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Chair

Mr. David Tilson

Standing Committee on Citizenship and Immigration

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• (1535)

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): We are resuming the 27th meeting of the Standing Committee on Citizenship and Immigration.

[English]

Is everyone ready? Yes?

We are continuing our study of the subject matter of Bill C-24.

I'd like to thank our two witnesses for accepting the invitation and contributing to this study. We have with us the chair of the Air India 182 Victims Families Association, Mr. Bal Gupta.

It's nice to see you.

From the Coalition of Progressive Canadian Muslim Organizations is Madam Salma Siddiqui, who is the president.

Thank you.

You each have up to eight minutes for your opening remarks.

Mr. Gupta, you have the floor.

Dr. Bal Gupta (Chair, Air India 182 Victims Families Association): I thank the committee for giving us an opportunity to testify.

From the perspective of victims impacted directly by the most heinous violent crime in Canadian history, namely the terrorist bombing of Air India flight 182 on June 23, 1985, Air India 182 Victims Families Association strongly supports two provisions of Bill C-24. I will talk about only two provisions.

The first provision reduces the residence requirement for Canadian citizenship by one year for permanent residents who serve in the Canadian Forces. The second provision strips Canadian citizenship from those dual citizens who engage in acts of terrorism or engage in armed conflict with Canada. These provisions, if enacted into law, will on the one hand encourage, acknowledge, and support those who put themselves on the front lines for Canada to protect our freedom and democracy, and on the other hand act as a deterrent against those Canadians who violently demonstrate their opposition to our freedom and democracy by engaging in acts of terrorism or acts of war against Canada.

I speak to you not as an expert in legal or constitutional matters but as a victim of the worst violent terrorist crime in Canada. In the AI-182 tragedy I lost my wife, Ramwati Gupta, to whom, at the time,

I had been married for over 20 years. In a tragic moment, I was left a single parent, with two young sons aged 12 and 18.

The AI-182 tragedy was a result of a terrorist conspiracy conceived and executed on Canadian soil by criminals who brought their problems from India into Canada. The terrorist bombing of AI-182 killed 329 innocent persons. Most victims were Canadians, coming from every province except P.E.I. Others came from many states in India and the U.S.A. They came from almost all religious backgrounds, from atheism to Zoroastrianism.

Eighty-six victims were children under 12 years of age. Twenty-nine families, including husband, wife, and all children, were wiped out. Thirty-two persons were left alone; the other spouse and all children were gone. Seven parents lost all their children. Two children, around 10 years of age, lost both parents.

The terrorist criminals took away our Canadian democratic rights to life, liberty, peace, and prosperity. Sadly, even today, the real culprits are still roaming free in Canada and elsewhere.

As families of the victims of the terrorist bombing of AI-182, we have suffered and continue to suffer incalculable grief and pain, which we do not wish to befall any other Canadian due to future violent criminal or terrorist acts. Part of our mission is to speak out on crime, violence, and/or terrorism issues to ensure that our country is safer and more secure for its citizens.

One provision in the bill proposes to reduce the residence requirement for Canadian citizenship by one year for permanent residents who serve in the Canadian Forces. In the last few years our forces have been on duty in Afghanistan, Jerusalem, Egypt, Mali, and the Indian Ocean off the Somali coast. The Canadian Forces are not an occupying force. They are either working as peacekeepers or fighting on the front lines against terrorism and other violent crimes, like piracy on the seas, which fuel terrorism and lawlessness.

These overseas criminals and terrorists do not hesitate to export terrorism to Canada or to lure and embrace misguided Canadians into their causes. Thus, our soldiers on the front lines are defending our freedom, democracy, and democratic values and rights. This provision in Bill C-24 acknowledges, encourages, and supports the loyalty of those permanent citizens who have joined the Canadian Armed Forces and have put themselves on the front lines for Canada.

Another provision in the bill strips Canadian citizenship from those Canadians with dual citizenship who engage in acts of terrorism or in armed conflict with Canada. Such persons demonstrate clearly that they have no loyalty whatsoever to Canada and no value for the Canadian democratic system. Thus, they do not deserve Canadian citizenship, which they are using as a matter of convenience to further their criminal and terrorist activities.

A Canadian citizen engaging in acts of terrorism and/or war against the Canadian Forces is not a far-fetched scenario. Today, terrorism is an international phenomena, and the terrorists, in most cases, may have worldwide connections. The proven cases of Khawaja in Canada and the millennium bomber in the U.S.A. are well-known examples of Canadians connected to terrorist activities outside of Canada.

Also, in the last few years, there have been many reports of highly indoctrinated persons from different parts of Canada leaving our soil to join terrorist training camps or terrorist activities in other countries. I will give you some examples: two Canadians involved in the terrorist attack on a gas plant in Algeria; a Canadian sentenced to two years in prison for terrorist conspiracy in Mauritania; a Canadian with dual citizenship involved in a deadly bus bombing in Bulgaria in the summer of 2012; CSIS being aware of dozens of Canadians, “many in their early twenties, who have travelled or attempted to travel” overseas to engage in terrorism activities in recent years; a Canadian's lost bid to lead Syria's rebels; and one of Syria's rebel groups, the al-Nusra Front, formally pledging allegiance to al-Qaeda leader al-Zawahiri.

There are probably many more unreported cases of Canadians involved in terrorist activities around the world. Given the appropriate right or wrong circumstances, such individuals may engage in acts of war against Canadian Forces on duty abroad and may pose a potentially mortal threat and danger to our soldiers. This provision for revoking Canadian citizenship in Bill C-24 provides a deterrent against such a probability.

• (1540)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Mr. Gupta, I will ask you to conclude quickly, please.

Dr. Bal Gupta: Such Canadians have no hesitation in importing their terrorist activities into Canada for their perceived just cause, just as it was in Air India 182.

In summary, we, with the first-hand experience of the aftermath of the Air India 182 tragedy, ask all members of Parliament to support these two provisions of the bill. We sincerely believe that these provisions will help in keeping Canada free from terrorism so that no Canadian may suffer what we have.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Gupta.

Madam Siddiqui, you now have the floor.

Ms. Salma Siddiqui (President, Coalition of Progressive Canadian Muslim Organizations): Thank you.

Honourable members of Parliament, ladies and gentlemen, I am here today to speak to you not only as the president of the Coalition

of Progressive Canadian Muslim Organizations, but more importantly as a proud Canadian.

I feel privileged to be invited back to offer my views on this very important bill. As a Canadian of immigrant background, I feel that we need to reform our system of immigration to close loopholes that have been abused over the years.

I came to this country from Pakistan as a child in 1967, years ago. My country of birth was experiencing much hardship. My parents, like any parents, wanted the best for their children. They brought us to safety and security in this country. What happened next is what makes Canada so great.

My experience is the embodiment of the immigrant experience. Nothing came easily to us. We worked, and we worked hard. With that hard work, doors opened, and opportunities came, and it is with great pride that I'm happy to say that we successfully built businesses here.

I know countless others from all over the world who have shared this immigrant experience in Canada. We all know too well that in this increasingly globalized competitive world we will continue to need immigrants from all stripes to spur our economy, to foster innovation, and to contribute, as did many countless millions before them, in building a stronger and more prosperous Canada.

Canada's stellar reputation is one way in which we can recruit the world's best and brightest. It is important, therefore, to ensure that immigrants to Canada possess not just the skills of tomorrow's economy but also a commitment to this country. We have to ensure immigration does not turn this country into ghettos. For too long, some new Canadians have turned this country's citizenship into a flag of convenience and have seen Canada's generosity as a sign of our weakness and lack of fortitude.

I believe that in this regard the proposal to extend the period of residency in this country to qualify for citizenship is a step in the right direction. Physical presence for four years out of the six years—or 1,460 days—and a minimum of 183 days of physical presence per year in four out of the six years is an important provision in this respect.

Anecdotally, there are far too many examples of people who have acquired citizenship through dubious means and without spending sufficient time in this country. Equally important, in my view, is the requirement that new immigrants demonstrate ties to Canada. The bill proposes to introduce an “intent to reside” provision, which will go some way in curtailing applications from those who have no desire to live and contribute to our great country.

The requirement for citizenship applicants to file Canadian income tax is a step in the right direction, but does not go far enough. I believe that even after the grant of citizenship, Canadians living abroad should be asked to demonstrate that they have contributed taxes to avail themselves of public services subsidized by the Canadian taxpayer. Who can forget the 50,000 Canadians who decided to flee Lebanon a few years ago as war erupted in that region, or, indeed, the people who come here as dependants and then are left on welfare funded by the taxpayer?

Some Canadians use this very citizenship and the passport that comes with it to engage in activities that are nothing short of absolutely contradictory to our strong Canadian values.

I think I'm boring Mr. Shory—

A voice: You're not—

Ms. Salma Siddiqui: We have heard stories of Canadians being involved in terrorist activities at different hot spots throughout the world. Some have killed and others have trained—as my colleague just before me mentioned—and are training with known terrorist groups and continue to plot attacks against our interests and those of our allies.

Then there are the “Canadians” who, after obtaining their Canadian citizenship, have departed to fight alongside the al-Shabaab jihadis. Others used their Canadian citizenship to fight in Afghanistan, while yet others have their citizenship and have stayed here to undermine Canada.

• (1545)

Indeed, it is an affront to our men and women in uniform who serve to protect Canadian values around the world that they should have to confront violence perpetrated by opportunistic and disloyal Canadians. The flow of young Canadians to terrorist training camps around the world is indeed a matter of concern. We cannot allow this to continue.

Canadians who are opposed to the values of our society should not be allowed to abuse the privileges that come with holding Canadian citizenship. We must act to strip Canadian citizenship from those who seek to exploit it for violent and illegal activities.

I am strongly of the view that immigration from failed state countries, where money can buy fresh identities, birth certificates, and genuine university degrees, along with police clearance security certificates, must be suspended while we ensure that terrorists, white-collar criminals, and hate-mongers do not contaminate our soil in Canada.

I have heard concerns that Bill C-24 represents a knee-jerk reaction or that it serves a—quote—political process. I disagree. Bill C-24 represents an assertion of the pride we hold in our values of an open, liberal democracy, where our freedoms are applied to all. Ladies and gentlemen, we must be reasonable.

In closing, I would like to thank you for your time and would ask that you support the passage of Bill C-24. It is an essential step in all of us taking a stand.

• (1550)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Madam Siddiqui, for your opening remarks.

We'll start our round of questions with Mr. Menegakis.

Please go ahead.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you, Madam Chair.

I'd like to say a special thank you to our witnesses for being here with us today, and for coming back to this committee. I know you've appeared in front of us before.

Mr. Gupta, for me, born and raised in Montreal and growing up in this country, June 23 was always the last day of school. It was a day when kids were happy. We were all excited that it was the end of the school year. There we were, going into the summer, which was, for me and my family and my friends, generally a happy time. All of that changed, of course, on June 23, 1985, on that very bleak Sunday. I'm sure it was a lot bleaker for those families who were directly affected by the tragic and heinous crimes that took away so many lives, including, as you said, sir, 86 children and 29 families.

I want to thank you for sharing your personal story here with us today and for the courage you've shown in bringing up your boys and building a new life, if you will, moving forward but never forgetting, of course, the impact that the tragic event had in your family. I have to tell you that your being here so many years later, talking about it with such passion, is not only commendable but very inspiring to see. Thank you for being here and for appearing before us today.

I have to say, Madam Siddiqui, that your description in your presentation today of your story as an immigrant to this country is pretty well my mother's story and my father's story. Many of us on this committee can identify with the families who came here for a better life, always respecting and never forgetting the language, the traditions, and the culture of where they came from, but so appreciative of all the great things this great nation has to offer. I thank you for sharing your story with us today.

When Minister Alexander appeared before us on Bill C-24, the minister said that in his deliberations across the country, he was hearing uniformly from Canadians, those born here and those who immigrated here, in many instances new citizens, that the residency requirement and all of the measures to back up the integrity of Canadian citizenship, to make sure that the rules are followed for obtaining Canadian citizenship, are the right moves for today. That's generally what he heard going across the country and continues to hear, as do I and many other folks on this committee. But as we've been told, it's not only important to come up with a bill; it's also important that we enforce these rules and we make sure that the value of citizenship is enhanced.

I'll start with you, Madam Siddiqui. Can you tell me what you are hearing about this bill from Canadians, specifically from members of your organization?

Ms. Salma Siddiqui: The reason I'm appearing today and why I've made my statement is that we are very thankful that this bill is coming.

We have to look at what the public says and how it affects certain.... In my case, I'm a Muslim and for the backlash that happens, we have to take that. The fact is that none of us are all criminals, and the fact that those who come here and talk about it.... Most of the people who have goodwill and who are genuine welcomed us. Those who have other stuff.... I can talk and talk about the investor program and how that is creating a lot of divisions within the people who are here and how the investor program is being abused.

Overall, I think I would say that we feel it could go a little bit further in making it stronger, but it's a move in the right direction.

● (1555)

Mr. Costas Menegakis: Thank you.

Mr. Gupta, would you like to weigh in on that, sir?

Dr. Bal Gupta: Well, it's not anything new. When I came to Canada in 1968, at that time the requirement was five years, except that there was a loophole for Commonwealth citizens. For them it was three years. So it is not anything unusual.

Also, many countries around the world have a five-year residency requirement, so it is not unusual to have a requirement of four years. I don't think it is something that's unreasonable.

Mr. Costas Menegakis: Thank you.

I want to touch a little bit on the revocation aspects in Bill C-24.

I'll go back to you, Madam Siddiqui, with this. Do you think it's important to send a message to these terrorists who are Canadian citizens that their actions will not be tolerated and will be seen for what they clearly are, a violent renunciation of their loyalty to Canada and their citizenship?

Let's keep in mind, of course, that these are dual citizens who have another citizenship, and they also have all of the benefits of that other citizenship. So while they have the benefits of the other citizenship, here they are in this country perpetrating—this is who this would affect—an act of terror or an act of treason against Canada or our Canadian troops.

Can you comment on that?

Ms. Salma Siddiqui: There is no room for that. If they are dual citizens and they choose to come to Canada, they can go back, as far as I'm concerned. Today's ruling, which many people must have heard about, I think is very good, the most successful thing I've heard since 9/11.

It's always being politically correct: we cannot do this, we cannot do that. Today, that decision has been made, so if someone comes here to carry out some actions and then they're crying that when they go back they'll be treated badly, well, too bad.

Mr. Costas Menegakis: Thank you. You are referring, of course, to the Supreme Court of Canada decision today to uphold the decision of the government—

Ms. Salma Siddiqui: In Harkat, yes.

Mr. Costas Menegakis: —regarding Mr. Harkat.

Thank you very much.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Menegakis.

Mr. Sandhu, you have the floor.

Mr. Jasbir Sandhu (Surrey North, NDP): Thank you very much.

Thank you to the witnesses for being here this afternoon. I too remember the day Flight 182 went down and how it shook the entire country and all Canadians.

Mr. Gupta, I can't imagine losing a spouse, and I thank you for being here this afternoon to share your story.

You pointed out, Mr. Gupta, that you're not a lawyer or a constitutional matters.... I too am not a lawyer. Do you think any laws we draft should conform to the charter?

Dr. Bal Gupta: Yes. There's no doubt that they should conform to the charter. The laws have to be obeyed.

The problem is that there has been a philosophy of political correctness in this country for the last few years, and also a philosophy of entitlement. People who become citizens want all the rights, but somebody has to obey the duties. Somebody has to do the duties. When they become citizens, they should add that they also take the lifestyle, which is a democratic lifestyle, and allow others to have peace and prosperity, and life and liberty.

Mr. Jasbir Sandhu: Thank you.

So you do believe that we should—

Dr. Bal Gupta: For this bill, these provisions that I talked about, they are contained in there. There's a provision there that nothing will be contradicting international human rights. I can quote you the section that is there. If I read it right—again, I'm not a lawyer but I went to the bill—there is a separation for security cases. They will be dealt with by the Federal Court.

Mr. Jasbir Sandhu: Okay.

Madam Siddiqui, the same question to you: do you think any laws we draft should conform to the charter?

Ms. Salma Siddiqui: I definitely agree with that.

Mr. Jasbir Sandhu: Thank you very much.

We've heard from the Canadian Bar Association that some of the provisions in this bill do not conform to the charter, and that it would be difficult to argue in the Supreme Court if it comes up for closer scrutiny of this particular bill. One of the provisions under this bill allows the minister to decide whether a naturalized citizen will be deported or not. Do you think that, rather than one minister deciding, the courts should be deciding?

● (1600)

Ms. Salma Siddiqui: Again, I must also say that I'm not an expert coming in, but definitely I think that the government will do that. The courts will decide. We have been looking at that.

I talked to you about a personal thing that we need to see. For the immigrants to be able to move forward, we have to be perfect citizens, and that is where I think the charter will play a role.

Mr. Jasbir Sandhu: Currently under Bill C-24 the minister will decide many revocation cases. Given the magnitude of these decisions, I think it's critical that they be made with due diligence and impartiality. I have trouble with the minister deciding that, so I think a better course would be for a court case or the judiciary deciding and looking at all the facts before we deport somebody from this county.

You talked about increasing the time from three years to four years. As you know, we have many students who come into this country. They are in school at universities. They are attending university for three or four years. Yet when they decide to become permanent residents, they may have been in this country for four or five years, and the government as it currently stands does not take into account the time that has been spent by those students here up to the time they get their permanent residency. Do you think we should be including that time that students have been in this country as part of the criteria to recognize the four years?

Ms. Salma Siddiqui: You're asking the wrong person, because it's going to open the floodgates. There are a lot of people coming in just on student visas. Is there any stipulation where you can put "I want to be living there"? I think that if they're coming in on a student visa, they have to do the same time as any new applicant. So no, I don't agree with that.

Mr. Jasbir Sandhu: Madam Siddiqui, you pointed out that some critics think this bill is a knee-jerk reaction to the government's agenda or there are other reasons for it. You said you were very proud that some of the provisions in this bill you really liked.... Can you maybe highlight the parts that you actually agree with again, please?

Ms. Salma Siddiqui: I think I will stand corrected. I did not say that I'm proud. I'm a proud Canadian. That's what I said.

I definitely like the fact that there is an extension in the days that a person should be present here. The fact that this has been abused, the fact that it gets into the investors program, which is flawed—and I must say it is flawed. I personally know of cases where people have come to me and have said, "I can be your partner in business, but she will not be here." So yes, this will deter people who are coming in just to be here for a short time, or at least will make it a little difficult.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have 15 seconds left.

Mr. Jasbir Sandhu: Again, Madam Siddiqui, you pointed out when you started your presentation that this immigration system has been broken and abused over the last number of years. I want to remind you—and for the record—that the last number of years have been under the Conservative and the Liberal governments.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Sandhu.

Mr. McCallum, it's your turn.

Hon. John McCallum (Markham—Unionville, Lib.): Thank you, Madam Chair.

Thank you to both witnesses for being with us today.

In particular, Mr. Gupta, I appreciate your willingness to share with us the tragedy of Air India. I know that we were all shocked by

this and have been for many years. I know that my colleague, Bob Rae, has worked very hard on this with your group over the years.

I appreciate you both being here today with us.

I'd like to ask a question about terrorists. I think all of us agree that terrorism is a heinous crime and terrorists should be punished. We may or may not agree that terrorists should have citizenship removed, but I think we all agree that someone who is wrongly accused of terrorism and is not really a terrorist should not have his or her citizenship removed.

In other words, I'm talking about the safeguards in the system. Somebody charged and convicted of terrorism overseas could be subject to citizenship removal, and we may not agree totally with all of the courts overseas. At one point, for example, Nelson Mandela was regarded as a terrorist by South Africans in the apartheid era, and now he's regarded as a hero by many.

So my question is, how would you treat convictions for terrorism by foreign courts whose judicial systems or traditions you may not agree with? Should those convicted automatically have their citizenship removed or would it have to go through an appeal system? How would you deal with that kind of situation?

• (1605)

Dr. Bal Gupta: I think the example you gave is a very pertinent one. Even though Nelson Mandela was convicted by the then South African government, we, as Canadians, did not condemn him.

I think the same thing will happen.... The bill says that it has to be equal to a conviction in the Canadian system. The wording of the bill, if I read it right, says clearly that it would amount to so many years of a sentence in the Canadian system or equalling that. So I don't have any problems in revoking the citizenship of dual citizens who are involved and whom the Canadian justice system considers to be equivalent. That safeguard is built into the bill, so I don't see any problem there. Otherwise, we shall have a problem. Again, we have to stand up and give up this policy of political correctness.

Hon. John McCallum: Actually, all the lawyers who I have heard disagree with you, but I won't pursue the matter. Let's just drop this.

Let me ask another question.

Mr. Costas Menegakis: Those were the wrong words.

Hon. John McCallum: Well, maybe all these lawyers are politically correct, but that is what they have said.

Dr. Bal Gupta: May I add that, for any opinion a lawyer gives, I can find another lawyer who will give you the opposite opinion?

Hon. John McCallum: I'm just citing those I have heard.

Do you think, if someone is going to have his citizenship removed as a convicted terrorist, that person should have the right to appeal the decision to the Federal Court?

Maybe I'll start with Ms. Siddiqui. Should the person have the right to appeal to a court before the citizenship is removed? Or should the minister be able to do it without the person having the right to appeal?

Ms. Salma Siddiqui: This is something that I would not like to comment on. I believe that our systems are so strong and that—as we cited, the charter—everything right will be done, and I go along with that.

Hon. John McCallum: Mr. Gupta, did you have a view on that?

Dr. Bal Gupta: I think they should have the.... In the bill, if I read it right—and you can correct me, because I'm no expert in the legal mumbo-jumbo—it says that the matters of national security will come under the jurisdiction of the Federal Court.

Hon. John McCallum: I'm asking you if they should have the right to appeal.

Dr. Bal Gupta: Well, if they are under the Federal Court, they would automatically have the right.

Hon. John McCallum: So you think they should have the right to?

Dr. Bal Gupta: They will have.

Hon. John McCallum: Okay. I don't think the bill does say that, but you've said that you think they ought to have that right. Fine.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. McCallum.

Your time is over. I'm sorry.

Mr. Shory.

Mr. Devinder Shory (Calgary Northeast, CPC): Thank you, Madam Chair.

To our witnesses, thank you once again for coming here and enlightening the committee with your views and your opinions.

Mr. Gupta, once again, I feel sorry about your loss a long time ago and the grief you've had to go through in your life.

I am very happy to hear from you that you know about the bill and you know that in Canada Nelson Mandela was never considered and would not have been considered a terrorist, because also under this bill, you talked about our judicial system and equivalency, so I won't put in much time on that.

But talking about lawyers, by profession I'm a lawyer. I will tell you this: lawyers have different interpretations. Different lawyers will have different interpretations, and lawyers are not judges. Judges have to decide. When they talk about this fearmongering and also the charter, lawyers said this and that. I'll leave it there, because this bill, as the minister told us already, has gone through our justice system to have a look at it about the charter challenge.

I want to be straight. I also want to put on the record that the opposition has to understand the bill. When we talk about

revocation, the minister may revoke the citizenship of an individual who has already been convicted and already is either serving or has served. What this means is that when the individual is convicted or going through the court process, that individual has the right of the judicial process to go up to the Supreme Court of Canada. So when they talk about how there is no process, I just laugh.

Anyway, Mr. Gupta, let me ask you this. Actually, both of you know that part of this revocation specifically and the armed forces credit were part of my Bill C-425. Mr. Gupta, I'll quote what you said when you appeared in front of this committee on April 16 last year:

By waging war against the Canadian Forces, such persons clearly demonstrate that they have no loyalty whatsoever to Canada and attach no value to the Canadian democratic system. Thus, they do not deserve Canadian citizenship, which they are using as a matter of convenience to further their criminal and terrorist activities.

I would like you to expand a little bit on why you feel that loyalty and citizenship have a connection and why it is important to prevent citizens of convenience from using a Canadian passport to more easily carry out terrorist acts—crimes.

● (1610)

Dr. Bal Gupta: I'll give you reasons. We have discussed it in our meetings, and it came out even in our presentations to the Major commission, chaired by Justice Major.

We are very perturbed by the criminals who use Canadian citizenship as a shield to commit crime. We have a very good example in today's judgment of the Supreme Court. Does anybody remember when the process started? It must be at least 10 years ago, and, God knows, it may continue for another 10 years, because he will use the excuse that he will be tortured in Algeria if he's deported there. That's a very good example of people using the loopholes in our system.

I will give you a very good example related to the Air India tragedy. A person who is still in Canada made the statement in the U.S.A., in Madison Square Garden, that they would kill 60,000 Hindus, and he's a Canadian citizen. Nothing has happened to him.

We have to wake up. The next time, I'm sorry to say.... And I don't need sympathy. I've waited 29 years. A child who was five and a half years old at that time lost a mother. She is now a pediatrician in Ottawa.

But what we need is support from our lawmakers to keep terrorism away from Canada. We don't need sympathy. We have had enough of it. We need the politicians not to associate with people or organizations who are known to glorify terrorism and in that way encourage it, whether it be a religious activity.... And that applies to all political parties.

● (1615)

Mr. Devinder Shory: Thank you, Mr. Gupta.

Ms. Siddiqui, now I'm going to ask you something on the same line, on the provisions in Bill C-24 that would revoke the citizenship of a convicted terrorist who had chosen to seek the destruction of Canada and Canadian values.

When you testified on my private member's bill, Bill C-425, on March 26 last year, you said, "We cannot be politically correct in everything and it's not about political correctness, because at the end of the day, by being politically correct we are not doing service to the immigrants who have come here and are working in an honest manner."

I would like you to expand a little on the impact homegrown terrorism has on the vast majority of honest, hard-working immigrants who share our values and who come to Canada seeking a better life and seeking to make Canada even a better place.

The Vice-Chair (Ms. Lysane Blanchette-Lamothé): Madam Siddiqui, you will have 30 seconds to answer. Sorry.

Ms. Salma Siddiqui: This is a longer thing than—

The Vice-Chair (Ms. Lysane Blanchette-Lamothé): I understand.

Ms. Salma Siddiqui: Start the 30 seconds from now, please.

It has an immense effect. It has an effect on seniors that you haven't seen....

I agree with him that the political parties have to stop engaging with people who are basically maligning our reputation. The fact is, the effect cannot be described in 30 seconds. After 9/11, how many people went into a depression? What happened to so many people who felt as a Muslim that their religion was hijacked? I think 30 seconds is not good enough, but.... I feel that you would not even get to know the effect that it has.

The Vice-Chair (Ms. Lysane Blanchette-Lamothé): Thank you, Madam Siddiqui. I'm sorry to interrupt you.

Madam Sitsabaiesan, you have the floor.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you, Madam Chair.

Thank you to you both.

Since you both touched on the topic of citizenship revocation, I'd like to go in that vein as well. I'd like to quote for you a study that was done by an expert in the field, who is a lawyer with an LL.B. and a LL.M. from Yale and also is a professor. So this is a person who is an educator teaching future lawyers.

The study is by Craig Forcese and it's titled "A Tale of Two Citizenships: Citizenship Revocation for 'Traitors and Terrorists'". I'm going to read a very brief paragraph from it:

Amending Canada's citizenship laws to provide for denaturalization of "traitors and terrorists", as proposed by the current federal government, is an idea consumed with legal flaws. To comply with international law on the prohibition of citizenship deprivation that would result in statelessness, any such amendments would have to apply only to individuals with dual citizenship. However, targeting those individuals would be very hard to defend against equality-based challenges under the Canadian Charter of Rights and Freedoms. In addition, denaturalization of "traitors and terrorists" might well be perceived as a punitive measure, whose impact and stigma would call for constitutional procedural protections far stronger than those set out in the current Citizenship Act and the proposed revisions to it. Such denaturalization also seems unlikely to advance any clear Canadian national security interest, and would accomplish less than can be done through other laws, including the Criminal Code.

This is just the abstract for a study. We clearly don't have time to go through all of it.

What are your opinions on what this expert has to say?

Ms. Salma Siddiqui: First of all, that a person is an academic and does the research does not mean they know everything. I'm sorry to say that.

Ms. Rathika Sitsabaiesan: Of course.

Ms. Salma Siddiqui: Because they are not taking the war on the street that we are.... We may say very well that we are not experts, but we are living this every day. The fact is—

Ms. Rathika Sitsabaiesan: You're saying you're living this every day. Is that revocation of citizenship you're living every day?

Ms. Salma Siddiqui: No.

• (1620)

Ms. Rathika Sitsabaiesan: What is it that you're living every day?

Ms. Salma Siddiqui: What the impact is of these terrorists who are coming in and not being, you know, penalized enough.

Ms. Rathika Sitsabaiesan: So these are terrorists who are Canadians, who hold current Canadian citizenship, who you are dealing with on a regular—

Ms. Salma Siddiqui: Absolutely. You know that as well, right?

Ms. Rathika Sitsabaiesan: I'm just making sure that we understand clearly.

Ms. Salma Siddiqui: I hope I'm being clear. Because you went very fast, so naturally I did not get that whole thing, but I'm getting the essence of what you're asking for. Again, the fact that somebody is an expert, somebody has done some research, somebody is doing.... It doesn't mean anything. When we go through everyday life and we meet people and what they are saying, that also counts. So to me, that does not make any difference: I am for this bill.

Ms. Rathika Sitsabaiesan: Okay.

Do I have time? I have one more minute? Fabulous.

I'd like to also touch on the residency requirement, because I know that one of you mentioned it. I think Mr. McCallum may have touched on the pre-PR time, on the people who are spending time in this country. We've heard many people say that getting the Canadian experience, committing to being Canadian, and living like a Canadian has value and is important for Canadian citizenship. For people who are living as international students, Ms. Siddiqui, I know you said that whether they come here as international students for four or five years, and they're living like Canadians, paying taxes and whatever, they should still wait out the time like everybody else does.

How about people who are coming to Canada as conditional permanent residents? These are usually women who come as spouses, who come through the spousal sponsorship program, and who are here for two years as a conditional PR or permanent resident. Should their time in Canada be valued towards citizenship?

This is for either one of you.

Ms. Salma Siddiqui: I would also like to go, but I'll let Mr. Gupta go....

Ms. Rathika Sitsabaiesan: A short answer, please. We're running out of time.

Dr. Bal Gupta: Well, the short answer to the first question she raised—

Ms. Rathika Sitsabaiesan: Maybe the second one, because we're very short on time.

Dr. Bal Gupta: Do you want the answer or do you not want the answer?

Proposed subsection 10.4(1) says clearly there would be no "conflicts with any international human rights instrument...".

Second, yes. The bill doesn't say, for conditional spouses, residents, whether or not it will be counted. If she's a permanent resident, then as far as I am concerned, it will be counted.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Gupta.

Madam Siddiqui, I'm sorry, but we won't have time to hear your answer to the last question.

Thanks to all of you for contributing to this study.

We will now suspend the meeting in order to invite our next witnesses to the table.

• (1620) _____ (Pause) _____

• (1625)

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): We are resuming the meeting of the Standing Committee on Citizenship and Immigration. We are still studying the subject matter of Bill C-24.

During the second hour, we are hearing from two witnesses.

[English]

With us as an individual is Mr. Reis Pagtakhan, immigration lawyer.

Thank you for being with us.

[Translation]

We are also hearing from, by live videoconference from Montreal, Quebec, Jonathan Chodjai, Chair of the Governing Council of Immigrant Québec.

Thank you for your participation.

We will begin with Mr. Pagtakhan, who will have up to eight minutes to deliver his opening statement. We will then continue with our second witness.

Mr. Pagtakhan, go ahead.

[English]

Mr. R. Reis Pagtakhan (Immigration Lawyer, As an Individual): Thank you, Madam Chair.

I would like to address three issues with you today.

First, I would like to support the proposal to change the residency requirement for citizenship from three out of four to four out of six

years. I believe that the longer an individual lives, works, or studies in Canada, the greater connection that person will have to our country.

Requiring prospective Canadians to be physically present in Canada for four out of six years is not onerous, given what is granted to them, which is citizenship. Citizenship bestows rights and protections many foreign nationals do not have. As Canadian citizens, they can vote and seek elected office, so it is important that they participate in Canadian life before they become citizens.

The requirement that prospective Canadians file Canadian income taxes is also positive. Under the Income Tax Act, Canadian residents must file Canadian income tax. This requirement is logical and should not be controversial.

A concern I have is with respect to changes in the residency time calculation for individuals who have resided in Canada before as temporary foreign workers.

The minister has said that residency is important to demonstrate a commitment to Canada, and I agree with that. However, the immigration system in this country has progressively moved to an employer-driven system, in which most economic immigrants must work as temporary foreign workers before they are eligible for permanent residence. The waiting time for permanent residency can range from months to years. By allowing these individuals to count some of their time as half-credit, they are given the opportunity to accumulate time toward the four out of six required, and this half-credit should be maintained, as these individuals have worked in Canada and have filed Canadian income taxes.

As well, I believe that certain specific days spent outside Canada should be counted as days inside Canada for the purpose of the residency calculation. In this connection, I look at section 28 of the Immigration and Refugee Protection Act, which allows for certain periods of time outside Canada to count as time in Canada for the retention of permanent residency. I believe that time spent outside Canada by a permanent resident employed on a full-time basis by a Canadian business should be counted as time in Canada. As well, family members going to that country with that permanent resident should be able to count that time.

On the issue of intent to reside, with respect to this declaration, while I don't think there is anything wrong with wanting Canadians to live in Canada, there are many Canadians who contribute to Canada on the world stage. Canada has long recognized the importance of Canadian business people, entertainers, and athletes overseas, and we should not require them to live in Canada if their ability to contribute to our country can best be served abroad.

In this connection, I'd like to note for you that this government and previous governments have worked very hard to negotiate free trade agreements that give preferential treatment to Canadian citizens who want to work abroad. We can't be negotiating free trade agreements with various countries, allowing Canadian citizens to work abroad, and then turning around and saying that if you're naturalized, you must have an intent to live here.

On treason, terrorism, and spying, I think those provisions that allow for the revocation and refusal of citizenship are also welcome. Treason and spying are offences against Canada's interests, and the proposal to allow citizenship to be revoked for these offences is reasonable. Since terrorism is an offence not only against Canadians but also against people in other parts of the world, a process to strip away citizenship from these types of criminals is also reasonable.

Having said that, it is important that individuals be convicted of these crimes in a Canadian court before their citizenship is taken away. As long as an individual has first been presumed innocent, has had an opportunity to defend themselves in a Canadian court, and then is found guilty beyond a reasonable doubt, revoking Canadian citizenship is reasonable. This being said, citizenship should not be revoked for minor offences, and the minimum threshold of five years of incarceration for terrorism offences may be too short.

I have a concern about revoking citizenship or refusing it for terrorism for those convicted outside of Canada. Should our country revoke citizenship for an individual convicted of terrorism in Syria, Iran, or North Korea? Should we revoke citizenship for an individual convicted of terrorism in the U.S., U.K., or Japan? As it is impossible to ensure that an individual is provided with all the protections of Canadian law, including our charter, unless that person is tried in Canada, citizenship revocation for terrorism should occur only if that person is convicted in Canada.

However, if the government still wishes to pursue this type of revocation for convictions outside of Canada, then one thing that should be considered is looking at a list of countries that we would consider as having an equivalent system, outside of the broad discussion of equivalency in the bill. What I would think would be the best way to look at things is to take a look at the countries where we have extradition treaties. Now, I've not reviewed this list and I'm not an extradition expert, but that may be the basis of saying that these are the countries where we can take terrorism offences and say that we will accept these for the purposes of citizenship revocation.

•(1630)

Madam Chair, thank you very much. I don't have any other remarks, and I stand available for questions.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Pagtakhan, for your opening remarks.

[*Translation*]

I will now yield the floor to Mr. Chodjai, from Immigrant Québec, who is appearing by videoconference.

Mr. Jonathan Chodjai (Chair, Governing Council, Immigrant Québec): Good afternoon. Thank you very much.

I would like to begin by speaking to the bill.

I want to say that our organization is satisfied with most of the amendments proposed, in terms of how well they reflect today's reality.

We thought it was important that these amendments were proposing to standardize the way the application for permanent residence is used. We felt it was beneficial to have the same model, where a declaration would be completed before being sent and any requests would be made quickly, so that the files could be processed.

We are also somewhat satisfied with the proposed change to consider four years of residence out of six, instead of three years out of four. In fact, the timeframe is one of the key elements for recognizing landed immigrants' true will to become Canadian citizens.

However, this is clearly a matter of recognizing the time spent in Canada for purposes other than those of permanent residency. Since residency is a luxury not everyone can obtain quickly nowadays, many people use a student or work visa. The importance of that time must be emphasized, even if only half of it counted toward the threshold, as the case has been so far. It may even be a good idea to decompartmentalize the time limits considered as acceptable under these types of visas or statuses.

Moreover, it is important for those who have to leave the country for professional reasons that the time spent abroad on behalf of companies or Canadian governmental institutions not be deducted from that period, or at least be deducted as little as possible. That would help avoid penalizing people who are doing something important for Canada.

Our organization is located in Quebec. We mainly serve a Quebec clientele, or at least aspiring Quebecers. That said, we feel that the issues are very similar. From that perspective, we see the processing time reduction as proposed in this bill as a good thing, of course. However, we are wondering what the situation will be regarding the judges, who will have a less significant role. Finally, we would like to know what criteria the department or the minister will use to decide which cases should be referred to the judges. We don't want to see a two-tiered justice system where certain types of immigrants would be stigmatized by systematically being referred to the judges, while others would not. So it would be desirable to establish more specific parameters, instead of basing the decision on reasonable doubt with regard to this notion.

In addition, we want to emphasize the importance of having a consistent approach toward landed immigrants who are currently permanent residents and will have to justify their lives here. In our opinion, it is important and laudable to set out clearly and specifically what documentation is required, including income tax returns. We fully agree that those landed immigrants should have to submit evidence to prove they have been physically present and have complied with Canadian rules if they aspire to become Canadians. We are just waiting for the recognition that the time spent contributing to the local economy could count toward their threshold for Canadian citizenship eligibility.

This bill sets out a rule that directly gives the minister a power that has so far been reserved for the governor in council, unless I'm mistaken. We think some sort of political interference is possible in this case. That may not apply to the current administration, but we have to consider the coming decades.

Once again, it's a matter of knowing based on what criteria the minister in power could decide to grant or refuse an individual Canadian citizenship. We feel that this status must be a virtually inalienable consideration, notwithstanding key criteria such as terrorism and everything that entails.

Of course, I agree with the previous witness on this matter. It seems obvious to us that, if we are to accept rulings rendered abroad under this decision, it would be essential that our partner countries at least adopt, in the same way, our recognition of foreign convictions for the repudiation or granting of our citizenship. For instance, if we are to recognize a ruling made in the United States regarding an aspiring Canadian, we would want the United States to recognize, in the same way, a judgment rendered in Canada for their aspiring citizens.

• (1635)

All those issues gravitate around a problem that is real today. Tomorrow, future citizens will be part of the Canadian population just like us. So we think it is essential to wish them a warm welcome, but also to provide them with some very clear and specific rules on how things are going to work, especially regarding what is expected of them, before we consider what they expect from us.

Ultimately, we don't feel that the increase of fees from \$100 to \$300 is disproportionate. However, we expect to receive further explanations of that increase. In particular, we want to know why the fee is going from \$100 to \$300, and why the amount is not higher or lower. We still want to know what the cost is and what aspects that decision relates to. Of course, some questions I see as important are arising. It should be pointed out that the last major amendment to the legislation goes back 25 years or 35 years. If the same thing had to be done in 35 years, would the \$300 amount be adapted to that time? Finally, even though we have to keep in mind the means of those aspiring citizens, it should be determined whether that increase reflects today's reality or whether this amount was set somewhat arbitrarily.

We have a slight reservation regarding the department's somewhat discretionary power, especially considering the less significant role judges would have.

However, we want to emphasize the importance and interest to Canada of having consistent residency and citizenship rules and demonstrating openness toward its aspiring citizens. The government should recognize both the time devoted to and spent in Canada, compared with the duration of permanent or temporary residency. We feel that those are two similar considerations.

Ultimately, it is important for those individuals to be able to use clearly defined rules. In addition, their only advisors should be professionally recognized people, and not anyone else. We often hear about individuals who are not accredited and are still benefiting from a sort of a no man's land that enables them to provide advice and be compensated, while they do not necessarily provide information we would like to see disseminated.

Thank you. I am available to answer any questions.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you very much for your testimony.

We will begin the question and answer period.

Mr. Opitz, go ahead.

[English]

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Madam Chair.

Welcome to both witnesses today. Thank you so much for being here and taking the time to share with and express your views to the committee, because it's very important that in this process we get a wide range of opinions from Canadians.

Mr. Pagtakhan, just to clarify, under the new process—and I think you would agree—the vast majority of cases, such as those related to residence fraud, concealing criminal admissibility, identity theft, and that type of thing, would be decided by the minister, but of course only with evidence presented from law enforcement, courts, and so forth. More exceptional cases, such as something like war crimes, of course, or crimes against humanity, as well as security cases, international human rights violations, organized crime, and that sort of thing, would be decided by the Federal Court.

I'll start with you, sir. We know that a Canadian citizen can have their citizenship taken away if they've obtained it fraudulently. Almost all of our peer countries have the ability to revoke citizenship for things like treason, terrorism, and other sorts of serious offences. However, people who criticize this bill claim that Canadian citizenship is an unalienable right. How would you respond to that?

• (1640)

Mr. R. Reis Pagtakhan: I support the provisions to revoke citizenship for those offences, but again, with the proviso that these are Canadian courts, that they've had the opportunity to defend themselves in court, the protection of the charter, the right to counsel—all those things.

Those types of offences—let's talk about espionage and treason—are offences against Canada, not just Canadian interests, and are not just a disloyal thing. It's actually an offence to try to bring down this government and this country. I'm not too sure if you should have Canadian citizenship if you're trying to bring down the country that you are a citizen of. I think there is an issue there, and I support the revocation of citizenship on those grounds.

Where I have the problem is terrorism for convictions outside of Canada, just because those people will not have the protection of the charter. While I have a problem with that and I would rather see that provision struck, if it is going to proceed, I would like to see some sort of guidelines that are more specific than what is in the bill, and perhaps some sort of reference to extradition laws, as a starting point. Again, I'm not an expert in extradition laws, but those countries where we have extradition treaties would be a good starting point, those countries where we can say that we've agreed with their justice system enough that we would extradite people to those countries to face charges on a variety of matters.

Mr. Ted Opitz: As part of your answer, then, you've said that you don't feel that convictions outside of Canada, if they're equivalent to our Criminal Code, should be considered. If somebody is convicted for a serious crime like treason, organized crime, and that kind of thing, which would find an equivalency under the Criminal Code here in this country, that should not be considered?

Mr. R. Reis Pagtakhan: Theoretically, if they're equivalent I have no problem with it. The difficulty is the way in which it would be administered. It would be administered by an officer. It wouldn't be administered by the court. There wouldn't be a finding of guilt here for the equivalency, and because it would be an administrative function, that's where I have a challenge, and that's where I have some concern.

If there were a retrial, which is not overly practical, and they had all the protections of the charter, that would be fine. But if you are convicted of an offence in another country, you don't have the protections of our charter because it's not their charter. That's where I have my concern.

Mr. Ted Opitz: Even if somebody was a convicted terrorist who may have bombed a restaurant and somehow made it to Canada?

Mr. R. Reis Pagtakhan: I don't have a problem, Mr. Opitz, with the equivalency, but I think there has to be something more than just saying that we will have a bureaucrat make that decision. There has to be some other guidelines and more than just what is equivalency.

If you take a look at something like using extradition law and taking a look at those countries and saying, okay, those countries are fine.... But for someone who is accused and convicted of bombing a restaurant, as you say, in North Korea, how do we know that is not trumped up? How do we know and how do we prove that North Korean terrorism offences are not equivalent versus the American ones? There's enough of a broad unclarity in the bill, and rightly so; I mean, that's the way bills are written. But that causes me a concern.

But if you can prove equivalency—and that's why I'm suggesting using extradition law as the basis for determining which legal systems we will look at as equivalent—then I think that would be a better protection.

Mr. Ted Opitz: We had a couple of witnesses here on previous dates, Martin Collacott and James Bissett, and both expressed their support for the new residency requirement. I thought I heard you echo that. In fact, both of them would have preferred it to go to five years rather than four years. That was certainly the system my parents were under.

They pointed out, of course, that amongst our peer countries Canada is still the most generous. In some European states, for example, there is an eight- or nine-year requirement.

Mr. Collacott made the point that he thinks newcomers will value their citizenship more if they know that it is not something they're going to acquire quickly or cheaply and that they have to meet certain standards. That's something I believe: that once you're a citizen, there are duties and responsibilities that you're not exempt from.

In your experience, what would you estimate that it normally takes—how many years—for newcomers to adapt to Canada? Would you

say that more than three years gives them enough time to understand our society and learn our values and our laws and so forth? About 45% of permanent residents right now actually wait about four years before they apply for citizenship. Do you think four years is good? Is five years better? Do you think you're given sufficient enough time to become a Canadian citizen?

• (1645)

Mr. R. Reis Pagtakhan: My parents also went under the five-year rule. I don't have any problem with extending it from three to four years. Four years is a reasonable amount of time.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Opitz.

Madam Sitsabaiesan, you have the floor.

Ms. Rathika Sitsabaiesan: Thank you, Madam Chair.

I've been doing a bit of a poll with most of our witnesses, so I may do it with the two of you.

Mr. Pagtakhan, you've already started to talk about this. This is pre-PR time. You mentioned that pre-PR time for temporary foreign workers should count as half-time credit. I'm wondering if you think the pre-PR time should also count for people who are here in the Canadian experience class. That includes international students, live-in caregivers, refugees—not refugee claimants—who have conventional refugee status in this country, and people who are here on conditional PR, because it's not clear in the legislation, especially for conditional PR, if that time counts or not. I don't have too much time, so I'm going to ask if you can both be brief with your responses.

Do you think it should count for these categories of people, Mr. Pagtakhan and Mr. Chodjai? Go ahead, either one of you.

Mr. R. Reis Pagtakhan: If it's temporary resident status of any nature outside of a visitor, because I think a tourist shouldn't get a half-credit—

Ms. Rathika Sitsabaiesan: Oh no, absolutely.

Mr. R. Reis Pagtakhan: But if it's temporary resident status for anyone who is resident here and filing taxes here under temporary resident status, I think that should count as half-time, under the exact same process that it is now.

Ms. Rathika Sitsabaiesan: That it has currently.

Mr. R. Reis Pagtakhan: For conditional permanent residence, I think that should count as full-time.

Ms. Rathika Sitsabaiesan: Thank you.

Monsieur Chodjai.

[Translation]

Mr. Jonathan Chodjai: We feel that those who have obtained a visa and have been selected by Canada satisfy the criteria for their time spent here being recognized, be it at full time or half time.

The situation of refugees is a bit more complicated, since the criteria are not the same and the adaptation to the country is also different. That would be based on the visas obtained by selection, by Canada, to meet the needs.

[English]

Ms. Rathika Sitsabaiesan: Thank you.

I'm going to change gears now and go to revocation. Citizenship revocation seems to be the topic of the day today.

Mr. Pagtakhan, you mentioned that revocation—I'm paraphrasing, and I'm sorry if I use the wrong word—is good or that you're fine with it as long as the Canadian courts are deciding this. It was along those lines.

The subject matter in Bill C-24 actually gives the minister the discretion to revoke somebody's citizenship without a hearing before an independent tribunal. It also gives broad powers to the minister to strip Canadians of their Canadian citizenship, including those who were born in Canada and if they have a claim to citizenship in another country. I'm reading from notes that were given to us by another witness, who is also an immigration lawyer.

Examples of people who could have their citizenship stripped are Canadian-born children with Chinese, U.S., British, or Italian parents, because they automatically have dual citizenship, and also Jewish Canadian citizens who have the right to return to Israel and claim Israeli citizenship. Even though they are born in Canada, these people are not naturalized Canadians; they are born Canadian.

We're creating two tiers of citizenship. We're creating naturalized Canadians and born-in-Canada Canadians, but then some of those born-in-Canada Canadians can also have their citizenship revoked by a minister, who is an elected person, not a judge, and not through the courts.

I think my opinions on this don't matter. I want to know what your opinions are, Mr. Pagtakhan first, because you're an immigration lawyer.

•(1650)

Mr. R. Reis Pagtakhan: We'll be talking about revocation for terrorism, espionage, and treason, so it's not revocation just because I happen to be a Chinese Canadian. It's for specific offences, and very serious offences, and the citizenship can be revoked by the minister. I don't have a problem with that for this specific reason: that or those three offences, the individual has the opportunity to be presumed innocent, then has to be proven guilty under a court of law—

Ms. Rathika Sitsabaiesan: Actually, no. From reading what this other immigration lawyer presented to the committee, it's the—

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Mr. Menegakis, on a point of order.

Mr. Costas Menegakis: Madam Chair, I think if we ask the witness a question, he should be allowed an opportunity to respond to it first, without cutting him off.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): That's your opinion, but Madam Sitsabaiesan can use her time as she wants, and I would ask her colleagues on that side of the table to not be noisy during her time.

Thank you.

Madam Sitsabaiesan.

Mr. Costas Menegakis: I respectfully disagree. I think we should allow the witness to respond to a question once the question is asked.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you, Mr. Menegakis.

You can disagree, but that's how I rule it. Madam Sitsabaiesan has the right to use her time as she wants.

Mr. Costas Menegakis: If you ask a question to the witness, you should be respectful and ask—

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Thank you for your opinion, Mr. Menegakis

Madam Sitsabaiesan.

Mr. Costas Menegakis: Is that your ruling?

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Yes.

Mr. Costas Menegakis: Then we will challenge that ruling.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): There's someone challenging the ruling of the Chair.

[Translation]

So the question is whether the chair's decision should be sustained.

(The chair's ruling is overturned)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): The chair's ruling whereby Ms. Sitsabaiesan may use her floor time as she likes has not been sustained by the committee. So Mr. Pagtakhan will have a bit more time to answer Ms. Sitsabaiesan's first question.

[English]

Ms. Rathika Sitsabaiesan: How much time do I have left now?

[Translation]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You have two and a half minutes remaining.

[English]

Ms. Rathika Sitsabaiesan: Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Monsieur Pagtakhan.

Mr. R. Reis Pagtakhan: Thank you, Madam Chair.

Briefly, the way I look at it, if you are convicted of one of those three offences in a Canadian court, then the decision by the minister is okay, and for this reason. There was a decision a couple of years ago—maybe it was last year—by the Supreme Court of Canada in Pham that dealt with criminal convictions in an immigration context. In that decision, the Supreme Court of Canada said that you can take into account immigration consequences when you look at whether you can take away Canadian permanent residency for criminal convictions. I'm—

Ms. Rathika Sitsabaiesan: I'm sorry, Mr. Pagtakhan, I'm going to interrupt you, because I only have less than two minutes left at this point and we're not talking about the subject matter before us, which is the subject matter of Bill C-24. You're talking about the revocation of permanent residency rather than citizenship at this point.

While I still have the floor, Madam Chair, I'd like to move a motion.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Go ahead.

Ms. Rathika Sitsabaiesan: Actually, I can be kind to the committee.

Would you pass this down, please?

Madam Clerk, I have copies for you.

Madam Chair, in English, my motion reads as follows, and the French is provided as well: that, notwithstanding the motion—

Mr. Costas Menegakis: Excuse me. I would like to get it first, please.

Ms. Rathika Sitsabaiesan: They want to read it, Madam Chair. Please let me know when I may continue.

Mr. Costas Menegakis: We're good. We have it now.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Go ahead.

Ms. Rathika Sitsabaiesan: Thank you, Madam Chair.

It reads: that, notwithstanding the motion of the committee of Tuesday, April 1, 2014, the committee schedule three hours to hear witnesses on the subject matter of Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts.

That is the wording of the motion, and I'd like to motivate it, Madam Chair. Considering the fact that we are currently looking at the subject matter of Bill C-24 outside of the regular procedure of how we do things around here, considering the fact that this bill hasn't been—

Voices: Oh, oh!

Ms. Rathika Sitsabaiesan: Pardon?

• (1655)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Excuse me. I would ask members to be a bit more silent.

Go ahead, Madam Sitsabaiesan. You have the floor.

Ms. Rathika Sitsabaiesan: Considering the fact that the House has not actually requested that the citizenship and immigration committee study this bill, the bill isn't before us.... This is not officially a pre-study. What we're actually looking at is the subject matter of a bill, and that's not a regular procedure.

A lot of the civil society groups would normally be paying attention to what's happening in the House of Commons, and if there's a bill that's being directed to a committee, they would contact us as members of the committee, or the clerk as a person who helps make this happen. They didn't know we were studying this topic, and now that they know this subject matter is being studied, we've had many people and organizations sending us requests to appear before this committee. I have received many emails from Julie, our clerk, about people requesting to appear before the committee. I know that even the UNHCR, the UN High Commissioner, was mentioning he would have loved to have been invited to come and speak and didn't get an opportunity.

Now it's too late for us to invite more witnesses to appear. I think such a study of what's going to be changing so much with respect to

people's rights in this country is very important, and if the UN High Commissioner for Refugees wants to make a presentation and appear before this committee, we should at least be able to entertain that. As well, last week we had some witnesses who came but then lost their opportunity to speak before the committee.

For all those reasons—I can go on longer but I don't want to, because I want to move forward—I'm asking for three more hours to have more witnesses come before the committee. That's my motion.

While I have the floor, I have a question for the clerk, the chair, or the analyst, I'm not sure who: have we given instructions to the analyst about a report on the study we're doing right now on the subject matter of Bill C-24? I'm not sure, so I wanted to ask that question.

Thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): To answer your question, the committee, it's not....

[*Translation*]

I will say it in French; that will be much easier for me.

The committee has decided at this point—although this is not necessarily standard procedure—not to ask the analyst for a report. However, the analysts will produce an internal document, for information purposes, only for the members of the committee.

So the committee has not requested a report from the analysts.

Ms. Rathika Sitsabaiesan: Thank you, Madam Chair.

I'm finished, thank you.

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): You want to plan another three hours to hear from witnesses? Is that right? I just want to make sure your motion is clear.

Ms. Rathika Sitsabaiesan: Yes, Madam Chair.

[*English*]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): Mr. Menegakis, on the motion.

Mr. Costas Menegakis: Yes. I move that we go in camera. Then I'll be speaking on the motion.

Thank you.

[*Translation*]

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): This motion cannot be debated.

(Motion agreed to)

The Vice-Chair (Ms. Lysane Blanchette-Lamothe): I want to thank the witnesses for their contribution.

If we have any time left afterwards to continue the meeting with you, we will let you know, but for now, we will suspend the sitting before we go in camera.

[*Proceedings continue in camera*]

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