



MINUTES OF PROCEEDINGS

OTTAWA, Wednesday, May 1, 2024
(94)

[English]

The Standing Senate Committee on Social Affairs, Science and Technology met this day at 4:17 p.m., in room B45, Senate of Canada Building, the chair, the Honourable Ratna Omidvar, presiding.

Members of the committee present: The Honourable Senators Bernard, Burey, Cordy, Cormier, Jaffer, McPhedran, Moodie, Omidvar, Pate, Ross and Seidman (11).

Participating in the meeting: Stéphanie van Beek, Acting Co-Clerk of the Committee, Committees Directorate; Anne Burgess, Senior Parliamentary Counsel, Office of the Law Clerk and Parliamentary Counsel; and, Laura Blackmore and Mayra Perez-Leclerc, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Thursday, June 1, 2023, the committee continued its consideration of Bill S-235, An Act to amend the Citizenship Act and the Immigration and Refugee Protection Act.

WITNESSES:

Immigration, Refugees and Citizenship Canada:

Uyen Hoang, Acting Director General, Citizenship Policy;

Lauren Heyer, Counsel, Legal Services Representative.

It was agreed that the committee proceed to clause-by-clause consideration of Bill S-235, An Act to amend the Citizenship Act and the Immigration and Refugee Protection Act.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

The chair asked whether clause 1 shall carry.

The Honourable Senator Jaffer moved that Bill S-235 be amended in clause 1,

(a) on page 2,

(i) by replacing lines 4 to 8 with the following:

“1 The *Citizenship Act* is amended by adding the following after section 5.2:

5.3 (1) The Minister shall grant citizenship to any person who applies for it and who was ordinarily resi-”,

(ii) by replacing line 13 with the following:

“(a) the person resided in an institution — in-”,

(iii) by replacing lines 21 to 23 with the following:

“(i) a department or agency of the government of Canada or a province mandated with the protection and care of children, or

(ii) an agency appointed by a province, in-”,

(iv) by replacing line 29 with the following:

“(b) the person resided in or was maintained by”,

(v) by replacing lines 33 to 36 with the following:

“(c) the person was provided with services to improve their living conditions by an agency appointed by a province,”,

(vi) by replacing lines 42 and 43 with the following:

“(d) the person

(i) was not returned to the care and custody of their parent when any of the circumstances described in paragraphs (a) to (c) ceased to apply to that person, unless the return took place within 365 days of the date upon which the person reached the age of 18 years,

(ii) was subject to one or more of the circumstances described in paragraphs (a) to (c) for at least 365 days cumulatively, and

(iii) has not resided outside of Canada for more than 10 years since reaching the age of 18 years.

(2) The Minister may, in their discretion, after having reviewed a person’s particular circumstances, waive on compassionate grounds any of the requirements set out in paragraph (1)(d).”;

(b) on page 3, by deleting lines 1 to 11.

At 4:32 p.m., the committee suspended.

At 4:33 p.m., the committee resumed.

Resuming debate on the motion of the Honourable Senator Jaffer that Bill S-235 be amended in clause 1,

(a) on page 2,

(i) by replacing lines 4 to 8 with the following:

“1 The *Citizenship Act* is amended by adding the following after section 5.2:

5.3 (1) The Minister shall grant citizenship to any person who applies for it and who was ordinarily resi-”,

(ii) by replacing line 13 with the following:

“(a) the person resided in an institution — in-”,

(iii) by replacing lines 21 to 23 with the following:

“(i) a department or agency of the government of Canada or a province mandated with the protection and care of children, or

“(ii) an agency appointed by a province, in-”,

(iv) by replacing line 29 with the following:

“(b) the person resided in or was maintained by”,

(v) by replacing lines 33 to 36 with the following:

“(c) the person was provided with services to improve their living conditions by an agency appointed by a province,”,

(vi) by replacing lines 42 and 43 with the following:

“(d) the person

(i) was not returned to the care and custody of their parent when any of the circumstances described in paragraphs (a) to (c) ceased to apply to that person, unless the return took place within 365 days of the date upon which the person reached the age of 18 years,

(ii) was subject to one or more of the circumstances described in paragraphs (a) to (c) for at least 365 days cumulatively, and

(iii) has not resided outside of Canada for more than 10 years since reaching the age of 18 years.

(2) The Minister may, in their discretion, after having reviewed a person's particular circumstances, waive on compassionate grounds any of the requirements set out in paragraph (1)(d).";

(b) on page 3, by deleting lines 1 to 11.

After debate, the Honourable Senator Omidvar moved that the motion in amendment be amended:

(a) in subparagraph (a)(i)

(i) by replacing "8" with "9",

(ii) by replacing "resi-" with "resident in Canada on the day on";

(b) by adding the following in subparagraph (a)(vi), after proposed subparagraph (d)(i):

"(i.1) has been physically present in Canada for at least 1,095 days before the date of their application,".

At 5:01 p.m., the committee suspended.

At 5:03 p.m., the committee resumed.

Resuming debate on the motion in amendment to clause 1 of the Honourable Senator Jaffer and the subamendment of the Honourable Senator Omidvar, that Bill S-235 be amended in clause 1:

(a) in subparagraph (a)(i)

(i) by replacing "8" with "9",

(ii) by replacing "resi-" with "resident in Canada on the day on";

(b) by adding the following in subparagraph (a)(vi), after proposed subparagraph (d)(i):

"(i.1) has been physically present in Canada for at least 1,095 days before the date of their application,".

After debate, the question being put on the subamendment, it was adopted.

The question being put on the motion in amendment, as amended, it was adopted on division.

It was agreed that clause 1, as amended, carry.

The chair asked whether clause 2 shall carry.

The Honourable Senator Jaffer moved that Bill S-235 be amended in clause 2, on page 3,

(a) by replacing lines 14 and 15 with the following:

“(1.1) In determining whether to grant an application made under section 5.3, the Minister may accept a written state-”;

(b) by replacing line 17 with the following:

“circumstances in paragraphs 5.3(1)(a) to (c) as proof of that cir-”.

It was agreed that clause 2 carry, on division.

The chair asked whether clause 3 shall carry.

The Honourable Senator Jaffer moved that Bill S-235 be amended in clause 3, on page 3,

(a) by replacing line 20 with the following:

“3 Section 50 of the *Immigration and Refugee*”;

(b) by replacing lines 22 to 26 with the following:

“ing after paragraph (c):

(c.1) in the case of a foreign national who has applied under section 5.3 of the *Citizenship Act*, until a final decision has been made on the application;”.

At 5:11 p.m., the committee suspended.

At 5:11 p.m., the committee resumed.

Resuming debate on the motion in amendment of the Honourable Senator Jaffer that Bill S-235 be amended in clause 3, on page 3,

(a) by replacing line 20 with the following:

“3 Section 50 of the *Immigration and Refugee*”;

(b) by replacing lines 22 to 26 with the following:

“ing after paragraph (c):

(c.1) in the case of a foreign national who has applied under section 5.3 of the *Citizenship Act*, until a final decision has been made on the application;”.

The Honourable Senator Cormier moved that the French version of the motion in amendment be amended in paragraph (a) by replacing “20” with “23”.

At 5:13 p.m., the committee suspended.

At 5:22 p.m., the committee resumed.

Resuming debate on the motion in amendment to clause 3 of the Honourable Senator Jaffer and the subamendment of the Honourable Senator Cormier, that Bill S-235 be amended in clause 3, in paragraph (a), by replacing “20” with “23” in the French version.

The question being put on the subamendment, it was adopted.

The question being put on the motion in amendment, as amended, it was adopted, on division.

It was agreed that clause 3, as amended, carry, on division.

After debate, with leave, it was agreed to revert to clause 2.

Resuming debate on the motion in amendment of the Honourable Senator Jaffer, that Bill S-235 be amended in clause 2, on page 3,

(a) by replacing lines 14 and 15 with the following:

“(1.1) In determining whether to grant an application made under section 5.3, the Minister may accept a written state-”;

(b) by replacing line 17 with the following:

“circumstances in paragraphs 5.3(1)(a) to (c) as proof of that cir-”.

After debate, the Honourable Senator Bernard moved that the motion in amendment be amended in paragraph (a) by replacing “may” with “must”.

At 5:30 p.m., the committee suspended.

At 5:36 p.m., the committee resumed.

Resuming debate on the motion in amendment to clause 2 of the Honourable Senator Jaffer and the subamendment of the Honourable Senator Bernard, that Bill S-235 be amended in clause 2, in paragraph (a), by replacing “may” with “must”.

Uyen Hoang was invited to the table and answered questions.

At 5:47 p.m., the committee suspended.

At 5:50 p.m., the committee resumed.

Resuming debate on the motion in amendment to clause 2 of the Honourable Senator Jaffer and the subamendment of the Honourable Senator Bernard, that Bill S-235 be amended in clause 2, in paragraph (a), by replacing “may” with “must”.

Uyen Hoang and Lauren Heyer were invited to the table and answered questions.

After debate, the question being put on the subamendment, it was adopted.

The question being put on the motion in amendment, as amended, it was adopted, on division.

It was agreed that clause 2, as amended, carry, on division.

It was agreed that the preamble carry, on division.

It was agreed that the title carry, on division.

It was agreed that the bill carry, as amended, on division.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical, or other required non-substantive changes as a result of the amendments adopted by the committee, in both official languages, including updating cross-references and renumbering of provisions.

At 5:56 p.m., the committee suspended.

At 5:58 p.m., pursuant to rule 12-16(1)(d), the committee resumed in camera to discuss a draft report.

The committee discussed observations.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the observations being appended to the report, in both official languages, taking into consideration today's discussion and with any necessary editorial, grammatical or translation changes as required.

It was agreed that the chair report this Bill, with amendments and observations, to the Senate, in both official languages.

At 6:04 p.m., the committee adjourned to the call of the chair.

ATTEST:

Sara Gajic

Acting Clerk of the Committee