

Canadian Citizenship Act

naturalized citizens with natural born citizens, we think it should go the whole way or that it is not worth doing at all. Second, although when the hon. lady moved second reading she told us that she intended to strike out subparagraph (c) of clause 2 of the bill, that of course had not been done at the time of second reading and we were voting on the bill as it was before the house and we did not feel that we could vote for a bill containing that clause, with the interpretation that we placed upon it. I believe that the hon. member for Cartier wishes to make an observation or two on clause 1.

Mr. Crestohl: Mr. Chairman, I want to address myself to the use of the word "intend" in the bill because I think it has some very significant connotations which perhaps are not very obvious at first sight. I was pleased to hear the minister say that she would withdraw subparagraph (c) of clause 2 because it does use the word "intend" and, as the minister said, it is really difficult to risk using the word "intend" because it might be misunderstood. It is difficult to know what a person intends. You do not know what is in that person's mind and you cannot base any conclusions on it. The minister was quite right in saying she would withdraw subparagraph (c) of clause 2 which now reads as follows:

The governor in council may, in his discretion, order that any person other than a natural born Canadian citizen shall cease to be a Canadian citizen if, upon a report from the minister, he is satisfied that such person...

(c) did not, at the time of taking the oath of allegiance set forth in the second schedule, intend to comply with such oath.

As I say, I agree wholeheartedly with the minister that it is difficult to know what a person intends at a particular time. We also find the word "intend" in subsection 1 of section 10 of the act which reads as follows:

The minister may, in his discretion, grant a certificate of citizenship to any person who is not a Canadian citizen and who makes application for that purpose and satisfies the court that—

Then there are about ten items and I do not intend to read them all because I want to save the time of the committee. With the exception of the last one they are all palpable and factual so that the court can at the time know the fact that the applicant has complied with each one of these items. I will refer to two or three for illustration only. The court can know, under subparagraph (a), that the applicant has attained the age of 21. Proof of that can be made. Under subparagraph (b) the court can know that he has resided in Canada for a period of at least one year. Proof of that can be made. Under paragraph (c) proof can be made that he has acquired Canadian domicile, and so on down the line. But

then we come to the last subparagraph and we see that the court must be satisfied that he intends to have his place of domicile permanently in Canada.

In clause 1 of the bill now before us we see that the words "intends to comply with the oath of allegiance set forth in the second schedule" are used. The minister has rightly withdrawn subparagraph (c) of clause 2 and I see no reason for the retaining in the legislation of the words "intends to comply with the oath of allegiance." It is very nebulous and it does not fall into the same category of factual items that can be proven to the court. I regard this as a somewhat dangerous provision to add. The minister has deleted a great many of the obstacles that existed in the previous act by bringing forward this bill. But I think there is a catch. I do not say that the minister intends it to be so but I think there is a catch when after the applicant has complied with all other requirements you provide that the court must also be satisfied that the applicant intends to comply with the oath of allegiance.

That is not a factual thing and it is difficult to know at any time whether the person intends to comply. Someone will have to judge that. Someone will have to read the applicant's mind at the time. Does he intend to comply? By simply saying, "I do not think he intends to comply", I say that whoever will be in that position will be able to nullify all the factual requirements already complied with by the applicant. I respectfully submit to the minister that this addition is not necessary. It adds nothing to the legislation and it creates a problem because someone will have to read the applicant's mind. He may then say, "I do not think you intend to comply" and thus nullify all the other factual requirements.

Mr. Diefenbaker: May I ask the hon. gentleman a question? Would there not be the same proof required as there would be in respect of the earlier subsection to which he made reference—that the applicant intends to have his place of domicile in Canada? The individual applying for naturalization will be asked, "What do you intend to do"? He says, "I intend to stay in Canada; my plan is to remain here and establish a domicile." Is not intent in this case the same, something which has to be determined by the surrounding circumstances at the time as necessary to be established before it could in any way be determined?

Mr. Crestohl: The Prime Minister is quite right, but I think that the word is superfluous in that clause.

Mr. Diefenbaker: But it has been there for a long time.