

*Citizenship*

1930, these anomalies were brought forward and a report on nationality problems in Canada was presented to the secretary of state. A bill to revise and consolidate the laws of naturalization and citizenship was introduced in 1931 but was withdrawn before third reading.

Finally, in 1946, the secretary of state, the Hon. Paul Martin, introduced a new bill to revise and consolidate naturalization and citizenship laws and to introduce Canadian citizenship instead of British subject status or Canadian nationality. Proclaimed on January 21, 1947, the Canadian Citizenship Act, with some amendments, remains to this day. A progressive piece of legislation in its time, the present, much amended Citizenship Act has become complex and unwieldy, in certain respects illogical or not fully equitable, and somewhat out of tune with the times.

Mr. Speaker, the new citizenship bill represents a comprehensive revision of current citizenship legislation. I believe that on close examination it will be found to be an equitable, logical and liberal piece of legislation, reflecting the principles on which Canadian society has been founded. Let us turn to some of the specific changes proposed in the bill.

One aspect of the new bill which has been greeted favourably on all sides is its equal treatment of men and women. A few years ago, the report of the Royal Commission on the Status of Women pointed out five very important ways in which the present Citizenship Act discriminates against women. No one would claim that those who first framed the legislation set out to be deliberately discriminatory. However, in these five instances the legislation either makes special concessions to what the consciousness of the time termed the "weaker sex" or simply complies with then current international practice. The new citizenship bill corrects such discrimination.

Under the present act, only one year of residence is required by the alien wife of a Canadian husband wishing to become a citizen herself. On the other hand, the alien husband of a Canadian wife has to fulfill the full five-year requirement. Under the new bill, the wife or husband of a Canadian citizen must fulfill the standard residency requirement before obtaining citizenship. Secondly, under the present act, in most cases, only the father may apply on behalf of a minor child to obtain his citizenship. Under the new bill, either parent may make such an application. A similar arrangement exists for adoptive parents.

In the next two areas, some groups have suggested to us that retroactive legislation should be implemented to correct the discrimination. When the 1947 act was proclaimed, it did not restore the Canadian citizenship of Canadian women who had married aliens before 1947 and thus lost British subject status or Canadian nationality. Also, the present act does not permit the child born abroad of a Canadian mother and alien father to acquire his mother's citizenship, unless the birth is out of wedlock. In the first instance, it has been suggested that women who lost Canadian nationality through marriage before 1947 be proclaimed citizens retroactively. In the second case, it is suggested the children born abroad to Canadian mothers and alien fathers be retroactively proclaimed citizens. In our opinion, a retroactive citizenship law has unknown

consequences. It could be as derogatory of right in some cases as the original law.

Let us look at a few examples, Mr. Speaker. Let us suppose that a Canadian woman married an alien in 1945. Let us further suppose that she has been living abroad now for several years and that she has acquired or inherited land in her husband's country. It is very common for countries to have laws which forbid land ownership by non-citizens. It does not take much to imagine the consequences for that woman if she suddenly learned that, without reference to her wishes, she now had been made a Canadian citizen retroactively for all these years. While we have not made the new bill retroactive, I think that we have solved this difficulty fairly. The new bill specifies that any alienated married woman whose British subject status or Canadian nationality was not restored in 1947 may simply notify the secretary of state of her wish to acquire it. By her own decision, she may become a Canadian citizen as soon as she can establish her identity. We are giving to the women I have described the option of themselves setting in motion the process which will make them citizens if they so choose. The matter is in their hands.

In the other case I mentioned, that of the child born abroad, the new bill will permit derivation of citizenship from either parent. Here, too, we felt the suggestion of retroactivity posed many difficulties. Let us suppose the child is now 18 or 19. He has lived in a foreign country all his life, speaks the language of that country and is now, for example, a partner in his father's business. One can well imagine the legal ramifications for that individual if, through enactment of a law in his mother's country, he suddenly became an alien in his country of birth.

The new citizenship bill is also more equitable in the fact that children born abroad are now given rights to citizenship equal to those of children born in Canada. As I mentioned earlier, according to the proposed legislation, children who are born abroad will derive Canadian citizenship through either parent in or out of wedlock. Related requirements in the current legislation have also been corrected. Current legislation stipulates that citizenship can be lost unless the birth of a child outside Canada is registered within two years and the child becomes resident in Canada by age 24. The proposed legislation eliminates the registration requirement, thus making the right to citizenship indefeasible in the first generation born abroad.

As well, the new bill passes the rights to citizenship conditionally to the second generation. In effect, clause 7 of the new bill provides that such a person in the second generation can retain citizenship if by the age of 28—that is, ten years after majority—he or she makes application to obtain citizenship and either resides in Canada for at least one year preceding the date of application or establishes a substantial connection in Canada.

Another change to Canada's citizenship law which has met with favour is the provision that the age of application for citizenship be reduced from 21 to 18 years. At the time the law was framed, 21 was a logical age, reflecting the age of voting and the age of majority recognized in most law. However, a person may now vote at the age of 18 in Canada. It seems illogical that the person coming to Canada from abroad may not become a citizen until the