

### *Citizenship*

deal of thought has gone into the proposal and I would now like to outline our reasoning. I said a little earlier that the fundamental change in the bill is that citizenship is made a right upon compliance with certain specific statutory requirements. If the seemingly simple notion of good character were to be retained, therefore, it would have to be somehow rendered into a measurable requirement. But that exercise is not quite as simple as determining a person's age or requiring a look at a birth certificate or immigration landing date, or even verifying the applicant's knowledge of Canada or of one of its official languages. Even these latter two can be tested uniformly. Language and knowledge tests abound in schools and universities and can be used as models. But character is not so easy; it is more nebulous; more likely to be left to arbitrary appreciation.

We have examined the idea of leaving the task, as at present, to our citizenship judges and letting them determine whether an applicant is of "good character". The problem there is that the phrase itself is open to so vast a range of interpretation as to make it no more than a subjective evaluation on the part of the citizenship judge, and thus to render its application as a standard requirement open to serious controversy. I am sure that if I ask each hon. member individually and privately how he or she would define the term "good character", I will get as many answers as there are individuals in the House. While citizenship judges may have interpreted the phrase with responsibility and good sense, nevertheless the fact remains that the application of the requirement has necessarily been an arbitrary thing, especially with regard to any distinction between public and private behaviour.

Mr. Speaker, leaving aside our technical problems for the moment, I ask the House to consider why we should try to test character in such a manner. After all, what is citizenship? It is the act of participating in a political system. Participation in Canada's economic and social systems are granted by residency, by simply being here legally. Very roughly stated, Canadian citizenship enables one to do several things: to vote; to run for public office; to carry a Canadian passport; to exercise certain activities where citizenship is a statutory prerequisite. It also allows one to enjoy an almost indefinable sense of belonging to, contributing to and participating in Canada. The conferring of citizenship is an enabling gesture on the part of the government to lift all barriers which stand in the way of the full political participation of an individual.

● (1650)

Citizenship is not a reward for good behaviour. It is not a prize to be awarded only to the more meritorious. The native born do all the things I listed a moment ago without any test of character. I have reached the conclusion that the broad character requirement in the present act is indefinable, unrealistic and unfair. As practised in the past and in any known design, it punishes, sometimes wrongfully, human behaviour not punishable by law. For these reasons, in Bill C-20 we have turned to the law. Instead of the nebulous phrase "good character", we have set down specific criteria which can be invoked without fear of abuse.

Under the new bill, certain sections of the Criminal Code and the Narcotics Control Act will provide these

[Mr. Faulkner.]

necessary guidelines. About these guidelines there can be no dispute. After all, a person either has done certain things or he has not; he is certain things or he is not. The law deals with law-breakers, native and foreign-born. The removal of the words "good character" is an important step in the direction away from arbitrary discretion. It is a step which is totally in keeping with the basic change of the new citizenship bill which redefines citizenship as a qualified right where certain stated conditions are satisfied.

Under present Canadian law, citizenship is, as I said, a grant made at the discretion of the minister. I think this discretion has been fairly administered over the years. In principle, though, if not in practice, such an approval allows for the imposition of conditions which are not stated in law. It permits the possibility of arbitrary exercise of authority without public or legislative sanction. The new citizenship bill corrects this situation. In the new bill, however, section 18 of the proposed legislation does grant discretion to the governor in council to refuse to grant citizenship or resumption of citizenship, or to recognize the renunciation of citizenship if it would be prejudicial to the security of Canada or contrary to public order in Canada. This, I believe, provides adequate and proper exceptional intervention in extreme cases.

**Mr. Stanfield:** No possibility of arbitrariness there.

**Mr. Faulkner:** The new bill also gives the minister and the cabinet certain positive discretionary powers. This means that the minister and the cabinet can forgive certain qualifications—

**An hon. Member:** That's right.

**Mr. Faulkner:** I wish the hon. member would pay some attention. This also means that the minister and the cabinet can reward people for special services to Canada and can relieve cases of particular hardship. I believe the House will agree that these provisions are necessary for dealing fairly with cases which may call for a humanitarian or generous decision. I am sure, as this bill goes to committee for study—

**Mr. Epp:** Not if we can help it.

**Mr. Faulkner:** I hope that is not the official position of the official opposition, but an insensitive reaction.

**An hon. Member:** You will find out.

**Mr. Faulkner:** I hope that when it does go to committee for study, many groups and individuals will follow with interest the progress of this legislation and the commentary it will no doubt provoke. That Bill C-20 will receive such public commentary from a wide cross-section of the population is hardly surprising, for what we are discussing is an issue which touches every Canadian.

It is the hope of the government that in removing the many inconsistencies and barriers existing under current legislation, the new bill will encourage potential citizens to acquire Canadian citizenship. It is with this hope in mind that I invite hon. members to lend their support to the proposed citizenship legislation and so join with the government in reaching out to potential citizens of