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Immigration minister defends legislation that prevents convicted dual nationals from losing citizenship

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OTTAWA - Immigration Minister Ahmed Hussen doubled down Wednesday on Liberal legislation that, along with several major changes to immigration law, would reinstate the citizenship of a convicted terrorist.

Hussen justified his government's Bill C-6 as fixing "unequal treatment" in the system - "a Canadian is a Canadian is a Canadian" - as part of his testimony to a Senate's social affairs committee, which is studying the bill.

Multiple amendments are expected from the Senate. The bill fulfills a high-profile Liberal election promise to repeal "unfair elements" of the Conservatives' Bill C-24.

Liberals are reversing the Tory measure allowing citizenship revocation of dual citizens convicted of serious crimes such as terrorism. From the government's point of view, the Tory law created two classes of citizens - citizenship revocation has, after all, never been a punishment option for criminals who are just Canadian.

But many believe the measure is fair, because when newcomers take an oath of citizenship they are vowing to uphold Canadian law, as says Ottawa-based immigration lawyer Julie Taub, and when they break the law, they break the oath.

An Angus Reid Institute poll from March 2016 had found 53 per cent of Canadians would leave the measure in place (based on a survey of 1,492 people, with a margin of error of 2.5 percentage points 19 times out of 20).

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The minister said an individual whose citizenship was already revoked will have it reinstated. He did not name the individual, but the National Post had previously reported that Zakaria Amara, a ringleader of the "Toronto 18" that plotted terror in Toronto in 2006, would be regaining his citizenship under the legislation.

"When you are a Canadian you shouldn't feel less valued just because you have dual citizenship with another country," said Hussen, defending his government's position. "Let's be clear. Terrorists should go to jail for a long time," he said, but they should do so in the Canadian justice system, and broadening criteria for revocation would set a "dangerous precedent."

Bill C-6 passed the House of Commons without amendment. At least a few senators want revocation rules to stay, but it appears that idea won't hold sway with the majority.

A Senate amendment more likely to pass would ensure judicial hearings for people whose citizenship is being revoked for fraud or misrepresentation - for example, if they lie about who they are, their residency or past criminal activity. But Hussen wouldn't commit to supporting that change Wednesday.

Bill C-24 streamlined processes to the extent that people facing revocation due to fraud no longer have the option to a Federal Court appeal. This goes against the Charter of Rights and Freedoms, lawyer Lorne Waldman told the committee Wednesday.

The streamlining resulted in a dramatic increase of citizenship revocation orders dealt out by Immigration, Refugees and Citizenship Canada. The National Post reported in February at least 236 people were served such notice since the Liberals came into office in November 2015.

More could be coming down the pipes. As recently as 2012, a full 11,000 cases were being investigated. And a spring report from the Auditor General last year found immigration officers were "not adequately detecting and preventing fraud."

The sponsor of the bill in the Senate, Ratna Omidvar, told the Post an amendment would be introduced at third reading in the Senate.

"We strongly believe that the present process has a number of safeguards built into it," Hussen said, and it's "constitutionally sound." But "we are very much open to examining any proposals that add to procedural fairness with respect to citizenship revocation."

For Taub, revocation issues are less important than the fact Bill C-6 is generally loosening the citizenship approval process.

Proposed changes, which would hugely impact current applicants, reduce the residency requirement from four out of six years to three out of five years.

Many "citizens of convenience" apply for citizenship to obtain a Canadian passport but don't end up spending time in Canada, Taub said. She questioned why Canada would want to make it easier for those people by requiring less residency than its peers.

In Europe, the amount of time applicants must reside in a country to qualify for citizenship varies between about five and 10 years - six years in the U.K. (with no more than 15 months away), five in France.

Taub said she believes the reason has more to do with Liberal electoral prospects. Syrian refugees brought in at the outset of the Justin Trudeau government were granted permanent residency, she said, so could become citizens in time for the next election under the new process. "(Trudeau is) just doing this to get more citizens to vote for him, that's all," she said.

Not all see nefarious intent behind the Liberal update. Barbara Caruso, vice-chair of the Canadian Bar Association's immigration law section, told senators Feb. 15 she and the association support the bill making the process more accessible.

Said Caruso, "Canada will continue to prosper if the people that live here are Canadian citizens and are committed emotionally, financially and socially through a shared and common status of citizenship."