

and they do not feel free to write out a general report. That perhaps should be the key point in deciding whether or not the applicant should receive citizenship. Is it the intention to give the judges wider discretion than at the present time?

Mr. MARTIN: Yes.

Mr. GREEN: What discretion?

Mr. MARTIN: We are going to put in the regulations a general clause providing that if the judge feels these do not cover the particular situation he is free to report on that situation as he sees fit; in other words, to give the department a true picture of what happens. There is a real handicap which we intend to remove.

Section agreed to.

On section 15—New application allowed.

Mr. MacNICOL: If the application has been rejected by the court on a hearing or rehearing the applicant may make another application under section 10 of the bill after the expiration of a period of two years from the date of such rejection. If the application has been rejected for some major reason, is the applicant allowed to remain in the country for the two years?

Mr. MARTIN: Yes. The fact that the applicant is turned down does not mean that he has to leave the country.

Mr. MacNICOL: I said, for some major reason.

Mr. MARTIN: It all depends. If it were disloyalty to the crown involving an act of treason that might be altogether different. The hon. member for Vegreville mentioned certain applicants who had been turned down because of certain obligations they owed. There is no way of dealing with such a case and the intention is to cover situations like that.

Section agreed to.

On section 16—On acquisition of other nationality.

Mr. GREEN: The minister should explain this in detail. This is the only way in which a Canadian citizen who is natural-born can lose his citizenship, and apparently he can lose it only when he is outside Canada and acquires a nationality or citizenship of some other country. We should be very careful about a section of this type. Take, for example, the case of a Canadian-born Japanese who served in the Japanese forces against us. One such was one of the main torturers of Canadians in Hong Kong. As I read the section, that man

still retains his Canadian citizenship. There should be some way in which the citizenship could be taken away from a man like that, and I suggest to the minister that he give consideration to having a test as to whether or not the person has become disaffected or disloyal to His Majesty. Certainly a person who is born in Canada and who serves in an enemy force should lose his Canadian citizenship, and lose it fast. Yet under this section he does not.

Mr. MARTIN: I point out to the hon. gentleman that what he says is substantially correct, except that he has not covered the question of dual nationality covered by section 17 to which we shall make reference when we come to it. Perhaps I should read this section again:

A Canadian citizen who, when outside of Canada and not under a disability, by any voluntary and formal act other than marriage, acquires the nationality or citizenship of a country other than Canada shall thereupon cease to be a Canadian citizen.

In all of the nationality acts of the commonwealth this provision exists. Citizenship is derived from two classes of people: those who were natural-born and those who acquired citizenship through other than natural-born methods. In the case of a natural-born person citizenship is something which, if taken away, would easily lead to a condition of statelessness. I am not thinking particularly of the group of people to whom my hon. friend is referring, but one of the difficulties in the administration of nationality acts is the question of trying to avoid statelessness. If you take away the citizenship of a natural-born person, unless he has another state to which he can go—I am not referring to the cases my hon. friend had in mind, but to illustrate the principle—he has no place to which he can be deported. It is to avoid that kind of situation that you have to tread with great care.

Mr. REID: Would the minister mind answering a question? What would happen in the case of a man who had two citizenships and you took away his Canadian citizenship? Would he be stateless?

Mr. MARTIN: It all depends on the circumstances. If by some voluntary act the man acquires the nationality of another country, then of course the consequences are as stated in the section. I am not admitting that it is not without difficulty, but the committee will recall what we are trying to do. Here we are dealing with natural-born people who have no other nationality. If you take away their nationality they have no other country to which they owe allegiance.