

*Naturalization Acts*

pire. What is the effect of the legislation upon his status in Canada?

Mr. COPP: The status would be the same. This is simply bringing into effect the arrangement made between representatives of the Imperial government in Great Britain and representatives of the British dominions, to have a uniform naturalization act. If my hon. friend will read the description of the status of a British subject as given in clause 2, he will find that this corresponds exactly with the Imperial act that was passed last year. This is simply to keep the law uniform as arranged by the different Imperial conferences held from 1902 down to 1911.

Sir HENRY DRAYTON: My hon. friend says that the status will be just the same in Canada as anywhere else. Just the same as what? Take for example naturalization papers given in South Africa under their Naturalization Act. What is the Canadian status that is thereby obtained, or is there any?

Mr. COPP: A person applying for naturalization in Canada has to follow the same procedure and reside here for the same length of time as a person has to do in Great Britain. The first subclause is a description of a British subject. If my hon. friend will refer to the notes on the side of the bill, he will see exactly what the object of the bill is. The side note reads:

The object of this bill is to provide for the continuance, under certain conditions, of the British nationality of successive generations of British descent born abroad.

This was changed, as my hon. friend knows, in 1914 and 1920. This is to bring again into effect the law as it was prior to that time, and to provide that British subjects, who are naturalized in Canada are British subjects the world over, the same as if they were naturalized in the old country. I do not think I can say any more than that.

Mr. GUTHRIE: Has the Minister the Naturalization Act before him? Clause 2 reads:

Paragraph (b) of subsection 1 of section 1 of chapter 44 of the statutes of 1914, an act respecting British nationality, naturalization and aliens, is repealed, and the following is substituted therefor.

Could the minister inform the committee what paragraph (b) of subsection 1, that is proposed to be repealed, contains?

Mr. COPP: Paragraph (b) of subsection 1 of the present Naturalization Act reads:

Any person born out of His Majesty's Dominions and whose father was a British subject at the time of that [Sir Henry Drayton.]

person's birth and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted; or had become a British subject by reason of any annexation of territory, or was at the time of that person's birth in the service of the Crown.

That is the whole of paragraph (b) in the original act.

Mr. GUTHRIE: Except for the change in subsection 5 which the new paragraph enacts, I do not see that there is much difference. For my part I see no objection to the section.

Mr. BAXTER: One thing puzzles me. I see by the memorandum that in England apparently they have taken a date in 1915 to affect the rights of the second generation. The memorandum states:

Under the existing law British nationality by descent ends after the first generation (or in the case of persons born before 1915, the second generation) born abroad.

In subclause 5, there must be, the memorandum states, two conditions:

Any person born out of his Majesty's dominions, whose father was at the time of the person's birth a British subject and who fulfils any of the following conditions—

One of the conditions is:

His birth registered at a British consulate within one year or in special circumstances, with the consent of the Secretary of State, two years after its occurrence, or, in the case of a person born on or after the first day of January, 1915, who would have been a British subject if born before that date, within twelve months after the first day of August, 1922;

What becomes of those in a similar degree of relationship who were born before the first day of January, 1915? Suppose a Canadian citizen went to the United States and his child was born before 1915, and while the child was still a minor the father took out letters of citizenship in the United States. Does that child's British right still subsist? There is no provision for his registering and he might be at the present time only, say, nine years old. It seems to me that there should be some way for such a child to claim British nationality if he felt that his father had not chosen the better part by becoming an American citizen.

Mr. COPP: Before he comes of age?

Mr. BAXTER: When he comes of age. I am left under the impression that while this subsection is a verbatim copy of the British act there is probably something else in that act which has not been copied into this and which may be needed to make the bill effective. I may be wrong, but the memorandum leaves that impression on my mind.