Canada. Parl. Senate. Standing
Comm. on Immigration
& Labour, 1952/53.
Proceedings.

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THE SENATE OF CANADA

PROCEEDINGS

OF THE

STANDING COMMITTEE

ON

Immigration and Labour

To whom was referred the Bill "Q-5", intituled: "An Act to amend The Canadian Citizenship Act".

TUESDAY, FEBRUARY 24, 1953

The Honourable Cairine R. Wilson, Chairman.

WITNESSES:

Col. Laval Fortier, Deputy Minister, Department of Citizenship and Immigration.

Mr. Chris Kelly, Toronto, Ontario, representing National Council of Chinese Community Centres.

REPORT OF THE COMMITTEE

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

STANDING COMMITTEE ON IMMIGRATION AND LABOUR

Immigration and Labour

The Honourable Senators Aseltine, Beaubien, Blais, Bouchard, Buchanan, Burchill, Burke, Calder, Campbell, Crerar, David, Davis, Dupuis, Euler, Fallis, Farquhar, Gershaw, *Haig, Hardy, Hawkins, Horner, Hushion, MacKinnon, McIntyre, Pirie, Reid, *Robertson, Roebuck, Taylor, Turgeon, Vaillancourt, Veniot, Wilson and Wood. (32).

*Ex officio member.

FEBRUARY 24, 1953.

The Standing Committe on Immigration and Labour beg leave to report as follows:—

1. Your Committee recommend that authority be granted for the printing of 600 copies in English and 200 copies in French of its proceedings on the Bill (Q-5), intituled: "An Act to amend The Canadian Citizenship Act", and that Rule 100 be suspended in relation to the said printing.

All which is respectfully submitted.

CAIRINE R. WILSON,
Chairman.

MINUTES OF PROCEEDINGS

TUESDAY, February 24, 1953.

Pursuant to adjournment and notice the Standing Committee on Immigration and Labour met this day at 10.30 a.m.

Present: The Honourable Senators:— Wilson, Chairman; Aseltine, Beaubien, Buchanan, Burchill, Crerar, Davis, Euler, Farquhar, Gershaw, Haig, Horner, MacKinnon, McIntyre, Reid, Roebuck, Turgeon, Veniot and Wood—19.

The Official Reporters of the Senate and Mr. J. F. MacNeill Q.C., Law Clerk and Parliamentary Counsel were in attendance.

Bill "Q-5", "An Act to amend The Canadian Citizenship Act", was read and considered clause by clause.

Honourable Senator Roebuck moved, seconded by the Honourable Senator Aseltine, that authority be granted for the printing of 600 copies in English and 200 copies in French of its proceedings on Bill "Q-5", "An Act to amend The Canadian Citizenship Act", the said motion was carried.

Col. Laval Fortier, Deputy Minister, Department of Citizenship and Immigration, was heard in explanation of the Bill, and was questioned.

On consideration of the Bill clause by clause the following amendments were submitted and adopted:—

1. *Page 2, line 19:* delete line 19 and substitute the following: "who had been granted, or whose name was included in,".

2. *Page 10, line 18:* delete line 18 and substitute the following: "who had been granted, or whose name was included in,".

3. *Page 16, line 13:* delete the word "purpose" and substitute the word "purposes".

On motion of the Honourable Senator Roebuck, seconded by the Honourable Senator Haig that sub-clause 2 of clause 6 of the Bill be deleted, the Committee divided as follows:—

Yeas, 5; nays, 6.

The motion was declared passed in the negative.

Mr. Chris Kelly, of Toronto, Ontario, representing National Council of Chinese Community Centres, was heard with respect to certain alleged discriminations against Canadian Citizens of Chinese origin, in the matter of Immigration.

It was resolved to report the Bill as amended.

At 12.30 p.m. the Committee adjourned to the call of the Chairman.

Attest.

A. FORTIER,
Clerk of the Committee.

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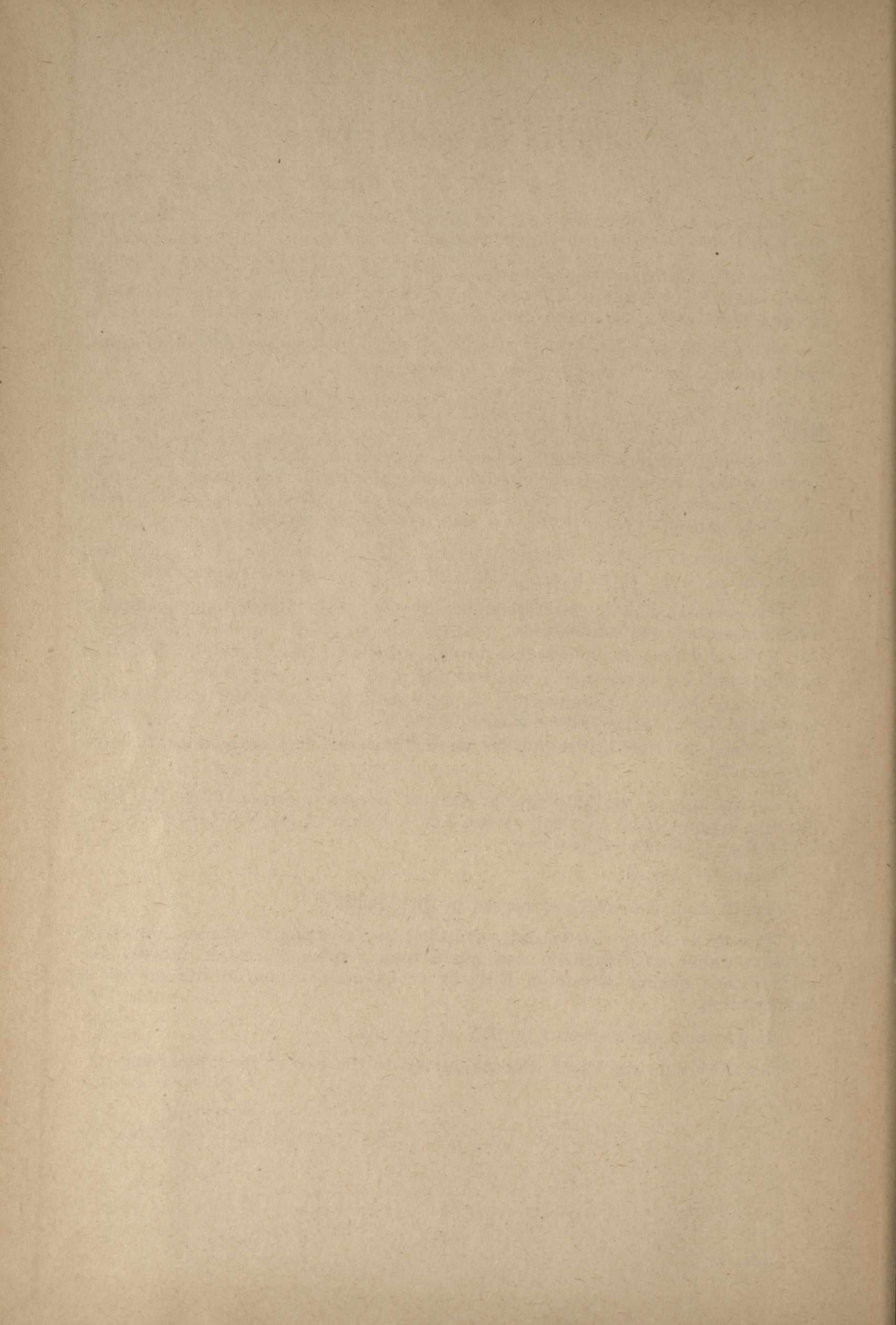

MINUTES OF EVIDENCE

THE SENATE

OTTAWA, Tuesday, February 24, 1953.

The Standing Committee on Immigration and Labour, which was authorized and directed to examine into the Immigration Act, its operation etc., met this day ot 10.30 a.m.

Hon. Mrs. WILSON: in the chair.

The CHAIRMAN: The first item of business is the motion authorizing the printing of the proceedings of the committee.

Senator Roebuck, would you care to make the motion?

Hon. Mr. ROEBUCK: I move:

> That the report recommend that authority be granted for the printing of 600 copies in English and 200 copies in French of its proceedings on Bill Q-5, intituled: "An Act to amend the Canadian Citizenship Act", and that Rule 100 be suspended in relation to the said printing.

Hon. Mr. ASELTINE: I will second the motion.

Some Hon. SENATORS: Carried.

The CHAIRMAN: We have Colonel Fortier, Deputy Minister of Citizenship and Immigration here. Would the committee wish to hear Colonel Fortier first, and then consider the bill clause by clause later?

Hon. Mr. HAIG: Agreed.

Colonel Laval Fortier, Deputy Minister of Citizenship and Immigration.

Madame Chairman and honourable senators, the Canadian Citizenship bill which you have before you today contains a few important amendments. I shall go over them briefly, and we can then have a discussion as to the provisions of the bill.

The most important amendment in my opinion is that having to do with Canadian domicile and providing that a period of residence of twenty years in Canada would be equivalent to Canadian domicile. In the case of British subjects they would become Canadian citizens as of January 1, 1947; and their children would also become Canadian citizens, under section 4 provided their fathers had twenty years residence prior to January 1, 1947. Persons other than British subjects would be permitted, under section 10, to petition for citizenship and as such residence would be equivalent to Canadian domicile.

"Canadian domicile" is a term which is found in both the Canadian Citizenship Act and the Immigration Act. We consider "Canadian domicile" to be a period of residence of five years in Canada after having been landed here.

This bill proposes to extend the meaning of "service in the Canadian armed forces in time of war" to apply to service abroad when Canada participates in any activity under the United Nations Charter or under the North Atlantic Treaty. For instance, soldiers now serving in Korea will be included in this category, though there has been no declaration of war on the part of Canada.

A further amendment would allow the minister to grant certificate of citizenship to children of those persons naturalized before January 1, 1947. Under the present act a certificate of citizenship can be granted only to persons who have acquired citizenship under the Canadian Citizenship Act. Therefore, those who were naturalized, and have minor children cannot obtain the same benefits.

Another important provision is the requirement that a prospective citizen have an adequate knowledge of English or French. Under the present act, a person without an adequate knowledge of these two languages, must have resided in Canada for a period of twenty years. Under the amendment the twenty years would expire as of January 1, 1959. That means, that by that time they must have an adequate knowledge of either of the two official languages.

Hon. Mr. WOOD: Do you mean that after they have been here twenty years they automatically become citizens?

Col. FORTIER: They must appear before a judge.

Hon. Mr. WOOD: But whether or not they can then speak English or French, they may become citizens.

Col. FORTIER: Yes.

Hon. Mr. WOOD: I think that is to the good.

Hon. Mr. CRERAR: I take that to mean that if, for instance, a person who spoke nothing but Gaelic, came to Canada and had difficulty in acquiring—

Hon. Mr. HAIG: Put him out.

Hon. Mr. CRERAR: —a knowledge of the language he could not become a Canadian citizen until after he had been here twenty years.

Col. FORTIER: That is as the law stands today. We are now proposing that from January 1, 1959, such persons would have to have an adequate knowledge of either English or French.

Hon. Mr. BEAUBIEN: That gives these Scotchmen about seven or eight years to learn a little English or French.

Col. FORTIER: Five years.

Hon. Mr. REID: What do you mean by the word "adequate"?

Col. FORTIER: Adequate knowledge might be said to be the equivalent of a working knowledge.

Hon. Mr. ROEBUCK: Then why not say "working knowledge"? The term "adequate knowledge" is not very definite. There are children who go through our high schools, and even our universities, who do not have an adequate knowledge of our official languages. I know many students who can't speak French.

Col. FORTIER: True, they do not have a fluent knowledge in English or French.

Hon. Mr. ROEBUCK: If they can't speak it, then they do not have a working knowledge of it. You see how difficult it is to interpret. Judges may differ in their interpretation. Should there not be some yardstick for the measurement of "adequate knowledge"?

Hon. Mr. WOOD: I understand that the official languages in Canada are English and French, but I must say that very often I am unable to understand some French speakers, and I am sure there are some French who have difficulty understanding English.

Col. FORTIER: You certainly have more than an adequate knowledge of English, Senator. May I say that the word "adequate" is not new. This word has been in the Naturalization Act since 1914, and we have never experienced

any difficulty in the interpretation of it. It has been left to the presiding judge to decide what is an adequate knowledge of English or French.

Hon. Mr. ROEBUCK: Did you see the recent editorial in the *Citizen* on the subject?

Col. FORTIER: I did, sir.

Hon. Mr. ROEBUCK: That editorial questions very pointedly the wisdom of this move. One would think that a person who had been in Canada twenty years has pretty nearly earned his right to citizenship. There are many people who just cannot learn an additional language; it must be remembered that it is a big job to acquire a new language.

Hon. Mr. REID: There are groups of people who come from European countries who live by themselves; they talk to their children in the only language they understand, their European tongue. Many such persons live fifty miles from English speaking settlements, and could be in this country for half a century without having an opportunity to learn English or French.

Hon. Mr. WOOD: We have that problem in Saskatchewan. I would say the majority of the people in that province are essentially Europeans. In the colonization process many such persons were brought out in groups, and they have lived on farms forty or fifty miles away from English-speaking people. How are they to learn the English language? In the early days they could not get transportation more than twenty miles.

Col. FORTIER: Those people, if you will allow me to say so, would not be affected.

Hon. Mr. WOOD: How do you mean, they would not be affected?

Col. FORTIER: They have been in Canada for twenty years, and they have until January 1, 1959, to apply for their citizenship; they would not before that time be required to show that they have an adequate knowledge of English or French.

Hon. Mr. WOOD: Very good.

Hon. Mr. ROEBUCK: But that is only up to 1959.

Col. FORTIER: 1959. The newcomers who come in this year or next year, could not count the twenty year period as an equivalent to an adequate knowledge of either language. The fact is that we have had a nationality branch, in General LaFleche's department, since 1945.

Then there was the Citizenship Branch under the Secretary of State, which is now under our Department, and this branch, with the co-operation of the provinces, in co-operation also with the different benevolent voluntary groups looking after citizenship, is making an effort to see that the newcomers learn the English or the French language as soon as possible. I have seen these schools in operation—where English or French is taught—and it is surprising, through the new methods they are utilizing, how fast they can learn a language,—enough to go around, to understand their supervisor, to ask their direction on the street, to find their way around Canada and get acquainted with what is going on in this country, so that when they will be called upon to exercise their right to vote they will know why they are voting this way or the other.

Hon. Mr. HAIG: I do not think we should go back to the basis of forty years ago, when these people could not speak any other language than their own, they did not learn any other language, and they were just a menace to the political life of the districts in which they lived. Now, the sons and daughters, and in some cases grandsons, of these people are graduates of our universities. Some of them are on the Bench, some of them—

Hon. Mr. WOOD: In parliament.

Hon. Mr. HAIG: Some of them are doctors, some of them are business men; and—to speak for Manitoba—I can say that they are a credit to our province. And if anybody can get to the naturalized up until 1959, after being here twenty years, I think they should learn either English or French, because that knowledge makes for better citizenship. Last January I was at the University of Manitoba buildings on Broadway: there were twelve rooms operating, teaching—mostly—young men and women from Europe the English language. I spoke to the instructors, several of whom I happen to know, and learned that it was a volunteer service. The university furnishes the building and pays for the light and keeps the place warm. These immigrants went there, and in three months, the inspectors told me, they know quite a bit of English already. I think they are doing that in nearly every part of Canada.

Colonel FORTIER: That is right, sir.

Hon. Mr. HAIG: One of the broadcasters who spoke over the CBC on this question was a young man who had only been a year in our province. He said it was much better for these people to learn the language of the district they are in,—French, in Quebec and other parts of Eastern Canada, and English in our part of the country. In that way they were not isolated. This lady said "So many of our people are isolated because they cannot speak the language, and I am delighted to see the government making this move."

Hon. Mr. EULER: How can they get that instruction if they are in the outlying parts of a province?

Hon. Mr. HAIG: The schools are conducting night classes for these people. This service is being voluntarily given, and it gives the whole community an interest in these people, mostly displaced persons, who otherwise might have nobody to give them any attention. I used to see, in 1900, the fellows in the sheepskin coats get off the trains, and nobody paid any attention to them. Now these people are more honoured than some of our own local people by the interest young men and women in the teaching profession are giving to them. The leading lady in the Royal Winnipeg Ballet has only been in this country three years, and now, as I say, she is one of the leading ballerinas.

Hon. Mr. ROEBUCK: She has to speak English.

Hon. Mr. HAIG: Yes, she does. She was a dressmaker in Germany, and was taken prisoner, and got away, and worked a year as a maid in a house, and learned English, and then she entered the dressmaking business and has a very fine business in the city of Winnipeg.

The CHAIRMAN: In addition to ballet?

Hon. Mr. ROEBUCK: There is no argument about the desirability of newcomers learning the French or English language. That is taken for granted. Moreover, there is no question about the excellence of the work being done for many of these newcomers. It is positively admirable. The only question is whether the methods that we are now pursuing, of encouraging and assisting people to learn these languages, is the better one, or whether it is wise to throw in some compulsion such as we are doing here. My thought has always been that a language, to progress, must become dominant because of its merit and because of the large number of people who are using it. That has been successful up to date in Canada, and I do not see any good reason for making this change. There are those who will resent it; and there are old people—this will cover everybody who has come here since 1939 up to 1959.

Hon. Mr. WOOD: How about prior to that?

Colonel FORTIER: They will have arrived before the 1st of January, 1939. The date was selected because during the war we had no immigration.

Hon. Mr. ROEBUCK: All who came after 1939 must have the English or French language in an adequate form prior to being naturalized. I do not

think that is wise. It may not do very much harm, but I would rather leave these things to develop of their own merit than push the language down anybody's throat with a bayonet.

The CHAIRMAN: I had a rather interesting case yesterday, of a very brilliant woman who was a senator in Poland. She sent me a cable when I was appointed. She would like to become a citizen of Canada, but is debarred. She knows four or five European languages, and has a school-girl knowledge of French, enough probably to get by, but no English.

Hon. Mr. HAIG: When did she come to Canada?

The CHAIRMAN: Within the last three or four years. She must be about eighty years of age.

Hon. Mr. CRERAR: There is an observation I would like to make. If I understand the amendment right, those at present in Canada, irrespective of age or nationality, can, up until 1959, secure citizenship. A person who comes to Canada after this amendment becomes law—if it does—will be required to have a knowledge of English or French before he can be admitted to citizenship in Canada.

Hon. Mr. ROEBUCK: That is not quite right. Those who come in after 1939 will be so required.

Colonel FORTIER: It is the twenty-year period, sir.

Hon. Mr. CRERAR: What is the position of those who come in, say, next year, after this law?

Hon. Mr. HAIG: They have got to know English or French.

Hon. Mr. ROEBUCK: All who have come since 1939 will be in that position.

Hon. Mr. CRERAR: That clears that point up. Let us take, for illustration, that a family comes to Canada, possibly from Holland or Norway or Germany. The family unit consists of the younger members, the parents, and perhaps the grandparents. Elderly people do not acquire a knowledge of languages easily, and I can see that under this amendment the elderly people, the grandparents or even the parents, might never qualify for Canadian citizenship. Yet they are here and intend to remain permanently here. There is no question about their children. Their children will acquire the language in any case whether they are taught it in school or not, Colonel Fortier. That has been true of our history down through the years. As a matter of fact, my forebearers, when they arrived in Canada, could speak nothing but the Gaelic language. Some of the older people who were, say, fifty or sixty years of age when they arrived in this country never did acquire an understanding of the English or French language. Now, in similar circumstances they are going to be debarred from citizenship. I cannot agree that that is a wise thing.

Hon. Mr. ROEBUCK: No, it is unwise.

Hon. Mr. CRERAR: We have suffered no peril to our national existence in the past because of our immigration laws. Why must this arbitrary necessity be imposed upon elderly people who come here. It must be remembered that these older people will be coming, not only for the next ten years, but for the next fifty or one hundred years. I, for the life of me, cannot see the wisdom or justice of it.

Hon. Mr. BEAUBIEN: Does it not depend entirely upon the interpretation that you put on the words "adequate" knowledge of English or French? There are a lot of people in my district who have not got a vast knowledge of English or French, but when they appear before a judge they are able to understand pretty well what is going on. They have a meagre knowledge, an understanding of words here and there, and in these cases the judges are very considerate. I thing it just depends on what you mean by the word "adequate".

Hon. Mr. CRERAR: Madam Chairman, there is a danger here. Supposing you get a judge who puts a very definite emphasis upon "adequate". He may say to the applicant, "What were you working at the day before yesterday?". The applicant cannot reply. Then he may ask, "When did you last visit the city of Calgary?". The applicant again does not know what the judge is talking about. Then the judge may say, "You have not got an adequate knowledge of the English language and therefore you are refused citizenship". Now, we should not pass laws that depend on the interpretation of words in that way.

Hon. Mr. WOOD: On a judge's interpretation?

Hon. Mr. CRERAR: Yes. We have not suffered in the past.

Hon. Mr. BUCHANAN: Has the minister any discretion in a matter of the kind just mentioned by Senator Crerar?

Colonel FORTIER: No. If the judge refuses the applicant, the minister has no discretion there. If a judge recommends and the minister feels the application should not be granted, under Regulation 10, we may ask for a rehearing.

Hon. Mr. HAIG: What is the present law?

Colonel FORTIER: A person must have an adequate knowledge of English or French.

Hon. Mr. HAIG: That has been the law since when?

Colonel FORTIER: 1914.

Hon. Mr. HAIG: That is what I thought.

Colonel FORTIER: When the Citizenship Act was drafted these words were added in section 10: "or if he has not such adequate knowledge but has resided continuously . . ." that practically means he cannot leave Canada— ". . . in Canada for more than twenty years".

Hon. Mr. HAIG: That has been added?

Colonel FORTIER: That is the Citizenship Act as approved in 1946.

Hon. Mr. TURGEON: That is in the present Act?

Colonel FORTIER: Yes.

Hon. Mr. McINTYRE: I understand that the English and French languages are taught in many European schools.

Colonel FORTIER: Yes, in many schools on the continent.

Hon. Mr. McINTYRE: Recently when returning from New York City I met a young man from Israel. I was surprised to find that he could speak English as well as any Englishman. He also could speak French. I also met a chap from Austria and he, too, could speak perfect English. I asked these young men where they learned to speak the English language and they replied that they had been taught it in their schools in Europe. The same is true of a young man I met from Holland who could speak English fluently. He said he was taught the English language in his school back home in Holland.

Colonel FORTIER: Several languages are taught in most European schools. Under the amendment we chose the date 1959 so as to give us six years in which to find out what progress we will be making with the citizenship classes with respect to acquiring a knowledge of English. We are now corresponding with the provincial governments in order to try to arrange grants for the purpose of extending the citizenship classes so there will be more people learning the English and French languages. We also want the history and the form of government of this country taught, and so on. Right now there are about 45,000 people taking these lessons. Since the end of World War II the persons admitted to this country have numbered approximately 800,000.

About half of these people had a knowledge of one of the official languages when they came to this country. A good proportion of these people have been minor children who will attend Canadian schools and will therefore acquire a knowledge of English or French. Another proportion which had no knowledge of French or English have been attending our citizenship classes, and we have now about 45,000 people attending these classes. It must be remembered that school children coming back into the home bring the new language into the family circle.

Hon. Mr. WOOD: But do the children bring the language home? That is the point.

Colonel FORTIER: That is the point I want to make. We are also working on a system whereby—and I believe there is a lot of merit to it—the neighbours who are Canadians by birth are encouraged to become interested in the newcomers. If we can get our Canadian-born citizens to become interested in the newcomers, then evidently they could serve as teachers. That is another way to approach the problem.

Hon. Mr. WOOD: You speak of Canadian-born neighbours as though they were living twenty-five feet away.

Colonel FORTIER: No, I understand that is not always the case.

Hon. Mr. WOOD: Some of them live miles and miles away.

Colonel FORTIER: That is why we are also asking the co-operation of the churches.

Hon. Mr. EULER: I understand that in the old days the law was such that if a man received naturalization, his wife and children were automatically naturalized with him. However, today when a certificate of naturalization is issued the names of the children and the wife must also be set forth with that of the husband and father.

Colonel FORTIER: They may be named. It is not a must.

Hon. Mr. EULER: If they are not named they are not naturalized.

Colonel FORTIER: That is right under Naturalization Laws.

Hon. Mr. EULER: I am interested in what Senator Crerar said. I am thinking more of these older people. It is very difficult for them to learn a new language. Let us say that before this date of 1959 a man comes in from a foreign country such as Poland and Germany and settles in an outlying district where there is no great opportunity for him to learn to speak the English or French languages. The man himself, of course, goes out in public and comes in contact with other people who speak English and he is able to learn a sort of English that will get him by. On the other hand, his wife doesn't get the same opportunity. She would be precluded, then, under our present law from becoming naturalized with her husband, would she not?

Colonel FORTIER: She would not as the Act stands.

Hon. Mr. ROEBUCK: No, but as it is amended she would be precluded.

Hon. Mr. HAIG: Tell us what the present law is. If I wanted to become naturalized what would I have to do?

Colonel FORTIER: You mean as far as language is concerned?

Hon. Mr. HAIG: Yes.

Colonel FORTIER: As far as language is concerned, a person applies for naturalization after spending five years in Canada. You would go before a judge and prove you have residence of five years, and that you have an adequate knowledge of English or French.

Hon. Mr. HAIG: That is the present law?

Colonel FORTIER: That is the present law.

Hon. Mr. HAIG: And you are not changing that?

Colonel FORTIER: We are not changing that part. The point is that as regards people who have been residing in Canada for twenty years or more, we now dispense with the requirement of an adequate knowledge of either English or French.

Hon. Mr. WOOD: Starting when?

Colonel FORTIER: This is what we propose changing.

Hon. Mr. WOOD: But when does the twenty-year period start?

Colonel FORTIER: A twenty-year period was inserted in the act in 1946.

Hon. Mr. WOOD: Then they still have to wait twenty years?

Hon. Mr. BEAUBIEN: Since 1939.

Hon. Mr. WOOD: After 1939, they have to wait six years more.

Colonel FORTIER: The amendment as suggested reads as follows:

> "he has an adequate knowledge of either the English or French language—

That stays as it is in the present act.

> "—or, in the case of a person who has not such an adequate knowledge and who makes his application before the first day of January, 1959, has resided in Canada for more than twenty years."

Hon. Mr. HAIG: That is the addition.

Col. FORTIER: That is the addition.

Hon. Mr. WOOD: That is most helpful.

Hon. Mr. EULER: But the older people who came here prior to 1939, they must have an adequate knowledge of the language?

Col. FORTIER: That is correct.

Hon. Mr. EULER: I am thinking more of the older women, the wives of men, who do not have the same opportunity as the men do to learn the language.

Hon. Mr. ROEBUCK: I do not think this point has been correctly stated.

Col. FORTIER: May I say first that up to 1959 there will be no change in the law as affecting those who were landed in Canada before January 1, 1939. The only change would affect those who have been landed in Canada after January 1, 1939, and who would have to have an adequate knowledge of the language.

Hon. Mr. EULER: Those are the ones I am speaking about.

The CHAIRMAN: They would now be here fourteen years.

Hon. Mr. CRERAR: Col. Fortier, what is the purpose of this change? What do you hope to achieve by changing the law in this respect?

Col. FORTIER: We believe that there are in Canada today more facilities for the learning of the language than in earlier years. We want to have better citizens and we want to have a better reception for newcomers. People today have the opportunity of learning the language by radio: they do not even have to go to school to learn it. Church groups are becoming more and more organized to teach the language. The situation today cannot be compared with that of 1910.

Hon. Mr. CRERAR: I am bound to say that I do not see that there is any great necessity for the change. The United States is a good illustration. We teach English and French in our schools; those are the two official languages; this is a problem which with time works itself out.

Hon. Mr. DAVIS: The United States have regular classes for new citizens.

Hon. Mr. CRERAR: Just a moment, please. I think it is a hardship on elderly people, who may come to Canada down through the indefinite years of the future, to be required to learn a new language.

Col. FORTIER: What do you call the older people, about fifty years of age?

Hon. Mr. DAVIS: I should like to make a statement in reply to Senator Crerar's observations. The Immigration Department of the United States has classes on the constitution, English and other subjects, and new citizens must attend the classes and pass examinations; it is five years before they are eligible to become American citizens. The requirements over there are much more severe than they are in Canada.

Hon. Mr. HAIG: There is no comparison between us.

Col. FORTIER: True, the United States is much more strict than we are. I have in my hand their act which requires: an understanding of the English language, and an ability to read, write and speak words in ordinary usage in the English language. That is more than we ask.

Hon. Mr. DAVIS: And also, they have to learn about the constitution, the Declaration of Independence and all those other wonderful things.

Hon. Mr. HORNER: But I doubt very much if the history they teach is always correct.

Hon. Mr. REID: Is there any obligation on the people who come to this country to learn the language of the country?

Hon. Mr. HAIG: Certainly there is.

Hon. Mr. REID: I think we have been a little too lax in handing out citizenship. There is nothing that debases a nation more quickly than citizens who cannot speak the official language. The more people we get to speak our language—whether English or French—the better citizens we will have.

Hon. Mr. WOOD: What about "Scotch"?

Hon. Mr. REID: You are talking about something entirely different—the word is "Scots".

Hon. Mr. HORNER: Following up what Senator Crerar had to say. My experience in Saskatchewan shows that necessity has been the mother of invention. The very fact that many of the newcomers to Canada, live among their own people, have their own lawyer and municipal secretary, has made it unnecessary for them to speak the language in order to get along. Some judges, I have observed, are rather lenient in questioning applicants for citizenship. I am given to understand that no surprise questions are asked; indeed, the applicants are prompted as to what the judge will ask them, and they are prepared for them.

The CHAIRMAN: "Share the wealth."

Hon. Mr. HORNER: Provided there is no other mark against them, judges seemingly never refuse citizenship on the grounds of inadequate knowledge of the language. They may scold persons for having been here a long time without speaking the language well, but they never refuse an application on that ground.

Hon. Mr. EULER: Some judges are not like that.

Hon. Mr. HAIG: Madame Chairman, under the law as it now stands, a person has to be in Canada five years to get citizenship; he has to make application, and he has to have an adequate knowledge of English and French when he goes before the court.

Hon. Mr. ROEBUCK: Pardon me, he has to be here twenty years.

Hon. Mr. HAIG: That is the new law.

Hon. Mr. ROEBUCK: No, that is the old law.

Hon. Mr. HAIG: That is prior to 1914. Well, I practised law prior to that date. I know of cases in the city of Winnipeg where Chinese applicants have applied for citizenship, and I have never seen them refused on the question of the language. Indeed, the judge goes out of his way to let them in. But those people are proud of the fact that they can speak some English. They are better able to take an interest in the city and life in general. The reason that so much is being done along this line is because of the change of the act in 1946: the Chinese want to get citizenship in order that they can bring their families out from China. Prior to that date there was only about one in a hundred among the Chinese who could speak English; now, I dare say that half of them have learned the language. They are becoming better citizens, and they are proud of their ability to speak the language. When they attend at your office they do not have to bring an interpreter with them.

I do not see that this provision makes much change. If the clause were struck out, the law would simply be that everyone who applies for naturalization would have to know either English or French.

Col. FORTIER: That is correct.

Hon. Mr. WOOD: But let us not strike it out.

Hon. Mr. HAIG: That is what I say: let us strike it out.

Hon. Mr. ROEBUCK: The Chinaman who brings the laundry to my house speaks English fairly well. He recently brought his wife to this country, and I asked him how she was getting along with the language. Pointing to his head, he said "She is not good up here." There are lots of people who just cannot learn a new language.

Hon. Mr. HAIG: That is not restricted to the Chinese.

Hon. Mr. ROEBUCK: No.

The CHAIRMAN: The Chinese have a great facility for learning languages.

Hon. Mr. ROEBUCK: What is the next point?

Col. FORTIER: The next point is the automatic loss of citizenship. Under the present act you had the automatic loss if you are absent from Canada for six years. We suggest extending that period to ten years, so that we would have a progressive scale. If a person returns to his country of origin under nineteen, that would be two years; if a person is absent for six years, we could revoke his citizenship; and then there would be the automatic loss, because we do not keep trace on exits from Canada.

Hon. Mr. WOOD: Would that apply to British subjects?

Colonel FORTIER: Yes. It is Canadian citizenship that is lost, not the British status.

Hon. Mr. EULER: If a Canadian goes to the United States and doesn't come back for twenty years would be lose his Canadian citizenship?

Colonel FORTIER: Yes. But a natural-born Canadian never loses his citizenship.

Hon. Mr. EULER: If a person is born of Canadian citizens living in the United States, is that child an American citizen or a Canadian citizen, or can he or she make a declaration?

Colonel FORTIER: At the time of his birth, assuming he was born before 1945, a child born of Canadian parents in the United States in 1945 was a minor in 1947; therefore he is a Canadian citizen, and he is also an American citizen.

Hon. Mr. EULER: But does that person at the age of twenty-one have to make a choice?

Colonel FORTIER: He has to make a choice at the age of twenty-one.

Hon. Mr. EULER: If he does not, what then?

Colonel FORTIER: He loses his Canadian citizenship.

Hon. Mr. EULER: But he is an American citizen still?

Colonel FORTIER: Yes.

Hon. Mr. REID: What about children of Canadian citizens born after 1947 in the United States?

Colonel FORTIER: They would have to register the birth of the child for him to retain his Canadian citizenship, and he would have, at twenty-one, to decide what citizenship he wants to retain.

Hon. Mr. ROSS: That is the present law.

Colonel FORTIER: That is the present law. There is no change there, except we are extending the period during which he may make a declaration of retention from one year to three years.

Hon. Mr. REID: I notice in that act it says that after the ten years he can get a further extension by satisfying some officer that his residence outside the country was of a temporary nature. How long does "temporary" last?

Colonel FORTIER: Before ten years he may protect his citizenship if he reports to Canadian officials and explains why he has to remain, and shows the intention of returning to Canada: he may have an extension. So he may be absent for fifteen years, but he still would retain his citizenship. But he must appear before a Canadain official.

Hon. Mr. BEAUBIEN: He has got to make some efforts on his own part?

Colonel FORTIER: To show his interest in Canada.

Hon. Mr. ROEBUCK: Then there is a period of a year's grace there.

Hon. Mr. WOOD: I can see the merit of that. I know of some cases where citizens have never returned—just to get the old age pension and other social security benefits they have over there. I can imagine perhaps some Canadians living in South America for twenty years and saying , "Well, we have not an old age pension. I am going back to Canada."

Colonel FORTIER: They would have to protect that by registration.

Hon. Mr. MCINTYRE: A woman or girl in the United States who marries a Canadian, does she become a British subject when she marries that Canadian?

Colonel FORTIER: Not by marriage. She has to stay in Canada for one year with her Canadian husband, and then she may apply for citizenship.

Hon. Mr. MCINTYRE: Even if they were living fifty years in Canada?

Colonel FORTIER: Even if they were living fifty years in Canada, they would still have to apply. If she was married before 1947 they would be covered by section 9.

Hon. Mr. HAIG: If a Canadian man married a woman from the United States prior to 1947 she becomes a British subject by marriage?

Colonel FORTIER: Yes.

Hon. Mr. HAIG: I married a Scots woman, and I want to be sure that she is a Canadian!

Hon. Mr. MCINTYRE: That is the reason I asked that question.

Hon. Mr. EULER: That is not clear to me. I have a case right now which has caused some difficulty. This woman was born in the United States of Canadian parents. Ordinarily she can elect whether she wants to be an American or a Canadian. But she married a Canadian. Did she then become Canadian citizen?

Colonel FORTIER: When did she marry the Canadian?

Hon. Mr. EULER: It is quite a long time ago.

Colonel FORTIER: Before 1947?

Hon. Mr. EULER: Yes.

Colonel FORTIER: Then she became a British subject by marriage.

Hon. Mr. EULER: And lost her American citizenship?

Colonel FORTIER: I would not care to argue the American law.

Hon. Mr. EULER: Could she not at that time make a declaration that she desired to retain United States citizenship, and therefore not become a Canadian by marriage?

Colonel FORTIER: She could.

Hon. Mr. ROEBUCK: She could sing that song "In spite of all temptations to belong to other nations" she still "remains"—whatever she wanted to remain. She could. That is, for a long, long time. That is for twenty years or more.

Hon. Mr. EULER: If she does not make that declaration, when she is twenty-one years of age, she remains a Canadian citizen because she married a Canadian?

Colonel FORTIER: I would require more facts, senator.

Hon. Mr. EULER: I have a case like that now.

Colonel FORTIER: I would like to study all the facts: where they were residing on the 1st of January 1947, what was their status at the time. I mean, I would have to go to the different sections of the law.

Hon. Mr. EULER: She married a Canadian; then she went back to the United States and lived there for a while. Now she wants to come back to Canada and bring in her effects, which ordinarily she would bring in under settlers' effects.

Colonel FORTIER: I would have to look at the domicile on the 1st of January 1947. I cannot give a ruling now.

The CHAIRMAN: There was a curious case about Sir Douglas Alexander, who lived in the United States fifty years and still retained his British citizenship, and was knighted; and his two sons are British citizens. I don't know how they achieved that.

Colonel FORTIER: That is under the British Nationality Act.

Hon. Mr. ROEBUCK: Was he not in the public service?

The CHAIRMAN: No, he was head of the Singer Sewing Machine Company. It was a most extraordinary thing.

Hon. Mr. ROEBUCK: Under our law he can do that if he is the representative of a Canadian corporation in the United States.

The CHAIRMAN: This was an American corporation... I take it that the preamble of the bill is carried. There is nothing controversial in the first section.

Hon. Mr. ROEBUCK: No: granted "or issued".

The CHAIRMAN: Now, section 2.

Mr. John S. MACNEILL (Parliamentary Counsel): There will be an amendment there. Page 2, on clause 4 (b) (iii) it says:

> was, at the time of that person's birth, a person who had been granted, or his name included in, a certificate of naturalization.

The word "his" in line 19 should be struck out, and the word "whose" substituted, and after the word "name" insert the word "was". Then it would read "or whose name was included in a certificate of naturalization." It does not make sense the way it is.

The CHAIRMAN: A person includes women?

Mr. MacNeill: Oh, yes. There is no question about that.

Some Hon. Senators: Passed.

The Chairman: Then we come to subclause (2) of the bill.

Hon. Mr. Reid: Is there a time limit here? Paragraph (b) of subclause (2) reads: "Has, before such date and after attaining the age of twenty-one years, filed, in accordance with the regulations, a declaration of retention of Canadian citizenship." How long does a person have to be twenty-one years of age?

Colonel Fortier: There are two dates mentioned there. It is after he attains the age of twenty-four years or January 1, 1954, whichever is the later date. The reason for that is that under the new Act which came into force in 1947, many of our minors failed to retain their citizenship. It must be remembered that the citizenship laws are better known now. In most cases that come to our attention the people are generally twenty-two or twenty-three years of age when they inquire as to what their Canadian citizenship status is. By this amendment we will be covering those who may have reached their twenty-fourth birthday. They will still be able to apply before January 1, 1954, for the retention of their citizenship. Those are the two dates involved.

Some Hon. Members: Passed.

The Chairman: We come next to clause 3 of the bill.

Hon. Mr. Reid: Is clause 3 not similar to clause 4 on page 2— "... born outside Canada"

Colonel Fortier: Right, sir. That is the same thing except that we do not have January 1, 1954. All those people would have been born after January 1, 1947. Therefore, they could not have obtained the age of twenty-four years.

Some Hon. Senators: Passed.

The Chairman: Next is clause 4.

Hon. Mr. Reid: Could a person be reinstated under this clause irrespective of how long he had ceased to be a Canadian citizen?

Colonel Fortier: Yes, and you will find the same thing under section 18. We have foreseen cases where people could have been detained behind the Iron Curtain and we would not have known aynthing about it. Suddenly he comes out from behind the Iron Curtain at the age of, say, twenty-six. He would have lost his Canadian citizenship in the meanwhile because he would not have made his declaration of retention. Of course, he would not have been free to do so. That is one of the cases we have in mind in dealing with it in that way.

Hon. Mr. Roebuck: Am I right that if a person who has been behind the Iron Curtain has had his citizenship revoked by order in council because of an absence of more than six or ten years, he cannot be reinstated?

Colonel Fortier: There is no authority for the Governor in Council to pass such an order.

Hon. Mr. Roebuck: Oh yes, there is, in section 19.

Colonel Fortier: Oh, I see, you mean when we revoke citizenship.

Hon. Mr. Roebuck: Yes.

Colonel Fortier: We would revoke citizenship only after we had advised the person and made sure he had notice of revocation. We would also bring the case before the Revocation Commission which would study the facts.

Hon. Mr. Roebuck: The actual fact is that if he was behind the Iron Curtain and you thought you had given him sufficient notice, you would revoke his Canadian citizenship by order in council and not just *ipso facto* as in section 18.

Hon. Mr. EULER: How would you reach those people behind the Iron Curtain?

Colonel FORTIER: There are the different missions. They could be contacted, for example, through the British mission. We just revoke where cases have been brought to our attention.

Hon. Mr. WOOD: What could a person do about the revocation of his citizenship if he were behind the Iron Curtain?

Colonel FORTIER: He could contact the British Consul.

Hon. Mr. WOOD: I would imagine that many of them would be afraid to do so.

Colonel FORTIER: Those cases we revoke are those which come to our attention.

Hon. Mr. HORNER: You have been speaking about persons who are wilfully behind the Iron Curtain? You are referring to people who are there because they want to be.

Colonel FORTIER: Yes, those are the ones where we are revoking citizenship.

Hon. Mr. ROEBUCK: Say a person behind the Iron Curtain has had his citizenship revoked but later on he gets out from behind the Iron Curtain and returns to Canada and wants to be reinstated. He cannot be reinstated, as I understand it, if his citizenship has been revoked by order in Council. On the other hand, his citizenship could be reinstated if it had been revoked automatically.

Colonel FORTIER: We can do it under section 6 or 18 in cases where in individual fails to make a declaration of retention under section 6 or fails to contact our diplomatic mission—whether British or Canadian—and state the reason why he is remaining absent from Canada. There are two different cases. We would revoke only in cases of absence or in cases of disloyalty to Her Majesty, and so on. But in the case of revocation we serve notice on the individual, so that he cannot claim ignorance of the law. In the cases which come under section 6, which we are now dealing with, it is just a statement that the person wants to retain his citizenship. There are different reasons why people are unable to file an application to retain their citizenship. For instance, there is a case where a man had been living in Halifax for six years not knowing who he was. Finally his wife, seeing his picture in a newspaper, had him brought back to Montreal.

Hon. Mr. ROEBUCK: Why do we not amend both sections when amending one? If by chance you have not taken action by order in council, then you can consider all the circumstances and perhaps allow him to resume citizenship. If you have passed an order in council, perhaps mistakenly or through not knowing all the facts, then you are powerless to do anything about it. Am I right?

Colonel FORTIER: Yes. We are not initiating anything new under section 6. This has been in the Act since 1946. Now, it must be borne in mind that we just do not pass an order in council because a person has been absent. We have to have the facts and the reasons for his absence.

Hon. Mr. WOOD: Where he is living, and so on?

Colonel FORTIER: Yes.

Hon. Mr. WOOD: Supposing you do not know where he is?

Colonel FORTIER: Then we would not revoke his citizenship because we could not serve notice on him.

Hon. Mr. ROEBUCK: Well, you might think you have been able to serve notice on him. Supposing you think you have notified him and actually you have not and you pass an order in council. There is no method of correction.

Hon. Mr. WOOD: Take China. We must have a large number of missionaries in that country, nuns and priests, and I doubt very much if anyone in Canada knows the whereabouts of many of them.

Colonel FORTIER: We do not revoke in those cases.

Hon. Mr. HORNER: Is it not so that many of the people you might be trying to notify would be afraid to get in touch with the British mission or any other group for fear of their lives?

Colonel FORTIER: That is the point I am trying to make. The cases where we revoke have come to our attention. We do not make a pure guess that John Doe, whom we have not seen in Canada since 1946, is living somewhere in Moscow. We do not make a pure guess of that kind. It is because we have received a report that John Doe is living in Moscow and because we have been able to contact him and serve him with a notice of revocation. We do not revoke until we have served the person with a notice of revocation.

Hon. Mr. HAIG: Likely such a person has taken an active part for the Communists or he would not revoke.

Hon. Mr. ROEBUCK: No, no.

Hon. Mr. HAIG: That is why he comes to your attention.

Col. FORTIER: That may be one reason why he comes to our attention.

Hon. Mr. ROEBUCK: He may have some enemies.

Hon. Mr. EULER: There are many cases like that. How often does the commission sit?

Col. FORTIER: It sits two or three times a year. I would say we have hundreds of cases like that.

Hon. Mr. ROEBUCK: I have had several cases myself, and people in that position are powerless to do anything: they have to come back here and serve five years before they can establish their domicile.

Hon. Mr. HAIG: But what is such a person doing over there?

Hon. Mr. ROEBUCK: I don't know; many of them have good reasons for going.

Hon. Mr. HAIG: But we don't want them back.

Hon. Mr. ROEBUCK: It does not necessarily mean that they are behind the Iron Curtain; they are merely outside of Canada. There are two conditions: If a person stays outside the borders of Canada for a period of six years, and does not take the necessary steps to retain his citizenship, he automatically loses his citizenship. Secondly, if for the same reason an order in council is passed stating that his citizenship is revoked, there is no means of resumption. If it is put in the form of an order in council, his citizenship is at an end, and it would take an act of parliament to bring it back.

Hon. Mr. REID: There are many people who leave this country who are quite aware of what they should do to retain their citizenship. I call to mind a case of a man who rented his house and went to visit his sick father and mother in the Old Country. By the time he had attended to them some eight years had passed, and he had failed to register the fact while he was in the Old Country that he was domiciled in Canada. How do the authorities view a case such as that?

Colonel FORTIER: That case would come under section 18, the automatic loss. We are now asking for power to correct that situation, to allow the minister to permit resumption of citizenship. But the situation pointed out by Senator Roebuck is a different matter: That of a person who has been absent for six years and on whom we served a notice saying that we intend to revoke. If the Commission on Revocation has dealt with such a case, and we have an

order in council passed saying that such a person is no longer a Canadian citizen, that is final.

Hon. Mr. BEAUBIEN: But the Commission must be satisfied that the man received such a notice.

Col. FORTIER: That is true. The Commission is presided over by Mr. Justice Dennis, and three or four members sit on it.

Hon. Mr. ROEBUCK: The point is that you can revoke on the mere fact that a person was away from Canada?

Col. FORTIER: Mr. Duggan points out to me that in many cases which we apply for revocation, the Commission does not agree with us, and refuses to revoke.

Hon. Mr. ROEBUCK: But it can be done on the ground that he has not been in Canada. For instance, two men may live side by side, both Canadians, in exactly the same circumstances; one may lose his citizenship automatically, and the other, to whom you send a notice, may lose his by order in council. The first may be allowed to resume his citizenship, while the other one will not be allowed to resume his.

Col. FORTIER: That is true.

Hon. Mr. ROEBUCK: Why do you not change that situation?

Col. FORTIER: The procedure is different in both cases. The man whose citizenship was revoked by order in council received a notice of our intention to place this case before the commission; we are satisfied that this man has not maintained substantial connection with Canada, and if the commission recommends it, and the minister concurs, an order in council is passed. His case receives complete study before revocation takes place.

Hon. Mr. ROEBUCK: But you find out the same facts with respect to (*a*) as you do with regard to (*b*)?

Col. FORTIER: That is true.

Hon. Mr. ROEBUCK: But they are both outside Canada, we will say, temporarily; you revoke the one, but you do not revoke the other; one can be resumed, but the other cannot. I do not see why you do not ask for power to take care of both cases.

Col. FORTIER: But they are two different things.

Hon. Mr. HAIG: I think the procedure is quite proper. In one case he does not notify a person who has been away for six years; he can come back again. In the other case there is certain evidence on the basis of which that person is no longer welcome as a Canadian citizen. In that case they give him notice, the matter is placed before the commission, and he may be struck off the list.

Hon. Mr. WOOD: He has pretty good protection.

Hon. Mr. HAIG: Yes, quite good protection.

Hon. Mr. REID: May I ask the Deputy Minister, or Mr. Duggan, whether the United States Immigration authorities recognizes Canadian citizenship papers in the hands of a person born in Great Britain?

Col. FORTIER: They are regarded as Canadian citizens.

Hon. Mr. REID: In my case the United States immigration department learned I was born in Great Britain, and they would not recognize my Canadian citizenship.

Col. FORTIER: It is not every Canadian citizen who carries a certificate of citizenship in his pocket.

Hon. Mr. REID: Well I have one.

Col. FORTIER: I do not have one.

Hon. Mr. REID: Under section 9 of the act a British subject has Canadian domicile and since January, 1947, is regarded as a Canadian citizen.

Col. FORTIER: Whether he is a Canadian citizen or not, it is a question for the United States immigration authorities to establish. If he was born in the United Kingdom, but carries with him his Canadian certificate of citizenship, it will not be questioned by the United States authorities.

Hon. Mr. REID: I got my citizenship papers for the express purpose of crossing the American border; and when I told the authorities I was born in Scotland, they said my citizenship in Canada was not recognized.

Col. FORTIER: That is because of their quota system over there.

Hon. Mr. REID: I wondered if the United States was recognizing citizenship papers issued to persons born in countries other than Canada.

Col. FORTIER: We issue citizenship certificates to people born in other countries, who comply with our regulations.

Hon. Mr. REID: But do the United States authorities recognize those papers?

The CHAIRMAN: For permanent immigration to the United States, you would come under the British quota.

Hon. Mr. BEAUBIEN: Col. Fortier, I do not have a Canadian citizenship certificate. Would I have to go before a judge to get one?

Col. FORTIER: No, you would not. We do not grant you one; we issue certificate of citizenship because you are entitled to it.

Hon. Mr. BEAUBIEN: I would like to get one.

Col. FORTIER: I will see that Mr. Duggan gets you the form.

Hon. Mr. HAIG: And pays his $5.

Col. FORTIER: It will only be $1.

The CHAIRMAN: Does clause 6 carry?

Clause 6: passed.

Hon. Mr. ROEBUCK: I think all the members of this committee should be sent the form required for a certificate of citizenship.

Hon. Mr. BEAUBIEN: Senator Reid has already got one.

Hon. Mr. REID: I am not yet clear on the question I asked, and it is of some importance to me. When I tell the immigration authorities that I was born in Scotland, they say that I am to come under the British quota; but I point out that I have Canadian citizenship papers. The fact is that the United States authorities do not recognize the papers of anyone other than those born in Canada.

The CHAIRMAN: We cannot help that situation.

Hon. Mr. EULER: But you were not going to live in the United States?

Hon. Mr. REID: No, I was not going there to live.

Hon. Mr. HAIG: Your tongue gave you away.

Hon. Mr. BEAUBIEN: You had better learn some French.

Hon. Mr. ROEBUCK: As a matter of fact, Canadian citizenship does not take you out of the British quota, while going to the United States, does it?

Colonel FORTIER: I will not make any firm statement, because it is only a general knowledge I have of U.S. immigration law. But I understand that if you are Canadian-born you are not on a quota.

Hon. Mr. HAIG: Correct.

Hon. Mr. REID: But if you are not Canadian-born you are on a quota from the country you are coming from. That is the point. They are not recognizing the paper.

Colonel FORTIER: The paper itself is not necessarily the thing for immigration.

The CHAIRMAN: We had better get along to clause 9. Are you ready to pass 9?

Some Hon. SENATORS: Agreed.

The CHAIRMAN: We go on to clause 6.

Hon. Mr. ROEBUCK: I move, referring to page 5, line 25, "in the case of a person who has not such an adequate knowledge", the striking out of the words following, "and who makes his application before the first day of January, 1959", so that it will read: "In the case of a person who has not such an adequate knowledge, has resided in Canada for more than twenty years." It will always be twenty years, whether he came before January 1939 or after January 1939. Twenty years is a long enough period, in my judgment, to qualify him for citizenship, and there are so many cases where people cannot learn the English or French language,—who have neither the facilities nor the personal ability to do it.

Hon. Mr. WOOD: Or sometimes, through illness.

Hon. Mr. ROEBUCK: Exactly.

Hon. Mr. ASELTINE: Does that put it back where it is at the present time?

Hon. Mr. ROEBUCK: Yes, back where it is at the present time.

Hon. Mr. REID: What does Colonel Fortier think of that, may I ask—that a person who has been twenty years here, and began his citizenship without an adequate knowledge of French or English, will still be entitled to citizenship.

Hon. Mr. ROEBUCK: That is the law now.

Colonel FORTIER: If you intend to put the present law back, why not start with subclause (2), line 22, paragraph (*e*), and subsection (1) of section 10—?

Mr. MACNEILL: There are some words there—"in the case of a person"—that is a change.

Colonel FORTIER: But the whole wording is exactly what the senator wants to retain. "He has an adequate knowledge of either the English or the French language, or if he has not such an adequate knowledge, has resided continuously in Canada for more than twenty years." So if you delete this proposed amendment you are coming back to the law as it stands today.

Hon. Mr. ROEBUCK: It would then read "or who has not such an adequate knowledge, has resided in Canada for more than twenty years."

Colonel FORTIER: You are just striking the amendment all out.

Hon. Mr. ROEBUCK: Yes.

Hon. Mr. TURGEON: That would leave no change in the present act at all. The present act permits citizenship in five years provided they have knowledge of English or French.

Colonel FORTIER: Yes, if they have.

Hon. Mr. TURGEON: If I were coming in now from Belgium and lived here for five years after my arrival could I become a full-fledged citizen providing I knew either English or French?

Colonel FORTIER: Oh, yes.

Hon. Mr. TURGEON: I would not have to wait twenty years?

Colonel FORTIER: No.

Hon. Mr. ROEBUCK: But if you were here twenty years you could be naturalized without English or French. That is the present law. If you carry my amendment, that is the way it will stand.

Hon. Mr. BEAUBIEN: Do you agree to that amendment?

Colonel FORTIER: I cannot say I agree but I must submit myself to decision of the committee.

Hon. Mr. BEAUBIEN: I intend to vote against the amendment.

Hon. Mr. TURGEON: I have been a very strong adherent of practically open-door immigration all my life, and I have found that one of the strongest objections, apart from that pertaining to employment, against immigration is that people are liable to come and settle in racial groups. I had that raised against me in British Columbia in 1938. At that time Sir Henry Page-Croft, from England, and General Hornby, of Alberta, although English by birth, were interested in a project to assist in bringing out a group of people from the United Kingdom, particularly to northern British Columbia; and one of the strongest arguments against it was that that would mean a racial group settling there; they would all know English or some of the United Kingdom languages; and that was one of the strongest arguments against us at that time when we were trying to bring in these people, that you were destroying Canadian nationalism by bringing in groups from one particular country who were going to live together in an area in Canada. As I say, that was one of the arguments raised against it, and the scheme fell flat, though not necessarily for that reason, but because war came in 1939. This proposal to provide citizenship at a certain period if they knew English or French might destroy that argument.

Hon. Mr. HAIG: But, Madam Chairman, all we are doing here is simply giving citizenship after the twenty-year period, in future. That is a long time to be in a country.

The CHAIRMAN: Senator Roebuck has moved that as an amendment, Senator Haig.

Hon. Mr. HAIG: Yes.

Hon. Mr. REID: Am I to understand that a person who is here twenty years, if Senator Roebuck's amendment is carried, would become a Canadian citizen irrespective of whether he could speak English or French?

Hon. Mr. HAIG: Yes.

Hon. Mr. REID: I think I would vote against that. I have seen too much of these little racial groups.

Colonel FORTIER: The reason why we wanted to require an adequate knowledge of French or English by the year 1959 is because, in the first place, we have better facilities to learn it, and we believe that we will thereby develop a better citizenship. I believe people get interested much more nowadays in newcomers; and as a result you have a better community, because these people, when they have citizenship, have the right to vote. If they do not understand English or French, how can they get posted on the situation of Canada as such?

Hon. Mr. ROEBUCK: The amendment is to strike out paragraph 2. At the present moment to be naturalized in Canada one must have a residence of five years and an adequate knowledge of English or French; with the qualification that if he has resided in Canada for twenty years he may become naturalized without an adequate knowledge of French or English. That is the present law. If my amendment to the bill is carried that will be the law in the future.

Hon. Mr. HAIG: Question.

The CHAIRMAN: Are you ready for the question?

Hon. Mr. HAIG: I move that the amendment be adopted.

Hon. Mr. EULER: I second the motion.

Hon. Mr. HORNER: It is easier for people to acquire a working knowledge of English today than it was twenty years ago. I certainly think you are going

pretty far to grant naturalization to a person who has been here twenty years who has not acquired a working knowledge of English or French.

The CHAIRMAN: Are you ready for the question?

Hon. Mr. HORNER: People nowadays have a chance to be educated through television and radio, and most of these people have automobiles in which they move around the country. They associate with various groups and the whole situation is very different from what it was fifty years ago.

The CHAIRMAN: All those in favour of the amendment please raise their hands. Those opposed?—I declare the amendment defeated by a vote of six to five.

Clause 6. Passed.

The CHAIRMAN: We proceed next to clause 7.

Mr. MACNEILL: There are two corrections to be made here. The same amendment is to be made on page 10 that was made on page 2. This is an amendment of the Revised Statutes of Canada.

Hon. Mr. ROEBUCK: What is the amendment?

Mr. MACNEILL: In line 19, after the word "or" delete the word "his" and substitute the word "whose". After the word "name" insert the word "was". Then, on page 16 at line 13, it should be "purposes" instead of "purpose".

Clause 7. Passed.

The CHAIRMAN: Then we come to clause 8.

Hon. Mr. HAIG: Well, I think we can pass the bill now.

Hon. Mr. ASELTINE: Madam Chairman, before we adjourn I should like to ask a question. On Page 23 of the Canadian Citizenship Act I find a provision for a notice of intention to become a Canadian citizen. Is that necessary before any application for naturalization is made at all?

Colonel FORTIER: Not for everyone. In section 10 (1) (*a*) on page 5 of the Canadian Citizenship Act you will find that the declaration of intention is necessary for everybody except British subjects. The wife of a Canadian citizen is also exempted from that. Beyond that, all aliens must file a declaration.

Hon. Mr. ASELTINE: For instance, a person coming to Canada from Norway must make a declaration of intention.

Hon. Mr. ROEBUCK: And a British person as well.

Colonel FORTIER: No, not a British subject.

Hon. Mr. ASELTINE: Everyone but a British subject is required to make a declaration of intention before he can become naturalized. Is that the case?

Colonel FORTIER: That is right.

The CHAIRMAN: Is it necessary for a period of four years to elapse?

Colonel FORTIER: No, the person may make his declaration of intention the first day he arrives, and that is one of the reasons we are suggesting an amendment to section 10 to extend the period from five to six years. We do not want to penalize a person who, upon his arrival, is anxious to acquire Canadian citizenship. I believe an example will show the difficulty. Let us assume that a person has landed on January 1, 1953, and makes his declaration of intention on January 2, 1953. He would then have to make his application for citizenship on January 2, 1958.

Hon. Mr. ASELTINE: It would have to be disposed of by then?

Colonel FORTIER: Yes, otherwise he would have to start over again. Let us say that on the same boat and at the same landing another immigrant does not make the declaration of intention on January 2, 1953, but on June 1, 1953. That person would have until the first day of June, 1958.

Hon. Mr. ASELTINE: Is it not a fact that people very seldom make a declaration on the day after they have arrived in the country?

Colonel FORTIER: That is right.

The CHAIRMAN: Was it not a fact that at one time it was necessary for the person to have been a resident in Canada for one year before making a declaration of intention?

Colonel FORTIER: No.

The CHAIRMAN: Is there any further discussion? Then, we can report the bill as amended. Now, honourable senators, there is a delegation wanting to be heard. I would call upon Mr. Kelly.

Mr. CHRIS KELLY (National Council of Chinese Community Centres): Madame Chairman and honourable senators, I wish to thank you for your courtesy in hearing me at your meeting on February 10th. I appreciated several Honourable Senators asking for copies of my short statement about "Discrimination against Canadian citizens of Chinese origin", and that afternoon copies were sent to all Honourable Senators who were present at the meeting in the morning.

In respect of the problem which you allowed me to place before you, the new regulations for administering the new Immigration Act, having regard for the status of Canadian citizens should remove these discriminations. In the meantime, there are many good citizens of Chinese origin who are the victims of regulations made to administer that inhuman and unchristian legislation of a past age, known as the Chinese Immigration Act, which was abolished in 1947—but, the regulations remained, and with some slight modifications within the last two years, still stand.

The methods used by officers of the Immigration Department to establish identity of the dependent (applied for by the father, who is a Canadian citizen), too often take on the appearance of the "Third degree". It amounts to a mental examination, where nervousness can bring on confusion, and interpretation of dialect is translated into English words of different meaning. The examiner pounces on these discrepancies and the father in Canada has great difficulty in having the examiner's rejection reversed. The radiological examination of bones and joints development to determine the approximate age is not as accurate as the officials believed two years ago. Through my efforts the yardstick of measurement has been raised to three years either way from the age indicated, and the radiologist is much more generous in his statements than he was at this time last year. There are many citizens still suffering from anxiety because of the X-ray decisions and the unwillingness of the officials in Ottawa to review reports using the new yardstick. I have submitted twelve such cases.

The other objectionable method used in administering the regulations established in 1932, is the absolute disregard of the affidavits of the parent and relatives or friends who have actual knowledge. I have investigated many cases and caused affidavits to be submitted. In each of these cases, there is no doubt that the father and others with actual knowledge are telling the truth, but the Department places the affidavits on file, and says—"just another, or a reiteration of others". I have several current cases of this nature, and to avoid generalities, am prepared to quote from them, if you so desire.

I submit, Honourable Senators, that restrictive regulations effective in 1932 to administer the Chinese Immigration Act, even though such restrictions were slightly eased after the said Act was abolished, should be declared unfair and invalid. The operation of these regulations discriminates against Canadian citizens of Chinese origin, and in effect make categories of Canadian citizens.

With great respect, Honourable Senators, may I suggest, that some direction or recommendation may be given to afford immediate relief to these citizens

who are now suffering from the effects of this discrimination. Our way of life gives us a real sense of moral responsibility, and it may be trite to say that what is morally wrong should not be legally right.

Hon. Mr. ROEBUCK: That is a very good presentation.

The CHAIRMAN: Are there any questions to be asked of Mr. Kelly?

Hon. Mr. HAIG: Mr. Kelly, what do you suggest that we can do?

Mr. KELLY: I suggest that the method of examination of these dependents who come into this country be carried on in the same manner as is done with non-Chinese. The affidavits of fathers and interested persons who have actual knowledge of the subjects—certainly much more knowledge than an examiner could have—should be accepted. In many cases the examining officer has made serious errors, by reason of misinterpreting something that was said to him. The answers are given through an interpreter, the subjects are a little frightened, the examiner may be tired and impatient, as often happens, and speaks sharply to the interpreter. There are many dialects of the Chinese language, and an interpreter may by giving a slightly different shade, changing the meaning of an answer, and result in a discrepancy. The examiner immediately says "Imposter"! The close relatives of the family who are in touch with the situation know that mistakes are made in the examination; perhaps they are not wilful mistakes, but are made through mistranslations. I think the affidavit of reputable citizens should be accepted.

Hon. Mr. WOOD: But there are some exceptions, are there not?

Mr. KELLY: There are exceptions to averything; but in discussing this matter with persons who have had long experience in immigration practice, they say that our immigration law affecting Chinese has made liars out of Chinese who want to get their families over here. Of course, that is sometime ago.

Hon. Mr. WOOD: I am sympathetic with your proposals, but I am also reminded of a case which a member of the other house related to me. He knew a Chinaman who made application to bring his wife to Canada, and later made application to bring another woman here, saying that the first woman was not his wife. Finally, he brought a third woman here.

Mr. KELLY: He was quite a schemer, and was looking for trouble, with three women on his hands.

Hon. Mr. REID: If this committee is going to examine into the Oriental problem, I for one would be pleased to fall in line. I would not like to be asked to make a decision today on the statement that has been placed before us, without allowing some opportunity for challenge of it. It has been said that all Chinese are liars.

Hon. Mr. ROEBUCK: There is a good authority which says "All men are liars."

Hon. Mr. REID: Yes, but let us not single out the Chinese. For my part, I have had as much to do with Chinese as any member of the committee, and if we are going into the Oriental question, I am not prepared to pass judgment on this matter today. It might be a good thing for the committee to consider the Oriental question.

Mr. KELLY: It is not a matter of considering the Oriental question; it is only the problem of Canadian citizens already here who want to bring their families to Canada and should have them.

Hon. Mr. REID: On matters affecting a Canadian of Chinese origin, you have to accept his word for them? What other proof have you, other than what he says?

Mr. KELLY: I have interviewed many people; I have almost lived with them, and I think I am a pretty fair judge of them. Indeed, in many cases

I have proven myself right, as against the paper work done in Hong Kong, Toronto and the United States.

The CHAIRMAN: Have we any proper examining board in Hong Kong?

Colonel FORTIER: We have an office in Hong Kong, staffed with Canadian officials, as well as with Chinese interpreter. It is true that in China you have many dialects, but Chinese in Canada mostly come from certain cantons of China, and we know the dialects, and that is why the interpreters are qualified in those dialects. They are not coming from all over China, because they are mostly restricted to certain parts of China. To keep the record straight: we do consider affidavits. But the affidavits must bring some new facts so that we can work from them; and when we do not admit, following an affidavit, it is because we have some other information. But we do accept affidavits.

Hon. Mr. ROEBUCK: The difficulty, Mr. Kelly, is very great, for this reason, that it must depend upon the judgment of the officials who are doing the work. We have broadened our Immigration Act with regard to Chinese—not as greatly as I would like to see it broadened—and we have said that the sons and daughters of Chinese may come to Canada.

Hon. Mr. HAIG: Up to twenty-one.

Hon. Mr. ROEBUCK: Up to twenty-one. The officials are in this position, that they cannot let anyone come in who says he is a son, who somebody else says is his son, if there is good reason to think he is an impostor and there are, of course, in all nationalities people who impose. We have had some cases where there were impostors among the Chinese as well as any other nationalities. I do not think the Chinese are any less reliable than anybody else. But what are you going to do about it? You have got to rely on the good jugment of our officials. They must not let in people who are not qualified, and they should be fairly generous, and I hope they are, in the matter of those who are qualified. Where I think we ought to make a change is in the law with regard to it. If a man is born in Great Britain, and if the man is here, and he has children, brothers, sisters, mother or father, in Great Britain, or any place in Europe, he may bring them to Canada. Not so if he is a Chinese. A Chinese can only bring in his children up to twenty-one years of age.

Hon. Mr. WOOD: And his wife.

Hon. Mr. ROEBUCK: And his wife. There is a distinction here, based purely on race, which I do not like. When a man becomes naturalized in Canada he should have the same rights as a naturalized citizen of any other race, religion, colour or anything else; and I think that distinction should be abolished. We should allow the same rights to our Canadian citizens of Chinese origin that we allow to our Canadian citizens of any other origin. But so far as administration is concerned we have simply got to leave that to the good judgment of our officials. I know they do the best they can. I think they sometimes make mistakes. I am sure we all would if we were in their places. But I know they approach the matter in a very serious way and do the best they can. I have said to the director, "What if a Chinese now and then does pull the wool over your eyes?' We have very few Chinese in Canada; a few others would not matter much. You have got to remember that it is very restricted. He said, "Yes, but the numbers we think are fraudulent are too great." Well, it may be so. It is rather too bad, I think, that they got that pseudo-science about looking at the bones with a microscope, —X-ray. I think its value has been over-estimated. I do think that sometimes the affidavits of people who actually know should be sufficient to counteract the effect of some medical report with regard to bones. But it is a matter of judgment, and we cannot sit on that.

Mr. KELLY: I have selected twelve cases here from about forty or fifty where affidavits were submitted, and affidavits can be submitted, and I have

submitted them, and I have been told by the officials that "Oh, it is just another affidavit. They are all the same." (Some discussion, off the record)

Hon. Mr. ROSS: The officials have been always very fair, and they are responsible in what they are doing. There must be good reasons why they turn down applications.

Mr. KELLY: I have had them stopped, with no reason for stopping them.

The CHAIRMAN: I have had repeated cases of Europeans who were refused, and of course no reasons can be given.

Hon. Mr. WOOD: I have, too.

The CHAIRMAN: I can understand why no reasons are given; there are considerations of security.

Hon. Mr. ROSS: There must be some good reason if affidavits are turned down or set aside. I think the officials are very fair and very reasonable.

Hon. Mr. WOOD: Well, I have had some cases where frankly I could not get any place.

Hon. Mr. ROSS: There must have been some good reason.

Hon. Mr. WOOD: There may have been some reason, but they could have given a reason. They gave no reason.

Hon. Mr. TURGEON: I have had quite a few cases of applications both by Chinese and people from Europe. I want to say here on the record that I found the officials very co-operative and making every effort to get the facts, certainly before they turned me down. I agree that the X-ray is over-used, particularly with Chinese. I do not have to tell anybody here of the close relationship between the emotions and the physical make-up of a person. We found out since the first world war that ulcers come very largely from worry. A good many of the Chinese who are under examination are examined at Hong Kong, and they are living to a large extent in constant worry. And they want to come to Canada where their parents and relatives are living, and I am afraid that so far as any evidence of age is concerned, an X-ray taken of a person who has been living for several years in constant worry and fear might show the person to be older than he actually is. I think some consideration should be given to that fact. I think the whole legislation as to the admission of Chinese and other persons should be gone into thoroughly. I do want to say a word of congratulation to the officials for the work that they have done in the few cases I have had before them. I do think we should give every consideration to the whole question of Chinese immigrants. As has been said, their case has been singled out and they have been treated separately.

Hon. Mr. ROEBUCK: I should like to bring to the attention of the committee once again this recent ruling to the effect that no information can be given when the person involved does not comply with the Canadian regulations. I do not like that at all. You go there and they just kick you out.

Mr. KELLY: That is done right along now.

Hon. Mr. ROEBUCK: I realize that that is the rule and that the officials are only obeying instructions.

Hon. Mr. HAIG: How long has this rule about the Chinese been in effect?

Colonel FORTIER: Since 1933.

Hon. Mr. HAIG: I understand that the families are not allowed to be brought in.

Mr. KELLY: Exceptions have been made by the minister in order to bring in families from Hong Kong.

Hon. Mr. HAIG: I am pretty well known in Winnipeg and I have had quite a few Chinese come to me about their famiiles. I must say quite candidly that

I have had first-class co-operation from the departmental officials. There are one or two problems that enter into these cases. For instance, a Chinese is considered by his race to be one year old the day after he is born. That sort of thing has caused some trouble. I have had one or two cases where young Chinese men born in Canada have come to me inquiring as to how they should go about bringing his bride in from Hong Kong. They have had to fly to Hong Kong, get married there, and then fly back. I must say that in these cases the officials have co-operated, but they would not allow the young ladies to come to Canada before they were married. I know that in one case I wanted the young lady to come over and be married offshore.

Hon. Mr. ROEBUCK: I tried that too.

Hon. Mr. HAIG: They wouldn't permit it?

Hon. Mr. ROEBUCK: No.

Hon. Mr. HAIG: I do say that they were very obliging in so far as the examinations were concerned. The young men were sure that their future wives would be accepted in this country so far as health and other factors were concerned. I might say, incidentally, that the young men were not disappointed because they had to go to Hong Kong. Their fathers probably were, but the young men wanted to see Hong Kong for themselves. As I say, the departmental officials have always given these cases their fullest consideration, but I think the whole thing is still in the experimental stage. We are having trouble with China in different ways now, and I would like to see the question left with the officials as it is for a year or so.

Hon. Mr. ROEBUCK: I had a case where a mistake was made on the medical examination and later, after the marriage took place in Hong Kong, it was discovered that the woman had something the matter with her lungs. The Canadian immigration officials permitted that woman to come to Canada and enter a Canadian hospital. You cannot accuse the departmental officials of being stoney-hearted or tough about that. The hospital consented to allowing the young lady to enter it, and she has been pretty well cured and will be out soon.

Hon. Mr. WOOD: I had a case of a young Chinese who wanted to marry a girl from Hong Kong. There was some delay and I got in touch with the departmental officials. They informed me that they would find out what was the matter, and within two or three days they notified me that the young lady would be leaving on a boat the next week. It was just as simple as that.

Mr. KELLY: All cases that have come to me have been thoroughly rejected by the department. I check them up and those that do not fall in with the checkup I do not think anything about, but those which do, I work very hard to get them through. I get stymied on affidavits that have come from really responsible people. It is that sort of thing to which I object. I think the regulations should be changed in that respect.

An Hon. SENATOR: I move that we adjourn.

The CHAIRMAN: We shall have to make a more thorough examination.

The meeting thereupon adjourned.

TUESDAY, February 24, 1953.

The Standing Committee on Immigration and Labour to whom was referred the Bill "Q-5", intituled: "An Act to amend The Canadian Citizenship Act", have in obedience to the order of reference of 19th February, 1953, examined the said Bill and now beg leave to report the same with the following amendments:—

1. *Page 2, line 19:* delete line 19 and substitute the following:— "who had been granted, or whose name was included in,".

2. *Page 10, line 18:* delete line 18 and substitute the following:—"who had been granted, or whose name was included in,".

3. *Page 16, line 13:* delete the word "purpose" and substitute the word "purposes".

All which is respectfully submitted.

C. R. WILSON,
Chairman.

1952-53

THE SENATE OF CANADA

PROCEEDINGS

OF THE

STANDING COMMITTEE

ON

Immigration and Labour

On the operation and administration of the
Immigration Act, etc.

No. 2

WEDNESDAY, APRIL 15, 1953

The Honourable Cairine R. Wilson, Chairman.

WITNESSES:

Col. Laval Fortier, Deputy Minister, Department of Citizenship and Immigration.

Mr. Chris Kelly, Toronto, Ontario, representing National Council of Chinese Community Centres.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1953

STANDING COMMITTEE ON IMMIGRATION AND LABOUR

The Honourable CAIRINE R. WILSON, *Chairman*

The Honourable Senators

Aseltine	Dupuis	McIntyre
Beaubien	Euler	Pirie
Blais	Fallis	Reid
Bouchard	Farquhar	*Robertson
Buchanan	Gershaw	Roebuck
Burchill	*Haig	Taylor
Burke	Hardy	Turgeon
Calder	Hawkins	Vaillancourt
Campbell	Horner	Veniot
Crerar	Hushion	Wilson
Davis	MacKinnon	Wood

*Ex officio member.

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate, THURSDAY, February 12, 1953.

"That the Standing Committee on Immigration and Labour be authorized and directed to examine into the Immigration Act (R.S.C. Chapter 93 and amendments) its operation and administration and the circumstances and conditions relating thereto including:—

(*a*) the desirability of admitting immigrants to Canada;

(*b*) the type of immigrant which should be preferred, including origin, training and other characteristics;

(*c*) the availability of such immigrants for admission;

(*d*) the facilities, resources and capacity of Canada to absorb, employ and maintain such immigrants; and

(*e*) the appropriate terms and conditions of such admission;

And that the said committee report its findings to this house;

And that the said committee have power to send for persons, papers and records."

L. C. MOYER,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

WEDNESDAY, April 15, 1953.

Pursuant to adjournment and notice the Standing Committee on Immigration and Labour met this day at 4.15 p.m.

Present: The Honourable Senators:—Wilson, Chairman; Blais, Burchill, Campbell, Crerar, Davis, Farquhar, Hawkins, Hushion, Reid, Roebuck, Taylor and Vaillancourt.—13.

In attendance: Mr. John F. MacNeill, Q.C., Law Clerk and Parliamentary Counsel, the Senate, and the official Reporters of the Senate.

The Committee proceeded to the consideration of the Order of Reference of February 12, 1953, directing them to examine into the Immigration Act, etc.

Mr. Chris Kelly, Toronto, Ontario, made representations to the Committee on behalf of the National Council of Chinese Community Centres.

Colonel Laval Fortier, Deputy Minister, Department of Citizenship and Immigration, was heard with respect to the Department's activities.

On motion of the Honourable Senator Campbell it was Resolved to report recommending that authority be granted for the printing of 600 copies in English and 200 copies in French of the Committee's proceedings, and that Rule 100 be suspended in relation to the said printing.

At 6 p.m. the Committee adjourned to the call of the Chairman.

Attest.

JAMES D. MACDONALD,
Clerk of the Committee.

71689—1½

MINUTES OF EVIDENCE

THE SENATE,

OTTAWA, Wednesday, April 15, 1953.

The Standing Committee on Immigration and Labour, which was authorized and directed to examine into the Immigration Act, its operation, etcetera, met this day at 4.30 p.m.

Hon. Mrs. WILSON in the Chair.

The CHAIRMAN: The first item of business is a motion authorizing the printing of the proceedings of the committee.

Senator Campbell, will you make the motion?

Hon. Mr. CAMPBELL: I move:

> That authority be requested for the printing of 600 copies in English and 200 copies in French of the committee's proceedings on the operation and administration of the Immigration Act (R.S.C. chapter 93 and amendments), and that Rule 100 be suspended in relation to the said printing.

Some Hon. SENATORS: Carried.

The CHAIRMAN: We have here Mr. Chris Kelly, representing the National Council of Chinese Community Centres. Will the committee now hear Mr. Kelly?

Some Hon. SENATORS: Agreed.

Mr. Chris Kelly (Representing National Council of Chinese Community Centers).

Honourable Chairman and honourable senators:—

Discrimination against Canadian citizens of Chinese origin was the problem which you allowed me to bring to you on February 10th last, and at your first recorded meeting on February 24th, I presented another short statement, relating to you discriminations in immigration regulations affecting dependents of Canadian citizens of Chinese origin. It seemed to me that the discussion which followed placed emphasis on Oriental immigration so much that the evident right of a Canadian citizen of whatever origin, to the same privileges and treatment in the matter of bringing his family to Canada to live here with him, was a secondary thought in the committee. However, in the latter part of discussion, honourable senators present were emphatic that all Canadian citizens should be accorded the same privileges and treatment in these matters. As time then would not permit submission of detailed evidence to support my statements of discrimination the committee adjourned, to meet at a later date.

A Canadian citizen whose children were born after he became naturalized are classed as Canadian citizens. His children who were born prior to his naturalization are not, and in the case of Chinese, are classed as Chinese nationals. There must be a line drawn somewhere, as Hon. Senator Roebuck pointed out to me some time ago, and that is the point at which it is drawn.

May I offer a few comments on this, as it affects the people whom I represent here.

Prior to 1931, Chinese domiciled in Canada could become naturalized British subjects. From 1931 to 1947, they were practically prohibited by P.C. 1378. This order required each applicant for naturalization to present the written consent of the Chinese Minister of the Interior, before his application for naturalization would be entertained. Such an impossible condition was in fact prohibitory. This order in council was rescinded by P.C. 567, in 1947. Since that time Chinese domiciled in Canada have been naturalized and after passage of the Canadian Citizenship Act, have received their citizenship certificates.

Between these years domiciled Chinese nationals could visit China and return within two years to protect their right of domicile, but they could not bring wives or children with them, unless they had been naturalized citizens before 1931.

Now, honourable senators, in view of the serious obstacle placed in the way of these persons in acquiring naturalization during these years, do you think consideration should be given to them regarding children born during 1931 to 1947? After 1947 these same persons took out their citizenship as quickly as possible. It seems to me that we in Canada have a moral responsibility in the light of circumstances today to give these citizens a break because of wrong done them by that order-in-council. That order was not an act of Parliament, but a regulation within the department, which no doubt expressed the policy wish at that time, but was later rescinded at the time the inhuman Chinese Immigration Act was taken off the statutes of Canada. It is a good thing to not only correct a wrong done, but to make amends for the effects of a wrong act.

I have often wondered why the regulations set up by P.C. 2115 when the Chinese Immigration Act was in force, were continued in effect, after that act was abolished. This order-in-council is a positive discrimination against Canadian citizens of Chinese origin. There have been some modifications in restrictions regarding Asiatics affected by P.C. 2115 in that the Asiatics in countries bordering the Mediterranean, Israel, Lebanon, and others whose nationals were not of the oriental race, had restrictions withdrawn.

The Immigration Act does not restrict Canadian Citizens, and does not mention Canadian citizens of any origin. It just states that Canadian citizens have entry to Canada as of right.

So often in discussing these problems, persons in high places as well as officers of the Immigration Service would say, "Yes, he's a Canadian citizen, but he's Chinese". Others would comment, Chinese in Canada, but with never a thought in mind about them being Canadian citizens. Is it possible that the thought of being a Canadian citizen and what it implies, has not penetrated the mental wall surrounding the instinctive sub-conscious state that the only Canadian citizens are those born of British Isles or French parentage or descent?

Several times during the past few years the Prime Minister stated his views on citizenship and recently while speaking about the Royal Titles Act, he said this in the course of his remarks: "We all know from our own Canadian experience that unity between us, unity between all the elements of our population is, and must be based upon that recognition by us all, that we are all equal to each other, and that all have the same rights to Canadian citizenship, and that Canadian citizenship gives us equality in every respect with all our fellow citizens, whatever their origin, their traditions, and their cultures may be." (1567—*Hansard*, February 3, 1953.)

The case of Mr. A. J. Chong, whose Chinese name is Chong Sick, illustrates the apparent supremacy of certain regulations over the rights of a Canadian citizen because of his Chinese origin. Mr. Chong was naturalized in January

1929. He is a wholesaler in Chinatown in Toronto, and is one of the few court interpreters there. Shortly after the age limit for admissions of children was raised to twenty-five years in special circumstances approved by the Minister, Mr. Chong applied for admission of his son Kuo Zian, just before his twenty-fifth birthday. The Central District Immigration officers did not forward his application, holding it under review pending decision, as "he does not come within the classes of persons admissible to this country". This is the regulation answer to a man who has been a Canadian citizen since 1929. Honourable senators, the regulations do not always win the day. Hon Col. Colin Gibson, when Minister, disregarded the regulations and gave permanent landing to a Chinese business man whose residence was in Hong Kong, and also gave permanent landing to this man's wife and six children. They are living in Toronto and have applied for citizenship. This gentleman, Mr. Lem has a large business in the import and export trade.

Hon. Mr. ROEBUCK: A very fine citizen—by the way, I know him.

Mr. KELLY: Another interesting fact: that is, when applying to the clerk of the Peace for citizenship papers, the Chinese residents were not permitted to place on their application forms the names of their children who were then over eighteen years of age, because in the words of the clerk "they can't come over here anyway, so why bother about their names.". Such is the effect of regulations on clerks who have to do with them too long.

This attitude has caused difficulty to K. F. Chong, known as Cong Kee Foo. His eldest son, Hai Gnu, was over eighteen when he brought his wife and family to Canada. Naturally, the eldest son was not mentioned because he could not come anyway. He was told to look after his grandmother, and the property in China. Well, the grandmother died in 1949 and the Communists took over the property. The son escaped to Hong Kong. He is the only member of the family outside Canada. Mr. Chong, his wife, two sons and a daughter are here in Canada, and Mr. Chong's brother, Mr. Chong Kee Lim, his wife and three sons are also here. All of them have submitted ample evidence that confirms the relationship stated, namely that Chong Hai Gnu is the son of Chong Kee Foo, a Canadian citizen, and surely this evidence from the family should suffice. But no, there was no mention of this son on the application, the officer in Hong Kong thinks differently, or some other such flimsy excuse is accepted, and once again the affidavits from responsible persons with actual knowledge, is not accepted.

Mr. Henry Lee is a merchant in Toronto and also is a newspaper man in the business office of the Shingh Wah Daily News. His Chinese name is Lee Hung Kang. I know him very well and have the highest regard for his integrity. His younger son Chung Yee is again in Hong Kong, but the elder son cannot get away from the mainland owing to the vigilance of the Communists. The officers want to examine the boys orally to check their stories as the only support to the one boy's story is that of the father. This is apparently not enough verification for the regulations under which these clerks work in Hong Kong. There is ample evidence that this boy is the son of Henry Lee, I feel quite sure that if Mr. Lee was of other origin his word would be accepted by the Immigration officers.

Mr. Lew is another merchant in Toronto. He is known as Lew Hee Tong, and his younger son, Fun Chaue, is in Hong Kong with his mother. The elder son is now in Toronto. The mother will not leave the boy in Hong Kong, who was rejected some time ago on an ambiguous X-ray reading. Minor discrepancies in oral examination were cleared up with sound evidence, but as usual only the officer's report is accepted by the officials. What can this man think of being a citizen when, by some manner or other his wife and younger boy cannot be here with him. The great Solomon would have quickly decided

such a question when the mother would not leave her boy to join her husband. Surely, these officers do not assume greater wisdom than that of Solomon, whose application of common sense made him stand throughout history.

Mr. Chong Gong is having difficulty in bringing his son Sew Wing to Canada because the officers say they couldn't establish this son as legal. The father was married twice, or perhaps three times; I haven't this file with me. However, the family gave confused details under the oral examination in Hong Kong and the father in Toronto cleared up the details in examination at the Central District Immigration office. This examination of the father who was interviewed in Toronto left no doubt about the honesty of Mr. Chong. However, the officials in Ottawa would not accept this explanation. Yet, in another case where the father gave a different set of relatives than that given by his son in Hong Kong, the father's explanation was accepted by the officials in Ottawa, and the boy was permitted to come to Canada. I sometimes wonder if there is a sub-normal sense of moral responsibility in some places.

When Mr. Quan's eldest son was rejected in Hong Kong the Toronto port officers advised him to await the arrival of his wife and younger son in Toronto and then appeal from the department's ruling to get the older boy here to rejoin the family. I know Quen Wai Hing and have met his wife and son. He has a very high sense of loyalty and integrity. The officials in Ottawa did not accept the affidavits, and the officer whom I interviewed told me they are of no use. Just a re-iteration of information on file. Mr. Quan is very much hurt by this ruling and is determined to take whatever steps are necessary to bring his son here. Surely such procedure is unthinkable.

I have known Mr. Yong for some time. He is now over seventy, and has just recently applied for his Old Age Pension. He is called Yong Dot, and he was naturalized in 1907. He went to China late in 1924 and was married in January 1925. Two sons were born, and Mr. Yong returned to Canada within the prescribed two years. His wife died when the boys were in their early teens and one boy stayed in the home village with his mother's sister and the other went to live with Yong Dot's sister in another village about fifty miles distant. Maybe I have the relationship of the aunts mixed, but they did live with their aunts. Mr. Yong applied for entry of these two sons in June, 1950 and was refused as they were then over the age permitted to enter as immigrants. Application was made to the registrar of Citizenship, re: declaration of their citizenship. All procedure was completed and the immigration officer in Hong Kong was asked to identify them. The officer replied they seemed to be older than the age stated and they were unable to identify themselves. There is a large file on this. Through the Minister's office, I learned that the officials have nothing to prove they are not Yong Dot's sons, and no substantiating proof that they are his sons. Benefit of the doubt, if any, seldom penetrates some places. Looking for more evidence, I went to Parry Sound with Mr. Yong to interview Mrs. F. K. Young, who had just recently come from China. After three hours of discussion and an affidavit was taken verifying her knowledge that these boys were Yong Dot's sons. The officials refused to consider it as evidence, but placed it on file. Actual knowledge vs. officers' opinion. Regarding officers' opinion of the age of a person, the case of Chong Tow Man is revealing. He had been rejected on such an opinion, and my efforts to have X-ray plates resulted in his age being established at not more than twenty-two; actually he was then twenty-one, and he is now in Toronto. The officer in Hong Kong guessed his age at thirty or more, and would not have him submit to X-ray examination. So much for the value of such opinions. Honourable Senators, this is another instance of sharp discrimination against a Canadian citizen because of his origin.

Non-acceptance of affidavits is also causing anxiety to Mr. Jong, whose son Kuo Hong has been rejected on X-ray readings, and new X-ray plates were ordered. They were not clear and I have requested others from Dr. Tu in Hong Kong, whose plates are probably the clearest received in Ottawa from all over the world. They will be here in a few weeks. In the meantime, the problem of affidavits arises. The officials doubt the details supplied by Mr. Jong about his trips to China. On his first trip to marry, Mr. Chong Ying journeyed with him and will verify the statements made by Mr. Jong. However, the officials' opinion is paramount, and any affidavits to the contrary are just placed on file.

Mr. Lam's sons were both rejected radiologically and after reviews, one son came here last September. The oral part of the examinations were passed, but the X-ray readings put one boy out. With new yardstick in use, the rejected boy will be within the normal variations indicated. But why should this man have to submit to such treatment when he and his son verify the other boy is also a son and brother. Why should such unfair treatment be allowed. Mr. Lam is a Canadian citizen. But?

Mr. Low's son has tuberculosis, and is on the road to recovery, but Mr. Low wants him to have the world's best treatment in Canada and has applied for a visa for medical treatment. Regulations prohibit his coming here as an immigrant until two years after he has been declared cured. In the meantime this boy should be admitted here for treatment. His father, a well to do business man, is also a Canadian citizen. Current affairs in Hong Kong cause great anxiety to him. Senators, don't you think this man should be given a break?

Honourable Senators, perhaps the most interesting case of discrimination against a Canadian Citizen of Chinese origin is that of Mr. Chong Ying. Mr. Chong is one of the leading Chinese in Canada. His occupations, managing director of the Shingh Wah Publishing Company, whose daily newspaper is distributed throughout Canada and mailed to other countries. He is also a wholesale and retail grocer and a restaurant operator. He is the unofficial Mayor of Chinatown in Toronto. He is a co-chairman of the National Council of Chinese Community Centres, which he organized. His integrity and honesty is well established on a high level and his many friends in public and official life in Toronto endorse him in every respect.

There were some omissions in his immigration file regarding his family, and this condition meant rejection of his application to have his remaining son, Chong Fook Shee, come to Canada from Hong Kong—the communists had seized the family property in China. However, after some months of investigation I submitted a detailed brief on the subject to the Minister in December, 1951. February 1st, 1952, the Minister wrote me that he had instructed the officers in Hong Kong to examine Fook Shee to establish his identity and not to pay too much attention to his age, as this was not a factor. The boy was then twenty-six. We thought the routine involved would be through in a month or so, but such was not the case. Apparently this application was not to be granted easily. I complained vigourously to the Minister about the methods used in questioning persons in Hong Kong about Chong Ying's family. The same tactics were adopted here in lesser degree, and the delaying evasiveness of officials and officers were most disconcerting. Finally, on September 23, 1952, the Minister wrote me a long letter summing up with the reasons for rejection, which were; the officers in Hong Kong thought Fook Shee was older than the age represented, and Chong Ying's daughter-in-law said he was other relation than a son. This she categorically denies. I was dumbfounded to receive such a letter from the Minister after the interviews of the previous day.

Honourable Senators, Chong Ying was naturalized in 1926. His first son, Fook Shee, was born in 1925, and is the only child who was not born a Canadian Citizen according to the regulations laid down. He and his wife, sons and daughter, and three men and women from the home village who are now in Toronto, and three young men who were severely questioned in Hong Kong, and his daughter-in-law, all support Chong Ying's statement that Fook Shee is his son. Against this weight of evidence from persons who have actual knowledge, the opinion of an immigration officer, who has not, nor could have any actual knowledge of the matter, is accepted. That is the most unfair and invalid thing that could happen. Our most elementary laws are flouted by such acts, and the bureaucracy becomes supreme, to accept or reject as they please, regardless of any evidence or rights, contrary to the opinions they care to accept.

John Foster Dulles, the new U.S. Secretary of State sums up his basic thought on policy making: "There is a moral or natural law not made by man which determines right and wrong, and in the long run only those who conform to that law will escape disaster. We must keep faith with that law in our practical decisions of policy".

About four months ago, I submitted a list of fifteen names of children who had been rejected because of the X-ray reports, and asked that a new report be made on each one using the new yardstick of three years either way from the age indicated. The radiologist felt that he could not make new reports without receiving a request from the Department official, as he had never done anything unless requested to do so by the official. At my request, the official drew the files and examined them. Further inquiry in a few weeks brought this answer from the official in charge. All these cases are not in the category you say, there is one on the borderline of rejection according to the X-ray reading showing him to be under three years away from the age indicated. Then I was told that there were discrepancies in each case which would cause rejection without the X-Ray report. What puzzled me is that each of these cases had been well checked in the District Office and in the Ottawa office by myself when officers went through the files to see if the *only* reason for rejection was the X-Ray report and to check thoroughly that each of them were reported to be under three years away from the age indicated. After this check I turned my efforts to having the X-Ray readings revised.

These inquiries enabled me to establish that radiologists are building up a standard set of rules to determine age according to the development of the bone structure. Some doctors do not like to express an opinion of any person under the age of nine years. At other ages some claim to be accurate within three years. Many of them say that a variation up to five years from the age indicated is frequent. This is determined by submission of affidavits and birth certificates. Before 1952 officials here thought X-Ray was an exact science and readings of plates would be accurate within two years of the age indicated. Yet, in November 1950, two sons of Mr. Len Lem of Toronto were so examined and were declared to be four years older than the age indicated. However, a letter from the superintendent of the St. Andrew's Hospital, Shanghai, stating these boys were born there and had been examined each year, and giving the dates of their births, resulted in visas being ordered in March, 1951. These boys arrived in Toronto in May, 1951, with their mother, and I saw them. They looked to me like boys of fourteen and seventeen, and not seventeen and twenty-one, as claimed by the radiologist reports. However, this great error in X-Ray reporting did not cause the officials to wonder; instead they tried to hide the incident. When a similar incident occurred in the United States, and the immigration officals lost a court appeal, the X-Ray reports were discarded at once. This happened in 1941. Canada adopted this method in 1948. Some officials say the X-Ray really helps the dependent to

establish his age, and there is some reason to believe this because of the many poor guesses made by officers, but there is no reason to subject dependents of Canadian Citizens to any such ordeal.

Honourable Senators, I have quoted facts from actual cases affecting these citizens, with as little comment as possible. For nearly two years I have been very close to this subject, and these people have been accorded unjust and unfair treatment. They are good citizens in every respect. They deserve in full measure, the privileges and rights they are entitled to because of their status as Canadian citizens. A clause in the Great Charter states that the King shall not deny or defer justice or right to any man, and so often this great moral rule is forgotten in making regulations to administer an act affecting people. Regarding this problem, the certain regulations should have been cancelled when the Act was abolished, but, the negligence was thoughtless, not wilful. There are no categories of Canadian citizens and *any thing* which tends to make categories should be eliminated.

Now that this problem has been placed before you, Honourable Senators, may it please you, in your good judgment, to do whatever you deem necessary to see to it that these good people are no longer denied their rights and privileges, equal to all citizens, and that no one shall defer action to remove existing discriminations.

Thank you, Honourable Senators, for your courtesy.

The CHAIRMAN: Do you want to ask Mr. Kelly questions? The Deputy Minister is here, and other officers from the department, if you would like to hear from them. Colonel Fortier?

Col. LAVAL FORTIER:

SENATE IMMIGRATION AND LABOUR COMMITTEE

Madame Chairman, Honourable Senators,

With your permission, I would like to make a few comments on the brief Mr. Kelly just presented. First, I am in complete agreement with him when he says that our Canadians of Chinese origin are good citizens in every respect. I also agree that they are entitled to the full privileges and rights of Canadian citizenship, which rights and privileges are enjoyed within the limits of the Canadian law. The total population of persons of Chinese origin in Canada is around 32,000, 20,000 of whom are Canadian citizens. Since the last of January, 1947, the following number of certificates have been granted to persons of Chinese origin under Section 10 (1) of the Canadian Citizenship Act:—

Year	Number
1947	47
1948	293
1949	1,419
1950	2,067
1951	3,053
1952	1,553
Total	8,432

Although the Honourable Senators are well aware of the Immigration regulations concerning immigration from Asia, I would like, with your permission, Madame Chairman, to quote these regulations which are known as P.C. 2115 and read as follows:—

. . . .

From and after the 16th August, 1930, and until otherwise ordered, the landing in Canada of any immigrant of any Asiatic race is hereby prohibited, except as hereinafter provided:

> The Immigration Officer-in-Charge may admit any immigrant who otherwise complies with the provisions of the Immigration Act, if it is shown to his satisfaction that such immigrant is,—
>
> The wife, the husband, or unmarried child under 21 years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents.
> Provided that this regulation shall not apply to the nationals of any country in regard to which there is in operation a law, a special treaty, or agreement, or convention regulating immigration.

As the Honourable Senators know until the 28th of December, 1950, the age limit for children, instead of being 21 years of age, was 18 years of age. P.C. 2115 was amended to raise the age limit by P.C. 6229 dated December 28th, 1950.

In addition, so as to complete the record on persons admissible under the present policy, I would like to quote the Minister's statement in the House of Commons on June 28, 1951, page 4836, of the *Hansard*:—

> Mr. HARRIS (*Grey-Bruce*). As the committee knows, P.C. 2115 governs the admission to Canada of immigrants who are children of Canadian citizens of Chinese origin. That order in council permits the entry of unmarried children to the age of 21 years. We have found that, in some cases, there have been evidence of real hardship and perhaps suffering if that rule were to be applied rigidly. It has been applied rigidly, Mr. Chairman, and I do not know of any exceptions which have been made to it up to the present time. Nevertheless, there have been cases presented to me by hon. members, including the hon. member for Comox-Alberni.
>
> Mr. FULTON: And the hon. member for Kamloops.
>
> Mr. HARRIS (*Grey-Bruce*): The hon. member for Kamloops and many others. Having in mind the present situation in China and the known desire of parents to have their children with them, we have come to the conclusion that we will give consideration to those cases of unmarried children over 21 up to the age of 25, to see if the circumstances warrant their admission on the grounds I have stated.

As you will have noted, under the present regulations and policy as stated by Mr. Harris in the House in June, 1951, the government has already taken the appropriate measures to correct the situation of children born between 1931 and 1947, when, according to Mr. Kelly, it was "impossible" for persons of Chinese origin, domiciled in Canada, to be naturalized in view of the provision of P.C. 1378.

Most of you, Hon. Senators, have, on one occasion or another, had immigration cases to discuss with officials of the Immigration Branch. Perhaps you did not always obtain favourable results, but, on the other hand, I am sure that you found the immigration officers most co-operative and that you certainly did not have the impression that they were partial in any way, shape or form. I regret that in the statement we have just heard there are some allegations of suspicion, partiality and lack of co-operation on the part of our personnel.

Listening to Mr. Kelly one could have had the impression that only applications from persons of Chinese origin are refused admission to this country. As the Honourable Senators are well aware, in the implementation of the law and regulations on immigration, the privilege of coming to Canada has, at times, to be refused for causes not only to persons of Chinese origin, but to persons of other origins. Another impression one may have had after

listening to the comments made here today is that, although there are regulations authorizing the admission of persons of Chinese origin, very few of them are admitted on account of immigration officers' attitude. Of course, this is not supported by facts, as for instance, during the last few years, visas were granted for admission to several hundred persons annually from China: 1,741 in 1950, 2,697 in 1951 and 2,313 in 1952.

During 1951, 3,549 applications for 4,739 persons were submitted to our various officers in Canada, and during the same period 363 applications for 450 persons were refused, while in 1952, 2,655 applications for 3,390 persons have been submitted and 317 applications for 370 persons were not approved.

All these applications which have been refused were not all for sons and daughters of Canadian citizens of Chinese origin. There were applications for other persons who were not admissible under the government's regulations and policy.

How can one believe that, for reasons of partiality, an officer would reject some applications when, in fact, the applicant in Canada and the proposed immigrant are not known to him? How can one believe that voluntarily and in bad faith "A" would be rejected while "B" would be granted a visa?

I personally know a good number of the officers of our department, and as long as such vague allegations are not proven, I intend to stand by our staff. I know of no other department where the loyalty of its staff is better, where the interest in their work is greater and where there exists a better understanding of human problems. It is a frequent matter for the personnel of the Department of Citizenship and Immigration to be at work at night, as well as during weekends, and this without being directed to do so.

The Immigration Branch is responsible for the implementation of the government's policy, and most of its officers have been connected with the branch for many years. In their interpretation of the Act and regulations they use good judgment and none of them hesitate to correct or recommend the correction of a previous decision when such a change appears supported by additional evidence. Where serious doubt exists in favour of the proposed immigrant, the benefit of such a doubt is always given to the applicant.

I do not propose to discuss the individual merit of the cases mentioned by Mr. Kelly. The general remarks which I intend to make will indicate why applications are sometimes not approved.

First, dealing with the matter of X-rays, Honourable Senators, know, and Mr. Kelly is well aware of this, that no case is rejected solely on the basis of an X-ray examination. Prospective immigrants are not referred to a radiologist, unless, in the opinion of the examining officer, generally confirmed by other members of the staff, two, three, four or five, the persons examined appear considerably elder or younger than claimed by the applicants in Canada. In instances where the radiologist report confirms the applicant's statement in Canada, the proposed immigrant is allowed to come to Canada, if he otherwise meets the usual requirements. We are aware that the X-ray test is not always accurate and, consequently, some leeway is allowed to provide for variation from the normal; and, in such cases, if there are no other unfavourable factors, they are permitted to come forward.

Affidavits are accepted from persons of Chinese origin as well as in the case of persons of other origin in support of applications.

In China, births and deaths are not registered and it is, therefore, necessary to identify the applicant for visa as the son or daughter of the applicant and, for the purpose of the regulations, ascertain also the age.

Experience has shown that occasionally residents of Canada, whether of Chinese or other origin, at times, apply for their cousins, nephews, nieces,

grandchildren, etc., representing them as their sons or daughters. It is also known that in some cases, applicants for visa appearing for examination were impostors and the applicants residing in Canada, in some cases, confirmed that fact. In the light of the present situation in China, additional care has to be exercised to prevent the admission of impostors, who could become, after their landing in Canada, subversive agents.

It is a well known fact that it is the policy of the government to reunite the head of family with his dependents. Immigration officers are well aware of this policy and it is only when serious grounds exist that visas are refused to alleged sons or daughters.

According to the Act and Regulations, the proposed immigrant must reach Canada before he attains his 21st birthday or, in special cases, before he reaches his 25th birthday. Consequently, if an application is submitted only a short time before the proposed immigrant would reach the age limit, his application is refused when it is known that it would be impossible for the proposed immigrant to enter Canada before he reaches the age limit. In one of the cases quoted, the proposed immigrant was alleged to have been born on the 7th of July 1926, and the application was submitted on the 4th of July, 1951, three days before his 25th birthday. It is absolutely impossible to process a man to see that he reaches Canada before he arrives at his 25th birthday, in such cases. I may add, for the information of the Hon. Senators, that the applicant had obtained his naturalization papers on the 23rd of January 1929, and consequently, could have applied for his son much before.

Regarding the comments on Court clerks, you will appreciate that the Department has no jurisdiction over them. However, I would like to pay a tribute to them, which they deserve, because in the majority of the cases we find that, in the handling of citizenship matters, they are very accurate and very co-operative with the Department and the applicants for citizenship.

Question 10 on the Declaration of Intention form is, in our opinion, quite clear and not subject to any confusion. The question reads as follows: "I have the following children under the age of 21 ....". This question is to be completed by any alien who intends to apply for citizenship, whether of Chinese or other origin. That applies to everybody in Canada except a British subject.

It is not correct to say that because of the fact that the name of a child had been omitted on the citizenship form, that Immigration, on this ground alone, refuse the application. Of course, this fact, coupled with others, may become a factor justifying refusal of the application. In one of the cases quoted by Mr. Kelly, the facts briefly are as follows. The child applied for, is alleged to have been born on July 5th, 1929. He was, therefore, nearly 22 years of age when the application was made in April 1951. The same applicant applied, in 1948, for the admission of his wife, two sons and one daughter, all of whom are now in Canada. On the immigration application form he filled in 1948, he also omitted to make any mention of this child he is now applying for. Before admitting the applicant's wife and his three children in 1949, an examination was conducted in Hong Kong. The wife then stated that the two sons, who were to accompany her to Canada, were the only two sons of the applicant in Canada. The two sons, when examined, also confirmed that they were the only two sons of the family. Two years later, the father applies for another person alleging that he is his son. Hon. Senators will realize that the application has not been rejected on the sole ground that the applicant had omitted, for one reason or another, to mention his son's name on the citizenship form, but on the fact that additional evidence had come to hand, which are statements from the members of the applicant's own family.

In deciding if a person is admissible or not, the Immigration officers, who are human beings and who are consequently no different from any others in that they are not mind readers, have to decide according to the weight of the evidence. This does not apply only to applicants of Chinese origin, it applies to all persons who ask for the privilege of coming to this country. As I have said before, we are always willing to review the decision whenever new facts and new evidence are brought to our attention. By this attitude we feel that we can be of assistance to the applicant and, at the same time, implement the regulations and the government's policy which are our responsibility.

Thank you, gentlemen.

Hon. Mr. REID: I wonder if I can ask one or two questions. Does the age limit apply to other than Chinese?

Col. FORTIER: Yes, sir.

Hon. Mr. REID: And why the twenty-five years? Why is it raised from twenty-one to twenty-five for the children?

Col. FORTIER: For the reason mentioned by Mr. Kelly—that there was an order in council which made it, not impossible, but more difficult for a Chinese domiciled in Canada between 1931 and 1947 to obtain a British subject's status, so those born between 1931 and 1947 are, since 1951, within the admissible classes.

Hon. Mr. REID: In regard to X-rays, are X-ray examinations required of other races coming in as well as the Chinese?

Col. FORTIER: We usually X-ray only when the person is a Chinese.

Hon. Mr. REID: Do you find that method accurate?

Col. FORTIER: In other countries we may find other evidence to show the blood relations, but practically the only part of Asia in which we operate now is China. We have no other means, no birth certificate, no vital statistics.

Hon. Mr. REID: Is China the only country that has no registration of births or marriages?

Col. FORTIER: I believe it is true of Japan also.

Hon. Mr. REID: Why is the X-ray method used exclusively on the Chinese?

Col. FORTIER: Well, "exclusively"? I would not say "exclusively", because if we had to deal with other countries we would have X-rays too. What I mean to say is that it is used more frequently in China than elsewhere, because we have other means in other countries. But it is used also elsewhere.

Hon. Mr. ROEBUCK: Of course there is no age limit for any other persons than Asiatics.

Col. FORTIER: Yes.

Hon. Mr. ROEBUCK: So there is a marked difference between our treatment of the Chinese and, say, the European, outside of Great Britain. From Great Britain they come as of right?

Col. FORTIER: Yes, but that restriction applies also to all Asia.

Hon. Mr. ROEBUCK: That is true, but that is a very distinct requirement as against the Asiatic.

Hon. Mr. REID: Who reads the X-rays?

Col. FORTIER: The radiologists in China, and also our radiologists here.

Hon. Mr. FARQUHAR: You said that in special cases the age is raised to twenty-five. What do you consider a special case?

Col. FORTIER: There will be compassionate grounds; for instance if the proposed immigrant is the sole son remaining behind. In 1950 we admitted by order in council Chinese who were in Hong Kong and had filed their declaration of intention—

Hon. Mr. ROEBUCK: Do you ever take special orders in council supposing a man is a little more than twenty-five?

Col. FORTIER: Yes. We are admitting about one thousand by order in council every year.

Hon. Mr. REID: The reason I am interested in this X-ray question is that I know a cabinet minister who was X-rayed in a prominent Canadian hospital and he was informed that he had a stomach ulcer. He took the X-ray to the Mayo Clinic where he had another X-ray taken, and they found as much difference as day and night between the two X-ray plates. He had no ulcer at all. Are you doing any work in connection with X-ray plates?

Col. FORTIER: We are aware of that problem because we use X-ray plates for other reasons in our examinations, and we know that sometimes we have to ask for additional X-rays. Our radiologists generally inform us of the medical difficulties they encounter.

Hon. Mr. ROEBUCK: It is a little difficult to judge individual cases such as Mr. Kelly lays before us. I said the last time we assembled that you have to depend upon the judgment of the officials, but I must say that of late I have not been very well satisfied. I think they have been leaning backwards in keeping these Chinese boys out.

Hon. Mr. DAVIS: We have a difficult situation now with regard to China, Senator Roebuck. You have to be careful.

Hon. Mr. ROEBUCK: That is so, but there is a tremendous number who want to get away from Hong Kong.

The CHAIRMAN: You are admitting about 100 a year apart from relatives, is that correct? For instance, about this young man over twenty-five years of age, would he be eligible as an ordinary immigrant?

Col. FORTIER: No, but his case could be considered. For instance, if he was the son of an old farmer who needed the son to work on the farm there might be reason to admit the young man by special order in council.

Hon. Mr. ROEBUCK: Why a farmer only?

Col. FORTIER: Because he may have some difficulty in finding help because of the attitude of people sometimes.

Hon. Mr. ROEBUCK: Let me give you a case. A Chinaman who spent nearly all his life here owned a washing establishment at Hamilton, and he was interested in another one here and also in a restaurant. This gentleman, by industry, had accumulated something like $30,000 in various interests. He had no children or wife in this country, and he had one son in Hong Kon whom he wished to bring here.

Col. FORTIER: How old was he?

Hon. Mr. ROEBUCK: Thirty-two years of age, and you would not admit him.

Col. FORTIER: No, because obviously our investigation showed that the man was able to get help.

Hon. Mr. ROEBUCK: It was not a case of help. Here is a man who is alone in this country and he wants to bring in a son to succeed him in his business and to take over his property and you turned him down.

Col. FORTIER: Yes, because he is thirty-two years of age.

Hon. Mr. ROEBUCK: That is true, but I wonder if you ever go beyond the 25-year age limit?

Col. FORTIER: Very seldom.

Hon. Mr. ROEBUCK: I am wondering why you go that far if you could not let this chap in. Here is a man with one son and he is alone in this country.

Col. FORTIER: You will agree that is not a compassionate ground.

Hon. Mr. ROEBUCK: I think it is.

Col. FORTIER: Not like the case I have mentioned where there is an old man with land to cultivate and he cannot get anyone to help him. I think that is a more compassionate case than the one you mention.

Hon. Mr. ROEBUCK: I do not think so. It is a matter of opinion, you know.

Col. FORTIER: I agree.

Hon. Mr. ROEBUCK: I was more sympathetic to the man you turned down than I would have been in the case you have mentioned. The man you have described was unable to get help, but that is a pure financial matter. The other is a matter of relationship. I also think that sometimes your investigators are perhaps just a little bit smart. They go a little too far.

Col. FORTIER: Why would our investigator be partial towards Mr. "A" and not Mr. "B"?

Hon. Mr. ROEBUCK: I did not say that. That would be discriminatory and were I to say that, it would mean there was some ulterior operation in the department and I have never found anything in the department that even suggested such a thing. I thoroughly agree with you that your men are polite, painstaking, patient and co-operative.

Col. FORTIER: I thank you for that statement.

Hon. Mr. ROEBUCK: They are delightful to discuss matters with. I never go away from the Immigration Department feeling annoyed or upset at all. I am well treated and I think the treatment handed to me is the same that is handed to everybody else. At the same time, I suggest you have been drawing the lines a little too strong of late in this Chinese question. You have been rejecting people perhaps a little too conscientiously. There is such a thing as leaning backwards.

Hon. Mr. CRERAR: The regulations apply in a different way as to Asiatics and Europeans, is that right?

Col. FORTIER: That is right.

Hon. Mr. CRERAR: Has any consideration been given to correct that?

Col. FORTIER: You can see by what I have said that these regulations are always under consideration. This department was established only three years ago. We started in December, 1950, by raising the age from eighteen to twenty-one, and we included the husbands—they were not allowed under the previous regulations. In 1951 the minister said he would make an exception for Chinese in the case of hardship and the age was advanced to twenty-five.

Hon. Mr. CRERAR: What are the reasons for the discrimination in the treatment of Europeans and Asiatics?

Col. FORTIER: I would not care to make any statement now. I do not mind discusing it if it is your wish to do so.

Hon. Mr. CRERAR: That may be an unfair question.

Hon. Mr. CAMPBELL: Colonel Fortier, what is the Chinese population in Canada today?

Col. FORTIER: Thirty-two thousand.

Hon. Mr. DAVIS: You have let in about 8,000 in the last three or four years?

Col. FORTIER: About that.

Hon. Mr. DAVIS: Then there is no discrimination against the Chinese as such?

Hon. Mr. CRERAR: What is the particular reason for having the age limit set at twenty-five?

Col. FORTIER: I believe before the last war it was customary in China for the young men to get married at about eighteen years of age. Then we raised the age limit to twenty one because it was represented to us that there were a number of Chinese sons not married by the age of twenty-one. Further representations were made to us that some were still bachelors at twenty-five, and it was represented that if we set the age limit at twenty-five our Chinese people in this country would be satisfied.

Hon. Mr. REID: Is the age limit eighteen for all other Asiatics?

Col. FORTIER: No, it is twenty-one years of age. We made the extension of the age limit to twenty-five years only in the case of Chinese.

Hon. Mr. CRERAR: I am just wondering why it is twenty-five years of age and not thirty?

Col. FORTIER: Well, as I have explained, it is due to the family life conditions of the Chinese.

The CHAIRMAN: Thank you very much, Colonel Fortier.

Mr. KELLY: Madam Chairman and honourable senators, I want to say at the outset that I agree with a great many things Colonel Fortier has said about his staff and about their courtesy.

I have never received anything but the utmost courtesy and friendliness at all times. I am not criticizing the action of the staff. I am talking in my brief about cases—facts. Some cases are allowed to go through, others are not. The persons interested hear about that from their friends, and they say, "Well, why turn me down and let that one through." People talk like that among themselves about the officials and officers in the department and in the field. The officials here only deal with pieces of paper—in the Asiatic and the Admission section. Sometimes they see the applicants themselves, but I see the people and learn to know them. I want to know why they turn them down and sometimes let others go through. There was one particular case the colonel mentioned at some length, and one that I am very much interested in. I saw it, at the request of Mr. Robert Saunders, Chairman of the Hydro, when it was turned down. I said I would like to check it up. I checked it up for four months. The minister wrote me a letter on February 1, 1952, saying he had requested his office at Hong Kong to examine the son, in this case, for identification—not to pay too much attention to his age, as it was not a factor. The details are in my brief and need not be repeated. All I know is that the regulations govern the department with stronger force than the Ten Commandments govern anybody else in the country. They stick to the regulations. I say that the regulations are contrary to our rights of citizenship. When a Canadian citizen wants his family with him he should be able to do so without going through the third degree or being put to a lot of expense.

Hon. Mr. DAVIS: We have to take care of our own country just now.

Mr. KELLY: Well, if these people are not to be treated as citizens they should not have been made Canadian citizens. I did not bring in any criticism of the department officials, they are all good people,, I know all of them, and I have met them all over the place. But these regulations are illegal, and I would like a recommendation made to request the government to throw them out, the same as they threw out that inhuman Chinese Immigration Act in 1947.

Hon. Mr. CAMPBELL: What is the specific regulation?

Mr. KELLY: No. 2115, regarding Asiatics coming into this country; they are children of Canadian citizens, and it is a distinct discrimination. If anyone says otherwise, I say, why have 2115, that is the operative order positively making categories of Canadian citizens.

Hon. Mr. ROEBUCK: That order-in-council is with respect to the Asiatic.

Mr. KELLY: Well it is principally Chinese. It is for Asiatics. That is the problem before you today, and I want you to make a recommendation to the

government to wipe out the discrimination against these Canadian citizens of Chinese origin. I did not want to get into any argument about immigration operations, we are all up against that. These regulations, I say, are wrong, and illegal.

Hon. Mr. CAMPBELL: In fairness to the officials of the department, as the Deputy Minister pointed out, in the case of Chinese, and probably some other Asiatics, they are lacking in evidence as to identity of the individuals on account of the lack of birth certificates, whereas with respect to other countries they have that evidence.

Mr. KELLY: That is right.

Hon. Mr. CAMPBELL: Well, it seems to me that there is a great onus on anyone who is applying to get in their family to submit positive evidence which is satisfactory to the officers, and we know there are many cases of immigrants coming into Canada with false passports and false reputations, and everything else, and that will continue in spite of everything that is done. Now, I do not think it is fair to criticize the officers because they come to the conclusion that the evidence submitted is not sufficient. You might feel it is sufficient, and I might, and certainy the family might, but in the final analysis you must depend on the decisions of the officials of the department.

Mr. KELLY: They are stymied by those regulations, they have to follow them, and that is all. The regulations are so and so, and that is all they can do. I know that better than the men in Ottawa know it.

Hon. Mr. ROEBUCK: It has been said that it is a wise son who knows his own father, and that is very true. If they have no registration over there, we have got to take the word of the people who have known the family at the time, or something of that nature, and it is a matter of considerable difficulty for these immigration officers. There were times when I think they could have given the benefit of the doubt to the Chinese—Canadians with citizenship, when the proof, as it had seemed to me, appeared to have been inadequate.

Mr. KELLY: Well, these officers have to follow the regulations.

Hon. Mr. ROEBUCK: The difficulty is in establishing that it is the right person.

Hon. Mr. HUSHION: You mean, when he says he is the father of the child and he is not?

Hon. Mr. ROEBUCK: Yes.

Hon. Mr. VAILLANCOURT: One of them said, "We have two boys and one daughter, and for two or three years I have missed one."

Mr. KELLY: In that case, the colonel was quoting from his old file. The Chinese only say what they have got to say, they do not mention anything they don't intend to use. The mother and family identified the boy, but the officials say "He looks older; he is not the son."

The CHAIRMAN: The situation is complicated when a man has two or three wives.

Mr. KELLY: But there is no need for it to be complicated, Madam Chairman. The father says "That is my boy and I want him here." That is enough.

Col. FORTIER: I have an obligation to help the committee reach a decision by stating what has been done in our department. If a person says "This is my boy," I may have to accept that; but I have also to decide whether he is admissible or not.

Mr. KELLY: Yes; I know that everything you do has to be within the regulations. Still, Colonel Gibson brought over the Lem family; he landed them here, the wife and six children.

Hon. Mr. ROEBUCK: But the Colonel says that they pass thousands of such regulations bringing in special people.

Mr. KELLY: Then I will not give up hope of having special orders in council put through.

Col. FORTIER: We are always willing to review the case where there is new evidence. A while ago you said that we do not see the Chinese in Ottawa. The officials of the department see them; I see some and the minister sees some. We all see the Chinese and we look upon them as Canadian citizens.

If I might have your permission, Mr. Kelly, I should like to read into the record a paragraph of the minister's letter to you dated September 23, 1952.

Mr. KELLY: Yes, go ahead and put it on the record.

Col. FORTIER: In the first paragraph of his letter the minister said:

> 1. In the first place, the above named was past 25 according to the applicant when I announced in Parliament that consideration would be given to applications for the admission of unmarried children up to that age in special compassionate cases. Therefore, the above named would not come within the admissible classes in any event. But I did agree to proceed with the application to see if he were otherwise admissible in case the regulations might be changed to include his age group. I pointed out of course that such action was not to be taken as an indication that the age limit would at any time be raised.

Mr. KELLY: My comment on paragraph 1 of that letter when I asked Senator Fraser to help me is that the explanation is contrary to the reference contained in the letter of February 1, 1952. On that date every indication was given that when Fook Shee's identity was established, his entry to Canada would be facilitated by the minister. As to paragraph 2 that is contrary to the letter previously written.

Hon. Mr. DAVIES: Madam Chairman, I do no think we are getting anywhere.

Mr. KELLY: This is a discussion of a case, but the problem is that the regulations are illegal and should be thrown out.

The CHAIRMAN: Of course we would have to revise the act completely.

Mr. KELLY: If you will pardon me, I do not think the act needs to be changed; it is the regulations that need to be thrown out. Number 2115 is a positive discrimination against Canadian citizens of Chinese origin.

Col. FORTIER: I would point out that the only privileged persons are British subjects, French citizens and United States citizens.

The CHAIRMAN: What about other Asiatics? Have you regulations affecting them?

Col. FORTIER: In the cases of India, Pakistan and Ceylon, we have, according to the provisions of P.C. 2115, entered into an agreement with these countries authorizing a certain number to come in every year. In the case of India it is 150; Pakistan 100; and Ceylon, 50.

The CHAIRMAN: Are any Chinese eligible outside of the three relatives you mention?

Col. FORTIER: No; the same applies to all Asiatic nations.

Mr. KELLY: That is why P.C. 2115 discriminates against Canadian citizens. This has nothing to do with immigration. Every Canadian citizen has the right to be treated the same, but that P.C. 2115 is absolute discrimination.

The CHAIRMAN: We will adjourn now.

Whereupon the Committee adjourned.