

*Canadian Citizenship Act*

**Mr. Crestohl:** He must first of all prove factually that he has lived in Canada over a number of years; that he has a domicile in Canada.

**Mr. Diefenbaker:** That he intends to.

**Mr. Crestohl:** A man can say I intend to do so; quite right. However, when the granting of citizenship is going to depend upon whoever will sit in judgment saying, I do not believe the intention, that is a danger spot. It is very dangerous authority to place in the hands of someone, to judge whether an applicant who has complied with countless requirements should then have his application refused because that person will say, I am not quite sure you intend to keep the oath that you are taking. I think that is a very dangerous clause, and I do not believe it adds any prestige to the act. I do not think it is a fact which anybody could possibly prove or disprove, as to what a person's intent may be. After you have satisfied all the requirements, your hope of citizenship may be washed away because someone will say, I do not believe you intend to follow the oath. Who is the mind reader who will be able to draw that conclusion to nullify the application?

**Mr. Diefenbaker:** Who is the mind reader who determines the question of intent as to domicile?

**Mrs. Fairclough:** I think the hon. member for Cartier attacks this thing from a peculiar position. This word "intends" in this particular clause is not at all the same as in the clause which we propose to remove. It must be taken in conjunction with the final wording in subsection (1) of section 10 which says that the applicant, amongst other things, should satisfy the court about a great many things. I draw the hon. member's attention to the words in paragraph (d) which says that he must be of good character. I ask the hon. member, how does one prove that one is of good character? It is probably easy to prove you are not of good character. You could probably have evidence of being a bad character, but I doubt that you could really produce evidence to prove that you are of good character. Again, therefore, it is a case of what is in a person's mind. When you ask a person to prove that he is of good character or to satisfy the court that he is of good character, I think it is quite proper that you should ask him also to satisfy the court about other things. Has he the intention to live a proper life in this country, to stay in this country?

I cannot get too excited about a person who has attained the position in life where

[Mr. Diefenbaker.]

he has been appointed a judge in our courts misinterpreting the examination or conversation which he may have with a prospective citizen. I submit, Mr. Chairman, that if you are not going to have some such safeguard, if you are not going to signify to the judge the type of examination which you hope he will make of applicants for citizenship, you may just as well grant the applicant his citizenship without any examination whatever. You may as well grant it merely because he applies for it and has been in the country the requisite number of years. You may say, very well, you have been here for five years and now if you wish to be a Canadian citizen we are not going to ask you what your intentions are, we are not going to ask you whether you intend to live in this country, whether you intend to apply for a passport and then leave this country. There are a great many angles to it. I submit, in all sympathy with the hon. member's concern, that this is a matter for the judges in the courts to decide, as they have done in the past. This is merely an indication to the judges that we hope they will be careful in awarding citizenship to these applicants.

**Mr. Crestohl:** May I point out to the minister that I do not believe the comparison is a good one in so far as proving good character is concerned. Certainly, before a man's application is considered it is carefully investigated by our security officers. Reports are obtained from all the courts as to whether or not this man has a criminal record. Security officers investigate everywhere, and these facts are placed before the judge. The judge has factual evidence.

This is the only item in twelve requirements that is not factual, but upon which one has to rely by just guessing. May I point out to the minister also that if this were left to a judge perhaps some cure might be obtained, but sometimes these things are not done by a judge. They are done by a minister, by a deputy minister or by departmental officials. If one simply says, I do not think that this man will keep his oath of allegiance, that is sufficient to disqualify him from citizenship. I think that is a barrier that is difficult to overcome. It should not exist in a piece of legislation. As the hon. member for Bonaville-Twillin-gate said the other night, we want to eliminate policing the mind, and this approaches an attempt to police one's mind. If you say that a man will not qualify for citizenship, not on the ground of facts but on one's thoughts, that is a very dangerous thing.

Clause agreed to.