

Citizenship

arbitrariness that could apply equally to the three or five-year period. In his speech he indicated that it was his feeling, not a matter of principle, that the three-year period was less arbitrary and less unfair than the five-year period. I take it that was the government's feeling as well.

I will be most interested in the comments made before the committee. I hope that not merely native Canadians will have a chance to appear before the committee. I would like to hear some groups representing new Canadians, immigrants and landed immigrants. They should give evidence not only with respect to this bill but with respect to the three or five-year period.

In the course of representing my constituency in this matter, as well as the matter to which I alluded a few days ago, I come in contact with groups of people who have recently come to Canada. Some are first generation, some second generation, and some landed immigrants who are not yet citizens. They have spoken to me about the three-year period as opposed to the five-year period. I think these people are representative of groups to be found in any part of Canada. They had a mixed view with regard to the shortening of the period of time. I thought it would be otherwise, but that was their view. Some felt that the three-year period would be alright. As I said, these are not native born Canadians, but landed immigrants and others.

One woman who spoke to me said that she regarded citizenship as something very precious. She only recently received her citizenship. She regards this as something that was earned, not only through good behaviour and staying outside the criminal courts, but through knowledge and a number of other things. I would not have paid too much attention to that view except it came from a particular person for whom I have extremely high regard.

I ask the minister to instruct his colleagues on the committee that will deal with this matter to give the widest possible scope to the representations that will be made by the various ethnic groups. If the three-year period is sound, it should be adopted. However, if there is some question about it, particularly among the groups that I have mentioned, and indeed generally in the country, we should listen to those views before making up our minds.

I want to deal now with something the minister dealt with at page 5985 of his speech. It is with regard to the proposed change in the requirement that an applicant be of good character. As I understand the minister's argument, he feels this is not measurable. When dealing with these matters, the minister felt it would be better if we had something that was measurable such as criminal behaviour, a breach of the Criminal Code, or a breach of the Narcotic Control Act. Evidence of a perpetual inability to abide by the law, even though it might be small in terms of the wrong that would be committed in the normal sense, would be something measurable. It would be a record to which the minister or someone else could point.

On the face of it this sounds pretty good. However, there is something which concerns me. I believe this provision is a calculated—and I do not use that word in the wrong sense—downgrading of the citizenship court. It will make that court nothing more than a rubber stamp.

I am sure the minister's field of knowledge goes far beyond that of mine, but having regard to the calibre of the

[Mr. Baker (Grenville-Carleton).]

men and women who make up our citizenship courts, their devotion to their discretionary duties under the act, and the good record which the citizenship court enjoys, this downgrading is unfortunate. What is really being said is that citizenship will only be granted in terms of those things that are measurable.

I think the minister wants to be fair. However, in trying to codify the law, giving it parameters that are geometrically ascertainable, he is depriving the citizenship court of a very important jurisdiction that is not within the parameters of the bureaucrat to decide. His answer is going to be, "Well, in certain cases we have ministerial discretion." I do not mean any disrespect to the minister or his colleagues in this context but how better is the minister fitted to exercise discretion than the courts? The ministry is political. There is nothing wrong with that.

● (1530)

Mr. Nowlan: It is paralyzed.

Mr. Baker (Grenville-Carleton): My hon. friend says the ministry is paralysed. I think there is some evidence that that is so. But aside from the paralysis there is a political aspect to decisions which are made by a cabinet, by a ministry, or by an order in council. That is a fact and I am not arguing with it. The one thing a citizenship court can do in terms of the real difficulties which face a person who may not be able to obtain citizenship is at least to give the appearance, and I suggest, the substance of maintaining impartiality. I hope the minister will consider this in relation to the removal from the citizenship code of those words "of good character" which could allow a judge, perhaps, to look behind certain of the documents presented as to a person's behaviour and find in that person's favour. As we try to protect ourselves on one hand we may do damage to the cause on the other.

What is wrong in a society which is opening its doors to people who are qualified under its rules, saying that you must establish yourself in terms of the language, the government, and all these other things we recognize? You must show, as the minister says, that you have not breached the Criminal Code, that you have been a good citizen with respect to that. What is wrong with reserving to, really, the people of Canada, whether native-born people of Canada or people who have come here as immigrants and have become citizens and have elected a government—what is wrong with reserving to them and their government, or perhaps better a citizenship court, an inquiry in the right place with respect to this whole intangible of good character?

The government in this bill is attempting to take discretion away from the citizenship judge. I believe this is the effect of it. It is becoming a bit more like a rubber stamp and we are substituting therefor in essence a ministerial discretion. I think the end the minister is probably trying to achieve in this bill, to evidence fairness, would be better served if that discretion were left with a body or organization which could not be termed political even by the most dishonest among us.

This is why I feel very strongly that the judge should not become a rubber stamp, and that the government and the machinery established by the government, that is to say