

*Canadian Citizenship Act*

On clause 2—revocation of Canadian citizenship.

**Mr. Pickersgill:** I should like, if the hon. lady would allow me, to move an amendment—

**An hon. Member:** The minister has the floor.

**Mr. Pickersgill:** All right; it will just complicate things.

**Mrs. Fairclough:** I am sorry there is a misunderstanding here. I indicated before that when clause 2 was being considered I intended to move an amendment to the house. I think the committee was well aware of this intention. I shall, therefore, ask my colleague the Minister of Agriculture to move:

That Bill C-58, an act to amend the Canadian Citizenship Act, be amended

(a) by adding the word "or" at the end of line 25 thereof,

(b) by striking out the word "or" at the end of line 28 thereof, and

(c) by striking out lines 29, 30 and 31 thereof.

**Mr. Harkness:** I so move, Mr. Chairman.

**Mr. Pickersgill:** Could the hon. lady say what the effect of that amendment is?

**Mrs. Fairclough:** It is to eliminate clause (c) of the proposed subsection (1) of section 19.

Amendment agreed to.

**Mr. Pickersgill:** I indicated earlier that I intended to move an amendment. Since the occupant of the chair has changed since I last spoke, I would just recall that last evening on second reading I sought to move the following amendment:

That all the words after the word "that" be struck out and the following substituted therefor: "This house declines to give second reading to this bill because it fails to provide that naturalized citizens shall have equality of rights and status with natural born citizens."

I will not trouble to read the Speaker's ruling on that amendment when it was ruled out of order—you have no doubt acquainted yourself with it—on the ground that it would anticipate amendments which could be moved in committee. I may say that I had not thought, until the Speaker gave that ruling, that it would be possible to make an amendment in committee that would achieve that object. But Mr. Speaker having directed my mind in that direction, I applied my mind to it and I think Mr. Speaker has proved to be right. I have an amendment which does, in fact, achieve the objective which the Speaker told us could be achieved in committee. Therefore without more ado I will move as follows:

That section 2 as amended be amended by striking out all the words after "19. (1)" in line 12 to

57071-3—301½

the end of the section and substituting the following therefor:

"(a) A Canadian citizen other than a natural born citizen shall not lose his citizenship for any cause for which a natural born citizen would not lose his citizenship.

(b) Where it is established to the satisfaction of the court that a person has obtained a certificate of naturalization or Canadian citizenship by false representation or fraud or by concealment of material circumstances such certificate shall be revoked and such person shall be deemed never to have been a Canadian citizen."

In support of this amendment I should like to say that the (a) part of it makes it quite clear that once a person has become a naturalized citizen he has exactly the same status as does a natural born citizen and that he cannot lose—that, of course, is indicated in the act in every other respect except one—he cannot lose his citizenship for a cause for which a natural born citizen could not lose his citizenship.

Then in section (b) I applied my mind in the direction in which I indicated last night in an aside to the Minister of Justice I thought it might be applied; that is to say, taking the analogy of nullity as opposed to divorce. It is clear that what is meant in the proposed bill and what is intended is that if a certificate of naturalization or citizenship is acquired by fraud or misrepresentation of the material circumstances, the person who obtained it never was a citizen. What this amendment says is that he never was a citizen and that the certificate was not a valid certificate. I am not a lawyer and I do not know too much about these things, but I would suppose that if someone obtained a birth certificate by fraud and it was found that it was fraudulent, he would no longer be a natural born citizen of Canada.

**Mr. Fulton:** You could not very well say you had never been born.

**Mr. Pickersgill:** No.

**Mr. Fulton:** That is what you are trying to say here.

**Mr. Pickersgill:** No. What I am saying here is that he never was a citizen because he did not comply properly with the law that he is required to comply with to become a citizen. The only difference between what I am suggesting and what the hon. lady is putting forward in her bill, now that she has taken out that highly objectionable section (c) which really would have instituted thought police in so far as these naturalized citizens were concerned, is that it will no longer be competent to revoke the citizenship of the person who has been charged with the offence of treason, is outside the country and does not come back to be tried.

That is the sort of thing that happens once in a great while. It is perhaps desirable to