



THE CANADIAN
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March 25, 2013

Via email: CIMM@parl.gc.ca

David Tilson, M.P.
Chair, Standing Committee on Citizenship and Immigration
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Tilson:

Re: Bill C-425– *Citizenship Act amendments (honouring the Canadian Armed Forces)*

I am writing on behalf of the National Immigration Law Section of the Canadian Bar Association (CBA Section) regarding Bill C-425, *Citizenship Act amendments (honouring the Canadian Armed Forces)*. The CBA is a national association of over 37,000 lawyers, notaries, students and law teachers, with a mandate to promote improvements in the law and the administration of justice. The CBA Section comprises lawyers whose practices embrace all aspects of immigration and refugee law.

Citizenship and the rights and obligations that flow from citizenship are the fundamental cornerstones of a democratic society. Bill C-425 would amend the *Citizenship Act* to deem dual citizens who “engage in an act of war against the Canadian Armed Forces” to have applied to renounce their Canadian citizenship. The CBA Section opposes such a significant alteration of the nature of Canadian citizenship without a greater opportunity for discussion and participation in the drafting process.

The Bill proposes to create two classes of citizens. Dual citizens would risk losing Canadian citizenship in certain unclearly defined circumstances, even if they were born in Canada and had lived their entire lives here. Citizens who do not have another nationality would not risk losing Canadian citizenship. Although it is implied in some of the public discourse on the Bill that it targets naturalized citizens, it does not in fact make that distinction. A naturalized Canadian who does not have another nationality or had renounced their other nationality would be protected from loss of Canadian citizenship. A citizen born in Canada who had acquired another nationality through their parents or other means would, however, be at risk of losing their Canadian citizenship even if they had remained in Canada since birth.

The CBA Section is troubled by comments from the government suggesting that substantial additions could be made to the Bill in the review by this committee. The Minister of Citizenship and Immigration has suggested that the Bill may be expanded to include loss of citizenship for

individuals connected to certain acts of terrorism.¹ Without these proposed amendments, it is difficult for the CBA Section to comment, although our experience with the breadth of the “terrorism” sections of the *Immigration and Refugee Protection Act* gives reason for concern.

In the opinion article, the Minister says “there should be a high legal threshold for triggering deemed renunciation of citizenship, with appropriate legal safeguards.” We agree. However, the Bill provides neither protections nor clarity. The concept of “act of war” is not defined in the Bill, nor is there a clear reference to a definition elsewhere. Given the nature of contemporary warfare, defining the limits of an “act of war” could prove to be a challenging task. Considering that even the most egregious criminal offences would not put Canadians at risk of losing their citizenship, the precise nature of activities that might carry such a penalty should be very clearly defined.

Should the government wish to make a critical change to the nature of Canadian citizenship, it would be more appropriate to do so by presenting its own Bill to Parliament and providing the time and opportunity for adequate consideration and public discussion. Informed debate and discussion are at the core of the democratic process of legislating.

Yours truly,

(signed by Kerri Froc for Kevin Zemp)

Kevin Zemp
Chair, National Immigration Law Section

cc. Devinder Shory, M.P.

¹ Jason Kenney, “Immigration Minister Jason Kenney: The case for revoking Canadian terrorists’ citizenship”, *National Post* (February 11, 2013).