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Chair

Mr. David Tilson

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• (0845)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good morning. This is the Standing Committee on Citizenship and Immigration, meeting number 77. We are studying Mr. Shory's bill, Bill C-425, an act to amend the Citizenship Act, honouring the Canadian Armed Forces.

We are into clause-by-clause. We have some witnesses here to assist us if needed. Most of the people you've met from the Department of Citizenship and Immigration. We also have representatives from the Department of National Defence. They're available for questions.

We can start on the clause-by-clause.

Mr. Dykstra.

Mr. Rick Dykstra (St. Catharines, CPC): Thank you, Chair.

Two things are going to happen this morning that are not normal to our committee process. The first is that I realize that the members of the opposition are much further away than I would like. Usually we're much closer than this; obviously there's an extra table in here this morning. I'm not quite sure why, but it must be because we have lots of staff here and we have lots of witnesses.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): I've been wondering why it takes so long to go across the table.

• (0850)

Mr. Rick Dykstra: That's definitely one thing that's a little different this morning.

Before I start, I would like to apologize to our witnesses. We are going to do something a little different this morning than move through clause-by-clause, and I'll explain why. Given the recent events in the news, such as the VIA Rail terrorist plot yesterday, and none of us has to go too deep into our minds to think about what happened in Boston over the last number of days, we can't deny the reality that we are living in a world that has terrorism in it. It's a real threat, and we've offered our positions on these issues. We've offered words of comfort.

We have spoken about this bill over the last number of days and weeks. There's no question in my mind that the direction we need to take is stronger and more confident than just what is set aside in a private member's bill that was moved by Mr. Shory. We must act. There should not be any ambiguity in the words that we use; we should be direct. They should be firm, and our legislation should coincide with that. I believe it's imperative to ensure that every single

amendment the government has moved plays a role in this piece of legislation, which I think is timely, which I think is correct. It needs to ensure that every single one of our amendments is included in it.

I cannot stress strongly enough that no words or actions can be ill-defined, and the bill cannot be either. As such, Mr. Chair, I would like to move the following motion: that the committee recommend to the House that it be granted the power during its consideration of Bill C-425, an act to amend the Citizenship Act, honouring the Canadian Armed Forces, to expand the scope of the bill such that the provisions of the bill be not limited to the Canadian Armed Forces.

It's been clear over the last number of days...and I appreciate the efforts by our legislative clerk to do his best to inform us as correctly as possible how the bill should be read and how our amendments should be interpreted accordingly.

So I move the motion here this morning. I know it is not normal procedure to do this prior to moving on clause-by-clause, but make no mistake, Chair, we're going to act not only in response to what we see in the world today, but we're going to ensure that a piece of legislation that moves forward has proper scope, has proper language, and is interpreted according to the witnesses we have heard over the last number of weeks, the advice we have received, and the direction we should move in.

I so move that we bring this back to the House and be given the opportunity to expand on the scope of the bill.

The Chair: Thank you.

Mr. Lamoureux.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Chairperson, when I think in terms of the Boston tragedy, there are a number of thoughts that run across my mind. Right at the get-go, I want to acknowledge that no matter where you live in North America, what took place in Boston was horrific and at the end of the day we want to be able to see that there is justice done. We've heard from everyone from the President of the United States to the average Canadian in terms of how they feel about what has taken place. We give our best wishes and condolences to family members of victims and those who have been directly touched by this particular terrorist act. We can't say enough in terms of just how horrific this was.

Having said that, yesterday members of our law enforcement agencies, in cooperation with others, were able to discover a plot that would have led to Canadian lives possibly being lost and in many ways destroyed. Again, we congratulate all those involved in it and thank them, ever so grateful that we were able to prevent it from happening.

Yesterday I spoke at length on Bill S-7, combatting terrorism. It's now in third reading inside the House. Individuals are being afforded the opportunity to get on the record. We're doing what we can. In fact, the Liberal Party of Canada has indicated its support of Bill S-7, wanting to see the bill passed for all the right reasons. Yesterday I questioned why it is that the government was bringing forward Bill S-7 at that time, believing that maybe there was some political manipulation that was being conducted here, maybe even taking advantage of that tragedy that took place in Boston. I think there is a great deal of merit in terms of many of the things we're saying in terms of motives that were being used yesterday surrounding Bill S-7.

Now we're in committee, and there are two things that I get out of what Mr. Dykstra has said. Number one is the fact that in the motion it's very clear, Mr. Chairman, that the government does want to make significant amendments to Mr. Shory's bill, and he realizes, as the government has realized, that it is really out of scope, if we take a look specifically in terms of what it is that Bill C-425 was attempting to do. It's very precise. All you have to do is take a look at the summary. There are two things:

This enactment amends the *Citizenship Act* to require the Minister, on application, to reduce by one year the required years of residence in Canada to grant citizenship to any permanent resident who is a member of the Canadian Armed Forces who has signed a minimum three-year contract and who has completed basic training.

That's the number one objective. If we look at what happened in second reading, most of the discussion was on that issue. If we take a look at the reports that were coming out and being commented on, even by Mr. Shory himself, that seemed to be the primary reason for the bill itself.

The second part of the bill, Mr. Chairperson, is in regard to this:

It also amends section 9 of the Act to provide that an individual is deemed to have made an application for renunciation of their Canadian citizenship

What's important here is that it's very specific. It's saying "if they engage in an act of war against the Canadian Armed Forces". That's all that was meant with this particular private member's bill.

Why it's important for us to make note of this, Mr. Chairperson, is that the government has acknowledged that it is outside of the scope. But now the government wants to allow us to be able to make any sort of change we see fit, even though they would be out of scope. The biggest problem I have personally with that is that the rules that apply to a private member's bill are significantly different from the rules that apply to a government-sponsored bill.

● (0855)

I would be a whole lot more sympathetic to what Mr. Dykstra was talking about if we were suggesting that, given the situation that has been taking place over the last number of days, we should bring this bill back into second reading and allow for a more wholesome debate. We only allowed for one or two hours of debate, because it was a private member's bill. I can assure you that we would have critics—whether it's the member from Mount Royal, or our public safety critic, not to mention the leader of our party—who would love to contribute to the debate. Given the manner in which we're proposing legislation, this is really way outside the scope.

We talk about the manner in which citizenship is going to be changing, the establishment of a two-tier type of citizenship. We were provided a series of amendments that the government was possibly considering to bring forward to the committee. Late last night, I was told that what I was provided has now been changed. So I don't really know what to expect from all these amendments. I don't believe we're doing a service to private members bills when we break the rule and go beyond the scope.

I would recommend that we continue to move forward with Mr. Shory's bill at this time, clause by clause, as you suggested at the opening, Mr. Chairperson. If the government wants to bring in amendments, we can listen to them, and you'll rule whether or not they're within the scope of the bill. Even by his own admission, Mr. Dykstra has said he wants us to go back to the House because the amendments they want to move are beyond the scope of the private member's bill. I think that gives us some direction.

We might want to consider having a recess. This would allow our respective House leaders to see if they can work out a compromise that would achieve something that would protect the integrity of private members bills and at the same time respond to the government's need to bring in something more all-encompassing regarding terrorism/citizenship and so forth.

Mr. Chair, my recommendation would be that, if anything, we leave it to our House leaders and see what they come up with. If we want to continue on clause by clause today, I'm okay with that. But I would be very reluctant to suggest that we recommend to the House that we allow this committee to change the scope of the legislation.

The Chair: Thank you, Mr. Lamoureux. The motion is in order, and I'm sure the House leaders at the appropriate time will be having a chat on Bill C-425.

Ms. Sims.

Ms. Jinny Jogindera Sims: Thank you, Mr. Chair.

There are two prongs to this private member's bill, and both are being articulated—speeding up citizenship, and renunciation for those with dual citizenship for engaging in acts of war, etc.—so I'm not going to waste the committee's time.

I'm pleased to see that the government has come to the determination that the amendments were outside the scope of this bill. We continue to have concerns with the bill, which we feel is very ambiguous in some areas, in the way of terms. We continue to have concerns around statelessness.

We're also very concerned about the co-opting, let's say, of a private member's bill. There are many different ways governments, especially majority governments, can get their legislation addressed and into the House. We have a bill here that in part is very difficult to understand and needs major work. We have said that before, and we continue to have our original concerns as expressed.

● (0900)

The Chair: Mr. Dykstra.

Mr. Rick Dykstra: Thank you.

I will not take long. I just want an opportunity to respond to three objectives that I think Mr. Lamoureux is trying to come to a conclusion on, or at least to make, and also to respond to two points made by Jinny in terms of their position.

First, speaking directly about Mr. Shory and his bill, regardless of the number of parties we have in the House, who sit in the House of Commons—opposition or government—this is a bill moved by a private member, who has the opportunity, based on his time and the allocation given to him, to introduce a private member's bill. He chose to introduce this bill I think based on a need. He didn't introduce it based on reaction to what has happened, even in the past short while. I congratulate him for doing that, because he did it based on an objective that he wants to accomplish, not to be self-serving, not to do something that would respond to something that has currently happened.

He has made it very clear from the beginning, in meeting with both the minister and his colleagues over the last number of days, weeks, and months, that he's open to amendments to this bill. Through that entire process he has made it clear that he wants a bill that meets with the acceptance of Canadians from one side of this country to the other, and that when the opportunity comes forward for amendments, he is prepared to study them, to look at them, and to accept them if they improve the content of the bill. He has reviewed each and every one of these amendments; he agrees with every one of them and he agrees they should be worked into his bill.

Second, Mr. Lamoureux speaks to time in the House. If you review the speeches that were given and the public comments that have been made with respect to this bill, it has been clear from the very beginning that we wanted to seek amendments to the bill. Mr. Shory made that very clear in his comments in the House, and I made that very clear in mine. In fact, all members, regardless of which side of the House they sit on, indicated that there were improvements that needed to be made to the bill.

That is what we attempted to do during the extended period of time we've studied this bill, and with the great number of witnesses that have come forward to speak to this bill, it was clearly evident that there were opportunities to make improvements to the bill and that it needed to go further than here at our committee to be able to do that.

That's why we're being upfront about it. We are not trying to move this through committee to find out whether or not we can get this by without huge objection from you. We want to go back into the House of Commons. Mr. Lamoureux, you're going to have an additional three hours that we wouldn't have had if we were to go through the process today, an additional three hours in the House of Commons to do exactly what you've requested, which is to debate the very content of what should or shouldn't be in this bill.

I look forward to that. It is with deep hope that you spend, and the Liberals spend, all of their time speaking in support of the amendments in this bill. I don't know whether that's going to be the case or not, but if I could get an early word into the creation of those speaking notes, if they in fact include the positive side of what this bill is going to do and what it means for Canadians and for the country, that's the part I want to conclude on.

We're going to have another opportunity to go at this. We're going to go back to the House of Commons, and as critics and as members of this committee, we're going to be able to speak to the bill again, in part or in whole, directly within the House of Commons.

Jinny, your point around statelessness is something that witnesses have pointed out. It's a concern that ministry officials have pointed out as to why they support the amendments that have been put forward. I think all of us around this table heard very clearly from the United Nations' representative that indeed we need to set this bill up so that it does not put individuals in a position of statelessness. That's what the amendments do. Unfortunately, we need to go back into the House of Commons to get those amendments into the bill itself. But I appreciate your comments on that, because that is where we're driving to in working through this.

As to your final piece about the bill needing work, that's why the amendments are here and that's why we're going to go back to the House of Commons, Mr. Chairman, and that's why we'll come back here, once we've been through the House of Commons, to get this bill passed with the amendments necessary to strengthen the bill itself and the legislation it carries with it.

• (0905)

At this point, I'm going to thank Mr. Shory for moving this bill and allowing the government to suggest amendments to the bill, because this is going to be a piece of legislation that is going to make all of us proud. It's going to be a piece of legislation that doesn't just respond to incidents of horror that we have seen over the last number of weeks. It actually sets us up to lead, to be an example, and to say to the rest of the world, if terrorists are going to take this kind of action, we're going to work on two things: we're going to ensure that they pay a serious, heavy price for those actions, and we're going to put ourselves in a position to make sure that we prevent those actions from happening in the first place.

Thank you, Mr. Chair.

The Chair: Thank you.

Mr. Shory.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Mr. Chair, and thank you to my colleagues as well.

Mr. Chair, I want to remind my colleagues of one thing. When this bill was tabled, the intent was very clear: we must reward those who give their lives to protect Canadian values; on the other side, those who participate in destruction of those values must pay the price for that. As far as the intent is concerned, since the tabling of this bill, in the House and outside the House, in public and in private, I have been very clear that I am very open to any amendment that will strengthen the intent of my bill. While I'm reading about and watching all the events, I'm of the strong view now that Canadians who commit acts of terror clearly demonstrate that they reject the value of Canadian citizenship and they have absolutely no interest in citizenship.

As far as the scope of the bill is concerned, Mr. Chair, since the beginning in this committee, and as a matter of fact in the House, during the second reading, all parties have been talking about terrorism. We have been discussing terrorism. All three parties had an opportunity and made some proposals on this. As a matter of fact, we seldom talked about the first part of the bill; most of the time we talked about the second part of the bill and terrorism. That's what happened in the committee.

I once again want to reiterate that this bill was conceived and introduced by me. It is meant to amend the Citizenship Act, as the title says.

The Chair: Ms. Sims.

Ms. Jinny Jogindera Sims: Thanks, Mr. Chair.

We're all bound here by rules, the Standing Orders of the House of Commons, and sometimes we rely on others to point these out to us, but definitely it's our reference point.

When I look at Standing Order 97.1 on page 71, Mr. Dykstra, just in case you were wondering, it says that within 60 sitting days from the date of the bill's reference to the committee we "shall"—it's not "may"—

...either report the bill to the House with or without amendment or present to the House a report containing a recommendation not to proceed further with the bill and giving the reasons therefor or requesting a single extension of thirty sitting days to consider the bill, and giving the reasons therefor.

This doesn't say to go and ask for an expansion of the mandate. The report that goes back to the House is the bill, with or without amendments, or it is asking for an extension of 30 days, that we need longer to study the bill. I just wanted to point that out for those who are considering.... I thought the second part was interesting as well, that we have to end our report either recommending...we can recommend not to proceed with the bill further and then maybe a new bill could come forward.

I don't know, but in reading this, I don't see how the recommendation you moved fits in with this. I'm waiting to be enlightened.

● (0910)

The Chair: The report that Mr. Dykstra is suggesting is a separate report. The report that you were referring to expires June 21. We must submit it by June 21 or it's deemed to have been reported, or we can ask for an extension of another 30 sitting days.

Yes, Ms. Sims.

Ms. Jinny Jogindera Sims: Just for clarification, I'm looking at the recommendation that has been moved here. It says "within sixty sitting days" shall "either"—it doesn't say you have other choices—"report the bill to the House with or without amendment or present to the House a report containing a recommendation not to proceed further with the bill...."

The Chair: Well....

Ms. Jinny Jogindera Sims: I'm just reading the rules.

The Chair: No, I understand.

I'll discuss this with the clerk, but my understanding is that the report, if it carries, that Mr. Dykstra is asking me to submit to the

House—and hopefully we can do it today, unless we continue talking—is a separate report. I'm having the clerk look at what you just said.

Mr. Weston.

[*Translation*]

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you, Mr. Chair.

I will be brief.

Yesterday, around 1 p.m., several hundred people came to the Hill to express how they felt about what took place in Boston a week ago. New Democrat Paul Dewar, Liberal Kirsty Duncan and I were there, and we had the opportunity to speak to those people.

We wanted to see the spirit of that crowd of individuals who wanted to tell us they were there to protest against terrorism, but also to try to obtain some concrete answers on what we can do to protect Canadians and all nations around the world. I think that, if we are sincere about this, our party leaders will be able to find a way to resolve the issue raised by Ms. Sims.

[*English*]

The Chair: Okay.

Messrs. O'Brien and Bosc, at page 992, talk about this. This is an exceptional rule; this is an exception to everything.

Obtaining Additional Powers

If a standing, legislative or special committee requires additional powers, they may be conferred on the committee by an order of the House—by far the most common approach—or by concurrence in a committee report requesting the conferring of those powers.

That's what Mr. Dykstra is doing with his motion.

Mr. Dykstra.

● (0915)

Mr. Rick Dykstra: I want to respond to the comments made by Ms. Sims. They're basically very straightforward. In fact, I'll borrow some of the language that Mr. Lamoureux used in moving this forward.

First, we have until June 21 to get the bill through in its original form. Second, I don't want to say we're drawing a line in the sand here, but there is an opportunity for the opposition to play a key role in this process. That is to get this bill into the House as quickly as possible, in terms of the concurrence motion, and do so in a way that is going to meet the objectives required of us legislatively and legally. But let's get on with the discussion in the House and get it back here to the committee so that the witnesses, who got up bright and early this morning to attend, the next time they're here, will actually be dealing directly with the bill.

I submit—as a request, as colleagues, not as members of other parties but as colleagues—that the best thing we can do for ourselves is to get this bill back into the House, have the discussion, present our arguments, vote on it, and get it back here so we can complete the bill and get it into legislation as quickly as possible.

The Chair: Mr. Lamoureux.

Mr. Kevin Lamoureux: The amendments that have been circulated are obviously quite substantive. My question is, if we feel that after going through the amendments you propose that we would like to see changes, will we be eligible to resubmit new amendments?

The Chair: Yes, but I'd rather wait. This motion may not carry. I expect it will, but it may not carry.

In answer to your question, assuming the motion carries, I would think the answer is yes. I'll have some comments after we see what happens to the motion.

All those in favour?

Mr. Kevin Lamoureux: Mr. Chair, can we show that it was on division?

The Chair: Is there any disagreement with that?

Okay, we'll make it "on division".

(Motion agreed to on division)

The Chair: The motion is carried. I will endeavour to try to get into the House to do that report today.

I have a couple of comments. Thursday, our next meeting, will be in either this room or the other room. It's for estimates with the minister.

I want to draw to the critics' and parliamentary secretary's attention that the amendments you've given to the clerk, together with any others—it's possible other amendments may be made—would have to be reintroduced, would have to be sent to the clerk. Depending on when this is dealt with in the House, we'll have to decide now or we'll have to have a subcommittee meeting to decide when those amendments should be filed. It's probably premature to

do it now because we have no idea when the House will deal with this.

I'm thinking out loud. If we are authorized to expand the scope of the bill by the House, one raises the question, would there be further hearings, or do we jump into continued clause-by-clause? It's just an observation. If we're asking for this further expansion of the bill, it's conceivable that the government and members of the opposition could have further amendments. I don't know whether I'm right or wrong, but that's just something for you to think about. We would talk about that in a subcommittee meeting.

Does anyone have any comments?

Mr. Dykstra.

• (0920)

Mr. Rick Dykstra: Chair, I was going to make a suggestion, or start to make suggestions, as to when we could allow for amendments to come in, but I think you've made a great suggestion for the steering committee or subcommittee process, that once we have finished in the House the steering committee meet for half an hour and we make a determination on the issues you've brought to our attention.

The Chair: Ms. Sims.

Ms. Jinny Jogindera Sims: I concur that it would be premature for us to be setting out any kinds of timelines or amendments. Only once we realize how the House disposes of this can we then make a determination of further witnesses and amendments. I think we need to hold off.

The Chair: I will endeavour to report to the House this morning.

The meeting is adjourned.

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