Chair (Hon. Andrew Telegdi):** You have about ten seconds.

**Mrs. Nina Grewal:** I would again like to thank you so much for all the hard work and the dedication you guys put into your work.

**The Vice-Chair (Hon. Andrew Telegdi):** We're coming back to Mr. Karygiannis, to start off a new round.

• (1215)

**Hon. Jim Karygiannis:** Thank you, Mr. Chair.

I'm filling in for my colleague Alan Tonks on this round. Mr. Tonks did not have an opportunity.

**Mr. Bill Siksay:** On a point of order, Chair, our new speaking order doesn't allow substitutions when a member has already spoken.

**The Vice-Chair (Hon. Andrew Telegdi):** I think that's what we said when we went—Anyway, you're starting off the next round, so there you go. You have five minutes.

**Hon. Jim Karygiannis:** The minister stated last week that she had made an agreement with the minister responsible for the RCMP for expedition of police clearances, of CSIS and RCMP checks. She said they were supposed to be turned around within two weeks. Is there such an agreement?

**Ms. Janet Siddall:** Yes, there is. I contacted my counterpart at the RCMP in February, seeking their assistance when we actually needed to have fingerprints for the discretionary grants that we were recommending—what we call the section 5(4) grants. We asked them if they would assist us in turning those around as quickly as possible. We have confirmation from Superintendent Thompson that indeed they are doing this for us, to the best of their capacity, within a two-week timeframe.

There are two processes here. There are the individual—

**Hon. Jim Karygiannis:** Ms. Siddall, that's fine. I thank you.

Would somebody who was a cross-border baby, an individual who was born in the United States but it was at the border, be someone

we call a lost Canadian? I'm talking about an individual who, after forty or fifty years, finds out that they don't have citizenship.

**Ms. Janet Siddall:** The agreement that we have is to facilitate the discretionary grants that the minister is putting forward. That is the agreement we have with the RCMP.

**Hon. Jim Karygiannis:** The question is straight to the point. Is somebody who was born a cross-border baby considered a lost Canadian? Yes or no.

**Ms. Janet Siddall:** I'm sorry, without the specifics of the case I could not—

**Hon. Jim Karygiannis:** It's a hypothetical case. I live at the border of Saskatchewan and the U.S. My wife is pregnant. Right across the border, there's a hospital. It's 1950. We go across and my wife has the baby there.

**Ms. Janet Siddall:** Mr. Chair, I'm afraid I'm not going to deal with hypothetical cases, because one thing we have learned through the last several months that we've been working with people is that everybody's circumstances are different. If there is an issue that a member of Parliament or a member of this committee would like to bring to us, if there's a case, I would be delighted to have that case forwarded directly to us and we'll look into it.

**Hon. Jim Karygiannis:** Mrs. Siddall, then those you're considering to be lost Canadians are those in cases similar or identical to that of Joe Taylor. This is what you're telling me.

**Ms. Janet Siddall:** I'm telling you that the cases that the minister has asked us to expedite with a discretionary grant, where possible, are those cases of individuals who have lived most of their life in Canada and had a reasonable grounds to believe they were Canadian, but who have subsequently found out that they are not Canadian.

**Hon. Jim Karygiannis:** Is that a lost Canadian? It's not a hard question.

**Ms. Janet Siddall:** I would say it is a difficult question, because I would suspect the term "lost Canadian" means something different to many different people. What I have provided you with—and you will see it on our website—are the parameters that the minister has given us for those cases that she's very concerned about, and they were concerned about—

**Hon. Jim Karygiannis:** You're cutting into my five minutes.

How are you flagging the individuals who are lost Canadians? What are they supposed to be putting on their package that they're sending to the RCMP? Have you given instructions to your officials throughout the country?

**Ms. Rosemarie Redden:** Yes. The staff in my unit send the fingerprints to the RCMP for the discretionary grants.

I would like to note that it's important to differentiate between those cases that are being processed for a discretionary grant and those cases that are being processed in the regular citizenship grant stream. Some of the people who have come to the attention of the case processing centre in Sydney, Nova Scotia, are actual permanent residents. They have been given the option of either waiting for the outcome of the Taylor case or proceeding with the regular grant or resumption process. They have opted to do that, and those cases are being processed with the regular stream, which takes—

**Hon. Jim Karygiannis:** Thank you, Mrs. Redden; however, you and I and the deputy minister have spoken on a particular case of someone who was considered to be a lost Canadian. I pointed out to you and I pointed out to the minister that it was not two weeks. More than likely, it was 120 days. I'm going to read to you, on the record, what the RCMP responded with yesterday:

The application for

—and I'm not going to mention the name—  
has not reached our system.

CFSS processes more than 15,000 criminal record searches each month. The processing time is currently in excess of—120 days from receipt of an application. Note that processing time can vary due to incoming workloads.

I'd like to table this, Mr. Chair.

I have another question. Is your department aligned with the Department of Indian Affairs? Could somebody be an aboriginal and not be a Canadian citizen? Could somebody be granted aboriginal status under the Department of Indian Affairs and not be a Canadian citizen, yes or no?

• (1220)

**Ms. Margaret Dritsas:** In certain circumstances that can happen, but there is a provision in our current Citizenship Act that deals with aboriginal members in order to make them Canadian citizens.

**Hon. Jim Karygiannis:** I want to bring to your attention an individual who was born out of wedlock, to a Dutch mother and a Canadian aboriginal father. This individual was granted aboriginal status, yet this individual has been denied by the Department of Citizenship and Immigration.

How dare we—ministers, members of Parliament, officials—deny our first nations their right, their birthright? How dare all of us even discuss that we're going to deny second-generation Canadians their birthright?

How dare you in the department and the minister say to my daughter, if she has children outside Canada, that they cannot be Canadian citizens? This is what the minister—

**The Vice-Chair (Hon. Andrew Telegdi):** You're out of time, Mr. Karygiannis.

We're going to go on to Mr. Gravel.

**Hon. Jim Karygiannis:** Can we have an answer to the aboriginal question, Mr. Chair? Mr. Chair, I think the government officials can answer the—

**An hon. member:** Your time's up.

**The Vice-Chair (Hon. Andrew Telegdi):** Yes, Jim, your time's gone.

**Hon. Jim Karygiannis:** Mr. Chair, at other times the chair has allowed the witnesses to answer the question.

**The Vice-Chair (Hon. Andrew Telegdi):** I did, and you—

[Translation]

**Mr. Richard Nadeau (Gatineau, BQ):** I have a solution to that, Mr. Chair. If you will permit me, I will speak to it.

Could you answer my colleague, please?

[English]

**Ms. Janet Siddall:** The first question that I would like to respond to is the issue of the RCMP clearances. If you believe there's a case that we are considering putting forward to the minister for a discretionary grant, I would certainly invite anyone to bring it to our attention.

I would also like to read for the record a quote from Superintendent Robert Thompson, the director of Canadian Criminal Real Time Identification Services:

The present is to advise of the formal arrangement that has existed between CIC Case Management Branch and the RCMP Canadian Criminal Real Time Identification Services (CCRTIS) since February 2007 relative to citizenship anomaly cases. The RCMP undertakes to treat Case Management Branch requests for anomaly cases as priorities, with the commitments to responding to each request for service within a two-week cycle time. The RCMP will continue to honour this agreement until December 31, 2007, at which point in time the agreement will be revisited by both parties.

So there is an agreement between us and the RCMP to expedite the fingerprint checks, where necessary, for those cases that we are putting forward for a discretionary grant, a section 5(4) grant.

On the second question, I have no comment on that question. I think you've raised an issue that is more of a legal issue, and I do not have the expertise to answer that question.

**The Vice-Chair (Hon. Andrew Telegdi):** No, we're going to get an answer. You were looking to answer that, were you not?

**Ms. Margaret Dritsas:** Mr. Chair, there is a section in our Citizenship Act that takes care of aboriginal people who are questioning if they are Canadian citizens or not. Under our Citizenship Act, we do refer to the Department of Indian Affairs and Northern Development Act, so we do take the definition from that act into consideration. If you are defined under that act, then there is a measure to make you a Canadian citizen. If you are not sure of the status of your citizenship, then we do take that into consideration as well. So there are measures under our act to take care of that.

**The Vice-Chair (Hon. Andrew Telegdi):** Well, Mr. Willy Van Ee—and I'll refer you to the book *Voices of the Left Behind*—is the only—

I would suggest that you folks read that book. Committee members are going to be reading the book, and they'll certainly be asking you questions on it.

Mr. Van Ee is the only status first nations person in Holland. He had his status conferred upon him, so it would be nice if his birthright is recognized and we don't end up with another blockade someplace because we refuse to recognize his Canadian roots.

So I recommend the book *Voices of the Left Behind* to you. This case is outlined in there. It's the only case of its kind in all of Holland, one person. This person is a status Indian, and he should have that recognition granted.

We'll leave it at that. You have been alerted to it.

Mr. Nadeau.

•(1225)

[Translation]

**Mr. Richard Nadeau:** How much time do I have left, Mr. Chair?

[English]

**The Vice-Chair (Hon. Andrew Telegdi):** You have about three minutes.

[Translation]

**Mr. Richard Nadeau:** Thank you.

We are talking about people who are Mennonites. Is the same thing true for people who are Doukhobors and Hutterites who could not have Canadian citizenship?

[English]

**Ms. Janet Siddall:** I will start, but I have my experts here.

The basic premises, because of the way things are written in the Citizenship Act, are the issues of being born in or out of wedlock and of what is considered a legal marriage. The definition of a legal marriage is one that is recognized in the jurisdiction where it took place.

The difficulty with the Mennonite issue that has been raised here is that those religious marriages that took place in Mexico, for example, were not recognized by Mexico as legal marriages. That's what caused the problem.

[Translation]

**Mr. Richard Nadeau:** But those people continued to live. Is there a solution for them, or do they continue to be stateless?

[English]

**Ms. Janet Siddall:** I did read to you the proposals that our minister is making in terms of bringing amendments and changes to the legislation. One of them relates to being born abroad to a Canadian citizen in or out of wedlock, and removing the distinction.

[Translation]

**Mr. Richard Nadeau:** Are you telling me that you are working on finding a solution for these people?

[English]

**Ms. Janet Siddall:** I would refer you back to the minister's statement. I can't go into more detail.

[Translation]

**Mr. Richard Nadeau:** I am going to move on to another question.

The minister confirmed that she would be introducing a bill in the fall to enable all these Canadians to escape the legal vacuum they are living in at present.

Have you heard anything about this bill? If so, has a retroactive date been decided for resolving the situations of people who would like to be officially recognized as citizens?

[English]

**Ms. Janet Siddall:** Mr. Chair, I'd have to refer you back to the minister's statement. It was also published on our website.

In terms of any more substance, I'm just unable to comment on the substance, as this legislation continues to be developed. When it

comes to this committee, I'm sure you'll have an opportunity to look at the details.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you very much.

[Translation]

**Mr. Richard Nadeau:** Thank you, Mr. Chair.

[English]

**The Vice-Chair (Hon. Andrew Telegdi):** Ms. Siddall, before we go to Mr. Siksay, I have one question, and it really causes me a great deal of problems.

If a couple comes to us from Mexico and they are a same-sex couple, they can apply for refugee status. They will get refugee status because they are discriminated against where they come from. We're progressive on that, which is good. At the same time, how can we say to Mennonites who had a church wedding that because their wedding was not recognized in the legal sense in Mexico, they all of a sudden lose their birthright?

There's a lack of consistency. On the one hand, Immigration bends over backwards to recognize cases of discrimination. But then we go into another arena, under Citizenship, and we say that if a couple only had a church wedding, we can't adopt the same policy if they didn't have a civil wedding, because church weddings aren't recognized in Mexico. Rightfully, we don't adopt that policy in terms of same-sex couples who are being discriminated against.

•(1230)

**Ms. Janet Siddall:** If I may, Mr. Chair, the short answer from my perspective is that the Immigration and Refugee Protection Act was enacted in 2002, so we have a modern piece of legislation that reflects current Canadian values, whereas the citizenship legislation that we are working with includes the act from 1947 and the act from 1977.

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Siksay.

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

I again want to thank you all for being here. I'm still here. Our speaking order changed in the House, so I'm able to stay through the full committee meeting.

It seems to me that a number of the cases that have come to our attention came about because people applied for passports primarily because of the changes in the United States that require passports for people travelling by air. A number of folks who have never had to go through the process of verifying their citizenship were thrown into that position.

We know the United States is going to expand that requirement next year, by requiring passports for anybody crossing the land border with the United States. I'm sure that will mean many more Canadians who have never had a passport in their life will have to apply for passports. Is the department planning toward that? Do you expect a further increase in the number of applications for verification of citizenship and that kind of thing, as a result of the change in U.S. policy that's coming down the pipe?

**Ms. Janet Siddall:** I have had a discussion with the Passport Office. They might be able to provide more detail to you, but what they tell me is that approximately 25% of the people applying for Canadian passports are doing so on the basis of a document issued by Citizenship and Immigration, rather than on the basis of a birth certificate issued by a province or territory.

As the overall number of passport requests increases, the increase for those documents from Citizenship and Immigration also increase, but we have in fact been able to keep pace with the increased demand from the Passport Office. Also, our expedited fast-track situation allows a very quick turnaround time when people are travelling on an urgent basis.

It again goes back to who knows what the numbers are. The Passport Office tells me as well that they're already dealing with applications from people who are indicating that they want their passports for the 2008, I believe, coming into force of the western hemisphere travel initiative. They have some projections, and we intend to continue to work with the Passport Office on their projections so that we can match our projections on the need to provide proof of citizenship for those who do not use a birth certificate.

**Mr. Bill Siksay:** Do you have any sense, though, that this will be a larger number? Given the fact that the requirement right now affects air travellers, a lot of folks who travel by air would normally have a passport in any case. But when we get to the point of land border crossings, which many Canadians make on a regular basis, those people have never had to have a passport in the past. My suspicion would be that there's a much larger group of people who have never had to have this kind of documentation. Is that the department's suspicion? Is there any sort of planning toward accommodating an increase in applications?

**Ms. Janet Siddall:** I'll let Clark speak to the number of applications for proof of citizenship. I don't have the projections that I can give you now, but I know the Passport Office is working on their projections of their increased volumes based on these changes in the requirements, and we will certainly be keeping pace with them.

But on our overall numbers, Clark...

**Mr. Clark Goodman:** I'll simply just add that since 2001, we have seen a steady increase in the number of people applying for proof of citizenship. It has increased over the years.

**Mr. Bill Siksay:** Can you give us a sense of what kind of increase that was? Is it doubling or tripling, or something like that?

**Mr. Clark Goodman:** I wouldn't say doubling, no. Last year, I think we did close to 70,000. The year before, it was probably about 60,000, which is not, to my mind, a big increase. It's just growing.

**Mr. Bill Siksay:** It is a concern, and most of the concern has been with the Passport Office, not with Citizenship and Immigration. I want to be very clear about that.

I think all of our offices have been inundated—I don't think that's too strong a word—with the concerns of people who have had difficulty getting their passports. Some of that difficulty seems to have been because there hasn't been any long-term planning toward the changes that have required people to need a passport. I just want

to make sure that kind of planning is going ahead as these other, further changes come onboard down the road.

I just want to conclude by thanking you again for coming, and by thanking you, as Ms. Grewal did, for all the work you do on behalf of Canadians. I know it hasn't always been easy lately, but I do appreciate that you do come here to talk to us about it.

● (1235)

**The Vice-Chair (Hon. Andrew Telegdi):** Go ahead, Mr. Batters.

**Mr. Dave Batters:** Thanks again, Mr. Chair.

To the officials, I have a comment that I'd ask you to comment on, and then I have a couple of points to make.

In picking up on what Mr. Siksay, I believe, or Mr. Karygiannis said—I'm forgetting which—I would urge you to reach out to members of Parliament a little more than what has been the case, perhaps. As you go out and have these advertising campaigns, especially as they're more and more targeted, the first people these people are going to go to to ask these questions will be our front-line workers in our constituency offices.

I see your packages, but to be honest, I'd really urge you to put together a nice succinct piece, a two- or three-page piece saying here's the issue and here are the groups that are typically affected. It's an executive summary, if you will, written for members of Parliament, but one that could very easily be distributed to all staff members of the member of Parliament. It would be nice to have a conference call, for example, available to the staff of all members of Parliament, and to say that in this conference call we're going to discuss for an hour what the issue is, which people are affected, and whom you may be getting in your office.

This type of information could be put on your website. It could be nice and succinct—say, three pages as people scroll down. I do agree with Mr. Gravel that you're dealing with a lot of people who are probably not web savvy or not hooked up to the Internet, so I think a little less reliance on this most modern powerful tool would be a recommendation that I would make to you, respectfully. That's my first comment.

In this succinct piece that you'd put together, you'd address the questions of, for example, Mr. Karygiannis, saying we have an agreement in place with the RCMP and CSIS that your background checks and fingerprints will be fast-tracked if you fit into these groups. This type of information is powerful for people. As well, I would put in the information package the need for members of Parliament and their staff to be sensitive to these individuals who are coming in.

All this stuff, I think, could be put into a front-line piece distributed to—There are only 308 of us. We all have front-line constituency office workers. You could ameliorate a lot of the damage and a lot of the confusion that's created around these cases through our front-line workers.

Could I have a quick comment on that, perhaps, before I proceed?

**Ms. Janet Siddall:** Absolutely, and thank you very much for that suggestion.

We certainly have, in the past, done newsletters for members of Parliament on issues. We've done sessions on the Hill. I would go further; we do offer up information sessions for constituency offices on all our services. I'd be very happy to take this back to my colleagues, who work across the country, and have them organize specific information sessions for your constituency offices on these issues.

You can have a town hall, a question and answer, and we can work with you on, as you say, a succinct one- or two- or three-pager that covers the main issues that you're hearing about, and perhaps we could have some dialogue with your offices so that we could test-run it with you to see whether it meets your needs.

**Mr. Dave Batters:** Absolutely, and you can create that piece now, over the next month or two, and distribute it. Granted, you don't have all the questions answered, you don't have the new legislation that will be tabled in the fall, and you don't have an outcome to the Joe Taylor case, but then you redo your materials; you update them and you send out another round saying we have an update. I think it would certainly be something that would help me as a member of Parliament.

As my second comment to Mr. Gravel and to the committee, I want to say that it's a great thing that the Minister is taking some time to make sure she gets this right and is carefully drafting this legislation. We've had an awful lot of questions around this difficult issue, and there's a chance for members of Parliament to add their input into this legislation if there's something they want to see included. I imagine the Minister and the Minister's staff will be carefully studying the minutes of this committee. I think there's a chance there to contact the Minister and ensure that there's input into that legislation, and then, of course, we'll all have input in debating the legislation.

Finally, Mr. Chair, my time is almost up. I want to congratulate the officials as well—just one second, Mr. Chair; thank you very much for the hard work you do on behalf of Canadian taxpayers and for your department, especially in regard to this very difficult question.

Thank you.

• (1240)

**The Acting Chair (Mr. Barry Devolin):** Thank you, Mr. Batters.

In the infamous words of Al Haig, "I'm in charge now." Well, apparently not. I'll turn this back over.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you.

Go ahead, Mr. Wilson.

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

I just want to say thank you to the witnesses here with respect to the statements you made previously about working together with members of Parliament over the summer and putting together some town hall meetings. I do ten town hall meetings in my riding every summer, and if I can incorporate some of the issues with respect to citizenship and immigration into them, I think it would be advantageous to my constituents, so thank you on that.

To carry on with the questions that I asked previously, I just wanted to clarify that the department or the minister hasn't put

forward a budget of any kind to deal with the dedicated transfer of resources to deal with the lost Canadians or to deal with the \$300,000 that is going to be spent on an advertising campaign. There has been no budget set aside as to how much is going to be spent on this issue. Is that correct?

**Ms. Janet Siddall:** We have done a reallocation of resources to deal with the minister's instructions to deal on a priority basis with those individuals who have lived all their lives in Canada, or most of their lives, and are now finding they have a problem with their citizenship status. Separate from that, if there is new legislation, there is no question that there will be an analysis of the resource requirements to implement new legislation, but that's part of the legislative process.

**Mr. Blair Wilson:** So to date, there has been no analysis done to say that we're going to be setting aside \$1 million or \$2 million to deal with this, and this is where it's going to go—into human resources, into call centre costs, into advertising and promotion, into publication costs?

**Ms. Janet Siddall:** Whenever we have new legislation, that's always part of the process, but we'll have to stay tuned to see how that new legislation evolves.

**Mr. Blair Wilson:** I must say I'm shocked. Obviously this is an important problem that we're dealing with, but the department hasn't set aside a figure to say this is how it will be dealt with. At the end of the day, how are you going to be able to measure your success or your failure and say you've set aside \$1 million to deal with this issue and this is the outcome at that point in time? There's no budgeting process to begin with. There's going to be nothing to evaluate it down the road.

Is it part and parcel of a larger budget that we can maybe analyze after the fact?

**Ms. Janet Siddall:** Are you referring to what new legislation might bring, or what we're currently doing?

**Mr. Blair Wilson:** I mean currently—the budget spent to date.

**Ms. Janet Siddall:** Well, what we have we can certainly provide to you. It's in the main estimates. That's the amount of money we spend on our citizenship business line, writ large, and therefore that will give you a sense of the resources devoted to granting citizenship or processing proofs of citizenship. We can also give you the costs of operating our call centre.

**Mr. Blair Wilson:** Does any of this information, any of this data that goes with the lost Canadians, get incorporated into the global case management system, or is a separate data base being used to keep track of all these individuals?

**Ms. Janet Siddall:** The global case management system is a system that is under development, but there is an existing rollout for the citizenship business line. It is basically a case-tracking system; that's where we get our data on the number of cases that we're dealing with, but at this point in time I don't want to go that far because I'm not sure.... I'll turn it over to Clark, who works with it. I do not believe it's linked to our financial data systems at this time.

**Mr. Clark Goodman:** I don't believe it is.

**Mr. Blair Wilson:** Would you clarify that for me and get back to me about whether or not it is part of the global case management system?

If it's not, why would it not be linked into that process? We've got it; the government has spent hundreds of millions of dollars developing it, and if we are starting a new database right now, it just seems inefficient.

I'll wait to hear back from you before I comment further.

**Mr. Clark Goodman:** Just to clarify, Mr. Chair, we're looking for a link between, say, a financial management system and our global case management system. Is that your question?

• (1245)

**Mr. Blair Wilson:** Yes, that, as well as the database to keep track of the individuals who are coming forward as lost Canadians as well.

**Mr. Clark Goodman:** Okay. The files that are.... I cannot speak to whether a separate database is kept. Rose Anne, do you want to say anything about that?

**Ms. Rose Anne Poirier:** Mr. Chair, I'll try to answer that to the best of my ability.

In terms of applications that are submitted to the case processing centre in Sydney, we have an application from clients that we process. Whether it's an application for grant of citizenship or proof of citizenship, that is the system that is used. That's the electronic system we use to process the applications.

I think we also previously mentioned that we are tracking—In terms of an active application coming forward, that is the system that we are using, and, of course, we can get some information from that system.

In terms of people who are coming forward and calling our call centre, I believe we already provided an answer to that question; there is a more manual tracking done of those particular inquiries as they're coming forward.

**Mr. Blair Wilson:** Thank you.

Do I have a few minutes left?

**The Vice-Chair (Hon. Andrew Telegdi):** No, that's it. Your timing was pretty good.

Monsieur Gravel, Mr. Komarnicki, no comments?

We'll go to another round.

Mr. Karygiannis.

**Hon. Jim Karygiannis:** I was wondering if Ms. Siddall would table the e-mail she was reading regarding the RCMP inspector. Could they give us copies of that, please?

Ms. Siddall, you mentioned that in January the minister asked you to allocate resources in order to deal with this particular matter. Approximately when was that—the beginning or end of January, or the beginning of February?

**Ms. Janet Siddall:** It related to her announcement on January 24. She specifically asked us to increase our efforts. There have been ongoing efforts to deal with individuals who have questions about their citizenship status, but she asked us to increase our efforts.

That was specifically targeted to the group of people I have described as those who have lived in Canada most of their life and had a reasonable but mistaken expectation that they were Canadians and who were now having issues related to their status. That was a renewed effort and a reallocation of resources to implement all those measures I spoke about. It was mainly focused on our call centre, our case processing centre in Sydney, and our case management branch at national headquarters.

**Hon. Jim Karygiannis:** This was a result of all the media hype this particular file received at the beginning of January, as well as the four-point plan I sent to the minister.

**Ms. Janet Siddall:** I cannot speak to the motivation of the minister; I can speak to my own motivation. My own motivation in dealing with this—and I am the lead ADM—is because we are very sympathetic with the issue for these individuals. We want to help them. We feel that they certainly deserve the extra attention we are giving them.

**Hon. Jim Karygiannis:** Ms. Siddall, what changed between September and December of last year, and January? It's the same people, the same motivation, the same need to look after them. Why was it January, all of a sudden?

**Ms. Janet Siddall:** We have always been addressing the issue for these individuals. It was a renewed emphasis. It was our minister's wish. She publicly directed us to renew our efforts in this regard.

The question, I suggest to you, Mr. Chair, is for the minister.

**Hon. Jim Karygiannis:** When did the minister get sworn in as a minister? When did she take over the department?

**Ms. Janet Siddall:** I'm sorry, I don't have the exact date.

**The Vice-Chair (Hon. Andrew Telegdi):** It was in January.

Can we wrap it up?

**Hon. Jim Karygiannis:** The previous minister, Minister Solberg, said to the committee that he was going to look into dual citizenship and he was going to have the immigration officials investigate. Was it part and parcel of Minister's Solberg's wish to do away with dual citizenship that triggered your looking at this?

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Karygiannis, you're asking questions that officials cannot answer.

• (1250)

**Hon. Jim Karygiannis:** Why don't you let them take a stab at it, Mr. Chair?

**Ms. Janet Siddall:** Thank you, Mr. Chair. I have been asked a question that I cannot answer, as a civil servant.

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Wilson.

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

I have a quick question for the two lawyers who haven't had much of an opportunity to speak, which is unusual.

Has the department asked you to take a look at the proposed new legislation and comment on its charter compliance? It says it will affect people after 1947, but it discriminates against anybody born before that date. Have you looked at any of legislation? Can you comment with respect to the type of legal ramifications that may come forward?

**Mr. Eric Stevens (Legal Counsel, Legal Services, Department of Citizenship and Immigration):** The process that will be followed for this legislation will be as is the case for any other legislation. There will be a memorandum to cabinet going forward. At that point there's always charter advice provided and a charter analysis of the legislative proposal.

**Mr. Blair Wilson:** The only thing I'll add is we're dealing here with war babies, and they were born prior to 1947. So if we're looking for a comprehensive solution we will have to move that date and make it universally acceptable.

Thank you, Mr. Chair.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you very much.

I thank the officials for coming. We're going to give you a chance to depart, and then we'll get on with the rest of our business. We look forward to the legislation coming forward.

**Hon. Jim Karygiannis:** This motion certainly has to deal with the department, so some officials from the department might want to stick around to listen to what we have to discuss.

**The Vice-Chair (Hon. Andrew Telegdi):** If some officials want to stay and listen in the audience to what the motion has to say, that would be good.

Just as a general comment, we put this issue on the agenda as a committee and we can all take some pride in it. While previous ministers said they were not going to come forward with legislation, it is now happening. We will have a real opportunity in the fall to hopefully make some meaningful legislation. The differences in dynamics are interesting when we have lost Canadians in and when we have the officials in. But committee members picked up the cause of the lost Canadians and we will have good solutions.

I might say to Mr. Komarnicki that he didn't ask any questions and we had such an easy meeting.

**An hon. member:** It's just because you're in the chair and not sitting on this side of the table.

**The Vice-Chair (Hon. Andrew Telegdi):** No, I think it has more to do with Mr. Komarnicki not being here.

So we can look forward to legislation. I really hope that those of you on the government side will push the government to include the other people who are being left out. I don't think the committee can really rationalize why we're leaving them out. There are some other things that they could fix up. But I think we could have major legislation, and it would be really good if you could get that done.

We have a notice of motion from Mr. Karygiannis, and I guess the officials all took off.

**Hon. Jim Karygiannis:** It's up to them.

Do you want me to speak to it, Mr. Chair?

• (1255)

**The Vice-Chair (Hon. Andrew Telegdi):** Sure, go ahead.

**Hon. Jim Karygiannis:** On the whole thing regarding lost Canadians, Mr. Goodman said there are about 250 Canadians whose cases are in abeyance, and the minister spoke of 400. We certainly have not been given exact numbers. All these cases are in abeyance because of the decision on Joe Taylor. We have not had an opportunity as a committee to look very carefully at the file of Mr. Taylor.

Before we proceed to make recommendations in the fall and come up with proposed legislation, I'm asking that we ask the officials to give us a complete copy of the report within 30 days. We may need to go in camera to get advice and see what is happening. I realize that this case is before the courts, but certainly the file is available to members of Parliament and officials who can come in and guide us through it. We don't need to ask officials why they made such decisions. But I think it's up to the committee—and I certainly encourage everybody here—that this particular file be brought forward and discussed. If we need to go in camera we can.

One of the committee members asked if we had permission from Mr. Taylor to do that. I think Mr. Chair is in receipt of an email that was sent to him today by Mr. Taylor saying he agrees totally with Jim and we have his permission to ask for his files to be brought to the committee in camera.

Mr. Chair, I think you have a copy of that report. I have given the department a signed authorization from Mr. Taylor for us to proceed on that matter.

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Komarnicki.

**Mr. Ed Komarnicki:** I would certainly oppose this kind of a motion on a couple of grounds, and a procedural one as well, from a point of order.

I don't think we should, as a committee, get into specific files and start looking into an individual's files at a committee level. That's something that would be better left to others. We may instruct, give general directions, and give instruction as to what the policy should be and how they should proceed. I think we should refrain from becoming involved in a specific case. I think that's probably not a good practice for us to use, regardless of the situation. The case, whether it's Mr. Taylor's or someone else's, is just not where we should go.

I think the other part of it is—and Mr. Karygiannis mentioned it himself—that the case is before the courts. I think that while the case is before the courts, it would be inappropriate for us, as parliamentarians, to interfere in that process. I know there's a rule of Parliament and a rule that has been recognized by various parliaments that is called a *sub judice* rule, which exactly deals with the issue of the matter being before the court.

I looked at Scotland, Wales, and Northern Ireland. We're referring to that. They said,

Rightly, we have absolute privilege for anything that we say in Parliament. The courts cannot interfere with what we say or do in the course of proceedings in Parliament.

That absolute privilege must not be abused, and the *sub judice* rule is a means to prevent abuse. As the joint committee said,

“the rule provides that matters awaiting adjudication in a court of law should not be brought forward on motions, debates, questions or supplementary questions...”—

**An hon. member:** Just a point of order.

**The Vice-Chair (Hon. Andrew Telegdi):** No, let him finish up.

**Mr. Ed Komarnicki:** It says the *sub judice* rule is necessary, not only to preserve proper relations between courts and Parliament, but to ensure the trials are not prejudiced. I acknowledge that it is frustrating for members when the *sub judice* rule restricts comments in the House more stringently than comments in the media, but that is unavoidable.

Of course, we go through Marleau and Montpetit. It talks about the same *sub judice* convention, and it talks about why it exists: “to maintain a separation and mutual respect between legislative and judicial branches of government. Thus, the perception and reality of independence of the judiciary must be jealously guarded”, and on they go.

And then, of course, a member of your own party, the Liberal Party, the Honourable Mauril Bélanger, from Ottawa—Vanier, said in the House when he was speaking on an issue,

I, too, have taken note of your admonition.

—when he was talking to the Speaker—

However, we should be aware that until the matter is before the courts, the *sub judice* rule does not apply. As far as I understand, one of the groups here might have petitioned the courts, but that petition has not yet been responded to or accepted, so technically it is not even before the courts right now, so the *sub judice* does not apply.

Now, having said that, this matter is before the courts. It is an individual file, and I don't think it would be appropriate for us to review the case or to make any comments or even to be seen as coming to a conclusion on any aspect of the case while it's under litigation. It's certainly before the Federal Court of Appeal. They are

certainly looking at the specifics of this case, and Parliament itself has noted that the principle of *sub judice* does apply, and it clarifies that members are to refrain from discussing matters that are before the courts or under judicial consideration. It's an important—

**The Vice-Chair (Hon. Andrew Telegdi):** I'm going to freeze the clock at one o'clock. The committee is fine with that?

Are you going to be wrapping this up soon?

**Mr. Ed Komarnicki:** I am.

I think it's an important convention that is bigger than us and bigger than this case and ought to be preserved and respected into the future. You have to wonder if this committee needs to consider this information in a specific case when we're looking at more general objectives. Any of the information that the committee is already aware of is something that has come through the public domain. So I don't think we should proceed to delve into the privacy of the file itself, and I certainly would object to it. I think that from a point of order, it's not an appropriate motion that should be entertained by the chair.

• (1300)

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you very much, Mr. Komarnicki.

It just seems to me that the Joe Taylor case is holding up all sorts of other cases. Bear with me—there's a policy question involved here. And the policy question is should we continue to discriminate against people who are born out of wedlock before a certain date? That's one question. And the other question is should the fact that you fail to apply to retain citizenship mean that you're not going to get your citizenship?

That's a policy question, and I think it's fair game for us on the committee to say to the government, “you're on the wrong track, because you should not have that policy and you should reverse or change that policy”. Then we'd get a resolution to all the problems that are being caused by the Joe Taylor case.

**An hon. member:** But you don't need to look at the specifics of the Joe Taylor case. That's another conversation, Mr. Chair.

**The Chair:** Yes, that's another conversation. That's right.

**Hon. Jim Karygiannis:** Mr. Chair, I would point this out. Mr. Komarnicki calls this motion out of order. I don't think this is out of order, and I'll state why. This committee has looked at individual cases of people who have been held right now, or held—

**The Vice-Chair (Hon. Andrew Telegdi):** I'm ruling the question in order for the reasons that I stated. So unless you're going to add something new, we can probably go to a vote.

**Hon. Jim Karygiannis:** That's fine, go to a vote.

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Siksay.

**Mr. Bill Siksay:** I want to ask that Mr. Karygiannis, or maybe you, Chair, to table the documents from Mr. Taylor giving his permission for the committee to look at this. I hope they can be available to all of us.

Chair, this is a very important case, and one that I think determines a lot of other people's situations. It is important that the committee members understand the application that has been made.

The way I read the motion is that we're talking about the application, and Mr. Taylor's case specifically, as a way of fully understanding what his circumstances are and how that has been treated under the existing law. I don't see that as necessarily interfering with the case that's before the courts at this time. I think it's very important that the committee have a full understanding of the Taylor case, so that's why I'll be supporting the motion.

**The Vice-Chair (Hon. Andrew Telegdi):** Thank you.

Mr. Tonks.

**Mr. Alan Tonks (York South—Weston, Lib.):** Thank you, Mr. Chairman.

Mr. Chairman, I enter the discussion at my peril with respect to the substantive issue, but I would avail the committee of my experience with respect to the public accounts committee. During the committee's inquiry with respect to those who had been involved in aspects of the allegations that were made on the sponsorship issue, Mr. Walsh was called in and, in a generic way, was able to satisfy the committee with respect to the policy issue that has been cited without implicating the court proceedings.

As a result of that, the chair was able to direct the witnesses in a manner that did not in any way conflict with the court proceedings. My suggestion would be that members should avail themselves of similar input from Mr. Walsh, who is the legal advice to Parliament. I don't know what the procedures would be, but I certainly think the issue of natural justice is interesting. In discussion with the staff who were here, the concept of natural justice was one that was used to balance the frustration of those who are coming under the lost citizens that committee members were attempting to focus on. It's a similar issue here.

I would suggest that Mr. Walsh be called in, Mr. Chair, and when you proceed with the motion, it can be framed in such a way that the chair would be able to satisfy the court issues that would be implicated. That would be my suggestion.

If it was necessary to put that in a motion, I would take your direction, to that extent.

**The Vice-Chair (Hon. Andrew Telegdi):** Okay.

• (1305)

**Hon. Jim Karygiannis:** Mr. Chair, I appreciate what my colleague Mr. Tonks is saying. However, the committee has been working six months on this. About 300, 250, 400 cases are in abeyance. We're about to break for the summer. I would say we pass the motion.

Should the chair get more information that this needs to be changed, then if we need to bring in Mr. Walsh, that's fine, but I would recommend we vote on that motion. At least call the question.

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Siksay.

**Mr. Bill Siksay:** Chair, I'd like to make a motion in light of Mr. Tonks' suggestion, and I think it's a helpful suggestion. I'd just like to add the phrase that we request a briefing from Mr. Walsh—I don't

know his exact title—prior to any committee meeting on the Taylor case.

And Chair, I have another point to make, but I think we should perhaps deal with that first.

**Hon. Jim Karygiannis:** Just to get a clarification, Mr. Chair, is Mr. Siksay saying we add this at the bottom?

**Mr. Bill Siksay:** Or at the top, so that we make sure we request the parliamentary legal counsel, Mr. Walsh, to brief us on issues that arise from this request prior to hearing from anyone in the department on the case.

**Hon. Jim Karygiannis:** If I may add, should we find at that time that this motion is appropriate, we don't proceed with it but the motion stands.

**The Vice-Chair (Hon. Andrew Telegdi):** All he is saying is that we get some advice from Mr. Walsh within what boundaries.

**An hon. member:** Call the question, Mr. Chair.

**The Vice-Chair (Hon. Andrew Telegdi):** The question is on the amendment. Could you read it please, Samy?

**The Clerk of the Committee (Mr. Samy Agha):** To insert the words, “and that Mr. Walsh, legal counsel”—his exact title to be added later—“provide a briefing to the committee prior to hearing from the department”.

**An hon. member:** Could we have a recorded vote, Mr. Chair?

**The Vice-Chair (Hon. Andrew Telegdi):** Okay. We will have a recorded vote on the amendment.

**An hon. member:** And on the motion, as well.

**The Vice-Chair (Hon. Andrew Telegdi):** We'll do the amendment first and then we'll do one on the motion.

(Amendment agreed to) [See *Minutes of Proceedings*]

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Siksay.

**Mr. Bill Siksay:** Mr. Chair, the one hesitation I have about the amendment is the word “order” in the first line. I'm not sure the committee is in a position to order anybody to do anything. I'd like to clarify that.

Is that in order, to order the department to provide something to the committee? I must say I'm uncomfortable with that. I'd be happier if we changed that word to “request”. If it wasn't forthcoming, we could seek recourse after that.

Could someone tell me the meaning of that word in terms of procedure?

**The Vice-Chair (Hon. Andrew Telegdi):** According to Standing Order 108(2), the committee does have the power to do that.

**Mr. Bill Siksay:** In light of that, Chair, I'd like to propose a further amendment: that the committee change the word “order” to “request” in the first line, and then add a phrase, “and that if the request is denied that the committee order this action”, or something.

**The Vice-Chair (Hon. Andrew Telegdi):** Okay. You're saying the same thing, but anyway....

**Hon. Jim Karygiannis:** Mr. Chair, if I may, I think we need to keep in mind that it's the 30 days. We're going to be wrapping up, so the department will have more than 30 days. The department can say to us that in order to bring everything together it can take six months to a year. I think this is an issue that a lot of people whose cases have been held in abeyance need to hear about and need to hear quickly. This is why the word "order" is in there asking the department to comply within 30 days.

I think the department has the resources as well as the personnel to comply with these requests.

• (1310)

**The Vice-Chair (Hon. Andrew Telegdi):** All right.

Mr. Siksay.

**Mr. Bill Siksay:** I'd like to have my proposal stand, Chair, and the members can decide.

**The Vice-Chair (Hon. Andrew Telegdi):** Okay. So you're moving to amend that we request in the event of a failure of compliance we will order...

**Hon. Jim Karygiannis:** If we do that, I would like for them to notify us within 15 days. If they don't comply within 30 days, then

they are ordered. That's what I need to make perfectly clear, Mr. Chair.

**The Vice-Chair (Hon. Andrew Telegdi):** I think that's what it says.

Mr. Komarnicki.

**Mr. Ed Komarnicki:** We should vote on the amendment and proceed.

(Amendment agreed to) [See *Minutes of Proceedings*]

**The Vice-Chair (Hon. Andrew Telegdi):** We'll move on to the main motion. We will have a recorded vote.

(Motion agreed to) [See *Minutes of Proceedings*]

**The Vice-Chair (Hon. Andrew Telegdi):** Mr. Siksay.

**Mr. Bill Siksay:** I would just like to let committee members know that I've tabled with the clerk a notice of motion regarding a study into immigration consultants. Hopefully we'll be able to deal with that at our next meeting.

Thank you.

**The Vice-Chair (Hon. Andrew Telegdi):** The meeting is adjourned.

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